

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Wednesday, 18th October, 2000

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

District Allocation Budget for the Ministry of Education, Science and Technology for the year ended 30th June, 2001.

Annual Report and Accounts of Maseno University for the year ended 30th June, 1997, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Moi University for the year ended 30th June, 1998, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Egerton University, Ngongongeri Farm, for the year ended 30th June, 1993, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Egerton University, Ngongongeri Farm, for the year ended 30th June, 1994, and the certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Education,  
Science and Technology (Mr. Awori) on  
behalf of the Minister for Education)*

Annual Report and Accounts of Kenya Tourist Development Corporation for the year ended 30th June, 1996, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Tourist Development Corporation for the year ended 30th June, 1997, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Tourist Development Corporation - Utalii Investments for the year ended 30th June, 1999, and the certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Education,  
Science and Technology (Mr. Awori) on  
behalf of the Minister for Tourism,  
Trade and Industry)*

### NOTICES OF MOTIONS

#### RE-INTRODUCTION OF THE SHAMBA SYSTEM

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

THAT, considering the massive destruction of forests, aware that drought persistence has been greatly aggravated by forest destruction, and further noting that the termination of Shamba System in the 1980s has had adverse impact on Government afforestation efforts, this House urges the Government to re-introduce the Shamba System to assist in the preservation and conservation of forests.

## A BILL TO AMEND THE LOCAL GOVERNMENT ACT

THAT, this House do grant leave to introduce a Bill for an Act of Parliament to amend the Local Government Act Cap.265.

## ORAL ANSWERS TO QUESTIONS

*Question No.612*ILLEGAL OCCUPATION OF  
MUTHANGA FARMERS' LAND

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

(a) if he is aware that the land LR No.9447/2 Muthanga Farmers Company Limited in Makuyu, Murang'a District, was legally sub-divided amongst the shareholders and the titledeeds issued to the respective members;

(b) if he is further aware that some people have invaded the farm and started putting up structures on the said land; and,

(c) what steps the Ministry is taking to evict the illegal occupants.

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

(a) I am aware that the parcel of land LR No.9447/2 Muthanga Farmers Company Limited in Makuyu, Murang'a District, was legally sub-divided amongst the shareholders and titledeeds issued to the respective members.

(b) I am not aware.

(c) I have no comments.

**Mr. Muihia:** Mr. Speaker, Sir, the Assistant Minister says that he is not aware that people have invaded those parcels of land, chased the owners away and started putting up structures. Does the Assistant Minister want to tell this House that I have lied by telling him that the land has been invaded?

**Mr. Speaker:** Order, Mr. Muihia! That is unparliamentary language. Use appropriate language.

**Mr. Muihia:** Mr. Speaker, Sir, I beg to withdraw the word "lie". But could the Assistant Minister tell the House whether he ever visited that piece of land before answering this Question?

**Mr. Samoei:** Mr. Speaker, Sir, I have not visited that piece of land.

**Mr. Muihia:** Mr. Speaker, Sir, with your indulgence, could I ask the Assistant Minister to visit the land and come with an answer tomorrow or the day after? I am ready to accompany him to the site to show him the invasion.

**Mr. Speaker:** Mr. Muihia, are you suggesting that all the time there is something that is in controversy between a Member and a Minister, then the Minister and the Member must visit that area? Very soon, we will have no quorum in the House!

**Mr. Muihia:** Mr. Speaker, Sir, that is how the Government is operating. You ask a question and it is not answered. How can he give me such a reply?

**Mr. Speaker:** Mr. Samoei, can you respond to the worries of the hon. Member?

**Mr. Samoei:** Mr. Speaker, Sir, this particular case dates back to 1972, even before this piece of land was sub-divided amongst its members. There were already squatters on the farm. However, to the best of my knowledge, the squatters have left these pieces of land to their rightful owners. The Government has made it expressly clear to the squatters on this farm and the squatters have agreed that as and when the owners of this farm want to take possession, they will give way.

If the hon. Member has in mind specific persons who have been denied occupation of their pieces of land, the District Security Committee is ready to take up the matter if reported to them.

**Dr. Murungaru:** Mr. Speaker, Sir, indeed, this is a very serious matter not confined to Murang'a District only. It is a countrywide problem. In my constituency, there is a farm where those who originally bought it and settled there have been invaded by new settlers, who claim that they have also bought it from the same company. What action will the Assistant Minister take to ensure that there are no wrangles and the potential occurrence of deaths does not arise?

**Mr. Samoei:** Mr. Speaker, Sir, I admit that we have a serious problem with land matters which are not easy to dispense with. However, as a policy, the Government is looking at land reforms with a wider perspective. As we are talking, there is a commission headed by Mr. Charles Njonjo in place, that is going around the country to look into the land issue in totality. With respect to the land in question, the problem has been compounded by absentee landlords who have not taken up possession of their land, and that is why we still have squatters on that piece of land.

**Mr. Muihia:** Mr. Speaker, Sir, the answer given by the Assistant Minister is not true. One Mr. Julius Ndukire

went back to the land about seven years back and he was beaten up and left for dead. Those titledeeds were given by the President on 1st August, 1998 and there were no squatters. The owners have been restrained from occupying it, but since they are peace-loving, they have refused to start land clashes. Could the Assistant Minister assure me that he is going to tackle the matter on the ground and remove those squatters, so that the owners can come in? I have some titledeeds which were given in 1998, and which I would like to lay on the Table. Those are examples of people who cannot occupy their rightful land.

*(Mr. Muihia laid the documents  
on the Table)*

**Mr. Samoei:** Mr. Speaker, Sir, the issue of the issuance of title deeds is not in question. It is true the Government gave title deeds to the rightful owners of those parcels of land. While I will take up the matter raised by the hon. Member and give express instructions to the District Commissioner to deal with the matter once and for all, I would like to request that all absentee land owners should show up, so that they can take up possession of their pieces of land.

**Mr. P.K. Mwangi:** On a point of order, Mr. Speaker, Sir. The land in question is within my constituency. The number of people we are talking about and who are being termed as invaders are more than 400. Those are people from Kiambu who bought land which was formerly owned by a European farmer, but there is no occupier.

**Mr. Speaker:** What is your point of order?

**Mr. P.K. Mwangi:** Mr. Speaker, Sir, is it in order for the Assistant Minister to tell us that he will liaise with the DC, Maragua, to see how these people can be evicted? We would like the problem to be settled once and for all, but the Government should give an alternative site.

**Mr. Speaker:** That is not a point of order. You are overruled! Next Question, Mr. Munyes!

*Question No.589*

ISSUANCE OF ID CARDS IN TURKANA

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

(a) whether he is aware that the people of Turkana are unable to meet the conditions necessary for issuance of national identification cards; and,

(b) what action the Ministry will take to assist them acquire these cards.

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

I am not aware that people in Turkana cannot meet the necessary conditions for the issuance of national identification cards.

**Mr. Munyes:** Mr. Speaker, Sir, this is a very important Question. It is not only about Turkana because I have seen this practice elsewhere in the country. What is the policy of the Government with regard to the issuance of identification cards? It is very difficult for one to get an identification card in Turkana because it is so remote that Government vehicles cannot reach the people who live along the Kenyan borders. Those people do not even have the means to get a birth certificate! When their identity card application forms are sent to Nairobi, they are rejected by the Government. Could the Assistant Minister tell us whether these conditions are fair, especially to people living in pastoral areas?

**Mr. Samoei:** Mr. Speaker, Sir, while I admit that identification cards are a necessity to all Kenyans and that every effort should be made to make them as accessible as possible, areas like Lokichogio do present a problem to the Government. This is a border district and we have to take extra care in the issuance of identification cards. We have made provisions because we understand that some of the people in those areas may have problems accessing papers like birth certificates. We have a committee of elders who help in vetting to determine true Kenyans. To a great extent, we have seen the success of that effort. Last year, we did have little hitches because of the unavailability of funds. But I would like to assure the hon. Member that we have made provisions this year and that exercise is going to take place without any further complications.

**Mr. Raila:** Mr. Speaker, Sir, the acquisition of identification cards is not only a necessity, but a right of each and every Kenyan. It is not only in Turkana that the acquisition of identification cards is a problem. It is a national problem. The Government has refused to recognize the fact that there are people called Nairobians. Why should a child born and brought up in Nairobi be made to go to Mandera or Malindi for a chief to certify that he is a Kenyan when there is a chief in Kibera who can do the same?

**Mr. Samoei:** Mr. Speaker, Sir, I do regret that, that has been the practice, but we have since reviewed it.

**Mr. Kibaki:** Mr. Speaker, Sir, this is not a joking matter. For the information of the Assistant Minister, there are 3.5 million young Kenyans who cannot get voters cards because they must have identity cards first. That is a very high proportion of the citizens of this Republic.

Could the Assistant Minister announce publicly that people should be registered as voters wherever they live, regardless of wherever they were born? After all, most Kenyans do not have birth certificates!

**Mr. Samoei:** Mr. Speaker, Sir, I think it is not true to allege that most Kenyans do not have birth certificates. It is a very small number of Kenyans who do not have birth certificates.

**Mrs. Ngilu:** Mr. Speaker, Sir, we are informing the Assistant Minister that over three million Kenyans do not have identification cards. It is the right of every Kenyan to have an identity card---

**Mr. Speaker:** Order, Mrs. Ngilu! You rose on a point of order and not on a point of information! So, you are out of order!

**Mrs. Ngilu:** So, is the Assistant Minister in order---

**Mr. Speaker:** Order, Mrs. Ngilu! I can understand the anxiety of hon. Ngilu and the House at large because of the very interesting revelation from the Assistant Minister that majority of Kenyans have got birth certificates. I do not want to get into that debate but that does not preclude Members of Parliament from obeying the rules of this House. So, what is your point of order, Mrs. Ngilu?

**Mrs. Ngilu:** Is the Assistant Minister in order not to tell the House what he is going to do about the problem of identification cards in this country?

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

**Mr. Samoei:** Mr. Speaker, Sir, I did mention earlier that we have made funds available in this financial year to undertake that exercise. We do realise the predicament of those Kenyans who do not have identification cards, hence they cannot exercise their right to vote. It is with that in mind that we have made provisions this year in our budget for that exercise to take place without hitches. In any case, we do realise that there are many KANU supporters out there without identification cards! So, we are going to act on this matter very expeditiously.

**Mr. Munyes:** Mr. Speaker, Sir, the main problem in Turkana is age assessment. For one to be assessed it means he has to travel all the way to Lodwar. Could the Assistant Minister consider decentralising the age assessment programme? I am convinced that a clinical officer either in Lokichogio or Lokitaung can perform that duty of age assessment. What assurance is this Assistant Minister going to give us, that he will try to direct the Ministry of Health to decentralise this service in Turkana?

**Mr. Samoei:** Mr. Speaker, Sir, I will look at the issues raised by the hon. Member.

*Question No.437*

PAYMENT OF COMPENSATION TO MR. ISAACK

**Dr. Ali** asked the Minister of State, Office of the President:-

(a) whether he is aware that Mr. Hassan Isaack was seriously injured by a lion, leading to blindness in one eye; and,

(b) what action the Ministry has taken to compensate Mr. Isaack for the injuries inflicted by the lion.

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

(a) I am aware that Mr. Hassan Isaack was seriously injured by a lion leading to blindness in one of his eyes.

(b) His case has been deliberated upon by the District Wildlife Committee and is awaiting the approval of the Ministerial Committee on Compensation. When that is finalised, he will be paid his dues.

**Dr. Ali:** Mr. Speaker, Sir, I am surprised! The Assistant Minister is reading a different answer from the one he gave to me which states as follows:

"His case has been deliberated upon by the District Wildlife Compensation Committee and the Cabinet Ministerial Committee. He will, therefore, be compensated along with others whose cases have been finalised."

So, which is which? Is it that he will be compensated when the case will be finalised or that the case has already been finalised and that he will be paid?

**Mr. Samoei:** Mr. Speaker, Sir, he will be paid when the case will be finalised.

**Dr. Ali:** On a point of order, Mr. Speaker, Sir. So, in that case, then, I have not received the answer to this Question! The Assistant Minister is reading a different answer from what he gave me! This answer is of no use! The Assistant Minister should give me the correct answer!

**Mr. Speaker:** What do you want us to do? Should we continue and leave you to sort out that issue?

**Dr. Ali:** Could the Assistant Minister tell us when the case will be finalised for this person to be paid?

**Mr. Samoei:** Mr. Speaker, Sir, the Ministerial Committee on Compensation will be meeting on 30th November. I believe that case will be finalised so that it is considered amongst the other cases for compensation.

**Mr. Kihara:** Mr. Speaker, Sir, early this year, we passed a Motion here recommending that compensation for deaths by wild animals should be Kshs3 million. Could the Assistant Minister tell us how far he has gone towards implementing that Motion? In my constituency, two people have been killed by wild animals and their next of kin compensated at the rate of Kshs30,000 which is a pittance.

**Mr. Samoei:** Mr. Speaker, Sir, I do agree that this House did pass a Motion to increase the figures for compensation. However, the necessary legislation has not been brought into this House. So, the Kenya Wildlife Service Act has not been amended, and, unfortunately, my hands are tied. Until the necessary legislation is put in place, there is nothing I can do.

**Mr. Kiunjuri:** Mr. Speaker, Sir, this is a very serious issue bearing in mind that the people of Laikipia, especially from Matanya and Namuria, will not harvest anything this year due to the fact that their crops have been destroyed by wild animals. Could the Assistant Minister tell us who is supposed to come here with that legislation? Is it his Ministry or is he waiting for all of us here to go and publish amendments to the Kenya Wildlife Service Act?

**Mr. Samoei:** Mr. Speaker, Sir, the Kenya Wildlife Service is in the process of preparing the necessary write-up to enable the Attorney-General to put together amendments to review the Kenya Wildlife Service Act. I do hope that this exercise will be through by this year so that we can have a new legislation that covers even crop destruction by wild animals.

**Dr. Ali:** Mr. Speaker, Sir, while appreciating what the Assistant Minister has said, could he tell us what amount of money Mr. Isaack will be paid, notwithstanding the fact that he will not get a new eye?

**Mr. Samoei:** Mr. Speaker, Sir, the figures will be determined by the Ministerial Committee when it meets later this year.

*Question No.265*

LAND PURCHASES BY KENYA PORTS AUTHORITY

**Mr. Speaker:** Is Mr. Maitha not here? We will leave the Question until the end. Let us move to the next Question.

*Question No.499*

PAYMENT OF DUES TO MR. KANG'ETHE

**Eng. Toro** asked the Minister for Labour when Mr. Isaac Ngure Kang'ethe, ID.No.2018807/64 and NSSF Member No.020343151, who retired from Naro High School will be paid his dues by the NSSF.

**The Minister for Labour** (Mr. Ngutu): Mr. Speaker, Sir, I beg to reply.

Mr. Kang'ethe applied for his age benefit in 1996 after retiring from Naro High School. On 9th August, 1996, he received his first payment vide cheque No.363502 for Kshs18,129.65. He collected his cheque through Thika NSSF office on 15th January, 1997. The second payment was made on 19th March, 1998, vide cheque No.109695 for Kshs27,727.80 but the cheque has not been collected to date.

**Eng. Toro:** Mr. Speaker, Sir, this person, Isaac Ngure Kang'ethe who has been very sick has been going to Thika to see whether his cheque has been sent. I am surprised that there was a cheque which was prepared on 19th March, 1998. This cheque has not been collected. The retiree has not---

**Mr. Speaker:** Order, Eng. Toro. It is Question Time and I will encourage you to give that information to the Minister. However, the Question as it stands asks you to go to the supplementary stage and it is not debating time.

**Eng. Toro:** Mr. Speaker, Sir, since this cheque has not been collected to date, it means that it has already expired. Could the Minister arrange for the retiree to be given another cheque because, even if he was to collect this cheque, he cannot be able to encash it? Could he further tell me when he can come to collect the new cheque?

**Mr. Ngutu:** Mr. Speaker, Sir, I agree that the cheque has already expired and as soon as he goes to the Thika office, he will get a new cheque.

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

*Question No.590*

## REHABILITATION OF BONDO WATER SUPPLY

**Dr. Oburu** asked the Minister for Water Development:-

(a) whether he is aware that Bondo Water Supply Project which was constructed more than 50 years ago, is out-dated both in design and capacity to supply the increased population of Bondo area;

(b) whether he is further aware that the water supply requires urgent reconstruction and rehabilitation in order to serve an area which is often invaded by cholera menace due to lack of clean drinking water; and,

(c) what urgent steps is he taking to reconstruct and rehabilitate the project to save the people from further suffering.

**The Minister for Water Development** (Mr. Ng'eny): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Yes, I am aware that Bondo Water Supply Project requires urgent construction and rehabilitation. However, I am not aware of cholera in the area due to lack of clean water.

(c) This financial year, 2000/2001, my Ministry has allocated Kshs14 million to undertake rehabilitation and the construction of Phase I of Bondo Water Supply.

**Dr. Oburu:** Mr. Speaker, Sir, I am grateful to the Minister for the answer. However, I want to inform him that there are a lot of cholera outbreaks every year in Bondo. However, my question is: Was the award of the contract advertised; when was it advertised; has it been awarded and when is the work exactly going to start on this project?

**Mr. Ng'eny:** Mr. Speaker, Sir, the project for implementation has been advertised. We expect the contractor to be on the site by next month and the completion of works by June next year.

**Mr. Ojode:** Mr. Speaker, Sir, could the Minister inform this House how many contractors tendered for this job and what will be the total amount for both Phases I and II? In other words, what will be total amount for the completion of that project?

**Mr. Ng'eny:** Mr. Speaker, Sir, I know that the works have been tendered and the evaluation is going on and this tender is for Phase I. Its estimated cost is Kshs14 million. By the time the tender is evaluated and awarded, we will know exactly how much it is going to be. As for Phase II, we expect to implement this during the next financial year.

**Dr. Omamo:** Mr. Speaker, Sir, could the Minister tell this House what is included in Phase I, knowing that the original water supply moved westwards towards Maranda School and southwards towards Bar-K'Owino Secondary School? What is included in your Phase I which is costing Kshs14 million, knowing that the population of water consumers has increased over the last 50 years?

**Mr. Ng'eny:** Mr. Speaker, Sir, rehabilitation of this water scheme will first of all, include the increase and reconstruction of the intake. It will also include the increase in raw water pumping unit, increased raw water storage and the raised main which means the main pipe from the intake upto the town.

**Dr. Oburu:** Mr. Speaker, Sir, when the Minister visited Bondo, he was concerned that the water should be supplied through a gravitation system. I would like to know from him whether the consideration has been given in supplying water to Bondo using the gravitation system or they are only going to rehabilitate the old system and leave it at that?

**Mr. Ng'eny:** Mr. Speaker, Sir, the consideration for gravity supply of that system will be included in Phase II.

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

**Mr. Speaker:** Order, Mr. Raila! Mr. Minister, have you finished?

**Mr. Ng'eny:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. Next Question, Capt. Ntwiga.

*Question No.588*

## LOSS OF LIVES AT NITHI BRIDGE

**Capt. Ntwiga** asked the Minister for Roads and Public Works:-

(a) how many lives have been lost through accidents at the notorious Nithi Bridge since its

construction; and,

(b) what plans the Ministry has to divert the Thuchi-Nkubu Road from the "killer bridge" to avert further loss of life.

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

(a) The exact number of people who have lost their lives at Nithi Bridge on Thuchi-Nkubu Road since its construction is not known. However, records that we have are from 1994 to August, 2000 and the number is 138 people.

(b) My Ministry does not have immediate plans to divert the Thuchi-Nkubu Road from the bridge. What my Ministry has, are plans to implement some road safety measures, aimed at reducing the rate of accidents at the bridge. The Government is also looking for ways and means to finance the re-alignment of the road and the bridge.

**Capt. Ntwiga:** Mr. Speaker, Sir, I am surprised that the Assistant Minister says that he does not know the exact number of people who have lost their lives on that bridge. However, my intention was to show the magnitude and the seriousness of the matter. So, when he says he does not know the exact number, I do not understand why because there are departments which could have given him these figures for us to know how many Kenyans have lost their lives on this bridge. I expect a correct answer. I am not satisfied with the answer given by the Assistant Minister.

Mr. Speaker, Sir, could he go back and bring the exact number to this House because it cannot be 138 persons?

**Mr. Speaker:** Order! For the speedy dispatch of business, the Assistant Minister has said he does not know the exact number. So, he is not affirmative that they are 138 persons. He does not know the number prior to the year mentioned. Can we go on to the major issue of how to avert further accidents? Would you like to continue, Capt. Ntwiga?

**Capt. Ntwiga:** Mr. Speaker, Sir, could the Assistant Minister tell us the measures he is taking immediately to avert further losses on this bridge? This is because the only alternative left for him is to open the old road, which is only 6 kilometres from the bridge, so that we can avert further losses at this spot.

**Eng. Rotich:** Mr. Speaker, Sir, I have figures as from 1994 and they are 138 persons. However, the Ministry is sending a team of surveyors to the site within the next two weeks. We also hope to put up road signs or "road furniture" which can be seen by everybody on both sides of the road. There will be road markings and we hope to put up a separation wall along the road. We will also put some bumps to control the speed of motor vehicles. The other options are very expensive and we might not go into them immediately. One of them is to build another bridge downstream along the old alignment. We can also go upstream or build a bridge which is about 200 metres long. This will be very expensive.

**Mr. Muturi:** Mr. Speaker, Sir, the Assistant Minister says in his answer that all the three options that are open to him are very expensive. Human life is extremely valuable. The Assistant Minister could easily get the exact number of Kenyans who have lost their lives since that bridge was opened in 1985 to date. Could he tell us how many Kenyans need to lose lives on this bridge, so that he can consider any of the three options that he says are very expensive?

**Eng. Rotich:** Mr. Speaker, Sir, we do not need to lose any live on this bridge. I said we are considering three options. However, the cost of building a bridge in order to reduce the slope will be very expensive. The immediate action we are taking is to ensure that vehicles move slowly towards the bridge. It is not only the poor state of roads that causes accidents; I think there are three causes of accidents. That is human errors, failure of engines and poor state of roads.

**Mr. Murungi:** Mr. Speaker, Sir, the immediate option that the Assistant Minister is talking about is really no option at all. Every time there is an accident at Nithi Bridge, the Government comes up with some immediate measures. For example, they paint the roads, put the rails and bumps, among other things. But they have not worked. Could the Minister consider closing this road immediately and opening the old road which was in use before 1985 until one of the three options he is considering is embarked on and the road is made safe for the Kenyans who are travelling there? We cannot afford to lose more lives than we have lost there already.

**Eng. Rotich:** Mr. Speaker, Sir, as I said, the Ministry will be sending a team of experts within the next two weeks. Maybe, that is one of the options that we will come up with.

**Mr. Speaker:** Question No.265 by hon. Maitha is deferred. Let us move to Questions by Private Notice.

*Question No.265*

LAND PURCHASES BY KENYA PORTS AUTHORITY

*(Question deferred)*

### QUESTIONS BY PRIVATE NOTICE

#### KILLING OF MESSRS. ONYANGO AND ONYUKA

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

(a) Could the Minister explain the circumstances that led to the brutal killing of Messrs. Bernard Ouma Onyango and John Otieno Onyuka and the severe injuries on Mrs. Adoyo Keya on 25th September, 2000, at Enamasi in TransMara, two kilometres from Ogwedhi in Migori?

(b) What specific action has the Minister taken to apprehend an administration policeman, a Mr. Ngetich, who shot the said victims?

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

(a) On 24th September, 2000 at 1.00 p.m. the Anti-Stock Theft Unit personnel while on normal patrol at Enamasi in Moita location in Trans Mara District encountered a group of people who were armed with one rifle, spears, bows and arrows. They were challenged to stop by the policemen, but they defied the order and as a result an exchange of fire ensued between the groups and the security personnel. During the exchange, one person amongst the group was shot dead while his accomplice was seriously injured and was rushed to Kehancha District Hospital where he was pronounced dead on arrival. Another person by the name of Monica Adoyo was shot in the thigh and was rushed to Kehancha District Hospital and later transferred to Ombo Mission Hospital where she is admitted. One other person by the name of Mrs. Bonda Anyango was arrested while in possession of four pieces of wire snares for trapping wild game. She was consequently charged in a court of law.

Mr. Speaker, Sir, investigations are going on for those who died during the exchange of fire.

(b) Arising from my reply in "a" above, the shooting involved the Anti-Stock Theft Unit personnel and the group and not administration policemen.

As and when the investigations I have mentioned are over, we will take the necessary action.

**Mr. Achola:** Mr. Speaker, Sir, it is clear that the Minister is trying to cover up the mistakes of his administration police officers at enamasi. Even though that might be as he stated today, what law allows any administration police officer to shoot anybody on sight without arresting? Secondly, why was Mrs. Adoyo killed by the security officers and yet, she was innocent? Could the Assistant Minister lay evidence on the Table to show that these people were actually carrying offensive weapons?

**Mr. Samoei:** Mr. Speaker, Sir, I have said that those people were in possession of firearms illegally. Unfortunately, when they were challenged by the security personnel to stop, they defied the order. Security personnel being who they are, took this action because of the threats they were facing from those people.

**Mr. Kajwang:** On a point of order, Mr. Speaker, Sir. The hon. Achola asked the Assistant Minister to lay the evidence on the Table that those gentlemen who were shot actually carried and used offensive weapons against the police. Will he give us the serial number of the gun and something else to show that those gentlemen were carrying offensive weapons?

**Mr. Speaker:** Order! Mr. Kajwang, you are totally out of order. First of all, assuming that you are right by asking him to lay the evidence on the Table, including guns, do you think the Chair will allow that?

**Mr. Kajwang:** Yes. Why not?

**Mr. Speaker:** Order! Order! For those of you who have not read the Standing Orders or the Speaker's Rules they state clearly that no Member is allowed to bring an offensive weapon into the House. There cannot be anything more offensive than a gun.

u **Mr. Kajwang:** On a point of order, Mr. Speaker, Sir. I was asking for a certificate showing the serial number.

**Mr. Speaker:** But that is a point of argument. You can stand on a supplementary question. You are trying to catch my eye unlawfully.

**Mr. Kajwang:** No, Mr. Speaker, Sir---

**Mr. Speaker:** Order! Would you like to respond? Please, stand up, Mr. Kajwang, if you want me to recognise you and then you will put that legitimate question after catching my eye.

**Mr. Samoei:** Mr. Speaker, Sir, I think the details, including what the hon. Member is asking about the serial number of the gun illegally in the possession of the people I have mentioned will be provided after the investigations are complete. In any case, if the hon. Member will be dissatisfied with the outcome of the investigations, there is a legal channel to redress that particular issue.

**Mr. Ojode:** But that is not---



**Mr. Speaker:** Very well! Order! Mr. Ojode, that is an invitation for the Chair "never to see you". So, be careful about what you say.

**Mr. Raila:** Mr. Speaker, Sir, we are talking about loss of innocent lives. Possession of firearms is not illegal in itself. The lady who is still admitted at Ombo Hospital has personally told me that they were not possessing any firearms. They were going to their shambas on the other side. Bonda Anyango is supposed to have been carrying snares to go and trap animals. No Luo woman is allowed by tradition to trap animals. For the Assistant Minister to allege that Bonda Anyango was trapping animals is like saying that a Muslim was found slaughtering a pig, which is not right. Is the Assistant Minister in order to mislead this House when the facts exist that those were innocent people going to their shambas and they were shot dead by the security officers without any cause?

**Mr. Samoei:** Mr. Speaker, Sir, I cannot deny or confirm what the hon. Member has said. But I think it will only be fair if we can let the investigations that have already been instituted into this particular incident take place. If the outcome is not to the satisfaction of anybody, then we can be able to look for redress.

**Mr. Speaker:** Very well! Question by Messrs. Kaindi---

**Mr. Achola:** Mr. Speaker, Sir, the Assistant Minister has not given us the serial number of the gun.

**Mr. Speaker:** Order! Order, Mr. Achola! Let us curtail one habit that is coming into the House where Members just stand there without being recognised by the Chair, then they begin talking. Let us keep Parliament the way it is supposed to be. I do not have much time now.

**Mr. Achola:** Thank you, Mr. Speaker, Sir. I would like the Assistant Minister to give me the file reference so that I can check in the future about this case because it is quite serious?

**Mr. Samoei:** Mr. Speaker, Sir, I can give him the file reference number tomorrow.

**Mr. Speaker:** Very well! Messrs. Kaindi, N. Nyagah and Kihara, all your Questions have been deferred to tomorrow.

#### CAUSE OF ATHI RIVER TRAIN ACCIDENT

**(Mr. Kaindi)** to ask the Minister for Information, Transport and Communications:-

- (a) Could the Minister explain the circumstances that led to the fatal accident at Athi River Railway Station during the month of September, 200, where 34 lives were lost?
- (b) Could he further explain what steps the Ministry has taken to ensure that the victims are promptly compensated?

*(Question deferred)*

#### NON-PAYMENT OF SALARIES TO NAIVASHA DAIRY WORKERS

**(Mr. Kihara)** to ask the Minister for Agriculture:-

- (a) Is the Minister aware that workers at the Naivasha Dairy Training School have not received their salaries for the last two years?
- (b) When will these workers be paid?

*(Question deferred)*

#### GARBAGE COLLECTION AT WAKULIMA MARKET

**(Mr. N. Nyagah)** to ask the Minister for Local Government:-

- (a) Is the Minister aware that the drainage and toilets in Wakulima Market have been out of order for a very long time, rendering the market a health hazard to both the traders and customers?
- (b) Is he further aware that garbage has gone uncollected since 1997, resulting in an awful smell in the whole market and neighbouring Muthurwa Estate?
- (c) What urgent measures is the Minister putting in place to alleviate this problem?

*(Question deferred)*

#### PERSONAL STATEMENT

## ALLEGATIONS OVER PAC CASH

**Mr. Kibaki:** Mr. Speaker, Sir, I have a very serious matter that I want to raise and, as hon. Members, we ask for your protection. On Monday, *The Kenya Times* newspaper published a story on its front page claiming that I have been paid allowances for meetings of the Public Accounts Committee (PAC) which I did not attend. I would like to state that I have only been paid for meetings that I have actually attended. I did not claim anything for meetings which I did not attend and I was not paid. I would have raised the matter on Tuesday, but I had not seen the newspaper until last night. I have gone through the Accounts Office here at Parliament and I want to lay on the Table the sittings of the Committee for which I was paid the normal allowances of Kshs3,000. I would like to ask that this newspaper, in the interest of decency, stops to blacken the names of many of us.

Could I also demand that if they persist in this manner, they should not be allowed into Parliament because this is a place of truth and honesty? In any case, may I demand that they withdraw and apologise, and that they should put that apology on the front page as they did their allegation? I want to lay on the Table the actual forms showing the claims that I have made only for the meetings that I attended.

*(Mr. Kibaki laid the documents on the Table)*

**Mr. Speaker:** Very well! Next Order!

**BILL**

*First Reading*

THE UNIVERSITIES (AMENDMENT) BILL

*(Order for First Reading read - Read the First Time  
- Ordered to be read the Second Time tomorrow)*

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Speaker, Sir, I beg to move that in accordance with Standing Order No.101A, The Universities (Amendment) Bill be referred to the relevant Departmental Committee.

**Mr. Speaker:** Very well! Next Order!

**COMMITTEE OF SUPPLY**

*(Order for Committee read being  
the Seventh 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 initiate debate on Vote 13 for the Ministry of Roads and Public Works.

Mr. Speaker, Sir, I wish to thank His Excellency, hon. Daniel arap Moi, President and Commander-in-Chief of the Armed Forces of Kenya for appointing me as one of his Cabinet Ministers on 21st June 2000. I sure him and this House my total dedication and delivery of services.

I also wish to thank you, Mr. Speaker, for giving me this opportunity to present my Ministry's plans and programmes for the 2000/2001 financial year before this august House.

*(Applause)*

Mr. Speaker, Sir, although I am only a few months old in the Ministry, I wish to reassure the hon. Members that with their support, I shall endeavour to ensure that the Ministry continues to discharge its functions---

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

**Mr. Speaker:** Order! Order, Mr. Gatabaki! Every day of the week when I am sitting here, Members are raising a myriad problems about the conditions and state of the roads in their various constituencies. You now have an opportunity to hear from the Minister responsible for that purpose, and yet you are not listening to him.

**The Minister for Roads and Public Works** (Mr. W.C. Morogo): Thank you very much, Mr. Speaker, Sir.

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

**Mr. Speaker:** Order! Who has given you the opportunity?

**Mr. Gatabaki:** Mr. Speaker, Sir, I am a Member of Parliament---

**Mr. Speaker:** Order!

**Mr. Gatabaki:** Mr. Speaker, Sir, this House knows very well about the record of the previous Minister in that office. His contribution was "singular." This current Minister starts by thanking His Excellency the President for appointing him while we know very well that this House expressed horror at the President for sacking that Minister who did that good job which this current Minister is trying to move.

**Mr. Speaker:** Order! Order, hon. Members! Mr. Gatabaki, it is about time you became serious in this House. You have developed a habit of diverting the attention of this House to totally different things whenever a Minister or another hon. Member begins talking seriously. After all, it is the President who "appoints and disappoints" Ministers. If you, really, have a very different opinion of who should be a Minister, please, work very hard, become President and appoint Ministers.

Proceed, Mr. Minister.

*(Laughter)*

**The Minister for Roads and Public Works** (Mr. W.C. Morogo): Mr. Speaker, Sir, it is unfortunate for the hon. Member because he is not capable of becoming President.

Mr. Speaker, Sir, the Ministry ensures that it continues to discharge its functions, which are as follows: Development and maintenance of roads, public works, planning and policy development, development and maintenance of public buildings, maintenance of inventory of Government property, provision of mechanical and electrical services, materials research and testing, supply of common-user items to Government Ministries, housing and housing policy, national secretariat for human settlement, Rents Restriction Tribunal and registration of engineers, architects and surveyors.

The mission of my Ministry is, in a nutshell, to contribute to the 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 achieve this, my Ministry has adopted the following strategic objectives: One, facilitation of adequate provision of roads infrastructure through policy formulation, research, design, supervision and regulation of standards for the development and maintenance of the infrastructure in the country.

*(Loud consultations)*

**Mr. Speaker:** Order! Order! Hon. Members, please, give the Minister audience.

Proceed, Mr. Minister.

**The Minister for Roads and Public Works** (Mr. W.C. Morogo): Mr. Speaker, Sir, the second strategic objective adopted by my Ministry with a view to achieving its mission is provision, on commercial basis, of logistical and technical support and training in road construction and maintenance by acquiring servicing equipment and training facilities. The other strategic objectives towards that goal include the mobilisation of resources from both the public and private sectors for road development and maintenance; facilitation of adequate provision of cost-effective building, including decent housing to Kenyans, through policy formulation on informal settlement; upgrading research on building materials and technologies; dissemination of research information, and promotion of wider application of innovative materials.

My Ministry undertakes the aforementioned functions under the following expenditure Sub-Votes: General Administration and Planning, Building and Works, Housing Development, Roads and Other Services. In order for me to finance services under Vote 13, I will require a gross provision of Kshs16,838,295,172 out of which Kshs9,693,477,912 will finance the Ministry's recurrent expenditure, while Kshs7,144,817,260 will finance its development expenditure. I would now like to present the Ministry's proposals for the Recurrent Vote, R13, to be

followed by those for the Development Vote, D13.

The Recurrent Estimates of Kshs9,693,477,912 will be utilised for the following purposes: Kshs1,404,592,484 will meet the expenses of staff salaries and allowances, including training; Kshs1,842,605,428 will go towards operations and maintenance, out of which Kshs1,190,000 will be required to pay rents and rates of Government leased houses and offices; Kshs6,446,280,000 Appropriations-in-Aid (A-in-A) from the Road Use Levy and Transit Toll charges will be used for road maintenance programmes.

In order to raise the required road maintenance finances, the Government introduced the Road Maintenance Levy Fund (RMLF) in 1994. However, the desired impact on the road network has not been achieved due to the devastating effects of the *El Nino* rains coupled with inadequate development funding. To address this problem, we shall, in this financial year, follow the priorities in the Medium-Term Expenditure Framework and continue to emphasise the maintenance of trunk roads, limit the number of new contracts on non-trunk roads, contract out routine maintenance for major roads and strengthen our in-house roads maintenance units. The Kshs6,446,280,000 A-in-A from the RMLF will be used on the actual road maintenance activities, which include routine maintenance of all roads, re-sealing and re-carpeting of the existing tarmac roads, and gravelling and re-gravelling of unpaved roads. Mr. Speaker, Sir, in order to help hon. Members appreciate the extent of utilisation of funds accruing from the RMLF, I would like to highlight some of the activities that were funded with money from the Fund in the 1999/2000 financial year. Funds amounting to Kshs5,523,961,545 were spent or committed on both routine and periodic maintenance of paved and unpaved roads, procurement of equipment for road maintenance as well as traffic toll administration, among other maintenance-related activities. In summary, the funds were expended as follows: Contracted works, Kshs3,291,592,196.20; direct labour work, Kshs1,029,586,386; counterpart fund, Kshs237,164,900; materials procurement and capacity support, Kshs907,618,063.20.

Works are still on-going, or are about to start, on the following roads, among others: Bachuma Gate-Maji ya Chumvi section of the Nairobi-Mombasa Road; Naivasha-Longonot Tunnel; Elwak-Mandera; Muran'ga-Kangema; Kisumu-Yala and Kakuma-Lokichogio. I would like to assure hon. Members that all the funds that shall accrue from both the RMLF and the transit toll charges will be utilised solely for activities relating to maintenance of roads throughout the country, and that the Ministry will fully account for the same. This will be achieved through thorough oversight of all road works in Kenya by the Kenya Roads Board (KRB), which became operational on 1st July, 2000.

Mr. Speaker, Sir, the KRB will oversee the implementation of road development, rehabilitation and maintenance by the following agencies: The Roads Department of my Ministry, the Kenya Wildlife Service (KWS) and the District Roads Committees (DRCs). The Ministry's Roads Department will be responsible for the maintenance of the major roads, namely, Road Classes A, B and C, while the KWS will be responsible for the maintenance of roads within the national parks and game reserves. The DRCs will be responsible for the maintenance of secondary, minor, special purpose, all unclassified rural roads in the districts. The Committee is composed of MPs from each district, chairmen and mayors of every local authority in the district, the DC, the District Roads Engineer, who will serve as the Secretary and two other members co-opted by the Committee. In order to maintain transparency in controlling these funds, the levy collected will continue to be deposited in the Road Maintenance Levy Fund Account. All disbursements will be made on the basis of approved road maintenance expenditure plans.

Mr. Speaker, Sir, in order to increase productivity and efficiency on road maintenance, my Ministry will continue with the process of off-loading the functions of Axle Load Control to private sector. Towards this end, Cabinet authority has been obtained and the Ministry is preparing the legal and administrative framework necessary for the off-loading of the Axle Load Control function. In the meantime, my Ministry will continue to strictly enforce the Axle Load Control regulations in accordance with the current legal framework and continue enhancing private sector participation in routine maintenance of the classified roads.

My Ministry recognises the factors that have contributed to the poor road network in the past as being attributed to corruption in awarding of contracts, lack of effective supervision leading to construction of poor quality roads and lack of routine maintenance. My Ministry is determined to route out these malpractices, and stern measures are already being taken against corrupt contractors and Government officials who compromise on quality and standard of work. My Ministry is also undertaking measures to restore transparency, professionalism, accountability and the rule of law in undertaking road works through enforcing ethics, standards and specifications. Other measures include enforcing the use of economic project appraisal methods, enhancing technical audit and accounting practices on road maintenance fund and stepping up determination of defaulting and non-performing contractors. Other measures include: Limiting the number of projects that a single contractor can handle at any given time based on financial capacity and strengthening the road work inspectorate to ensure that resources allocated for road construction and maintenance are consistently applied for the purposes which they were intended for and that use of such resources is efficient and transparent.

As hon. Members are already aware, the Department of Mechanical and Transport has been providing

serviceability of construction equipment as well as plant and vehicles deployed in road construction and maintenance, free of charge. However, with the operationalisation of the Kenya Roads Board, the department is being restructured so as to commercialise its mechanical and transport services. It is envisaged that the department will be hiring or leasing out its construction and maintenance equipment to the Kenya Roads Board agency, including the roads department and the prospective public and private sector users. The department intends to establish regional and sub-regional workshops where equipment shall be pooled. Plans are also under way to revive the mechanical, transport and plant funds in order to provide sustainable funding for provision and maintenance of equipment for hire. With these arrangements in place, the department could raise as much as Kshs222,220,172 in form of Appropriation-in-Aid during this financial year.

Kenya is a host country of the United Nations Commission on Human Settlements and Shelter Afrique. Indeed, Kenya is the current Chairman of Shelter Afrique, of which we are expected to play a significant role in related international fora. Under the Recurrent Vote, Kshs39,934,451 will be required to finance activities related to human settlements and to pay for our annual contribution to the United Nations Habitat, Shelter Afrique and African Housing Fund. The Rent Restriction Department will require Kshs14,859,149 under the Recurrent Vote to be able to co-ordinate the activities of the Rent Restriction Tribunal throughout the country. The department is projected to realise Kshs2 million as Appropriation-in-Aid during the financial year.

Mr. Speaker, Sir, I will now turn to the Ministry's Development Vote B13. As highlighted earlier, my Ministry proposes to spend a gross total of Kshs7,144,817,260 as capital expenditure on planning, material research, consultancy services, design and building works, development of roads and staff training institutes. Out of the gross provision, Kshs6,034,231,260 will constitute of external receipts from bilateral development partners and multilateral financial institutions in the form of loans and grants. It is my Ministry long-term objective to develop a road network which is consistent with the actual needs for both the economic and social sectors of our economy. To achieve that objective, my Ministry will accord the highest priority to the following: Preservation of fast investment in the existing road infrastructure through timely and adequate maintenance; upgrading high priority roads to gravel and embankment standards in areas where absence of such roads causes serious bottlenecks to development and use of labour-based methods in road works activities which have been found to be most cost-effective. The other priority areas include provision of employment opportunities, training and re-training of our personnel to reduce the cost of road maintenance and promotion of road safety by improving road signs and markings and rehabilitation of all the dilapidated road segments.

In order to enhance the above strategies, the Ministry in conjunction with our development partners has embarked on the implementation of the Roads 2000 Programme. That initiative is geared towards the improvement of roads to maintainable standards, using a network approach that is a combination of labour and equipment, with greater emphasis being put on reducing cost and maximising employment at local levels, in line with Government policy on poverty reduction through improvement of rural agricultural roads. In this respect, improvement of rural roads will continue as follows: The Government with the assistance of Danish International Development Agency (DANIDA) is implementing Roads 2000 Programme in districts of Taita Taveta, Kwale, Kilifi and Malindi in Coast Province. During this financial year, Kshs77,641,900 is provided for in the Budget for this purpose. The Government with the assistance of the European Union is implementing Roads 2000 Programme in the districts of Machakos, Makueni, Embu, Meru Central, Mbeere, Tharaka, Meru South and Meru North in Eastern Province. A total of Kshs95,200,000 has been allocated for this purpose this financial year. The Government with the assistance of the Swedish International Development Agency (SIDA) is implementing Roads 2000 Programme in the districts of Nyeri and Kirinyaga in Central Province where Kshs234 million has been allocated for that purpose this financial year. Other development partners who have indicated their willingness to support the Government on Roads 2000 Programme are as follows: The World Bank, the United States Agency for International Development, the African Development Bank, the KFW of Germany and the French Agency for Development.

Mr. Speaker, Sir, I now wish to take this opportunity to enlighten hon. Members on some of the key projects and programmes which my Ministry intends to undertake during the 2000/2001 Financial Year. Reconstruction of the section of Mombasa Road between Mtito Andei and Bachuma Gate with financial support from the World Bank will continue. The reconstruction of the section of Mombasa Road between Mtito Andei and Sultan Hamud with financial support from the European Commission is expected to commence. Tarmacking of Katumani-Wote-Makindu Road with financial support from the Kuwait Fund for Development and OPEC will continue. Construction of Amala River-Narok Road with financial support from KFW is expected to be completed. Feasibility study on the Dundori-Ol Kalou-Njabini and Emali-Loitokitok Roads, with assistance of the Arab Bank of Economic Development in Africa is expected to be undertaken. Strengthening and widening of the Narok-Mai Mahiu Road with financial support from KFW and the European Commission, is expected to commence. Designs for the reconstruction of the Mai Mahiu-Naivasha-Lanet Road with financial support from the European Commission will be completed. Pre-feasibility study on the Isiolo-

Moyale Road with financial support from the European Commission will be completed. The design of Garsen-Witu Road with financial support from KFW is expected to be completed.

I am also seeking the authority of this House to spend a further Kshs403,630,000 on materials, research and testing, architectural services, electrical and mechanical services, structural, engineering services and contractual management of Government building projects. I also intend to spend a further Kshs37,500,000 to develop middle level technical skills in the road and building sectors as well as promotion of labour-based technology, road construction and maintenance. Before I conclude my remarks, allow me to touch on a matter that is the centre stage of hon. Members calendar of events. A number of hon. Members have approached me individually on the release of funds allocated for road maintenance in the constituencies and the fuel levy. I wish to assure this House that I have made budgetary provisions of Kshs5 million for road activities in each constituency. These funds will be released depending on the fuel level of collection by the Kenya Revenue Authority.

Mr. Speaker, Sir, as hon. Members will recall, Section 19 of the Kenya Roads Board Act demands that the District Roads Programme be prepared by the District Road Committees and approved by the Kenya Roads Board before funds are released. In this regard, I urge hon. Members to prevail upon their respective committees to have this programme submitted to my Ministry to enable us release the funds. May I assure the hon. Members that the funds availed to us are intact and ready for disbursement as soon as the legal framework is completed, but more so as soon as we receive the work programmes from the district, if the hon. Members will be in agreement with the proposal that we have already given them. Immediately these work programmes are received, I will release funds that will have been availed to my Ministry. As I speak today, not a single district committee has submitted its work programme. Overall, I am seeking authority of this House to spend a total of Kshs16,838,295,172 to enable me to undertake and implement the roads and building programmes and projects under Vote 13 - Ministry of Roads and Public Works.

Mr. Speaker, Sir, I beg to move.

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): I stand to second the Motion by the Minister for Roads and Public Works so that we can get his Ministry the necessary resources to start implementing its programmes. Clearly, the amount of money required which amounts to about Kshs16.8 billion will not be enough to deal with all our road network problems. It is, therefore, important that this point be appreciated by hon. Members are debating this particular Motion. It will also mean that it will be necessary for the Ministry to improve on its efficiency levels so that the resources that this House will ultimately allocate to them will be used in the most cost effective manner so that the question of roads in our country can be dealt with.

Mr. Speaker, Sir, it goes without saying that virtually every Member of Parliament has a major problem with roads. First, there was the element of the *El Nino* rains which damaged the roads and then we were told that some funds would be set aside to deal with the damaged roads. In most constituencies, this has been wanting in the sense that there has been a lot of delay in ensuring that these resources are made available to the respective constituencies and also in the repair of the various roads. Equally, it is important that what we have started seeing in terms of road construction or rehabilitation in some areas such as the Mombasa Road and Naivasha Road, the time that it takes between the Kenya Government and some of its development partners in agreeing and signing a funding agreement is too long. It takes two or three years before the actual implementation of the project starts. The case at hand is the Mombasa Road.

Several years ago, when I was the Minister for Finance, I remember appending my signature to the agreement that was to provide the resources to undertake the rehabilitation of Mombasa Road. I left the Ministry of Finance before that road had started and the implementation process is coming now. There are several issues that need to be tackled and I would really urge the Ministry to make this one their key agendas that whenever there is negotiation with some of our development partners we must be able to look at first track implementation programmes because people get exhausted and desperate. Road users also begin wondering whether money has been misused when it takes almost two or three years to carry out pre-feasibility studies, feasibility studies, designs and so forth. It is important that something be undertaken seriously to reduce the lead time.

Equally, concerning the *El Nino* funds that were talked about, it is quite obvious to so many people that when the President of the World Bank, Mr. Wolfenson was visiting Uganda, he met with the President of this Republic and at that time we were told that some emergency funding of about US\$100 million was to be brought forward to assist in some of the key problems that we were facing. The process of accessing those resources took a very long time. This means that somewhere along the line the whole process of coming to what the basic conditionalities were and the issues that need to be dealt with in advance before we can start accessing these funds, is something that we need to improve on. I would urge the Ministry to look very carefully at this particular aspect so that in future, resources, whether from our own development partners or those generated internally from our own revenue, are put to use at an early stage so that we do not reach a stage where there is a prolonged wait.

At times, we even hear the sad story that resources were returned to the Exchequer because they were not

being utilised. This means that somewhere along the line the whole aspect of the implementation and planning capacity within the respective Ministries and more so visible Ministries like the Ministry of Roads and Public Works need to be really enhanced and made more efficient so that we can work as a team and make sure that there is sufficient support to enable projects to be implemented early. The other area that I would like to touch on is that there is, indeed, a lot of positive movement in terms of the utilisation of the Roads Maintenance Levy. It may not be up to 100 per cent mark, but at least, there is some positive direction. Clearly, some of us see that there is some improvement in terms of road rehabilitation; whether you are moving towards Naivasha or other parts of the country.

However, one of the things that I believe the Ministry still ought to do, and I know they did start something like that, is to publicise the amount of money that has actually been collected on a regular basis; whether it is quarterly or half yearly. How much money has been collected in form of road maintenance levy? How has it been applied in terms of kilometres of roads done, the standard and specification of the road? It is important that we have some audit or data that will be readily available to Kenyans, so that we can be sure that the resources that are being collected from time to time, as road maintenance levy are being used properly, efficiently and equitably. This is particularly important because we want to know whether the road maintenance levy funds are going to a specific area or they are being distributed well in the context of improving the whole national road infrastructure.

Mr. Speaker, Sir, the other thing that I think is coming out very well lately with the Ministry of Roads and Public Works. I would like to commend the team there - is that we are beginning to see more serious supervision of road construction. A classic example is what we are seeing here in Nairobi, like the Ngong and Lang'ata Roads that are being done. We have started seeing more effective supervision. Now, the only tragedy is that all along the resources that we have collected in the past, it was still our own engineers who were responsible for the supervision. What has happened between now and then? You cannot tell me that there is this improvement purely because in your team today, there is a World Bank partner. That cannot be the reason. That means that somewhere along the line, there was some laxity in the whole element of supervision to ensure that specifications were being met. The Minister and many technocrats there are well qualified and I would like to urge them to exercise their professional competence now and ensure that we get value for our money so that the standards that they shall demand will be standards that can stand the test of time in any forum. This is an issue that the Ministry ought to take very seriously.

There is also the problem of drainage and I would like to urge the Ministry of Roads and Public to also ensure that this is done quickly and better. The whole concept of saying that, maybe, this is a local authority issue and so forth may not suffice as an argument. I think it is important that the whole process of designing and improving our facilities is looked into more critically by the Ministry of Roads and Public Works. Last night, there was little rain and I was surprised when the media reported that there was a heavy downpour. That was not a heavy downpour. For those of us who come from Western Kenya, we know what a heavy downpour is. This was so little. It is shocking that one hour rain made all these places to be blocked. So, clearly somewhere along the line, people are playing games and they still continue to do so. I would like to urge the Ministry of Roads and Public Works to look into this area, so that the drainage system and so forth can be improved. One or two hours rain should not create a traffic jam in the Capital City of Nairobi.

Lastly, out of these resources that are being allocated, I would like to urge the Ministry of Roads and Public Works to look at Road C39, which is in my constituency because it had been started - part of it had been upgraded to bitumen level - and somehow the contractor has vanished. So, I would like to urge the Ministry of Roads and Public Works to look into it and make sure that something is done.

**Mr. Khamasi:** See your friend!

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): Mr. Speaker, Sir, seeing my friend is quite normal, but what is important is that I need to point it out so that it is heard and goes on record.

Mr. Speaker, Sir, with these few remarks, I beg to second and commend the Ministry.

*(Question proposed)*

**Eng. Toro:** Mr. Speaker, Sir, I take the Floor to officially respond on behalf of the Leader of the Official Opposition as the Shadow Minister for Roads and Public Works.

We have heard what the Minister, has told us this afternoon. There is one thing that has gone wrong with this Ministry since 1998. The Minister who has moved Votes D13 and R13 is the fourth Minister in this Ministry in a period of less than three years. For a Government to function, there has to be consistence. There can never be any consistence if Ministers are transferred to other Ministries after every six months. What the present Minister has inherited from his predecessor--- The current Minister is still going through records to find out what his predecessors did. Nevertheless, we hope that he will follow the footsteps of his predecessor, hon. Eng. Kiptoon, who did a marvellous job during his short stay in the Ministry.

*(Applause)*

Mr. Speaker, Sir, the issue at hand is continued non-performance of the Ministry of Roads and Public Works. Despite the Ministry having the best qualified engineers in the Republic, performance has still deteriorated over a number of years. It is high time that the Minister put his foot down to ensure that the Ministers and professionals such as, architects and quantity surveyors do their job in the Ministry. Currently, we have a Permanent Secretary who is an engineer and there is no excuse for the Ministry not to perform. Over the years, we have talked about corruption in the Ministries. We have talked about engineers and other professionals colluding with contractors to misappropriate public funds, and yet, we have, in the case of engineers, the Engineers Registration Board, which is supposed to discipline them when they go against their professional ethics. The Minister should have talked about any amendment to the Engineers Registration Act, Cap. 530. If he cannot discipline engineers because there is something inadequate with this Act, then he should bring an amendment to the House, so that he can deal with them. Over the years, I have not heard of any engineer being deregistered for being corrupt or summoned before the Disciplinary Committee to be grilled over any misdeed that he or she might have done while performing his or her duty. A classic example is the former Permanent Secretary, Eng. Akute. Up to today, we have not heard from the Minister on whether he has been deregistered and, therefore, he cannot practise as an engineer, although there is a case pending in court. The Engineers Registration Board should have moved quickly and disciplined the engineer if he had not lived to his professional ethics. He should be deregistered so that he cannot hold any job as an engineer or practise as a consultant.

Mr. Speaker, Sir, the road development, rehabilitation and maintenance, which is the key function of this Ministry - I am not mentioning the housing factor - have gone through a lot of tribulations over the years. Timely and proper road maintenance has been history and God knows why. This is because the engineers who were there ten years ago are still the same engineers who are there even today. You will be surprised to learn that the current Roads Engineer has never worked anywhere else apart from that Ministry and he knows exactly what has been going on. He also knows what is to be rectified and there is no excuse for him not to perform in his present post.

If I may revisit the time when the Roads Department was performing properly, we used to have maintenance camps. For every road of bitumen standard, there used to be established a maintenance camp with all the equipment and machinery for maintaining that road or any other particular road in the vicinity. What happened to these camps? The Minister should revisit this issue because all roads now are in total disrepair. They are full of potholes, yet, nothing is being done. Instead, we have some young men along the roads who continue refilling potholes with soil. These young people have replaced maintenance technicians. I think the Ministry engineers should be ashamed that there are youths who are doing repair work for them using soil, yet, they just sit down and watch this happening. When you pass through these roads, you are forced to pay some money to these young men. If you pass there the following day, you will find that the potholes are again there. This temporary repair of potholes by these young volunteers, which the Ministry has done nothing about, should be checked.

Mr. Speaker, Sir, the Minister has talked about the Road Maintenance Levy Fund. This House passed the Bill and the Road Maintenance Levy Fund Act, 1993, became operational. What happened after the Act became operational is public knowledge. This provided an opportunity for the Ministry engineers, contractors and the highly placed Government officials to misappropriate public funds. Politically correct contractors have been having a field day over the years. They have even been paid for contracts that have not seen the light of the day. This continued for years until the Government, in its wisdom, decided that enough was enough and appointed the Roads Sector Institutional Studies Committee to see whether it could check what had gone wrong with the use of the Road Maintenance Levy Fund. In the Committee Report in 1998, it recommended the establishment of an executive roads board and roads agencies. That was what gave birth to Kenya Roads Board Bill, 1993. The Kenya Roads Board Bill came to this House and it was passed by Parliament in December, 1999. It became an Act of Parliament in January, this year. I would have hoped that the Minister could have dwelt a little bit more on the functions of the Kenya Roads Board. The Kenya Roads Board was supposed to be operational on 1st July, 2000, but it is yet to be operational. This Board does not even have a secretariat and the Minister has not said why this is so. As from 1st July, 2000, roads maintenance in the country is supposed to be overseen by the Kenya Roads Board.

The Roads Department is one of the agencies of the Board and I am surprised to hear the Minister telling the House that he is still in charge of disbursement of funds to the District Roads Committees (DRCs). The Minister misled this House when he said that he is waiting for work plans to come from the DRCs so that his Ministry can disburse funds to them. That will be against the Act. The Act specifically states that from July, 2000, all the money going to DRCs will be from the Kenya Roads Board. The Roads Department will similarly be receiving money from the Board. So, it is not for the Ministry, as the Minister has said, to disburse money to the DRCs. I hope he does not make that mistake because it will be against the Act.



*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, why is the Board not operational? The Minister has not told us the reason. He should have taken time to tell us why it is not operational. Why is it that since July, 2000, the Board does not have a secretariat? Hon. Members of Parliament are still waiting to receive money through the DRCs. This Board is not operational because the Roads Maintenance Levy Fund Act has not been amended so that the Kenya Roads Board Fund can get the money. This issue was tackled when debate on the Kenya Roads Board Bill was before the House. The anomaly was raised in this House and the Minister promised to bring an amendment to the Roads Maintenance Levy Fund Act to the House. If you allow me, I will read out a small portion of my contribution in the HANSARD of 4th December, 1999. I addressed this anomaly, which up to today has prevented the Kenya Roads Board from receiving funds from the Roads Maintenance Levy Fund. I will read out a small paragraph which states:-

"Section 30, which establishes the Kenya Roads Board Fund, Sub-Section 2(a) says that all the proceeds from the Roads Maintenance Levy Fund shall be paid into the Kenya Roads Board Fund. That requirement contradicts Sections 7 and 8 of the Roads Maintenance Levy Fund Act, 1993. We need a section that will amend the Roads Maintenance Levy Fund Act, 1993, in the Bill to enable the Kenya Roads Board get money from the Roads Maintenance Levy Fund, otherwise, the Roads Maintenance Levy Fund and the person who is mandated to administer it can refuse to give the Board funds unless that section is amended".

That is what is happening. The Roads Maintenance Levy Fund has refused to give the Kenya Roads Board money because that Section has not been amended. The Minister has not told us why he has not brought an amendment to this House or when he will bring it here. The way the matter is that the Kenya Roads Board Fund will not get any money from the Roads Maintenance Levy Fund. That is a reality and I wish the Minister had addressed that issue. The Minister should also have told the House where the money that has been collected by the Roads Maintenance Levy Fund is and how much it is since the Act became operational in 1st July, 2000. That money legally belongs to the Kenya Roads Board. Is that money in safe custody to be given to the Kenya Roads Board or has it been paid to somebody else? This is one of the areas that the Minister should have enlightened the House on.

Mr. Temporary Deputy Speaker, Sir, Section 2 of the Roads Maintenance Levy Fund should also be amended so that it allows for proper interpretation of the Act. Otherwise, we will not be able to transfer the money into the Fund. That is a very serious issue. It is an omission which should be rectified immediately.

Mr. Temporary Deputy Speaker, Sir, as you know, Members of Parliament are up in arms with their constituents about the money. When we had a seminar at Safari Park Hotel, the Minister announced to Kenyans that, every Member of Parliament would get Kshs5 million to repair roads in his or her constituency. From that time, no Member of Parliament has received any money. During Moi Day, the Provincial Commissioner (PC) for Central Province announced that Members of Parliament had misused funds of the District Roads Committee, and that is why the roads were not being maintained. This came from Mr. Kiilu, who is the PC for Central Province. I do not know where he got the information from. He is part of the Government and he should have checked with the Minister to verify whether any money was sent to the districts, instead of saying that Members of Parliament had misused the money. The way the tempers are in this House is that, the money is required by the Members of Parliament. It is up to the Minister to hurry up the amendment. Otherwise, the Members of Parliament have sworn not to pass the Ministry Vote. That is not a small threat.

Mr. Temporary Deputy Speaker, Sir, we had a commitment when the Bill was being formulated. The then Minister, hon. Kones was committed to the Kenya Roads Board Bill. Then came hon. Katana Ngala. During his tenure, nothing much happened. After him, came hon. Eng. Kiptoon who made things to move. Now, we have hon. Morogo. Could he do something to make sure that, what the Members of Parliament want is achieved without any further delay? Otherwise, I will not say what will happen.

Mr. Temporary Deputy Speaker, Sir, I have a few comments to make about the housing sector. We talk about roads all the time, and we forget that the Ministry is also charged with the responsibility of policy formulation for the housing sector in the whole of the Republic, be it in the municipalities, county councils and cities. The onus is on the Ministry of Roads and Public Works to make sure that the housing policy in the Republic is consistent with whatever developments that are being initiated. Reference should be made to it all the time by any authority to the Ministry. Over the years, what has happened is that the Ministry has abdicated that responsibility. As a result, about 50 per cent of the people in Nairobi live in slums. The housing policy in Nairobi is in chaos. The Ministry has not addressed that

issue. The Ministry just stands and watches, when the City Planning Department are mis-planning the City. It is high time that the Minister took over and dictates to the municipalities, City Council and county councils, the policy of the Government. The Local Government is part of the Government. They have to listen to the Minister for Roads and Public Works. If that does not happen, it means that in a few years' time, everybody will put up a structure wherever he wants in any city or municipality.

We have people who put up structures on road reserves. The Minister has done very little to discourage them. The tendency is that once you put up a structure, the next thing is: "Do we demolish the structure or do we let it stay because somebody has invested some money?" I would say that any illegal structure on a road reserve should be demolished. The Minister should be courageous enough to do so. Very soon, we will not have any road reserves. The Government will end up compensating structures put up illegally, when it wants to expand the roads. The question will be: "When I put up the structure, nobody told me it was illegal! I never received any letter to that effect! So, you cannot demolish my structure, unless you compensate me!" So, the Minister should move very fast. It is happening everywhere in the Republic. Structures are coming up everywhere on road reserves. Slums have mushroomed because there is a lot of rural-urban migration. The Minister team should be able to plan ahead. They have all the statistics. If they do not have them, they can get them from the Ministry of Planning and National Development. With those statistics, they can be able to plan and advice the municipalities and county councils on what they should do.

Mr. Temporary Deputy Speaker, Sir, we have also seen very well planned estates being turned into slums. We have the case of Buru Buru. It was a very well planned estate. However, now, there are so many additional structures and the place looks like a very big slum! When that happens, what does the Ministry do? The Ministry should not rely on the City Council when everything is going wrong. The Ministry can dictate to the City Council on what they should do. The low-income people who used to live in Umoja have been pushed into the slums. In Umoja, you can put up anything! There are collapsing structures and yet, we have not heard any statement from the Minister condemning such structures, or re-directing the planning and construction of estates. Where buildings should not be more than one or two storeys, they should state so. Anybody who flouts the law should be taken to court and the structure demolished. It is not an easy matter because very soon, you will find people constructing slums outside good areas like Muthaiga.

Mr. Temporary Deputy Speaker, Sir, the Government should also be able to encourage private developers, by helping them to plan and giving them adequate facilities. I will name a few private developers who are very well known. We have got Kahawa-Sukari Developers who built a very good estate. But there is no water or roads. If the Government has failed to develop houses for Kenyans, it should help those who have put up such estates with adequate facilities like road networks. Such roads should be well designed and agreed upon in conjunction with the Ministry. No estate should come up without the Ministry's approval. The others are Thome and Zimmerman. Zimmerman has grown into a big estate, but there is no sewerage system. That is a shame. The people there either use pit latrines or septic tanks, which over-flow most of the time. There is always raw sewage finding its way into the river. In such areas, the Government can negotiate with development partners to put up health facilities like sewerage systems, so that the people do not end up with water-borne diseases like cholera, just because they cannot develop a sewerage system on their own. People are willing to be helped but the Government is not willing to help them.

I would like to say a few words today because many hon. Members want to contribute to this Vote. I would like also to urge the Minister to listen very carefully to hon. Member's contributions because most of the things they say are ignored and we keep on repeating them all the time. It is this House which should help the Minister do his job well. Otherwise, the Minister will not do his job well without constructive criticism.

I would want to mention one last item which the Minister had said about axle loading. Although he said that he is working tirelessly hard on the registration of axle loading, still what is happening at the mobile weigh bridges is very discouraging. Overloaded trucks are passing through these weigh bridges, both permanent and mobile ones, and yet you will never find a truck being off-loaded or the transporter being told to off-load his truck because it overloaded. What is the use of charging a transporter with the offense of overloading and then allow him to proceed on with his journey when you know that his over-loaded truck will still damage the road? The solution is that, once a truck has been found overloaded, it should be detained and the transporter asked to bring another truck to off-load the cargo. He should not be allowed to go and then he is fined later on. It is becoming very pathetic and we will not be able to maintain our roads if we allow overloaded trucks to criss-cross our roads.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of standard specifications for our roads. Sometimes because of poor standards, the roads get damaged, not because of overloading, but because of the poor workmanship. The contractors under the supervision of the Ministry and resident engineers from the Ministries and the consulting firms are not doing their job well. As a result, proper specifications are not followed and, therefore, we have weak roads. On this regard, I would like to call upon the materials branch to be more aggressive because it is the watchdog for any construction in the Republic. They should move in and stop any construction where specifications

are not adequate and where materials used are sub-standard. They have that authority to stop any construction going one, but they are not doing so. They are part and parcel of those who watch things go wrong. I would like to call upon them to pull up their socks.

Finally, I would like to talk about the issue of drainage on our roads. Every engineer in the Ministry of Roads and Public Works knows that the biggest danger to any road is lack of drainage. When hon. Mudavadi seconded the Vote, he specifically talked about the drizzle that fell in Nairobi yesterday and the roads were flooded. Drainage of roads should be addressed because it requires urgent attention, otherwise, we are not going to have roads in this country. Even if they are re-carpeted, they will be useless if drainage systems are not taken care of and the Minister should, as a matter of urgency, move in and have a proper drainage system put in our road network.

With those remarks, I support the Vote.

**The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion.

First of all, I wish to take this opportunity to congratulate the Minister for his appointment as Minister for Roads and Public Works, by His Excellency the President. This particular Vote is so critical because the national economy depends on the infrastructural development of this country. I listened very carefully to the Minister when he was moving the Vote. Hon. Members, while contributing to specific Votes of Ministries, do also represent specific constituencies in this country. They would wish to hear that certain programmes are being undertaken in their constituencies by any particular Ministry. I was so much disappointed with the Minister because last year, the previous year and even this year, all statements have been read but you find that there is no particular project being undertaken in my constituency.

Mr. Temporary Deputy Speaker, Sir, for example, in North Eastern Province, and Wajir in particular, the largest district in this country today--- There must be deliberate efforts made by the Ministry to distribute programmes and projects in every district in this country. In the absence of that, we feel that the Minister and the Ministry officials are not in favour of those particular areas.

Mr. Temporary Deputy Speaker, Sir, last year, I raised a very serious issue in this House about the Habaswein Town. Habaswein Town has got a bridge which was put up by the colonial government; in fact, by the Italian Forces in 1940 and since that time, nothing substantial has been done to reinforce that particular structure. This is an accident waiting to happen! We were cut off from the entire North-Eastern Province and the country during the *El Nino* induced rains because the bridge could not be used and it cannot be used to date. We are asking the Ministry to send a team of officials to Wajir to assess what can be done to that bridge which requires an entire replacement. It does not need a lot of money! So much money has been spent in other parts of this country and we are asking for a basic facility. We want to be connected to the provincial headquarters and other parts of the country.

If there was a slight shower today, Wajir people would be completely cut off from other parts of the country because that bridge is the main entrance to Wajir District. Modogashe-Habaswein Section of the road has been very notorious and money has been spent twice under the *El Nino* programme to improve that section of the road. I know that, if there are heavy rains, that road will not be used. So, there must be something wrong somewhere. We do support the Minister and his staff, and especially the ones who are in the headquarters. Those at the district are not okay because every time a project is undertaken, it is not done to the satisfaction of the area residents and even the leadership in the area. We want to be assisted, especially to put up the Habaswein Bridge. It should be a project of its own. It is not in the Budget and that is why we are disappointed. The Minister should use his good contacts to make sure that before the end of this financial year, the residents of that particular town know that something is, at least, being done so as to allay their fears.

Mr. Temporary Deputy Speaker, Sir, we know that the Ministry has got very competent engineers, but every time we use consultants to do the work of our engineers. Unless we are careful with these consultants, we will spend a lot of money on them. In fact, I should suggest that instead of using consultants, let us pay our engineers a little more. Let us motivate them a little more, so that we do away with the aspect of consultants. I know there is a firm and I want to be very specific. It is called Gibbs Consultants. It was given the authority by the Ministry to oversee the *El Nino* project on the Habaswein-Modogashe Road and they have failed. They have not done anything. The recommendations it gives to the engineers and contractors are far below what they should give. We are very disappointed and in the future, if consultants have got to be given work, we should have an arm to monitor those particular consultants.

Mr. Temporary Deputy Speaker, Sir, in Wajir District which I said is one of the largest districts, we know and we are happy that for the first time, Members of Parliament will have a direct role in the management of the road networks in their own constituencies. We have reports since we have already sat as a District Roads Committee (DRC) and we know and the Minister has just confirmed that, there is a budgetary allocation for Kshs5 million for each constituency. However, that is in as far as the 16 per cent is concerned. We have no allocation as a district on the 24 per cent. We do not know what has happened. We do not know whether it is an oversight or if we are expecting it, But

we know that so far, Wajir District has got only Kshs20 million for the four constituencies and that is in as far as the 16 per cent is concerned. What about the 24 per cent? What allocations do we have? Do we not deserve some funding there? Why have we been forgotten? That is an issue that I would like the Minister and his team to consider and see whether there is an oversight or whether we still expect some funds to come.

Mr. Temporary Deputy Speaker, Sir, we want to minimise even in the future and in the DRCs, the use of private contractors. If at all we can fully mobilise our officers on the ground, since if we can give them plants and machinery that are in good condition--- In Wajir, we have got only two serviceable machines that are working and we require a minimum of five for the district to effectively undertake all the works. If the Minister can provide, it will be very good. There are two lying idle in Wajir which require close to Kshs5 million for repair. We do not have that. If the Minister can undertake to provide machines to the districts and especially Wajir and to all the districts that require machines--- This is because if we mobilise the officers on the ground, we have got competent engineers and we are very comfortable that they can do very good work, but they do not have the necessary machines. The machines that are there are in very poor condition. Mr. Minister, if you can make arrangements to provide machines to the districts, I am sure we can do a lot more with the monies that we have been given by the Ministry. My appeal to the Minister is once more, is to request him to try to see how best he can be able to replace the machines that we have on the ground. If they cannot be replaced entirely with the new machines, see how funds can be available, so that the ones that we have are in a state that can be able to function for the purposes of the road works we have in the district.

Mr. Temporary Deputy Speaker, Sir, the other very important aspect of the Ministry is housing. Housing is very important and civil servants in this country have an obligation to be housed by the Government and we have spent a lot of money using the rental system of housing. I think, in future, it is going to be cost-effective if the amount of money that we spend to rent houses for civil servants can be utilised fully to put up housing units for the civil servants, so that the Government has houses at its disposal for use by civil servants instead of renting units for them. I think that can be a positive step and it can greatly assist the Government and cause less inconvenience to the civil servants.

Mr. Temporary Deputy Speaker, Sir, I want to stop there, but I appeal once more, to the Minister to consider replacing entirely, the only lifeline we have which is the bridge in Habaswein Township.

Thank you.

**Mr. Gatabaki:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Vote. The other day, I travelled to South Africa and to Cape Town and the moment I landed at Jan Smuts Airport, which is outside Johannesburg and then back to Cape Town, I kept wondering whether we are in the same continent. I also kept wondering what happened to our country Kenya and whether there is, indeed, a Government in Kenya. On one side, there is seriousness and commitment to public service in that country because they have roads, houses, flyovers and transportation moves and thus, the economy thrives. Back to Kenya, at Jomo Kenyatta International Airport, and from there onwards, are stories of bad governance. All that we hear about our country, wherever we go from the donor community to any capital of the world is bad governance, corruption, and waste. There is no other better example to demonstrate bad governance, corruption and waste than our country.

Mr. Temporary Deputy Speaker, Sir, let me pay some small tribute to a new team in the Ministry of Roads and Public Works because I have sat down with them in the PIC and seen a commitment. Let me also pay a small tribute to the former Minister, Eng. Kiptoon for the freshness and initiative he brought to that Ministry and commitment to public service. I stood on a point of order when the current Minister congratulated the President for electing him and there are things which we as a nation should consider and ask our President whether he works or responds to public interest. I am not saying anything about the current Minister, but for the first time in many years, the President appointed somebody who was knowledgeable; an engineer who was committed to his Ministry. We saw some new developments like the establishment of Roads Board and other initiatives and we saw some signs that finally, something was coming out of this Government which is so fatigued. We saw somebody, who was anti-corruption in the Government. We saw a Minister saying: "No, we must stop corruption in awarding road tenders". Within a very short period, that Minister was gone. He was fired because he raised some objection in the manner in which we conduct our debates. That action by the President is an indication of what the President thinks and commits himself in public service.

Mr. Temporary Deputy Speaker, Sir, we have a new Minister, and with a new team headed by people who we think care about our country, but can they work? Can they produce results in the environment that our Government is tired after 22 years of no ideas? For every constituency and I want to challenge even the Member of Parliament for Baringo Central, anywhere and in every constituency, not a single Member of Parliament, whether a Minister or an Assistant Minister, has no stories of bad roads. You know it.

Mr. Temporary Deputy Speaker, Sir, every single hour here, there must be something about roads. There must be something wrong in our country if every day we keep on talking about roads. It does not give me any happiness to criticise this Government, but when a Government cannot deliver and it does so much injustice to its

people, I have no option but to challenge the moral authority of that Government and ask it in the name of God: "Go, KANU Government! Clear out and let somebody else take over!"

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, the serious state of our roads---

**The Assistant Minister, Office of the Vice President and Ministry of Home Affairs, Heritage and Sports** (Mr. Choge): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Gatabaki in order to say that the present Government should go as if it has done nothing in his constituency. The whole of Limuru Constituency has tarmac roads.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, it is unfortunate that some of my dear colleagues who should be condemning this Government are the ones defending it.

The number of Kenyans who have died on our roads, is worrying. We are mourning our own colleague who used to sit next to me. I am sure that the poor maintenance of roads has contributed to the deaths of our own kith and kin. In fact, the cost of poor roads in terms of the lives we have lost in itself justifies the removal of this Government by any available constitutional means. I am a law-abiding citizen who supports democratic governance. If there is a way that this Government can be removed lawfully because of messing our economy---

**The Assistant Minister for Agriculture and Rural Development** (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Gatabaki to say that the public can remove this Government by unconstitutional means? Does that not amount to inciting members of the public to overthrow the Government?

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, unfortunately, we have some among ourselves who did not go very far in the education system. If they did, they would know that free elections are a means of removing the Government constitutionally.

Mr. Temporary Deputy Speaker, Sir, the time has come for us to ask ourselves, as a House, whether we can allow this kind of devastation to our infrastructure. If we catalogue economically how much Kenya has lost in terms of accessibility to markets, movement to and fro--- I come from an area where coffee, tea and horticulture contribute to the maintenance of this Government by earning foreign exchange. However, farmers are poor due to lack of accessibility to markets. They cannot access markets because of bad roads. Even the farmers who are working so hard have no access to markets because of the poor state of our roads. If I had a chance of talking to the President, I would tell him the following: "Mr. President, you are depending on the donors because you have neglected the basics of our economy."

Mr. Temporary Deputy Speaker, Sir, constituencies like mine, which are considered as opposition strongholds are denied funding for maintenance of the infrastructure and yet, they earn foreign exchange which maintains the bad Government running this country. So, invest more money in areas that are productive by opening them up and constructing better roads, so that, at least, this bad governance can survive without snap elections.

Mr. Temporary Deputy Speaker, Sir, no amount of preaching to this Government makes sense. No matter how much we talk, we shall not prevent the vote from passing through. But this is the message: We are tired of bad governance. We are tired of paying taxes to this Government and getting nothing in terms of service. We, in the opposition, promise Kenyans that the moment we form the government, our first priority will be to invest money on the infrastructure, so that we can create a difference that will care for Kenyans. The previous KANU Government did not care for the people of Kenya. Therefore, when we constitute a criminal court to try this Government, some of the crimes will be that they neglected the will of the people and squandered their resources to maintain bad governance.

Mr. Temporary Deputy Speaker, Sir, I do not want to talk much because I am tired of talking to blind and deaf people who do not respect public opinion.

With those few words, I refuse to support the vote.

**The Assistant Minister for Agriculture and Rural Development** (Mr. J.D. Lotodo): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to the Vote of the Ministry of Roads and Public Works.

We all know that this is an important Ministry in this country. This is because for us to carry out any business, we need good roads.

I would like to thank this Ministry for its good road policy. Recently, they established District Roads Maintenance Committees (DRC). This will go a long way in improving our roads in the rural areas.

Mr. Temporary Deputy Speaker, Sir, one of the major weaknesses with this Ministry is the distribution of road networks in this country. It is true that the number of tarmacked roads to serve this country have increased since Independence to date. We have tarmacked so many roads and improved most of the feeder roads in this country. Over

the last few years, we have experienced a lot of problems due to lack of donor-funding. That is why most of our roads have been pathetic. The *El Nino* rains caused havoc to our roads in this country. However, I would like to thank the Government for negotiating for resumption of aid to this country. The donor communities have now availed funds through the *El Nino* Programme for rehabilitation of our roads.

Mr. Temporary Deputy Speaker, Sir, on the performance of the Ministry, I tend to disagree with some hon. Members who have said that it has performed dismally. The Ministry has tried its best, given the resources available. I would like to challenge hon. Gatabaki for saying that the Government is not maintaining roads all over Kenya. I come from Baringo District. However, in my constituency there is no single tarmacked road. That does not mean that the Government has forgotten us. We have some few access roads which are very important to our people. In the 1970s, a Mr. Kim Katende was the Provincial Works Engineer. He doctored his schedule to show that Nakuru-Narok and Nakuru-Nginyang'-Tot roads were tarmacked. It is a pity that those roads were not tarmacked. Where did that money go to? Some hon. Members should not just blame the Government for the sake of it. Equally, there are some corrupt individuals in the Ministry, but you cannot condemn the whole Government. There are few corrupt individuals, but the law will take its course.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about Loruk-Tot-Malich Road which is about 170 kilometres long. This is a B4 road and I think it is a trunk road. However, the road has not been completed despite the fact that every year there are funds allocated for it. The worst thing is that we have a bridge at Nginyang', which was destroyed by the *El Nino* rains and a new one was constructed. Over the years, we have been waiting for its completion. I think it requires only Kshs3 million to complete the deck and I request the Ministry to allocate some funds for the completion of that road during this financial year. Equally, we know that Marakwet District, which is served by the Loruk-Tot road has a high agricultural potential and those farmers could be selling their produce to Nakuru and even Nairobi. Should that road be completed, I am sure even the insecurity in the Kerio Valley will be contained and a lot of development will come up. I am pleading with the Ministry concerned to ensure that, that road is completed during this financial year for the sake of development of that area.

Mr. Temporary Deputy Speaker, Sir, we also have another road; that is, Nginyang'-Kapedo-Akoret to Sugut. The northern part of our district has been a security risk just because those people know that there is no road in those particular areas. Therefore, they could engage in any unlawful activities without the security personnel tracking them down. I would like to call upon this particular Ministry to look into some of those roads. These roads are E367 and E457. We have another road from Loruk that passes through Churo Maralal. This is a very important road for tourism, but over the years, no proper grading has been done on it. I would like to call upon the Ministry to, at least, look into some of those important roads which might generate income.

Mr. Temporary Deputy Speaker, Sir, let me now turn to the *El Nino* Programme. In Baringo, there was only one road which was funded under the *El Nino* Programme, starting from Tenges-Mogolwa-Salawa-Kolowa to the Kamusimo bridge. But unfortunately, the contractor who was given that contract did a shoddy job. He has reached nowhere and by June next year when the *El Nino* Programme will be ending, we will have no road. So, I will request the Ministry to terminate the contract of that particular contractor and engage another contractor, who will do a good job. That road is serving an area with a high agricultural potential, and it will also reduce the insecurity in Kerio Valley.

Mr. Temporary Deputy Speaker, Sir, the category of roads that will be managed by the District Roads Committees (DRCs) are Classes D and E. But taking into account that only Kshs5 million is given to each constituency, that money might not be enough to construct those particular roads. If you are going to use an equipment like a crawler tractor, I am sure those roads will never be completed. Therefore, I would like to call upon the Ministry to consider raising that funding to probably Kshs10 million for every constituency, or if a constituency exhausts the Kshs5 million allocated to it, the Ministry should re-allocate it some funds for the completion of the roads earmarked for that project.

Mr. Temporary Deputy Speaker, Sir, I am also certain that we do not have enough equipment in the Ministry of Roads and Public Works. I would like to call upon the Ministry of Roads and Public Works to relocate the trawler tractors and also the graders which are available. They should be distributed to every district so that we can be able to do a better job. Otherwise, in the current situation, we know that even constituencies do not have graders. I am sure when we talk of the completion the DRC work, it will be very difficult. For the DRCs to work effectively, there should be a grader in every constituency and probably crawler tractors so that it can be done in a rotation basis.

Mr. Temporary Deputy Speaker, Sir, much has been said about the importance of the Ministry of Roads and Public Works. I know the economy of this country will depend on how good our roads are so that we can be able to take our agricultural produce to other countries. This Ministry has done a very good job, like the construction of Eldoret International Airport. That airport will go a long way in assisting agricultural farmers in western Kenya and parts of Nyanza and Rift Valley Provinces to export some of the goods, preferably the horticultural crops. I am also

aware that some of the roads which are being financed by the Ministry but they are not completed in time. So, we should look for a way of engaging good contractors who will do a good job as opposed to shoddy contractors, who do not complete even one kilometre of a road. This is where we lose a lot of money.

With those few remarks, I beg to support.

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this Vote. The classification of our roads in this country is outdated. It is high time the Ministry reclassified so that certain roads which have got to be upgraded are attended to. For example, if you go across the country, you will find that Roads A, B and C are in very few places. In Shinyalu, I do not have any Road A, B and C, effectively meaning that roads in my constituency start from D onwards. Therefore, a big section of the funds meant for roads will not go to Shinyalu because the classification which was done a long time ago is outdated and it is high time it was attended to.

Mr. Temporary Deputy Speaker, Sir, I heard the Minister saying in his Speech that the Ministry has allocated funds for the Roads 2000 Programme. After listening very carefully, you could see that the regions which are being talked about are specific, because in certain regions, the Roads 2000 Programme has not been started. I do not know what criteria is being used. I think we will need an explanation on what criteria is being used in allocating these funds for the Roads 2000 Programme. I am saying this because when the *El Nino* Fund was established, Kakamega District was also left out and yet, Kakamega is still one of the districts with the highest amount of rain. Even as we are talking now, for the last three months, not a single day passes without Kakamega receiving rain and yet, we never got an allocation from the *El Nino* Fund. One wonders why.

Mr. Temporary Deputy Speaker, Sir, I believe this Ministry has got the best brains we have in this country. I would want to support my friends who have said some nice words about the personnel who are there. However, we have got one problem and it has already been mentioned; that is, the turnover of the Ministers who guide the policy of the Ministry is too high. In the last three years, we now have got the fourth Minister in that particular Ministry. We need consistency. If we have got to follow up a programme and get good results, we need consistency. So, we are asking, at least, let to give some of the Ministers, who go there time to follow up the Ministry's policy to some reasonable conclusion.

Mr. Temporary Deputy Speaker, Sir, our sitting here has become a ritual. Every year, the Minister tells us about allocations, while his Ministry's officials take notes. However, at the end of the year, nothing or very little is implemented. We would like to see some change this time round. Some work should be done, particularly on our roads. A few roads have been done, but the job done is very shoddy. As my colleagues have said here, you wonder who gives certificates of satisfactory completion of those projects.

I listened very carefully as the Minister for Information, Transport and Communications contributed to this Motion; he pleaded with the Minister for Roads and Public Works to ensure that one of the roads in his constituency is rehabilitated. Unfortunately, the Minister did not mention that the tarmac on a road that was done only two years ago, by a well known contractor in this country, has completely peeled off. I am surprised that the Minister talked about having another road done, and yet the tarmac on the 10-kilometre road between Majengo and Mbale, through his own home, which was carpeted only two years ago, is completely peeled off.

I would like to know what is going on with our professionals in this country. It seems as if the professional body of engineers become redundant and moribund. Is this because there are no shoddy jobs being done on our roads, or is it because the Ministry collaborates with those professionals who undertake the works and never report to them? The maintenance of our roads has completely ceased. Most roads in this country are in a state of disrepair. As I said, in Shinyalu Constituency, all the roads are now non-existent, because they are not all-weather; they are earth roads. I sometimes find it extremely difficult to even get home; my vehicle gets stuck in mud. So, I would like to see something being done about those roads. We are taxpayers, and it is high time we got value for our taxes.

I would like to comment on the Road Maintenance Levy Fund (RMLF). The Minister for Roads and Public Works told us that the Kenya Roads Board (KRB) became operational on 1st July, 2000. I am not sure whether the Minister was honest in breaking this news to this House. The KRB could have become operational theoretically, but I wonder whether, practically, it is working. Eng. Toro gave us practical examples here, to illustrate why he thought that the KRB is not working. In fact, some daily newspapers have indicated why the KRB is not working. We wonder why the Minister is dragging his feet in proposing an amendment to the relevant Act, so as to do away with the impediments to the operations of the KRB. As my colleagues said, we would like the Minister to come out and tell us how much money the KRB has, and where that money is. As taxpayers and representatives of the people of Kenya, we demand an explanation to that effect.

Mr. Temporary Deputy Speaker, Sir, I had the privilege of attending a conference organised by the Convention on Global Parliamentarians on Habitat, held in Manila, the Philippines, in July this year. There, I learnt that many governments around the world have put in place legislations that deal with housing. I was ashamed that I did not have anything, in the form of a legislation that guides housing in this country, to present to that Convention. It is,

therefore, important that the Ministry comes up with a clear-cut policy on housing in this country.

The situation, as it is now, is so bad that road reserves in both rural and urban areas, as well as in the City, have been grabbed with impunity. Some people have built permanent structures on those road reserves, but nothing has been done about it. What is the Government doing about this problem? Are we helpless? We need to see some action being taken. For a long time, this practice has been going on; we talked about it here, but nothing seems to have been put in place to stop it. As a serious Government, KANU should be looking into the future. How are we going to turn round and tell those who have built permanent structures on road reserves to demolish them?

With those few remarks, I reservedly support the Motion on this Vote.

**Capt. Ntwiga:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Motion on the Vote of this very important Ministry.

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

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

Mr. Temporary Deputy Speaker, Sir, I come from a constituency with a very rough land terrain, where the issue of transport and communications infrastructure such as roads and bridges must be addressed urgently. I am also speaking with authority as a military engineer. As you know, I previously served with the Armed Forces. When the idea of the KRB was mooted and initiated, I almost became a Member of Parliament then. I was very impressed with that idea, especially when I learnt that the users of roads, through the District Roads Committees (DRCs), would be involved in the whole concept of road maintenance. So, I welcomed the idea of giving 16 per cent of the money raised through the RMLF to the constituencies directly, and 24 per cent to the districts, and hence the formation of DRCs. However, as it is now, if the Fuel Levy Act, which gave birth to the KRB, is not amended before the RMLF money is given to the Ministry, this House's efforts on this matter will not bear any fruits. I hope other hon. Members are also happy about the formation of the District Roads Committees (DRCs). It will not bear any fruits if that amendment is not brought to this House in order for us to make the KRB Act operational. We shall be doing nothing in this Parliament.

Mr. Temporary Deputy Speaker, Sir, down in the constituencies, people are eagerly waiting to see what their MPs will do with that kind of arrangement. I am talking about that issue with experience in the sense that while we have got very good engineers in the Ministry, the equipment may not be there, although some districts have some equipment. While we have got very qualified personnel, the problem is at the implementation stage at the grassroots. Therefore, the involvement of the MPs, although some administrators are against them being involved in the management of roads and bridges in their areas, is very important and most welcome. For that matter, I am calling upon the Minister to bring that amendment to the House because I do not see the KRB operating before that is done. Also, we do not want to be blamed by our people down in the constituencies for doing nothing for them here. The Minister promised, when he was moving the Motion, that Kshs5 million will be given to each constituency the constituencies. Although that money is very little, it will improve roads in the constituencies. But I did not hear the Minister talk of the 24 per cent and I feel that the Ministry is out to control it and the 60 per cent. This comes to 84 per cent, which would be used to complete the old contracts or cater for other liabilities in the districts and other areas. They still want to maintain that aspect and, therefore, the MPs and the DRBs have to be left with only Kshs5 million. What can Kshs5 million do in a constituency? Therefore, before we vote this money for the Ministry, let the KRB Act be amended so that it becomes operational. It is also important that the KRB and the DRCs take over those contracts and liabilities. It is possible to transfer them after the amendment, in order to have proper supervision and management over those projects. This is because it is the people on the ground who are the users and implementors. Otherwise, if we leave the situation as it is, we shall be blamed by our constituents for doing nothing and not helping them get out of this problem which has taken them years and years to solve.

I must also mention something about the *El Nino* Emergency Programme currently under the Office of the President. It should go back to the Ministry of Roads and Public Works and hence, to the KRB, then to the DRC and the constituencies. The reason is that that it will be possible to co-ordinate the European Union projects with the *El Nino* Emergency Fund and the Fuel Levy Fund projects, because everything can be synchronised at one place. I would like to give an example of my area. Meru South, as you know, is on the eastern slopes of Mt. Kenya, where there has been a lot of rainfall over the years. Many rivers and valleys are found there. My district, and, in fact, the entire districts in Meru, were not considered for the *El Nino* Emergency Fund Programme because--- In my case, there is a project financed by the EU in my constituency which is gravelling only 17 kilometres and, therefore, it is understood



that the *El Nino* Emergency Programme has done a lot in Meru. So, it is important for that kind of money to be transferred to the user to decide what to do for his or her people.

I challenge the Minister to visit my constituency where I have started a model of a DRC in this country. It is operational in the sense that, I have conducted several Harambees, by mobilising the people and, of course, with a little assistance from the Ministry, which is very good and I appreciate that. I have made it possible for eight single and small bridges to be constructed in order to connect my people from one region to another. I believe that, that should be the work of the *El Nino* Emergency Programme the Fuel Levy Fund and the EU.

This afternoon, I also asked a Question which was answered very vaguely by the Minister. It was about Nithi Bridge. We are looking for an alternative to that bridge. The President visited that area the other day and promised Kshs10 million in order to open up the old road. We are yet to see what will happen because that is an emergency project. Instead of asking a contractor to carry out that work by bringing him there because it is just a six kilometre stretch-- We have a lot of equipment lying idle at the Water Department in Embu for hire, at Kshs3,000 per hour. Those are big bulldozers which can be used for road construction.

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

**Mr. Kihara:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this important Vote. First of all, let me start off by congratulating the new Minister for Roads and Public Works on his appointment and hope that he will, like his predecessor, make some difference in that Ministry. This is a Ministry where the saying "a stitch in time saves nine", can be applied. This is because we have left our roads to be destroyed and most of them will have to be rebuilt again because they were never repaired when they were due. As a matter of fact, I would like to suggest that if we cannot maintain our tarmac roads, let us dig and lift off all the tarmac on our roads and turn them into earth roads because it is better to hit a pothole in such a road than a tarmacked pothole. You know that a tarmacked pothole is like a panga; it can cut your tyres. The potholes have cost us very many lives.

The former Minister for Roads and Public Works did a very good job by initiating the DRCs. But I would like to inform the present Minister that Kshs5 million per constituency is hardly enough to construct even one road in a constituency. It is very little money. We hope that he will find ways and means of increasing this money. This amount of Kshs5 million per constituency per year and it is hardly enough to do anything in some of our constituencies. Mind you, all the constituencies are not equal.

I would like to comment on the *El Nino* Emergency Fund. In Nakuru District - whether it is because we are in the Opposition or for whatever reason - we were not given a single cent from the *El Nino* Emergency Fund. Our roads were destroyed by the *El Nino* rains. In my own home, in Naivasha, I have seen cases where we have had to lift our dead from the tarmac road taking them up the hills to their burial sites because we cannot get any vehicle going up that way. We, therefore, think that those areas which did not benefit from the *El Nino* Fund should be considered for additional money rather than the Kshs5 million.

A lot has been said about the sub-standard jobs that have been done by engineers in the Ministry. We have seen cases right here in Nairobi where, for example, Juja Road has been repaired about three times in as many years. It is really a disgrace that a road which has just been repaired develops potholes and is repaired again. This Ministry is really a disgrace.

A lot of the potholes that we see now have been surrendered by the Ministry to young boys who call themselves volunteers. They spend the whole week on one little hole trying to fill it up and ask for coins from motorists. Something ought to be done. You either formalise their position and give them that work to repair the potholes, or get them off the roads because they are becoming a terrible nuisance unless they are organised. Some of them are doing a good job, but most of them spend a whole week digging up holes only to fill them up again. The DRC are concentrating on categories "D" and "E" of our roads. I hope this will not be done at the expense of categories "A", "B", "C" and so on because we see very little activity going on, on these roads. The Magumu-Naivasha Road is being done right now with the Fuel Levy money. This road has cost us very many lives around Nyamathi between Magumu and Naivasha Town. A lot of lives have been lost on this road mainly because it has no bus stops. Buses come and stop right in the middle of the road and this has caused many accidents. Only recently, a whole family was wiped out as they were waiting for transport on the roadside.

I raised this matter in this Parliament when Mr. Kipkalya Kones was the Minister and he promised me that when the road is repaired, they will consider putting up bus stops. There are no bus stops all the way from the top of the hill, up to the Escarpment and Delamere Estate. We would like something to be done about bus stops on that stretch of the road. The Minister has also mentioned that they will reconstruct Mai Mahiu-Lanet Road. This road is in a terrible shape, particularly that section from the toll station around Gilgil, all the way to Lanet. I hope the Ministry will look into this with the urgency it deserves, because that section of the road is in very bad shape and it is causing many accidents.

Eng. Toro talked about axle load. One of those check units happens to be in my area around Gilgil. I can

assure you that this is a kiosk for those men to make money. They do not enforce the law. They only weigh the trucks and find them overloaded, but nothing happens. There is no off-loading. After bribing their way, the truck crew are able to get through. As long as you have money to pay those people, you will go through. This is one job which is very much sought after. If you can demote a fellow from the Ministry headquarters and take him to a weighbridge he will be very happy to go there because it is a money-making enterprise. It does not serve the purpose for which it was established. A lot has been said about building on road reserves. This is happening in Nakuru Town and it is being done by very senior people in this Government, some of whom have built petrol stations, permanent buildings and skyscrapers on road reserves in Nakuru Town. With people in those positions doing that, what do you expect of the ordinary man? He will also put his kiosk right in the middle of the road, the road reserves and so on. Let us at least have some discipline in the Government and make sure that things like those are not done by people who should know better.

This Ministry is also in charge of housing. Very many senior Government officers are now living in places like Korogocho because the Government has sold all its houses. I know that the house that I used to live in, up the hill when I was in the Civil Service, on that site now stands a huge skyscraper belonging to an insurance company. It was a very sound house built on very strong stone. It was grabbed and sold for peanuts because it had been condemned as unfit for human habitation. A skyscraper belonging to an insurance company stands on that plot. These were very valuable plots which were sold for only Kshs2 million or Kshs800,000. They changed hands at millions of shillings and now skyscrapers stand there. Very senior Government officers, including judges of the High Court, have to live in Korogocho and other slum areas. It is a shame that this is allowed to happen. Those buildings that have not been grabbed by the politically-correct people have hardly seen a coat of paint in the last 20 or 30 years. I would like the Minister to try and maintain Government houses.

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

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Choge): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also make some remarks. I first of all wish to congratulate the Minister on his appointment to this Ministry. He has got capable staff, most of whom have already learned the lesson. He has got a very good Permanent Secretary and we expect a lot to be done by him and his new team. I would like to mention a few roads here. I think some tricks have been done and the Government has been robbed of money.

The road from Moi's Bridge to Cherangany was constructed by a company which is known. I think an engineer from the Ministry went to this road and recommended that they had finished the work to the satisfaction of the Ministry. The Departmental Committee on Energy, Communications and Public Works, should actually hear these things, so that they can equally go with their engineers and have some of these roads inspected, so as to bring to book some of the people who tarnish the name of the Ministry. The road between Moi's Bridge and Cherangany is hardly three or four years old and it is peeling off and, yet, it was properly murramed. I would like the Ministry to look into this issue as quickly as possible to rectify things, so that if the person has not been paid the full amount of money, he should be held responsible and told to go back and re-do it.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the roads in Nandi District. In that district, we have been allocated Kshs94 million and Kshs70 million will go towards the repair of the road between Timboroa and Miteitei, and the remaining Kshs20 million will go to the hon. Members of Parliament. What will happen to the rest of the road in Nandi District? Is Kshs5 million enough for roads in Nandi District, Aldai Constituency or anywhere else? I would like to ask the Ministry to actually come out very clearly and inform the hon. Members of Parliament as to what will happen, because we do not want to be blamed politically that: "You hon. Members of Parliament were given Kshs5 million and you did not do the roads". I will actually come out and say that if this is the only money coming to my constituency, then I will not take it.

There is the Kipsigak-Kobujoi-Serem Road. The tender for the construction of this road was awarded to Mugoya Construction Company and the Government ran short of funds. Whatever happened, the Ministry knows. But I think the Government has also discussed it with the Chinese Government, who have agreed to come and do the road, but it has now taken a year since the discussions took place. The Chinese have come, surveyed the road but nothing is being done on the site. If there is an argument between the Government of Kenya and the Chinese Government, as to who should do what, it should be resolved as soon as possible so that we can have the road done. At the moment, that road does not get any money from the Ministry, nor are the Chinese people doing it. If that is the case, then they should come to an agreement as quickly as possible and have the road murramed, instead of waiting for it to be tarmacked. As leaders, if there is anything that is happening, we should be informed. The road from Kobujoi to Miwani and Chepkumia is out of use, and yet we have got the highest rainfall in Nandi

District. When people were crying of hunger in March and April, we were eating green maize there. There is heavy rainfall in Nandi District, especially in Aldai Constituency. I think the meteorologists should also go to that area and

give proper information to the Ministry, so that they can know where to use the *El Nino* money. We only hear of *El Nino* money going to places like North Baringo and Naivasha, as the hon. Member has said. I thought that the word "*El Nino*" meant too much rain. We have a lot of rain in Nandi and the roads there have suffered more damage than anywhere else in the Republic. I would like to propose that the people who deal with the *El Nino* money should come out and assist the Aldai people to put some of the roads which were used during the colonial time in use, so that we can have passable roads. We have no matatus plying these areas and the matatus which were there before are no longer in use because of bad roads. I would like to say that people have to use donkeys to carry their goods to the shopping centres, Kisumu or any other place. You can imagine that primitive mode of transport. We are actually worse than Turkanas who use animals as their only means of transport.

Mr. Temporary Deputy Speaker, Sir, digging along the roadside and building permanent structures is dangerous. Most of the accidents that occur on our roads occur because the roads are very narrow and people plant crops, like maize which is six feet high, along the roadsides. If people along the roadside have to plant crops, they should be allowed to plant crops which grow up to one foot but not six or eight feet because they obstruct drivers. I would also like to inform the Ministry that if permanent structures are put along the roadside, it will be very difficult, in future, to remove them. It is better to liaise with the administration, so that they can keep these permanent structures outside the road reserves. The road reserves must be preserved.

We have the Serem-Gambogi Road which was also built by the Chinese. By the way, I must congratulate the Chinese because they know how to build roads. I think that is why the British did not want them to come into this country and show us how to build roads before. Before, we used to think that the British were better than the Chinese. I would like to say that the Chinese are much better. If you travel on Gambogi-Serem Road, you will find that it is much better than the roads you have seen in Nakuru or any other place. The Chinese should be paid the amount of money that they are entitled to by the Kenya Government, so that they can finish this road, otherwise, it will also go back to ruin. I would like to say that the part which has been done is very beautiful.

I would also like to thank the Permanent Secretary and the Minister, who are now paying for the mistakes that they did not make, for the good work they have done for the short time they have been in the Ministry. I would like to point out that the officers who might let them down in the Ministry are the engineers who supervise the roads and do everything else.

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

**Mr. Achola:** Thank you, Mr. Temporary Deputy Speaker, Sir, for having accorded me this opportunity to also contribute to the Vote of this very important Ministry. I would like to start by congratulating my friend, hon. W.C. Morogo, for having been appointed to this tricky Ministry. This Ministry is particularly tricky, and perhaps my compliments are just about to end there.

I would like to start my contribution this afternoon by talking about a subject which many people do not like. That subject is corruption. Last year, this Ministry was regarded by most hon. Members of Parliament as the leading Ministry in corruption in this country. We know of roads which have been "completed", but which actually have never been done. These are the roads which have been certified as correctly completed by non other than those who are calling themselves engineers. I get completely disappointed by my fellow engineers who knowingly, approve of roads that have not been made to specifications, as properly constructed and go ahead to allow the Government to spend millions of shillings on projects that have not actually been done.

Mr. Temporary Deputy Speaker, Sir, I want it to be recorded today saying that we, Africans, are letting ourselves down. Many people have blamed the contractors, but it is not the contractors to blame. We have many engineers here who form parallel companies. They bid and win the tenders pretending that they have equipment that would enable them to construct certain roads, when, in fact, they have nothing but their names and only happen to work for the Ministry of Roads and Public Works. They award themselves tenders to construct roads with an intention of defrauding the Government.

I hope that the Minister will look into this. Even if he does not, we are putting them on notice that the Kenya Anti-Corruption Authority (KACA) will follow up these matters.

**An. Hon. Member:** Even KACA is corrupt!

**Mr. Achola:** Mr. Temporary Deputy Speaker, Sir, someone is saying that even KACA is corrupt. That is all right. We will catch the corrupt officers before they over-practise corruption.

I would like to give examples of some of the shoddy works that have been passed as having been done properly. For example, the road between Sotik and Bomet was done and in a space of just six months, there was nothing to hold the ballast together. This is why we are appealing to those Kenyans who have been given the responsibilities to respect their positions and not to spoil the name of this Government by getting involved in corrupt practices.

Mr. Temporary Deputy Speaker, Sir, one Item in the Printed Estimates under Sub-Vote R-136 is on Major

Roads. We will spend Kshs6.4 billion in maintaining our roads. But like last year, if the Minister does not bring here a breakdown of how that money will be equally distributed throughout the country, he will have problems with hon. Members here tomorrow. If I were him, I would come up here with a schedule showing where that money will be spent. We are aware that Kshs5 million will come out of that particular Vote, but the rest of the funds are hidden somewhere. These are some of the monies that are spent without parliamentary approval. We would request the Minister to be prepared for tomorrow when we will actually deal with the line Items. He should bring here a detailed breakdown on how he will spend the rest of that money. He should show in this breakdown in which constituencies and districts he will spend that money. We will not pass here a blanket sum without knowing how it will be used.

*(Applause)*

Today we are so much into the financial year and the Ministry has not disbursed any money to the districts. How are we supposed then to maintain infrastructure if when we have gone so much into the financial year, money has not been availed to the various districts? I would, therefore, appeal to the Minister that whatever has been holding him back from bringing a Bill here or an amendment to the relevant Act should already have been dealt with. Things will not stand still and wait for the Minister to wake up one day from his slumber to come and tell us that these things have been done. So, the Minister should note that one.

Let me quickly go to one of the roads which have been talked about in Migori District. This is Road C13. The road originates from Trans Mara District. It is a very long road. His Excellency the President has made so many decrees, year in and year out, on it but nothing has happened. This is a very important road in my constituency. It originates from Migori and stretches towards the lake side. It is so vital because the activities by the lake side are essential and it is the only road that is being used to transport fish from the lake to far away markets.

I am appealing to the Minister that if funds are not available, he should try to get some from wherever, so that this road can actually be made motorable.

Mr. Temporary Deputy Speaker, Sir, I want to make one or two other points on the Department of Inspectorate of Roads. I do not know what this Department has been drawing money for because it does not inspect anything. It pretends to be inspecting certain things, but it does not. This is because the roads that the Department certifies as properly done are not properly done. I would advise the Minister to re-investigate how the Inspectorate of Roads Department works.

The other problem that we have had in Migori District is broken down equipment. Apparently, this is not something that is just unique to Migori District. I have heard many hon. Members complaining that we are paying salaries to members of staff of this Ministry for doing nothing. The equipment is all broken down. I know of two graders that we have in Migori District which have never worked for the last three years, yet, members of staff in that district have continued to draw salaries for doing nothing. In fact, everyday the equipment is broken down and yet people are earning salaries. No wonder there is a problem in the Civil Service because of this breakdown of equipment.

The Minister explained the importance of about Kshs5 million going to a constituency. We are talking about equitable distribution of resources throughout the country, but if these engineers were telling the truth, they would have told the Minister that Kshs5 million will not do much. Even if we put a culvert in one or two areas, the money will not cover more than 10 kilometres of murrum road. Again, in reality, this money will be misused throughout the country. If you just take Kshs5 million, you will spend it sparingly and you will end up with Kshs5 million having gone into each of the 210 constituencies which will have done very little. During next year's Budget, or even in the Supplementary Estimates, it will be important if the Minister could increase that amount to something sensible.

Mr. Temporary Deputy Speaker, Sir, I would like to find out from the technical people how it is that in Kenya, to tarmack a kilometre of road costs close to Kshs12 million, when in Uganda, it costs only Kshs6 million, yet Uganda's inputs come through Mombasa and have to be transported by road all the way to Kampala. Why should inputs be more expensive in Kenya than they are in Uganda if it is not through corruption?

Finally, I would like to find out how the Ministry found it necessary to do away with the most important depot at Wilson Airport. That was the depot where the the Ministry was keeping all the butumen needed for this country.

With those few remarks, I beg to support.

**The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Muchilwa): Mr. Temporary Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this very important Motion.

To begin with, I would like to add my voice to the voices of hon. Members' who have congratulated hon. W Morogo on his appointment as the Minister for Roads and Public Works. I know him to be a very hardworking and dedicated Minister, whose integrity is beyond reproach. He has joined a team of officers headed by Eng. Erastus Mwongera, which is also working very hard and has distinguished itself as being ready to change the image of what

was once seen as a very dirty Ministry. I am sure that, that team will deliver.

Roads are the arteries and the life blood of any country. This is so in a country like Kenya, whose majority population lives in rural areas. In this country, good roads have been a pipe dream for very many years. Before Independence, our colonial masters made good roads only for themselves. They did not bother about the natives. At Independence, we came up with very good plans to open up the country with good roads. That went on reasonably well between Independence and 1970. In 1970, there was the Ndegwa Report which allowed civil servants to do business. They went into business. Some of them became more successful than others, and became openly prosperous. Some of those who were not prosperous decided to use all means available to catch up with the others. They used unorthodox means, including corruption. That, in my view, was the beginning of serious corruption in this country. That is what pushed this country upto where it is now. The Ministry of Roads and Public Works was not spared.

Mr. Temporary Deputy Speaker, Sir, the new team which is trying hard to clean up that Ministry, which was once called "*punda wengi duniani*" because wananchi had got fed up with it, deserves congratulations. We are beginning to see change in attitudes of officers and action is being taken where it should be taken. When one complains to the Ministry, action is taken on that complaint. We are beginning to see change. I hope that the Permanent Secretary and his staff will continue that way. That is the way things should be.

I would, particularly, like to pay tribute to the Ministry, for introducing Chinese contractors into the construction of roads in our country. The Chinese have taught us how we were being ripped off for so many years. What the Chinese do with less money is much superior to anything else that we have seen before! Take for example, the portions done by the Chinese on Mombasa Road and in Nairobi. You also heard the hon. Member from Nandi commending his road. Maybe, he should come and look at the one they are doing for me in my Constituency. I would recommend to all the Members of Parliament to go and see the Kima-Emusutswi Road. There is no such road in rural Kenya. You will admire that road. There is nothing like it. Yet, it is being constructed with very little money. It is less than what it would have taken our so-called citizen contractors, had they done it! Most of them, although we boast that they are local and are our people, are just here to take the money and run away. We have seen the examples of Krishan Behal and others! Kenya is not a very rich country. That is why I must congratulate the Ministry for bringing in other people to show us how roads should be done and the cost.

Mr. Temporary Deputy Speaker, Sir, I would also recommend that we adopt the Chinese standards of road making, as opposed to ours. Theirs is more superior. I know that because when the contract was being awarded, there were arguments as to whether we adopt the Kenya or Chinese specifications. Fortunately, the Chinese specifications were accepted and if you look at the results, you will not believe that such beautiful roads can be constructed with little money! I would also recommend that our engineers be attached to the Chinese engineers, so that they can learn how roads are done. I agree with hon. Choge that we believed only the British knew how to make roads. But I think we should also incorporate technologies from other countries, so that we can end up with good roads.

When contracts are drawn, they should be drawn properly between the Kenya Government and donor countries, particularly where donations are involved. The Ministry of Foreign Affairs and International Co-operation is the go-between, between foreign countries and Kenya. We have run into situations which, sometimes, are ludicrous. But they are there and give Kenya a bad name. I will give you a case in point. One contract between the Chinese and Kenya stipulated that all taxes, including levies, will not be paid and, if paid, will be paid by the Kenya Government. What happened afterwards? The Treasury turned round and said: "A levy is not a tax! Therefore, the Chinese must pay levy on fuel!" The Chinese got hold of the English Oxford Dictionary and said: "Look! Are we not talking in English? This contract was drawn in English. We can read here that a levy is a tax!" The Treasury turned round and said: "No! No! No! According to our Act, a levy is not a tax!" Do we expect the Chinese to know the difference between our law, using levy in a different manner from the typical English language as described by the British? Those things give the Kenya Government a bad name. We are seen as reneging on what we had agreed upon. They then argued and said: "Look! We gave you free money! After donating money to you, you want to tax us on the same?" That does not work out well! The people who go to negotiate those contracts should make sure that, they do not leave such loopholes, where civil servants can introduce red tape, and mess up relations between Kenya and donor countries.

Mr. Temporary Deputy Speaker, Sir, let me come back to our ordinary earth roads. It has been said that a road has got to be drained. A lot of our earth roads are not drained. Even where they put murrum, and the contract specifies drainage, the contractor does not do it. It is time the Ministry follows up those people, so that they can drain the roads, like the one between Bukuka and Luanda. Rogue contractors like the one constructing the Kima-Emasi-Maseno Road should be pursued. That is because, having been paid in advance - I do not know why they were paid in advance - they ran away. The job has not been done. Therefore, they should be followed.

With those few remarks, I beg to support.

**Mr. Shill:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to join my colleagues in congratulating hon. Morogo, for his appointment as the Minister in the Ministry. I believe that this time round, hon. Morogo will listen to the cry of the people from North Eastern Province. We know that roads are very sensitive. A lot of people have spoken about contractors and how money has been looted. We hear a kilometre of road being tarmacked at costs ranging between Kshs14 million to Kshs20 million! So, to us, we really get surprised. We used to think that our roads were not being developed because the Government had no money. But when we hear Kshs20 million being spent on one kilometre, we really get surprised. I would like the Minister to listen to our cry very carefully.

Mr. Temporary Deputy Speaker, Sir, after so many years of Independence, it is very absurd that North Eastern Province has only 11-kilometre tarmacked road. It is a very shameful thing and this is a way of discriminating against other Kenyans. For instance, from Nairobi the tarmacked road ends at Girissa Town and also from Mombasa. If you go to North Eastern Province, you will never see a tarmacked road. I do not know whether this is the official Government policy or they think that people in North Eastern Province are allergic to tarmacked roads.

Mr. Temporary Deputy Speaker, Sir, another surprising thing is that, we carried out research and it has been proved that, since we got Independence, all the Provincial Works Officers, who were posted to North Eastern Province are all millionaires. I can be proved wrong! They are millionaires because they had a free hand to loot whatever had been assigned for that province.

*(Dr. Murungaru walked across the Floor)*

**Mr. Mutahi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you have noticed the way Dr. Murungaru has crossed to the other side. He just passed straight from this side to the other side!

**The Temporary Deputy Speaker** (Mr. Musila): Order! Thank you for pointing that out. Dr. Murungaru, you know the rules!

**Dr. Murungaru:** Mr. Temporary Deputy Speaker, Sir, I did not come straight as is being alleged!

**The Temporary Deputy Speaker** (Mr. Musila): Order! You will first come back, apologize to the House and the Chair, and then go back.

**Dr. Murungaru:** Mr. Temporary Deputy Speaker, Sir, may I sincerely apologize.

**Mr. P.K. Mwangi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Mutahi to come with a telephone gadget into the House?

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! Let us be serious with business. There is nothing that bars him from coming into the House with the telephone gadget provided that it is not switched on when he is in the Chamber.

**Mr. Shill:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish my colleagues could have listened to the cry of North Eastern Province people. We are really finding it difficult to know whether there is a different policy of the Government regarding roads in North Eastern Province than other parts of Kenya.

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

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Shill, do you want to be informed?

**Mr. Shill:** Yes, Mr. Temporary Deputy Speaker, Sir.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I want to inform the hon. Member on the Floor that, since there were no roads in North Eastern Province, the only option the Provincial Roads Engineer had was to pocket what they had for the province because there are no roads there. I think that is a fact we should be aware of.

**Mr. Shill:** Mr. Temporary Deputy Speaker, Sir, let us be a bit more serious.

Recently, I looked at the some of the road networks in Kenya and especially that of Garissa District. Some of the roads that have been classified as high are roads that have never existed for the last 20 years. It is really surprising and it implies that the officers in the Ministry are not very serious. Maybe, they find it very difficult to visit the sites or those who are in charge of roads in the province and the district were giving false information.

Mr. Temporary Deputy Speaker, Sir, we know that the Government always talks about insecurity in North Eastern Province. Over 57 per cent of the people are living below the poverty line. It is the policy of the Government to eradicate poverty and ensure that there is security. I wonder how the Government can eradicate insecurity when there are no roads to be used. How can the Government eradicate poverty when the people whose economy depends on livestock cannot transport their animals from Manderu to Nairobi or Mombasa to get market? This is another way of making people from North Eastern Province poorer.

We cannot have a Ministry that is trying to fight for us to come out of poverty and have another one pouring in money to eradicate poverty. They must consolidate their own work!

Mr. Temporary Deputy Speaker, Sir, we have bridges that link us to the rest of the country. Right now we have been hearing hon. Affey, the hon. Member for Wajir South talking about the Habaswein Bridge which is the bottleneck for Wajir and Mandera. We also have the Garissa Bridge and the Bura Bridge. The Chair will be surprised that Bura Bridge, which was constructed with a lot of money is today not functional and it has not been handed over properly to the Government because those people who were told to find out whether the bridge has been constructed properly have taken bribes and have given the Government an okay. If you look at that bridge from the layman's point of view, you will conclude that the bridge will never be used.

Mr. Temporary Deputy Speaker, Sir, the machines that we have in North Eastern Province to improve the roads do not function. Recently, we were told in a DDC meeting how machines have been used by the Provincial Works Engineer in his own contract that he was given and he was paid Kshs9 million. He used the Government machines and left them down there. We passed in the DDC meeting that he should be investigated by the CID and we have told this Ministry the same. Last year, I heard the same sentiments when we were passing the Budget in this House and no action has been taken. We do not have machines in North Eastern Province because all the machines have been grounded and people are looting them.

Mr. Temporary Deputy Speaker, Sir, with regard to the roads in North Eastern; for instance, Garissa-Liboi Road--- We know that there are many refugee camps in North Eastern Province and there are heavy vehicles that are being used by contractors who ferry food for World Food Programme (WFP). You cannot imagine the type of vehicles that are passing on those roads and yet they are not being weighed, nobody is taking care of the roads; the Provincial Administration and the Provincial Works Officer are taking bribes and you wonder whether we are in Kenya. I do not know whether we belong to Somalia or Kenya.

Mr. Temporary Deputy Speaker, Sir, with regard to the Fuel Levy Fund, we do travel to Eldoret, Kisumu and many parts of the country and we seen posts written along the road that: "This road has been improved using the Fuel Levy Fund". Some of us do not even understand what that means because we have never seen it in our area. I do not know why we are being segregated! There will be a day, perhaps, and I am very hopeful, I might become a president of this country and I will ask some people why they have done this to North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, houses belonging to this Ministry and the road reserves belonging to the Government of Kenya are being dished out by the Provincial Administration as if we will not have any civil servant who will need the houses. I do not know at what rate this houses are being given out.

Mr. Temporary Deputy Speaker, Sir, we hear of Kenya Anti-Corruption Authority (KACA), and in North Eastern Province we do not know what KACA is. The KACA is being used for specific people and it is not used for the benefit of Kenyans. I think they should wake up. Recently, a house belonging to the Ministry of Roads and Public Works was given to the Clerk to Garissa County Council. You cannot imagine how beautiful that House is and yet it has been condemned and another house built next to it. I am challenging the Minister and his PS to go with me there and I will show them the house. These are the type of people that we have! We are told this Government is broke and we are having the problem of money. We want that broom which is sweeping this Ministry to reach North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, there is the Kangairu-Ijara Road, where over Kshs200 million has been spent. That money would have been enough for the entire province. After all, we have only earth roads and we need them to be improved. That is a lot of money for us. Some of us have never seen how Kshs1 million looks like.

Thank you and I beg to support.

**Mr. Muturi:** Thank you, Mr. Temporary Deputy Speaker, Sir. There is a saying that old habits die hard. I am saying this in my contribution to the Vote of this very important Ministry, because it was just the other day when this House passed the Kenya Roads Board Act. In it, well-meaning proposals were incorporated. At the risk of sounding repetitive but for purposes of clarity, we did incorporate a clause making provision that 16 per cent of funds from the Fuel Levy be allocated directly to the constituencies, while 24 per cent of the same funds should go to the districts. It was, therefore, the understanding of this House and hon. Members that 60 per cent would be left to be administered by the KRB when it would be constituted.

Now, it appears that we are being taken for a ride because the experience now on the ground is that, the 24 per cent is not being provided for. The reason for this being that the headquarters would want to retain control of the 24 per cent, so that in a district that has got two or three constituencies, you will get the Kshs15 million or Kshs10 million but in the event, there were existing contracts which may have amounted to well in excess of even Kshs40 million or Kshs50 million. Those contracts and their controls would be left at the headquarters.

So, the question one is tempted to ask is: "Why can the DRCs not be given authority to take over those contracts which were existing in the various districts, so that all monies that go towards those contracts are administered by the DRCs". Instead, we are seeing resistance. This is obviously because listening to debates from hon. Members and, indeed, questions almost on a daily basis in this House, we are talking about roads and the kind of

answers that we are getting leave so much to be desired. At times, we think that those that are responsible for drafting those answers must really be people who live in outer space and only descend here in the evenings, because they do not appear to know the reality with regard to our road infrastructure in this country.

Mr. Temporary Deputy Speaker, Sir, we have something called the *El Nino* Emergency Fund which is administered from the Office of the President. Then we also have been told in this House that the districts that are to benefit from the *El Nino* funds were not to benefit from the EEC or DANIDA under a programme known as Roads 2000. Whether by dint or some coincidence of sorts, the programme known as Roads 2000 is a monster. In Eastern Province for instance and particularly in my constituency, the programme of Roads 2000 is awarded to some contractor by the name of Shah here in Nairobi. The criteria used in awarding, of course, is not one of those things that we are informed about, but he takes a cool two years doing gravelling for 20 kilometres and then he is asking to be paid Kshs32 million. It was just yesterday that I got some answers here and I made noise. I am being told that 168 kilometres in my constituency were improved through some emergency arrangements; 168 kilometres and the answer which I was given is that Kshs2.8 million is what was spent. I was told that the Ministry spent Kshs2.6 million to recarpet 168 kilometres road in my constituency. Indeed, I know that Kshs1 million was never spent on that road.

The staff of the Ministry went around the village. They slept all over in the villages and made night out claims. Then they say they spent Kshs2.6 million on the road. It is a pity that my constituency will be given only Kshs5 million to be spent on the recarpeting of 168 kilometres road. I am saying that 24 per cent which we in-built in the KRB Act, when we passed it, should be administered by the respective DRCs in the country and that the Ministry's headquarters should have nothing to do with it. Therefore, 60 per cent of the petroleum levy will be administered by the KRB as stipulated in the KRB Act. The 60 per cent should take care of the roads in categories D and below in all the constituencies. Most of us come from rural constituencies where most roads fall under those classification of Class D and below. So, the reason why I am insisting that this 24 per cent also be administered by the DRC and not the Ministry's headquarters is because of my realisation that we have made efforts. Questions have been answered in this House on bad roads all over the country, but we know for a fact that bad habits die hard.

Mr. Temporary Deputy Speaker, Sir, we have Road Maintenance Units (RMU). They are scattered all over the republic. If you walk into any one of them in the rural areas, they are in a very sad state. It is a pity that there are called RMU. These units are very useless. They do not even maintain their own houses, leave alone maintaining roads in those areas where they are allocated. I want to urge the Minister and his officers to give those units or depots meaning by rehabilitating them, so that the people who live in them also have meaning to wananchi. Wananchi want to see those officers in those units looking after their roads. It is sad that they do nothing at all. They only wait for their salaries. In fact, some of those units have been rented out to wananchi who are now using them to sell goats and other commodities.

Mr. Temporary Deputy Speaker, Sir, although my time is almost up, I want briefly to speak on the issue of weighbridges. Weighbridges in this country are known to be places for minting money by those who are credited to man them. If you go to the Ministry's headquarters and ask for the officers in charge of the weighbridges, you would not be surprised to meet "small millionaires" in the Ministry. This is because weighbridges are dens of corruption in this country. It is for this reason, like some earlier hon. Members said, that it beats all common sense and logic that somebody will be caught with an over loaded vehicle and instead of the vehicle being detained and the excess load being off-loaded, the fellow in one way or the other, deals with the people in charge and you find the vehicle on the road. It goes yet to another weighbridge and the same ritual is repeated. I wonder who in the Ministry looks after these things.

Mr. Temporary Deputy Speaker, Sir, it would not be right for me to sit down before I comment on Road C92. I have complained about it severally. It is the economic artery of the people of Siakago, Tharaka, Imenti and the whole of Meru. This is a road which is so easy to maintain, but it has been left in a sorry state.

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

#### ADJOURNMENT

**The Temporary Deputy Chairman** (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 16th October, 2000, at 2.30 p.m.

The House rose at 6.30 p.m.