

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 14th December, 1999

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.175*

OFFICE OF REGISTRAR OF PERSONS IN IJARA

**Mr. Weyrah** asked the Minister of State, Office of the President when the Department of Registrar of Persons will be operational in Ijara Constituency.

**Mr. Speaker:** Is there anybody from the Office of the President? We will leave that Question until the end. Let us move on to the next Question.

*Question No.268*

DUAL CITIZENSHIP FOR KENYANS

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

*Question No.708*

PROCLAMATION OF IDD-UL-HAJI A PUBLIC HOLIDAY

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

*Question No.216*

DISCRIMINATION AGAINST COAST STUDENTS BY HELB

**Mr. Kombe** asked the Minister for Education:-

- (a) whether he is aware that, students from Coast are discriminated against in awarding of loans by the Higher Education Loans Board (HELB);
- (b) whether he could table a list of all students from each district in the area who were awarded loans by the Board since its inception; and,
- (c) what criteria does the Board use in awarding the loans.

**The Assistant Minister for Education, Science & Technology** (Dr. Wamukoya): Mr. Speaker, Sir, I beg to reply.

- (a) I am not aware.
- (b) Since its inception in 1995, the HELB has awarded loans to 3,784 applicants in the public universities, who are from the Coast Province, in the four academic years of: 1995/96, 1996/97, 1997/98 and 1998/99. The distribution of the loan awards per district is as indicated in the list, which I am going to table.

*(Dr. Wamukoya laid the list on the Table)*

(c) The HELB awards loans to applicants based on the level of need of each applicant, as determined from the information that the applicant provides in the application forms. Using the means testing instruments, the HELB then identifies the most needy students, who are awarded a maximum loan of Kshs42,000 each. Those applicants with the lowest level of needs are awarded the least loan of Kshs20,000.

**Mr. Kombe:** Mr. Speaker, Sir, I am very grateful for the answer that the Assistant Minister has given. But I am wondering why most of the needy students from the area miss those loans. I have got quite a good number of students who applied for the loans, and never got them. I do not understand the instruments that the Minister has talked about! Could he explain?

**Dr. Wamukoya:** Mr. Speaker, Sir, I think the Coast Province applicants are very lucky. I can give a short rasmu of how they got their loans. For example, in Kilifi District, in the 1998/99 academic year, three students got Kshs42,000, one got Kshs40,000, one got Kshs35,000, 15 got Kshs30,000, 12 got Kshs20,000 and nobody got nothing. A total of 38 applicants got the loans. I can say the same for the other districts. In Kwale District, only two missed out of 23 students. In Lamu District, only one missed out of eight students. In Malindi District, all the 14 students who applied for the loans got them. In Mombasa District, out of 123 students who applied, only 20 missed. In Taita Taveta District, out of the 52 students who applied, only seven missed and, in Tana River District, all the six students who applied for the loans got them. If you look at those statistics, you can say that Coast Province was very lucky. Majority of the applicants got the loans.

**Mr. Muturi:** Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, and considering that there have been constant hue and cry of the number of applicants that have been denied the loans by the HELB, could the Ministry consider reverting to the old system, whereby every applicant got a uniform amount of loan, rather than the present situation whereby some get Kshs10,000, while others get the full amount of Kshs42,000, which has been found to be discriminatory at times?

**Dr. Wamukoya:** Mr. Speaker, Sir, the current method of giving loans was introduced because the Government did not have enough money to give to every student. The number of students in the universities has increased considerably. The loans are actually given according to the recommendations from the assistant chiefs, chiefs, DOs, DCs, pastors, priests or kadhis where moslem is applicable. They are all involved in recommending the needy candidates. But actually, it is not possible to give Kshs50,000 to 40,000 students. Right now, our budget is already strained.

*Question No.457*

#### PAYMENT OF ALLOWANCES TO COAST TSC OFFICIALS

**Mr. Speaker:** Due to his unavailability to ask his Question, Mr. Maitha requested the Chair to defer his Question. The Question is, therefore, deferred.

*(Question deferred)*

*Question No.641*

#### RURAL ELECTRIFICATION IN MACHAKOS

**Bw. Kalulu** alimuuliza Waziri wa Nishati:-

- (a) ikiwa anafahamu kuwa ule mradi wa kuweka stima uliopimwa miaka minne iliyopita, ukijumulisha Machakos, Masii, Tawa, Kakima, Mukuyuni na Wote, ulikwama;
- (b) ikiwa anaelewa kuwa mpango huo uligharimu Serikali fedha nyingi; na,
- (c) ni lini atauanzisha mradi huo tena.

**The Assistant Minister for Energy** (Mr. Chanzu): Mr. Speaker, Sir, I beg to reply.

- (a) Yes, I am aware---

**Mr. Kalulu:** Jambo la nidhamu, Bw. Spika. Ikiwa Waziri Mdogo haelewi na Kiswahili, sisi twaelewa na Kiswahili na Kiingereza. Lakini Swali hili limeulizwa kwa lugha ya Kiswahili!

**Mr. Speaker:** Mr. Kalulu, that is your choice! If you look at the Standing Orders, a Member opts what language to use. Once you have made the option, you continue with it. The Assistant Minister has correctly opted to speak in English. He will speak in English throughout! Proceed!

**The Assistant Minister for Energy** (Mr. Chanzu): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) It is important to note that under the Rural Electrification Programme, the Government has extended electricity to Wote Town at a cost of Kshs18 million. This project was completed in 1998. The Government will extend electricity to Masii through Tawa and to Kavumbuu. Funds for the implementation for the later part of the project have already been allocated.

**Mr. Kalulu:** Bw. Spika, Naibu wa Waziri anahadaa Bunge hili kwa sababu mradi anaotoa jibu juu yake hauko---

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Jambo la nidhamu, Bw. Spika. Mhe. Kalulu anatomia lugha ambayo si sawa. Amesema anahadaa--- That means he is lying.

**Mr. Kalulu:** Bw. Spika, ningependa kumueleza mhe. Awori kwamba neno "kuhadaa" ni Kiswahili sanifu na maana yake ni "to mislead". Nafikiri Naibu wa Waziri hakuelewa ni mradi gani nimetaja katika Swali langu. Jibu ambalo ametoa ni kuhusu laini iliyovutwa kutoka Nzauni kupitia Emali hadi Wote. Lakini huu ni mradi ambao ulianzishwa miaka mitano iliyopita na unahusisha sehemu kama vile Machakos, Masii na Mbooni. Tayari miti imewekwa lakini waya za umeme bado hazijawekwa. Je, Naibu wa Waziri anaweza kulifahamisha Bunge hili ni kwa sababu gani mradi huo ulikwama? Huu mradi ungefaidi sehemu za Tulimali, Mbooni, Kisau na Kalawa. Kama Naibu wa Waziri haelewi ni mradi upi tunaongea juu yake, ingekuwa afadhali aseme hivyo!

**Mr. Chanzu:** Mr. Speaker, Sir, I am aware that the first line which was supposed to come from Machakos was abandoned and the connection to Wote was done through Emali. The areas which the hon. Member has mentioned in his Question have already been planned for this year. They are also included among the priority projects which the District Development Committee has submitted to the Ministry.

**Mr. Munyao:** Mr. Speaker, Sir, we have heard a lot about this Kshs19 million. Every time a Question is asked about the Rural Electrification Programme in Makeni, the Minister says there is Kshs19 million which has been set aside for the district. The other day, we asked the Minister about the Rural Electrification Programme in as far as Kalawa Division is concerned and he said Kshs19 million had been set aside for that project. Can the Assistant Minister tell us how much has been set aside for the said project for Masii, Tawa, Kikima and Mukuyuni?

**Mr. Chanzu:** Mr. Speaker, Sir, there is an allocation of Kshs16 million that is meant to cover Masii to Tawa; Kshs24 million for Tawa to Kikima and Kshs17 million for Mukuyuni Market. This will be done this financial year.

*Question No.670*

GAZETTEMMENT OF NAVAKHOLO LAND TRIBUNAL

**Mr. Wamunyinyi**, on behalf of **Dr. Kulundu**, asked the Minister for Lands and Settlement why the Ministry has not gazetted the Navakholo Division Land Tribunal despite the recommendations of the Kakamega District Development Committee.

**The Assistant Minister for Lands and Settlement** (Mr. Oporo): Mr. Speaker, Sir, I beg to reply.

The Kakamega Land District Tribunal was first gazetted in 1994, under Gazette Notice No.6036 of 23rd September and has since been up-dated, when recommendations are received from the Provincial Administration to replace elders or where new districts have been created.

**Mr. Wamunyinyi:** Mr. Speaker, Sir, the Assistant Minister is talking about Kakamega Land District Tribunal, but the Question which is being asked is on Navakholo Divisional Land Tribunal. Could the Assistant Minister explain when Navakholo Divisional Land Tribunal will be established? We are aware of the existence of the Kakamega District Land Tribunal. What about that of Navakholo Division?

**Mr. Oporo:** Mr. Speaker, Sir, under the provisions of the Land District Tribunal Act of 1990, the tribunals are gazetted at the district level and not at the divisional level. What the District Development Committees should do is that when recommending elders for gazettelement, the names should be spread to cover all the divisions in the district.

**Mr. Speaker:** Very well, next Question!

**Mr. Wanjala:** Ah!

**Mr. Speaker:** Mr. Wanjala, you are out of order! We do not do that in this House. Next Question, Mr. Wambua!

**Mr. Wanjala:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. In a way, every division has got its own Land Tribunal. Even a province has got its own Land Tribunal. What is he really telling us here?

**Mr. Oporo:** Mr. Speaker, Sir, we are talking about gazettelement at the district level.

**Mr. Speaker:** Very well, next Question, Mr. Wambua!

*Question No.680*

REPAIR OF NDALANI-KISIKI-NGULIBA ROAD

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

(a) whether he is aware that the road from Ndalani, Kisiiki, Kambi ya Mawe to Nguliba is impassable and has not been repaired for the last two years; and,

(b) what action he is taking to repair the said road.

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

(a) I am aware that the road from Ndalani, Kisiiki, Kambi ya Mawe to Nguliba has not been repaired for the last two years. However, I am not aware that this road is impassable at the moment.

(b) My Ministry has plans to grade this road during the current financial year.

**Mr. Wambua:** Mr. Speaker, Sir, I am surprised to hear from the Assistant Minister that he is aware that the road has not been repaired but he is not aware that it is impassable? Could he tell us how this road can be repaired or graded immediately?

**Eng. Rotich:** Mr. Speaker, Sir, we intend to spend, in Machakos District, a total of Kshs4,982,399 during this financial year. This particular road will benefit from this issue of Kshs4.9 million. The road in question is classified as E491 and it stretches from Sofia to Nguliba which is a distance of 28 kilometres.

**Mr. Otula:** The Assistant Minister has just said that they have earmarked over Kshs4 million for Machakos District. How much money have they set aside for this particular road?

**Eng. Rotich:** Mr. Speaker, Sir, we have not set aside a specific amount of money for this road. We have set aside a specific amount of money for the whole District which is Kshs4.9 million.

**Mr. Wambua:** Mr. Speaker, Sir, I am surprised when the Assistant Minister says that this road is going to be repaired. He talks about the roads in Machakos and yet I am asking about Ndalani Road in Yatta. Can he specifically tell this House how much he is going to spend on this road rather than telling me about the roads in the whole of Machakos District?

**Eng. Rotich:** Mr. Speaker, Sir, I cannot say the estimated amount that this road will, cost but it will be part of Kshs4.9 million. The 18 kilometre stretch which is supposed to be graded this financial year as part of that road will cost Kshs90,000.

**Mr. Speaker:** Next Question! Mr. Weyrah, for the second time.

*Question No.175*

OFFICE FOR REGISTRAR OF PERSONS IN IJARA

**Mr. Weyrah** asked the Minister of State, Office of the President, when the Department of Registrar of Persons will be operational in Ijara Constituency.

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

**Hon. Members:** Apologise first!

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Speaker, Sir, I do apologise for coming late.

Mr. Speaker, Sir, the Department of Registrar of Persons is operational in Ijara Constituency.

**Mr. Weyrah:** Mr. Speaker, Sir, the answer given by the Minister is misleading. I think everybody in this House has heard it. In fact, I could not have asked this Question if the department is operational in Ijara. Everybody who is actually below 35 years of age in Ijara has no national identity card.

**Mr. Speaker:** Will you now ask your question!

**Mr. Weyrah:** Mr. Speaker, Sir, this is what I am coming to. Everybody in Ijara who has attained the age of 35 years does not have a national identity card. This actually shows that this department is not operational. When will this department be operational in Ijara because it is not at the moment?

**Maj. Madoka:** Mr. Speaker, Sir, I think maybe the hon. Member needs to state what the problem is. The fact that some people may not be registered does not mean we do not have a registration office. Due to low population, we do have a Registrar of Persons stationed at Ijara.

**Dr. Ali:** Mr. Speaker, Sir, the Minister is not being serious. He has given an answer to the effect that it is operational in Ijara when he knows very well it is not operational. It is not only in Ijara but in the whole of North Eastern Province. The registration offices are only available in district headquarters. So, can the Minister tell the House the truth by stating when registration centres will be opened in Ijara and in the whole of North Eastern Province since my constituency is 467 kilometres away from Wajir and we do not have one?

**Mr. Speaker:** Order! Dr. Ali, the Minister has twice said that it is operational. I thought you are going to give a statement to him that contradicts that. Otherwise, you want him to repeat it for the third time?

**Dr. Ali:** Mr. Speaker, Sir, I am saying that it is not operational in Ijara since I was there with the Member of Parliament for that constituency and it is not there. So, he is misleading the House.

**Mr. Speaker:** That is a statement. Mr. Adolf Muchiri!

**Mr. Munyao:** On a point of order, Mr. Speaker, Sir. I seek your indulgence. Here is a Member of Parliament for that area and perhaps he came from there yesterday. He is further telling the House that there is no registration centre and here is the Minister who has been told by a DC who actually has not even been to that division. Where can we get the true story? Can the Chair intervene in this matter?

**Mr. Speaker:** Mr. Munyao, I find that you want to put me in an unnecessarily difficult position.

**Mr. Munyao:** Not me!

**Mr. Speaker:** Both are hon. Members---

**An Hon. Member:** One comes from the area under discussion.

**Mr. Speaker:** Order! Between the statement of Mr. Weyrah and that of Maj. Madoka, somewhere in the middle lies the truth and that is between Nairobi and Ijara. I must confess I have only gone to Ijara once in my lifetime. I cannot help since I do not know.

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

**Mr. Speaker:** Who are you informing?

**Mr. Shill:** Mr. Speaker, Sir, I want to inform the Minister.

**Mr. Speaker:** Minister, would you like to be informed?

**Maj. Madoka:** Mr. Speaker, Sir, I do not mind any useful information.

**Mr. Shill:** On a point of information Mr. Speaker, Sir!

**Mr. Speaker:** Mr. Shill, it does not help

your cause either way by being riotous in the House. So, will you please sit down and let other Members help you. Mr. Muchiri!

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

**Mr. Speaker:** Overruled!

**Mr. Muchiri:** Is the Minister aware that Kenyans of Somali origin in Nairobi are not being issued with Kenyan national identity cards?

**Maj. Madoka:** Mr. Speaker, Sir, I am not aware.

**Mr. Shill:** Mr. Speaker, Sir, the fact on the ground is that no registration is going on in the whole of the North Eastern Province; the reason being that the Government is broke. So, is the Minister aware that Kenyans of Somali origin must produce a screening card as a prerequisite to get a Kenyan national identity card?

**Mr. Wanjala:** He is always not aware!

**Maj. Madoka:** Mr. Speaker, Sir, I know I have dealt with this question on a number of times. We have said that it is true we do have problems sometimes in terms of registering genuine Kenyan Somalis and the Somalis from the other neighbouring country. We have to do proper checks before we register them. So, sometimes we do have that problem.

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

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

**Mr. Speaker:** Order, Dr. Ali! Order, Mr. Shill! Business will not stop just because of one Question. Mr. Noor!

**Mr. Noor:** Mr. Speaker, Sir, can the Minister really be fair to the House and to the nation since I was personally in Ijara in August with His Excellency the President and hundreds of Members of Parliament and I did not see any registration office being operational in Ijara? Can he be serious what he meant by saying that the registration office is operational in Ijara?

**Maj. Madoka:** Mr. Speaker, Sir, maybe to satisfy the Members, I will re-check, but according to reports from the Registrar of Persons office, there is somebody stationed there. So, I can further check on that one.

**Mr. Speaker:** Very well. Go and check and let the House know. Next Question!

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

**Mr. Speaker:** Mr. Shill, I will send you out now! Dr. Ochuodho's, Question for the second time.

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

**Mr. Speaker:** Mr. Weyrah, I have asked the Minister to inform the House of his findings between now and Thursday this week. So, I suppose that is what you wanted to know.

**Dr. Ochuodho:** Mr. Speaker, Sir, I apologise for coming late, the reason being that I had to fight my way into Parliament.

**Mr. Speaker:** Order! Order! Dr. Ochuodho, can you not keep quiet? I want to reply you! It is coming to my attention through this hon. Member; I do not know the truth of it, but, I believe that sometimes hon. Members get difficulties coming to Parliament because some of you are in the habit of bringing idlers, hecklers and layabouts, to come and harass Members of Parliament!

I want to warn some hon. Members of Parliament---

*(Applause)*

**Mr. Mwenje:** But, Mr. Speaker, Sir---

**Mr. Speaker:** Order! Mr. Mwenje, I thought one time you brought what you called "Jeshi la Embakasi"? May I warn all of you, and your idlers, that the Chair will use all necessary force to ensure that there is free access to Parliament by Members. So, keep all those people out of Parliament! If they do not listen, I will make sure that they do not even come to the Galleries.

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

**Mr. Speaker:** Sorry! Sorry!

*(Messrs. Mwenje and Wanjala  
stoop up in their places)*

Order! Mr. Mwenje and your friend over there, idlers have no tribe there! Proceed.

**An hon. Member:** Mr. Mwenje is one of them!

**Dr. Ochuodho:** Thank you, Mr. Speaker, Sir, for that reassurance, especially with the coming of the crucial Motion before the House tomorrow! So, should I ask---

**Mr. Speaker:** Next Question! Order! Order! For your unwillingness to ask your Question, I will skip it! Question dropped! Next Question, by hon. Mariam Matano!

**Dr. Ochuodho:** Sorry, Mr. Speaker, Sir. I was only giving compliments to your good advice to the House----

**Mr. Speaker:** Will you then be serious from now on?

*Question No.268*

#### DUAL CITIZENSHIP FOR KENYANS

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

- (a) whether the Government is considering allowing Kenyans dual citizenship, and if not, why; and,
- (b) what plans are being put in place to enable Kenyans in diaspora to participate in the next general elections like other Kenyans.

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

(a) No, the issue of dual citizenship is a constitutional matter, hence the Government has no capacity to take such action.

(b) The Electoral Commission of Kenya will be proposing an amendment to the National Assembly and Presidential Elections Act; (Cap.7), to enable Kenyans residing outside Kenya to register as voters or vote whilst outside the country. Once these amendments are passed, plans will be put in place to enable Kenyans, in the diaspora to participate in the general elections like others.

**Dr. Ochuodho:** Mr. Speaker, Sir, Kenya is one of the very few countries where husbands to Kenyan women and children born to Kenyan women are discriminated against, should they cease to be Kenyan citizens.

While I appreciate that the Government is intending to bring a Motion to amend the Presidential and Parliamentary Elections Act, could the Government also consider making similar amendments so that men married to Kenyan women can also become automatic Kenya citizens should they choose to?

**Maj. Madoka:** Mr. Speaker, Sir, we will consider that.

**Dr. Ochuodho:** With regard to Kenyans in the diaspora, and these are many of them, participating in the general elections, advances in computer technology now makes it possible for Kenyans, wherever they are, to take part in an electoral process. Could the Minister tell us whether necessary arrangements have been put in place or will be put in place, so that they can also participate in elections? Moreover, Kenyans outside Nairobi or in the rural areas who have access to computers, should also be able to participate without necessarily going to the polling stations.

**An hon. Member:** As they do in Brazil!

**Maj. Madoka:** Mr. Speaker, Sir, as I said, the Electoral Commission will be looking at all these details. I think once the necessary amendments have been made, we will take the necessary action to ensure that Kenyans do vote.

**Mr. Speaker:** Dr. Ochuodho, are you satisfied?

**Dr. Ochuodho:** Yes, Mr Speaker, Sir.

**Mr. Speaker:** Very well. Questions by Private Notice! Mr. Munyao's Question!

### QUESTIONS BY PRIVATE NOTICE

#### DISCIPLINARY ACTION AGAINST NAIROBI HOSPITAL

**Mr. Munyao:** Mr. Speaker, Sir, this might be the fourth time I am asking this Question. I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that a child of a member of the subordinate staff at Nairobi Hospital was put on oxygen-support machine and died on transfer to Kenyatta Hospital?

(b) Is the Minister satisfied that Nairobi Hospital took the right action especially to a member of staff?

(c) What disciplinary action will the Minister take against the hospital administration as a warning to other health institutions?

**The Minister for Medical Services (Dr. Anangwe):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that a child of a subordinate staff at Nairobi Hospital died on transfer to Kenyatta National Hospital.

(b) Yes, the Minister is satisfied that Nairobi Hospital took the right action because the mother of the child expressed her desire to transfer the child to Kenyatta National Hospital for treatment. Secondly, the doctor's evaluation of the condition of the child was that, it was not an emergency and hence it was possible to transfer the child without the oxygen.

(c) Given the answer to part "b" of the Question above, part "c" does not arise.

**Mr. Munyao:** Mr. Speaker, Sir, if the Minister is aware, could he tell us the name of the child who died and also the names of the parents?

Secondly, I am surprised to hear the Minister say that doctors were satisfied that the child's condition was not an emergency. Why, in the first place, had they to put the child on oxygen, if the child's condition was not an emergency? The fact that the child was put on oxygen showed that there was danger to the life! Let the Minister tell us the names and the other details.

**Dr. Anangwe:** Mr. Speaker, Sir, on 31st October, 1999, at 9.20, the child arrived at Nairobi Hospital and was put on oxygen. If you are put on oxygen, it has to be removed at some point. The doctor was satisfied that, at that particular point, the oxygen equipment could be removed.

**Mr. N. Nyagah:** Thank you, Mr. Speaker, Sir. Could the Minister explain to the House why the subordinate staff of Nairobi Hospital went out on a demonstration that took a whole day in dispute, on [Mr. N. Nyaga] what had happened? Could he give us the name of the mother of the child?

**Mr. Munyao:** We want the names of the child and the parents!

**Dr. Anangwe:** Mr. Speaker, Sir, I can provide the name of the child and the that of the parents later because I do not have the information right here.

But that notwithstanding, on point number two, that there was a demonstration; yes, I read in the papers that there was a demonstration in connection with this matter. But the facts I have would not warrant that kind of demonstration. In the past, and in this particular hospital, subordinate staff and other members of staff have had their relatives or even themselves admitted in hospital. Between January and October, 1999, 20 of them were admitted in the hospital. So, it is not a unique matter in terms of admission in this particular hospital.

**Mr. Munyao:** On a point of order, Mr. Speaker, Sir. Is the Chair satisfied that the Minister is serious in answering this Question? If he says that he is aware, there is no way he can be aware without knowing the names of

the child and the parents.

**Mr. Speaker:** Order! I suppose, what I will do---

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

Order! Order, hon. Members! As a Kenyan, I also know what has been happening in hospitals, money and this kind of thing. If the Minister does not seem to know the names of the child and the parents, maybe you will probably require a little more understanding and look at it much more closely. Taking into account, also Mr. Minister, that we have had occasions even when dead bodies have been detained for non-payment of money.

So, I defer the Question to tomorrow!

*(Question deferred)*

Next Question, Jonesmus Kikuyu!

#### MURDER OF KISALA NZAU

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

(a) Is the Minister aware that Mr. Kisala Nzau was murdered on the 7th November, 1999, at an unlicensed *chang'aa* den and Mr. Mutinda Mutua was also murdered on 21st October, 1999, at Kaseve Market, and that both were residents of Kipandini Sub-location, Muputi Location in Machakos District?

(b) What action has the Minister taken to arrest the people responsible for these murders and restore security in the area?

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

(a) Yes, I am aware about the two murders, although the late Kisala Nzau's body was found along a footpath leading to his house and not in a *chang'aa* den.

(b) Investigations into the two murders are still going on with a view to bringing the culprits to book.

**Mr. Kikuyu:** Mr. Speaker, Sir, whereas the Minister says that he is aware, the intention of this Question is to show him that the police in Machakos District are abetting murder. They are not doing anything because there are no investigations going on into these murders. It seems money is changing hands over dead people's bodies. I am asking the Minister to order the police or bring a special squad from Nairobi to investigate these murders because people are killed. These boys are known but no arrests are being made despite voluntary information by members of the public.

**Maj. Madoka:** Mr. Speaker, Sir, I do not think it is quite right to say that they are not doing anything because an inquest file was opened and they are still investigating the matter. We consider it serious because from the postmortem report, the deceased died as a result of strangulation by a person other than the deceased. So, it is a serious matter and we are following it up.

**Mr. Kikuyu:** Mr. Speaker, Sir, the Minister has said that one person died as a result of strangulation, what about the other one because the Question involves two people? That is why I am saying that money is changing hands on the death of these people. The people in Machakos, especially in Kipandini Sub-Location are very worried. Even myself, nowadays, I do not sleep at home. People are being killed like goats. It is my own village, I know what is happening there and unless you have intentions to kill me at home; then these people must be arrested.

**Maj. Madoka:** Mr. Speaker, Sir, I would appeal to the hon. Member, if he has evidence or if he knows for sure the people who are involved, to report that to the police and we will follow it up.

**Mr. Katuku:** Thank you, Mr. Speaker, Sir. The issue raised by hon. Kikuyu is very serious. It is happening even in my constituency. There is a well-organised thuggery in Machakos District, particularly in Mbiuni. There is a list which has been released indicating who is going to be attacked on what day and it is being implemented. Can the Minister undertake to look into the issue of security in Machakos District and make sure that the residents are safe?

**Maj. Madoka:** Mr. Speaker, Sir, I undertake to do that, but again, I will appeal to the hon. Member if he has any evidence to help us in the investigations; he should come forward with the names.

**Mr. Kariuki:** Mr. Speaker, Sir, hon. Kikuyu raised a very important issue. He stated that the police are compromised in this matter and that money has been changing hands. It therefore, becomes very difficult for the police to investigate itself. Can the Minister create another different unit to be monitoring the activities and accusations levelled against the police?

**Maj. Madoka:** Mr. Speaker, Sir, while I would not like to rule out that possibility, I think the Member must



be able to prove that big money has changed hands in these particular incidents.

**Mr. Kariuki:** On a point of order, Mr. Speaker, Sir. I am not raising the matter relating to hon. Kikuyu alone; I am talking about the police being compromised or bribed when there are matters involving life. This is very serious and the Minister ought to take it very seriously.

**Maj. Madoka:** I have taken note of the Member's concern, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. Question No.3 by Private Notice is by consent deferred to tomorrow afternoon. Is that what you agreed with the Minister, Mr. Mbela?

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

VODAFONE'S STAKE IN LOCAL  
MOBILE TELEPHONE SERVICE

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

(a) Could the Minister inform the House how much money Vodafone has paid to the Exchequer for its 40 per cent stake in local Mobile Telephone Business?

(b) What is the difference in the business structure between GSM 1 and Safaricom?

**Mr. Speaker:** Very well. The Question is deferred. Next Question, Mr. Twaha?

*(Question deferred)*

MEASURES TO INCREASE COTTON PRICES

**Mr. Twaha:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Could the Minister inform the House why cotton farmers in Lamu are being offered low prices for their produce?

(b) Is he further aware that this state of affairs is causing a lot of suffering to the farmers who are unable to meet their financial obligations, like paying school fees?

(c) What urgent measures is the Ministry taking to ensure that fair prices are obtained before the Christmas holidays and re-opening of schools next year?

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

(a) The cotton industry has been liberalised since January, 1991 during which period we ushered in a free market economy. Therefore, the Ministry has no reason to dictate on who may or may not deal in cotton produce. The Ministry has no power or authority to set prices which are now left to the prevailing market forces where the producers, middlemen and the consumers are expected to negotiate in addressing such issues.

(b) It is possible that low incomes could lead to suffering on the part of cotton farmers. Unfortunately, there is not much I can do except extend my sympathies to the situation for the simple reason that the market is now fully liberalised.

(c) Since cotton prices are decontrolled, it is difficult for the Ministry to ensure that fair prices are obtained before Christmas holidays and re-opening of schools next year.

Nevertheless, I want to state that we in the Ministry are determined to facilitate improved performance of the private sector and therefore, the Government intends to review the Cotton Act (Cap.335) and put in place a new legal structure that will be charged with the responsibility of stimulating growth in that sub-sector. There is a proposal to have a foreign exchange body that will bring together all the stakeholders, namely; the ginners, farmers and textile manufacturers and co-ordinate the activities of the industry. In this regard, the Ministry has drawn up a Cotton Bill to be submitted to this House for debate and if found appropriate for approval into an Act of Parliament. This will guide the performance of the cotton industry and hopefully, improve its performance.

**Dr. Ochuodho:** Mr. Speaker, Sir, for a long time, the mainstay crop for Nyanza was cotton which has since collapsed. Is the Minister aware that the now moribund Cotton Lint and Seed Board is selling assets that belong to the farmers, like gineries? What is the Ministry doing to revive the cotton industry?

**Mr. Obure:** Mr. Speaker, Sir, I am aware that gineries have been sold to the private sector but that was all in line with the liberalisation [programme which we pursued.

**Mr. Twaha:** Mr. Speaker, Sir, it is interesting that the Minister has approached that in the concept of a free market. The problems afflicting the cotton industry are mainly due to *mitumba* imports on which the Government has

earned hundreds of million of shillings. Will the Minister consider either suspending importation of *mitumba* the way sugar imports were stopped to protect cotton farmers, or using some of the revenue it generates from *mitumba* to subsidize pesticides for the farmers in Lamu?

**Mr. Obure:** Mr. Speaker, Sir, hon. Twaha is raising a very fundamental question, unfortunately, the question he has just raised in respect to *mitumba* is not within my jurisdiction. Therefore, I cannot respond immediately to that question.

**Dr. Ochuodho:** Mr. Speaker, Sir, basically, hon. Twaha was making a statement. I asked the Minister what the Government is doing to revive the cotton industry. One of the things---

**Mr. Speaker:** I am sorry, you are out of order! Please, do not just interrupt a Minister because you do not like what he is saying. Either you have to be on a correct point of order or if not, please, be patient.

**Mr. Obure:** Mr. Speaker, Sir, hon. Ochuodho was impatient. He should have listened to the last part of my reply before reacting. I was saying that the *mitumba* issue is very fundamental. It is not within my jurisdiction to ban the importation of *mitumba* into this country; that aspect falls under another Ministry. However, we are aware of the importance of this particular sector as well as the concerns raised by hon. Ochuodho.

Mr. Speaker, Sir, we need to come up with a complete vision through a Sessional Paper and a Bill to revise the current Cotton Act, which we believe is inadequate, and which has partly contributed to the decline in the performance of this particular sector. This House will be given an opportunity, in the very near future, to discuss the details of the proposed Bill, so that we can together help in revamping this very important sector.

**Dr. Omamo:** Mr. Speaker, Sir, the good news that the Minister has given the House is that the cotton industry is going to be reviewed. Without review, the cotton industry will go to the dogs. Could he tell the House when this review will take place? If the exercise takes too long to kick-off, the cotton industry will fall into limbo.

**Mr. Obure:** Mr. Speaker, Sir, we are fully aware that the cotton industry is already in limbo. There has been very drastic decline in production. Right now, we import large quantities of lint from the neighbouring countries, all of which are member States of COMESA. In view of the industry's capacity to generate employment, and that cotton is a base for future industrialisation, there is need for very urgent action. We hope that this will be one of the main items for discussion when the House resumes early next year.

**Mr. Kamolleh:** Mr. Speaker, Sir, the fact is that *mitumbas* come to this country from all over the world - Europe, United States of America, and other places, and not from COMESA member States. We have allowed the importation of *mitumbas* regardless of the fact that this is spoiling this country's economy. Whether they are from Tana-River District or Nyanza Province, cotton farmers are our own people. Why can we not take an urgent action to ban the importation of *mitumbas*, so that the textile industry in this country can become operational? Right now, even cotton farmers are discouraged from growing the crop. Who is in charge of this issue, and who is behind the importation of *mitumba* into this country?

Mr. Speaker, Sir, could the Minister now ensure that the importation of *mitumbas* into this country is abolished, so that cotton farmers in this country can continue growing the crop?

**Mr. Obure:** Mr. Speaker, Sir, I appreciate the sentiments raised by my friend, hon. Kamolleh. But, as I said, this a very fundamental question. I think it will require the support of every hon. Member of this House to come to that conclusion. I would like to also say that the matter is outside my jurisdiction; it falls under the Ministry of Tourism, Trade and Industry. However, when the time comes, the matter will require the support and co-operation of all of us.

**Mr. Kanyauchi:** Mr. Speaker, Sir, in his answer to part (b) of the Question, the Minister said there is very little he can do except offering his sympathy because the market is now liberalised. I do not think that an important Ministry like this one could have been created with a Minister to give sympathy on such an important matter. What is the Minister doing to ensure that the suffering farmers are undergoing is alleviated, other than just offering his sympathy?

**Mr. Speaker:** Mr. Obure, are you a "Minister for sympathy"?

(Laughter)

**Mr. Obure:** Mr. Speaker, Sir, I am not a "Minister for sympathy"; I am the Minister for Agriculture, who operates within a legal framework. The legal provisions within which I am required to work do not enable me to take an immediate action on this question.

**Mr. Speaker:** That is the end of Question Time.

#### POINTS OF ORDER

## ISSUE OF DEMOLITION OF THE EMBU MOSQUE

**Mr. Twaha:** Mr. Speaker, Sir, I would like to request the Minister of State, Office of the President, to issue a Ministerial Statement on the issue of the mosque in Embu which, reportedly, the Eastern Provincial Commissioner wanted to demolish.

**Mr. Speaker:** Maj. Madoka, are you ready to issue that Statement?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Speaker, Sir, I am not ready at the moment.

**Mr. Speaker:** Will you do that tomorrow?

**The Minister of State, Office of the President** (Maj. Madoka): I think I will be able to do so on Thursday, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Minister, I do not want us to crowd Thursday's Business.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Speaker, Sir, I am requesting to be allowed to make the Statement on Thursday, so that I can have sufficient time to inquire into the matter.

**Mr. Speaker:** Very well; are you happy with that, Mr. Twaha?

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

## CLAMPING OF VEHICLES BY NCC

**Mr. Munyao:** Mr. Speaker, Sir, on Thursday last week, during Zero Hour, I demanded a Ministerial Statement from the Minister for Local Government on those people who are yellow-clothed, who move round chaining people's vehicles in the city. On that day, hon. N. Nyagah reminded the Minister thrice that he would be required to make the Statement. Also, hon. Kiptoon took the responsibility of getting the Minister to make the Statement today. Now, where is the Minister? On the day, you ordered that the Statement be made today.

**The Minister for Roads and Public Works** (Mr. Kiptoon): Mr. Speaker, Sir, indeed, I assured the House that the Minister for Local Government would be making the Statement tomorrow, and not today.

**Mr. Speaker:** Very well, what is it, Mr. Karume?

## ISSUE OF KPCU AND COFFEE FARMERS

**Mr. Karume:** Mr. Speaker, Sir, on Thursday, I asked the Minister for Agriculture to make a Ministerial Statement concerning the former Coffee Board of Kenya, the KPCU and coffee farmers. I said that farmers are having a lot of problems because there is nobody to issue cheques; they are complaining that they cannot even pick their coffee from the farms because they have no money to pay pickers. Now that the Minister is here, could he tell us what he is going to do about the problem?

**The Minister for Agriculture** (Dr. Obure): Mr. Speaker, Sir, as a matter of fact, I learnt about hon. Karume's last Thursday request for the Ministerial Statement at about lunch hour today. I have since obtained a copy of that day's HANSARD Report; I will issue the Statement tomorrow afternoon.

**Mr. Speaker:** Next Order.

## BILL

*Second Reading*

## THE KENYA ROADS BOARD BILL

*(The Minister for Roads and  
Public Works on 2.12.99)*

*(Resumption of Debate interrupted on 7.12.99)*

**Mr. Speaker:** Who was on the Floor before the interruption of the Business of the House last time?

**The Minister for Roads and Public Works** (Eng. Kiptoon): I was on the Floor, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Minister, you had spoken.

**The Minister for Roads and Public Works** (Eng. Kiptoon): Mr. Speaker, Sir, I had not concluded initiating debate on the Bill before the interruption of the Business of the House.

**Mr. Speaker:** Mr. Minister, according to the HANSARD Report of 7.12.99, of which I have a copy with me here, you concluded initiating debate on the Bill although there was a bit of storm in the process; you were seconded by hon. Madoka. So, those storms notwithstanding, you finally moved the Bill. Then, you were seconded by the Minister of State, Office of the President, Maj. Madoka, who said: "Mr. Temporary Deputy Speaker, Sir, I beg to second the Bill. It is an important Bill, and I think it is only fair that it is discussed thoroughly, so that hon. Members can contribute to it effectively", and the Question was proposed. Could you proceed, Mr. Mbela?

**Mr. Mbela:** Mr. Speaker, Sir, I stand to support the Bill on the Floor of the House. I would like to say that the Committee of the House has had several meetings - on Friday, Saturday morning, Saturday afternoon, and this morning. The meeting of this morning was attended by the Minister responsible for roads, at the end of which we agreed on 34 amendments. But what is important and of value to the hon. Members of this House, is---

*(Loud consultations)*

**Mr. Speaker:** Order! Order! Hon. Members, the Bill which is being discussed is absolutely important, and I think it is absolutely important that you pay attention to the Departmental Committee Chairman. This is because they have looked at the Bill thoroughly and he is giving the House their opinion. He will propose the amendments they have made to the Bill and then you will decide whether to agree with them or not. These are the people who really look at the Bill closely. So, I would like to advise you to listen to him carefully. Proceed, Mr. Mbela!

**Mr. Mbela:** Thank you, Mr. Speaker, Sir. Because we took this assignment very seriously, we went into it in great detail and at the end came up with 34 amendments, but the most important one is that we decided to recast the whole Bill and introduce a District Roads Committee. This Committee will have a membership of all hon. Members of Parliament from that district, the chairman of the county council, Mayor(s), chairmen of town councils and the District Roads Engineer. The Chairman of that Committee will be drawn from the local people. It is important to make this Committee different from the District Development Committee (DDC), because roads are very crucial for the production and even the political system of this country.

In the course of our discussions, we also introduced an amendment that out of all the money made available for the repair of our roads, 40 per cent will be paid out to the District Roads Committees and 40 per cent of that 40 per cent will go to the 210 constituencies. That amounts to a lot of money. In reality, when they get this money, the hon. Member of Parliament will work jointly with the local people to ensure that it is used for the work for which it was intended.

We also realised that when there are many civil servants in a Committee, there is a tendency for any apology for not attending the meeting being translated into attendance. In this discussion - these amendments will be tabled before we go into the Committee Stage - we agreed that if half of the hon. Members are present, then the meeting can go ahead, but if less than half of the hon. Members of Parliament have attended the meeting, then it will be postponed for lack of quorum.

We further realised that a lot of money get misused. We saw that example last year with the Ministry of Local Government, where some reckless expenditure was incurred. We were informed by the Minister for Roads and Public Works two weeks ago that it costs Kshs30 million to do a kilometre of road and, yet, the experts that we have consulted tell us that there is no way a kilometre of road can cost more than Kshs10 million. But in the case of the roads that were done by the Ministry of Local Government last year, there was hardly a road which was allocated as little as Kshs30 million---

**Mr. Wamae:** On a point of information, Mr. Speaker, Sir. I would like to inform the hon. Member that some roads in Nairobi, which have been awarded to the Chinese Construction Company for construction, cost Kshs74 million a kilometre. That is even more than the Kshs30 million that the hon. Member is talking about!

**Hon. Members:** Shame!

**Mr. Mbela:** Mr. Speaker, Sir, because we take the business of the House seriously, we found it necessary to consult with the experts, and we were told that there is no way a kilometre of road can cost more than Kshs10 million. Even if one was to take the figure of Kshs30 million, which was given by the Minister for Roads and Public Works, there is no way the cost can go to Kshs74 million, the hon. Member has just talked about.

There is also the issue of staffing. There are many occasions when some people who have been sacked or stolen from some parastatals are given jobs in new parastatals. The Committee insisted, and we got an assurance which we included as one of the amendments, that the post of the Executive Director will be advertised. If it is not advertised,

we will move a Motion of Censure on the Ministry.

*(Laughter)*

Similarly, when it comes to Section 32(2), there is provision to invest money which is not being used in a bank because we have seen some of the reckless investments that have made the Government lose some money. We insisted that any bank in which money is to be invested must be quoted by the Nairobi Stock Exchange (NSE), and in addition, agreement from the Ministry of Finance and Planning should be obtained. This is important. Let us not pretend that we will not have some funds that can be invested. If we will have some money which is not being used for maybe nine months, it is important that it is invested in order to earn some interest. But even if the interest is earned, it is important that the money which was invested is save.

Mr. Speaker, Sir, we also dwelt on the issue of misappropriation of funds. Too often than not, we come across some staff of some corporations who have misappropriated some money, leave the organisation but still lead a comfortable life. We feel that it is important that once money is misappropriated, provision should be made for it to be refunded, in addition to whatever jail sentence is to be given.

We were also concerned about "favoured" contractors. It is these "favoured" contractors who collect a lot of money for either shoddy jobs or no job done at all. It is important that they go back and do a "postmortem" on all the contractors that have been repairing our roads and ensure that those that have done any job that people have complained about are removed from the tendering exercise, so that we are left with competent Kenyans or get foreigners who can do a decent job instead of going back to one list of contractors who seem to share the money with their friends.

As we studied the various legislations, we came across the Roads Maintenance Levy Act of 1993, which provides for funds to be paid to the Treasury. Section 2 of that particular Act provides that an officer administering the funds should be the PS, Treasury. Now that all the money is supposed to go to the Kenya Roads Board, it is important that, that Act is looked into, particularly, Section 8 which gives the duties to be performed by the officer administering the funds. If that is looked at, the Act should be streamlined so that it runs together with the Kenya Roads Bill. Because of the long time we have taken to consult on this matter, the Report of the Committee will not be ready until this afternoon. I would like to beg your indulgence so that I can table it as soon as it arrives.

With those words, I beg to support.

**Mr. Speaker:** There is one important issue that hon. Mbela has raised; that is, his inability at this particular stage to table the Report of his Committee. As you have heard, their Committee has made some very interesting recommendations. As soon as the Report is available, I will allow you the chance to table it, any time before the Committee of the whole House.

**Eng. Toro:** Thank you, Mr. Speaker, Sir. I would like to respond to the Kenya Roads Bill, 1999. I would like to start by congratulating the Minister and the Departmental Committee on Energy, Communications and Public Works for agreeing on the necessary amendments that were to be carried out in the Bill. It is prudent to state that the way the Bill was presented to the House left a lot to be desired. This being a very important Bill, the Minister kindly agreed to let the Committee sit down, go through it clause by clause, and involve experts so that Parliament passes a Bill that is worthy of Kenyans. As a result, Members also feel that they are going to benefit directly from the Bill through the results that will be obtained in the constituencies.

The importance of this Bill cannot be overemphasised. We have had problems in Kenya regarding roads. These problems have been so many that if Kenyans have been listening to parliamentary proceedings, every day there are Questions about roads being asked in this Parliament. It gets worse and worse every day. It is not easy to know what happened to the Ministry of Roads and Public Works. Initially, the Ministry was doing a good job. Over the years, things have started going from worse to worst. When the new Minister took over, he promised Kenyans that he was going to streamline the Ministry. He is the third Minister since that year to take over the Ministry of Roads and Public Works. Being my fellow colleague in engineering, I have full confidence in his ability to work and to deliver.

However, that notwithstanding, fellow engineers in the Ministry have to pull up their socks and help the Minister to deliver. The Ministry of Public Works has been synonymous with corruption. When the Minister moved the Bill, he talked about constraints. Some of the constraints which he mentioned are institutional, managerial and financial. I tend to disagree with him. These are no constraints at all. The main constraint in the Ministry of Roads and Public Works is corruption. Everything else cannot work where corruption is thriving. It is a known fact that tenders for rehabilitation and recarpeting of roads are given to politically-correct contractors. The awarding of tenders is not properly advertised. It is sometimes negotiated between contractors, and the contract sum is unnecessarily high.

All this is happening with the blessings of our fellow engineers in the Ministry. I would like to take this chance to appeal and challenge them to start thinking about Kenyans having good roads. You know what the previous

Permanent Secretary, Eng. Akute, did and now he is in court. I would like the Minister to take more initiative to make sure that all engineers and senior officers in the Ministry who have misappropriated funds are investigated and taken to court to answer for the money that has been misappropriated. When corruption comes in, we end up with roads that are not of the best standards. Specifications are relegated to secondary importance. What seems to matter is how much money the contractor and the officers who are in charge of the project are going to put in their pockets. I hope the new Minister is going to do something about it. Unless that is stopped, we are never going to have roads worth calling "roads" in Kenya.

The issue of corruption is one that the Minister should now take full charge of. The engineers who are working in the Ministry are registered under the Engineers Registration Act, Cap. 530. There is a conduct specified for engineers. Any engineer who is found guilty of professional misconduct is subject to disciplinary action by the Engineers Registration Board. I would like to ask the Minister - because the Engineers Registration Board is under his domain - to bring the necessary amendments to the Engineers Registration Act, so that those engineers who misappropriate public funds get disciplined properly.

At the moment I do not remember hearing of any engineer in the Ministry of Public Works or any other engineer being disciplined and struck off the Register of Engineers. If the Minister can start striking off the engineers from the register, I think there is no engineer that is going to misappropriate funds. The engineers are charged with the responsibility of ensuring standards. If they do not do so, the Minister responsible for the Engineers Registration Board should act without hesitation, so that those engineers are properly disciplined under the Act and struck off the register. Once struck off the Register, they should lose their jobs in the Ministry of Roads and Public Works or elsewhere as consulting engineers.

That has got to be practical. It does not have to be theoretical. Road development, rehabilitation and maintenance in Kenya has been going through a crisis. Why are we having a crisis in the road sector? Timely and proper road maintenance is not practised. I feel ashamed, as an engineer, when all this is happening and the blame is heaped on engineers. I hope the Minister for Roads and Public Works will feel ashamed when engineers are being told they are the ones who are practising the worst corruption in Kenya. Mr. Speaker, Sir, the Fuel Levy Fund, which is now to be taken over by the Kenya Roads Board, has a lot of money. What has happened with the Fund over the years has not been promising at all. The Fund has also been misused. We would not like this Parliament to pass a Bill that will create another fund which will also be misused. The Fuel Levy Fund Act was passed in this Parliament. I remember, although I was not an hon. Member then, that hon. Members expressed their doubts as to whether the Fund was going to be used in a proper manner, or it was going to be a conduit for money to be misappropriated. What has happened is that the fuel levy fund has become a conduit for misappropriation of Government funds. So, the creation of the Kenya Roads Board Fund should have all the necessary measures, checks and balances, to make sure that it is answerable to Parliament.

Mr. Speaker, Sir, I am not going to talk about the amendment because the Chairman of the Energy, Communications and Public Works Committee has talked about a few of them, although he has not gone through all of them. But since I participated in that Committee and the Minister was in agreement with what the Committee passed for amendments, I would not like to dwell on any amendment--

**Mr. Speaker:** Order! Eng. Toro, please, proceed and explain all the amendments. It helps the House!

**Eng. Toro:** Mr. Speaker, Sir, I can only ask the Chairman to make sure that all those amendments are passed over to the hon. Members, so that they can read them because it is not a short list. If I go through the amendments, I will take a lot of time. I would rather propose that the Members be given those amendments to read through--

**Mr. Speaker:** Order! Order! First of all, Eng. Toro, you have two hats. One, you are wearing a hat of the Official Opposition respondent on roads, for which you owe this House a duty to give whatever is within your knowledge. Secondly, as the Member of a Select Committee of this House on Energy, Communications and Public Works, your main duty is to scrutinise the Bill and see what you disagree with; what you agree with; what you have proposed for amendment, and come here and tell the House what you have deliberated upon and agreed on; what you have disagreed on, and what you have preferred the House to decide. That way, the House does not have to spend a lot of time. Otherwise, why do we have a Committee on Energy, Communications and Public Works? I am afraid, I do not force hon. Members to do these things, but I now encourage and beseech you to impart to this House, all the knowledge you got in the Committee.

Proceed, Eng. Toro!

*(Applause)*

**Eng. Toro:** Mr. Speaker, Sir, in the Ministry of Roads and Public Works, hon. Members can remember we used to have the Rural Access Roads Programme. From 1974 to 1986, those donor-funded programmes helped

Kenyans because most Kenyans had access to repair and maintenance of rural access roads. Under the Kenya Roads Board Bill, I would like to urge the Minister to ensure that we have something similar to rural access roads being practised by the Board, which is labour-based technology. Upto now, we have not been told why this programme was abandoned and replaced by the Minor Roads Programme initiated from 1986 and took care of about 4,000 to 5,000 kilometres of classified minor roads. Now, this programme has now been replaced by Roads 2000 Strategy. We cannot continue abandoning good programmes and replacing them with other programmes. If we are going to succeed in the repair of roads, especially in the rural areas, we have to have labour-based technology. In the absence of labour-based technology, we will not repair and develop road networks in this country. We have excess labour now because the students who are leaving schools, colleges and universities have no jobs. These ex-students can be used in rural access roads programme and be adequately compensated for their work. By so doing, we will create job opportunities for them.

**Mr. Mbela:** On a point of order, Mr. Speaker, Sir. I stand to seek your indulgence to allow me to lay on the Table of the House, the report of the Committee. As I did apologise earlier on, it was impossible for us to have it ready in time because we sat over the weekend and I did not finish compiling it until 1.30 p.m. today. But the report is available, if I can be allowed to lay it on the Table of the House.

**Mr. Speaker:** Order! Mr. Mbela, the correct procedure is: You should have stood up and said: "May the hon. Member give way to enable me to lay the document on the Table of the House?" Will you now do it correctly?

**Mr. Mbela:** Mr. Speaker, Sir, could hon. Eng. Toro give way to allow the Chairman of the Energy, Communications and Public Works Committee to lay the report on the Table?

**Mr. Speaker:** Agreed, Eng. Toro?

**Eng. Toro:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. Proceed, Mr. Mbela.

*(Mr. Mbela laid the document on the Table)*

*(Applause)*

**Eng. Toro:** Mr. Speaker, Sir, it is worth noting that the Roads Board is a service board and not a profit-making institution. All the funds that will be under the Roads Board should be put to use for the development, maintenance and rehabilitation of roads in this country. When the Bill talks about the Board being exempted from the provisions of State Corporations Act, that is completely wrong because this board should be answerable to Parliament. It should not be autonomous to do what it wants with the money because it will be another Fuel Levy Fund. So, it is prudent that this Board be a State Corporation and answerable to Parliament. It should not be allowed to invest the money as it will deem necessary, or the way it likes. This should be discouraged because we have seen examples of other parastatals, where investments of the funds have been misappropriated; for example, institutions like NHIF and NSSF where there is a hue and cry about the amount of money invested in some projects which are not worth investing in. Some money has been deposited in some banks that have collapsed; hence, the money has been lost. So, the Board should be under the scrutiny of Parliament and its investments should be scrutinised, so that they are not be allowed to invest funds at the expense of roads maintenances.

Mr. Speaker, Sir, if hon. Members reflect, I am very sure very few of them will say how much money has been spent in their constituencies in the maintenance of roads. Over the years, what we receive as money for maintenance of roads in the constituency is almost to nothing. So, we still wonder where all the money goes to. For example, this year, the Ministry expects to collect about Kshs9 billion under the Fuel Levy Fund. I will do a simple arithmetic. We have 200 constituencies and if each constituency was to receive Kshs10 million, that is about Kshs2 billion. I am sure if hon. Members receive Kshs10 million for their constituencies, the amount of work done on their roads would be unbelievable. These days they receive between Kshs50,000 and Kshs100,000 for the maintenance of roads. But Kshs2 billion, out of Kshs9 billion, is about 25 per cent, and each hon. Member would get Kshs10 million for his or her constituency. That is just a small example. Then, there would be Kshs7 billion for the Minister to invest in other areas. That shows there is a lot of money which can be used properly by all hon. Members, the Ministry and the local authorities. If that was done, we would have good roads, productivity in the agricultural sector would be enhanced, and we would not be complaining in this House about poor maintenance of roads.

I will give a few examples of some of the amendments that we need to introduce in the Bill. According to Section 7, the Chairman is to be appointed by the President. Any time the President appoints someone, he or she behaves like the President himself. The President should be advised on ways of appointing the Chairman because, the Board being important as it is, we would not like to have a Chairman who will be dictating and misusing the Fund. I am talking about section 2 (f) on investment of funds. The Board should avoid investing the funds. Instead, they should

be utilised for development, maintenance and rehabilitation of roads. We cannot have pending bills year in, year out, whereas some money is invested in areas from where the Board might not be able to retrieve it. The areas of investment of funds should be looked into and the necessary amendments introduced into the Bill.

Mr. Speaker, Sir, regarding the issue of an Executive Director, who shall be appointed by the Board in consultation with the Minister, we are saying there should never be any consultation with the Minister. The Board should have the mandate to advertise the post and the qualified engineers should be interviewed by the relevant management consultancy bodies and the best engineer appointed to be the Executive Director of the Board. This is because the Executive Director will be a very important person as he or she will be advising the Board. His or her qualifications and status should not be questionable. We should have a person of integrity, who is not going to be involved in shoddy deals to make money for himself or herself and the Board members.

The Bill does not emphasize on proper specifications and standards; that is Section 20. The Board needs to be specific. We should not talk about roads being constructed economically; we want good roads. Specifications are very important. Our engineers in the Ministry are well trained and they can use their knowledge and training to give us proper specifications. The Materials Branch is well equipped.

*[Mr. Speaker left the Chair]*

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

Sometimes we wonder what happens when we have failure of materials in our construction work, unlike before when every section of the road would continuously be checked by the Materials Branch and, if necessary, the contractor would be told to re-do the job. We need the Materials Branch to come up and be a watchdog for the specifications and the materials to be used.

Mr. Temporary Deputy Speaker, Sir, if you look at Section 24 subsection (2), it talks about the road agencies which within, six months of each financial year are to submit to the Board their audited accounts, and yet in Section 35, the Board is required, within four months, to submit its audited accounts. It should be the other way round, because the Board cannot send its audited accounts before it receives the audited accounts from the road agencies. The road agencies should be given at least a month or two, and the Board be given four months so that there is some harmonisation of the audited reports.

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

I did talk about Section 38 where the Board is being exempted from the State Corporations Act. Cap. 446, Section 15, subsection 2 empowers the Public Investments Committee, (PIC), which is the watchdog of Parliament, to summon the chief executive of a State corporation and interrogate him or her, and go through the audited accounts. So, the Board should not be exempted from the State Corporations Act. Section 31 subsection 2 says: "The Minister may make advances to the Board, and yet, we are saying the Board will be self-financing. If the Board is going to receive money from the Minister for Finance, then, the money should be approved by Parliament through the Estimates. We cannot allow the Minister to just make advances to the Board in order to use it because that requires the approval of Parliament. In any case, where will that money be coming from? The Minister does not have a floating fund from which he can advance money to the Board as he wishes. That has to be amended, so that the Minister does not give money without Parliamentary approval. There should also be a provision in the Bill on how to remove the entire Board if it fails to perform. The way it is, the Board will receive a lot of money, and they will decide to do whatever they want to do with all the billions of shillings they will be receiving, and Parliament will do nothing about it. So, we need a provision in the Bill, which specifically states that Parliament can dissolve the Board if it fails to perform.

Mr. Temporary Deputy Speaker, Sir, I am sure hon. Members are eagerly waiting to contribute on this Bill, because it is the heart of every hon. Member of Parliament. Hon. Members of Parliament have been unable to visit their constituencies because roads are impassable. Even during dry seasons, bridges that used to exist no longer exist and, this forces hon. Members of Parliament to walk long distances, and still not reach certain areas.

With those few remarks, I support the Bill.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Bill. The Bill before us is very important because it will open up this country for development. The body we are going



to create is going to consume a certain portion of the country's income. It is important because it will demonstrate whether Government operations are going to be transparent and accountable.

Mr. Temporary Deputy Speaker, Sir, currently, we have the Fuel Levy Fund. In the past few years, the Government has been netting in excess of Kshs5 billion every year through this Fund. If you walked around the country, you cannot see evidence of the use of these funds on our roads. Now, we are creating the Roads Board that will be in charge of all the road network in this country, including the all-weather roads. As we establish this Board, we must be very careful so that we do not create something that we will not be able to handle in future.

Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister in charge of roads, and the Chairman of the House Committee on Energy, Communications and Public Works for a job well done. From what we have heard from them, I think they have gone through this Bill thoroughly, and I believe, if all those amendments they have proposed were to be included, then we would have a proper body established. Mr. Temporary Deputy Speaker, Sir, I have noticed in this Bill that all funds that are meant for roads will be channelled through this Board. Here, we are talking about a lot of money. I would imagine, if Kshs15 billion, is well utilised, it could do a lot for this country. Currently, funds meant for roads are being channelled through very many bodies. We have the *El Nino* Roads Fund which falls in the docket of hon. Nassir, and other funds which go through the Ministry of Local Government. The Local Government Ministry misused funds which were meant to open up our towns and local authorities for development. The *El Nino* funds have been distributed without any proper criteria. We do not know the criteria used in distribution of that to each province, district or town centre. I hope this Board will have a proper criteria for prioritising all the road projects in the country. The Board should consider the traffic movement, the economic potential of an area, the problems of transport inherent in an area; for example, Wajir, which is infested with bandits. There are no roads and boreholes in Wajir because equipment cannot be transported to that area. If the Roads Board is well established and does its job properly, it should open up areas like Mandera and Marani where I come from. In Marani, a lot of tea is rotting at buying centres because we have no roads. If we had proper roads, we would transport that tea as far as 30 kilometres away and get foreign exchange earnings from it, which would pay our debts.

Mr. Temporary Deputy Speaker, Sir, I understand that the Committee has recommended that Parliament would have an oversight function over this Board, by approving all their estimates. This is in Section 31(2) and Section 34(3). Therefore, hon. Members who are going to be members of the District Roads Committee will be answerable to the people who have elected them. They would be accountable to the people who have elected them to Parliament and to the councils.

Mr. Temporary Deputy Speaker, Sir, one hon. Member mentioned that, this year, we expect to get about Kshs10 billion through the Fuel Levy Fund. The Committee has recommended that 40 per cent of that money should be distributed equitably among all districts of this country, and another 40 per cent to be distributed equally to all constituencies in the country. If you worked out all those figures, it would mean that all constituencies would share out Kshs1.6 billion. This translates to Kshs7.5 million per constituency. If every constituency was to get that money by January, all the road problems we have in our constituencies would be problems of the past. For example, if my constituency got that money, I would be able to meet my people and make sure there are roads in every corner of the constituency. There is a further recommendation that the balance of Kshs2.4 billion be given to districts, and be allocated to more important projects in those districts. That way, we would be trying to eliminate the looting of our resources by a few individuals and contractors in Nairobi. Most of the contractors in most cases are not indigenous people. Imagine spending Kshs7.5 million in a constituency? So many people would get employment as casuals and be able to purchase clothes and medicine.

Mr. Temporary Deputy Speaker, Sir, the amended Bill is going to be transparent and accountable. There is a recommendation that 20 per cent of the members of the District Roads Committee must be present in order to raise a quorum. That is very important, so that some of us who have not been going home are forced to go there, because if we do not, that money would not be utilised. If you go there, then you will know which parts of roads in your district need to be attended to.

Mr. Temporary Deputy Speaker, Sir, the Committee has been very reasonable. It has allocated 60 per cent of the budget to the Board, to take care of classes "A" and "B" roads. These include international and national roads that will attract business within the various parts of the country. That now is what Parliament will take care of very seriously. Parliament will know whether the roads which are supposed to be done have been done actually, and how much money has been spent.

The Bill also requires the Ministry to set out standards and specifics on which the Board will work. Prior to this, and somebody talked about it, the Ministry of Local Government gave a contract to construct 200 metres of Museum Hill Road, and I understand it spent Ksh114 million. When I told this to my constituents, they said that Kshs114 million would cover the construction of an entire road, which would be used, maybe, for two or three years without getting worn out. With these specifications, we will know that a road which is being murramed will cost so

much per kilometre. We will also know that a road which is being refilled will cost so much per kilometre, and a road which is being redone anew will cost so much per kilometre. Then we will block looting and plundering of the resources of this country through road works.

Mr. Temporary Deputy Speaker, Sir, the most important aspect of this Bill is where it says: "The agents will be free agents and a number/name will not be changed until Parliament approves the change. That is the District Roads Committee, the Roads Department and the Wildlife Department where there is wildlife". As you realise, the Kenya Wildlife Service gets a lot of funding for its roads, but there are no roads being done. If you go to Tsavo West and Tsavo East, there are no roads. If you go to Maasai Mara Reserve, there are no roads. This is because this money is not accounted for to this Parliament. Some people have become very wealthy by using these types of funds. These funds are being lent to Kenya, and we will all pay. Our children and grandchildren will pay these funds. With this new system, I am sure and I believe that now we will be accounting for this money, and if we receive money for the wildlife service roads, it will be spent and will be seen to have been spent. The Roads Department has brought a lot of equipment in this country. We want it to remain as an agent and to use that equipment. It has got the experts and so it can use them.

I am glad that the Ministries of Local Government, Natural Resources and Agriculture have been removed from being agents. These are the plunderers of our resources. I have talked about the Ministry of Local Government where people have become millionaires overnight by squandering the resources of this country. The Ministry of Environment and Natural Resources has done no roads. If you go to Mount Kenya, where I understand that bhang is now being grown everywhere, there are no roads in those places because people have squandered the money and have not made the roads. The Ministry of Agriculture has destroyed our co-operative activities and has messed up our priorities in agricultural production. So, it does not have the capability to construct these roads. It is good that the Bill has now removed them from being agents.

The other aspect that is important in this Bill is the one which prohibits the Government from exempting this Board from the State Corporations Act. You have seen what has been happening at the former Kenya Posts and Telecommunications Corporation and the Kenya Power and Lighting Company, which were exempted from the State Corporations Act and then they went haywire. They have been spending money the way they wish to spend it without the scrutiny of Parliament. So, the Bill has taken care of this and we support that move. State corporations must operate according to the State Corporations Act.

The other aspect is the one allowing the Board to appoint its own external auditors. The Bill, as amended, has stopped that. It has provided that the Auditor-General (Corporations) must be the only agent who can audit these corporations. You know that the Auditor-General (Corporations) is answerable to this Parliament through the Public Investments Committee. So, were he to make a mistake, it would be scrutinised here when he is called to state why he did not do a good job.

So, the Bill will promote transparency and will make the Ministry improve its performance. Prior to this, you could not know how to measure the performance of the Ministry because every Tom, Dick and Harry was playing some part in that Ministry's functions. That is why you had all these other agencies coming in and buying graders which they were not using. For example, my county council bought a grader which was defective. It has never done any job since it was bought. That cost that poor council Kshs10 million. It was given something which it did not understand, paid for it, and it has never been used because it is not serviceable.

Mr. Temporary Deputy Speaker, Sir, this Board, the Ministry and the District Roads Committees will make sure that whatever they budget for, for the purpose of road construction is the correct equipment to be used in our roads. There has been the aspect of prioritisation of projects. Sometimes you wonder why one road is being repaired while another one is not being done. With this Bill, I am sure that we will have clear criteria to determine what project will be done before the other, and why. We should also have clear criteria to say that the entire country road network is being taken care of and that the Ministers for Roads and Public Works and Finance cannot collude and take all the funds to their districts or constituencies.

I am not saying that the people who are there now are that bad. They seem to be nice people. But in future, we do not know whether we will get the current Minister for Local Government as the Minister for Roads and Public Works. If we pass this Bill with the amendments that have been proposed, then we will have a proper Bill and Board, and we will be able to handle our roads system.

There is the aspect of donor funds. The donor funds are normally given for specific projects. The Bill proposes that those specific projects will be funded specifically. The money will go to those projects as it is specifically provided for. But in the event that there is huge favouritism in particular areas, then the Board will make up for that in the areas which will have been neglected, and which will not have received these donor funds. We cannot all go out there to negotiate for donor funds. Therefore, maybe, the man in charge of external resources at the Ministry of Finance might negotiate for funds for his area. If he does that, then this proposed Board will take care of areas which

will have been neglected.

The other aspect which is important is that any surplus funds, or any funds which are not being utilised for the time being, should be deposited in banks that are quoted in the Nairobi Stock Exchange (NSE). This has been proposed simply because in the current period, people have decided to invest money in banks that they know will go under tomorrow. They deposit those funds there, share the loot and the bank goes under.

**Mr. Kariuki:** On a point of information, Mr. Temporary Deputy Speaker, Sir. Although he has quoted the Nairobi Stock Exchange where I have been for the last 25 years, it is important to note that, not all stocks quoted in the NSE are good for investment. You had better make a qualification that, only those banks that are quoted on the NSE and have paid out dividends for the last five years without fail would qualify to be invested in. Otherwise, there are some which are quoted--- I do not want to make them, but you know some of them, like the National Bank of Kenya.

**Mr. Angwenyi:** Thank you. Mr. Minister, we are suggesting that for a better environment. At least, we will avoid the Prudential Bank, Trust Bank and other banks which have gone under in the last few years, with loss of lots of public funds. We would like to say that those things must be done in conjunction with the Minister for Finance, so that the Board can be answerable to this House. In the event of a bank falling under, and those who deposited the money knew that it would fall, they would be held responsible. This is just to safeguard our money. We do not have something better. If we had something better, we would have brought an amendment to this Bill, and come up with a better method.

Mr. Temporary Deputy Speaker, Sir, I do not want to forget the aspect in the First Schedule. We have said that all the important stakeholders must be included in the Board. For example, we have removed the Central Agriculture Board and replaced it with the Kenya National Farmers Union (KNFU). It is a union of simple farmers. Those are the people who are building this country. They are the backbone of this country. They should be represented in the Board. We also have included the Kenya Association of Tour Operators (KATO). Those are the people who earn the money that we make in tourism. We have included them in the Board. We have included the surveyors. Those are the people who know how much land we have got. They know what title deed is where. We have included them in this Bill. This is to improve the body of the Board, and the people who participate in the Board's deliberations.

Mr. Temporary Deputy Speaker, Sir, just to wind up, we have also said that the Executive Director, who will be the Managing Director of the Board, must be a man of capability, experience and integrity. The only way to have that person is to have the position advertised in the newspapers. That way, every Kenyan will know about it and apply. He will be measured against other colleagues and countrymen, and the best person will get the job.

Finally, in the Board, there will be a Member of Parliament for that area, civic leaders, the Roads Engineer as the Secretary, and the District Commissioner. We have deliberately said that the Chairman must come from the elected leaders in those areas. This is simply because we want to remove the DCs. The DCs have messed up the development of this country. The DCs are more powerful than the Head of State of this country! They get money in the districts and misuse it. They are not accountable to anybody! If you ask a Question about them here, Maj. Madoka will tell you: "Oh! I am not aware!" He has not been aware for the last two years! So, we have said that: "Let us have the people who represent the public to be the chairmen, to direct those committees." Like I said, the DCs are more powerful than the Head of State. A DC can come and chase away the people from your meeting, which the Head of State can never do! The DC can go and arrest your people, which the Head of State can never do! Those people have become small gods illegally! So, we should remove them! They should be there as members to listen to what we will do! So, I commend the Committee, although I am a Member of it. It has given mandate to Members of this House to create a proper and functional Board.

With those few remarks, I beg to support.

**Mr. Kanyauchi:** Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank the Members of the Committee on Energy, Communications and Public Works, to which I am a Member, and to which the ambit of this Bill falls. When we realised that this Bill was coming, it was only last week. As you are aware, we did not allow the moving of this Motion last week because it had not been brought to our Committee. When it was eventually brought, it entailed our having to do overtime to ensure that what is presented to this Parliament today makes some sense not only to this House, but also to Kenyans. I wish to thank them because they put very valuable time and a lot of man-hours to put in amendments which, fortunately, are also before this House today.

Mr. Temporary Deputy Speaker, Sir, I would also wish to thank the Minister for Roads and Public Works because quite often, when we called him to come before us, he obliged. He did very well in the Committee. I wish all the Ministers could do as well, and be as able as he is. We would have a very good country and Parliament.

*(Applause)*

So, once again, Mr. Minister, I would like to thank you on behalf of our Committee.

I can see that most of the amendments to the Bill have already been brought before the House. So, I really will not belabour on them. The hon. Members will have a look at them, section by section, and see what the Committee decided to incorporate, either to add or to subtract. But I would like to make a few remarks.

First, this is a very important Bill. In fact, I do not know which Board will be as important as this one. In terms of resources, it is going to control colossal amounts of resources. Like hon. Angwenyi said, the amount of money that it will control is mind-boggling. But this is where the problem is. All the money which has been going into roads has always been mind-boggling! But when you come to the ground, the reality is completely the opposite. I do not know which hon. Member will say: "Yes! The roads in my constituency are excellent, and I have no complaints." There is nobody. The stories that you hear every day are: "I am unable to go to my constituency." In fact, a third, if not more, of Members of Parliament are literally captive of our roads. They are unable to reach their constituencies. For instance, the whole of North Eastern Province, all the upper part of Malindi going upwards, and the whole of the North Rift, there is nothing called roads, yet, everybody there contributes in terms of taxes. All Kenyans contribute towards the Fuel Levy.

So, what I am trying to say is this: We need a radical approach to the management of our roads. In fact, our constituents complain about the state of our roads in the countryside, but when they come to Nairobi and look at the roads in downtown Eastleigh and Eastlands, they wonder why they had been complaining when the roads in the centre of this City are so pathetic. But the malaise is on the management of the roads because money has always been used. An example has been given of how a colossal amount of money was used by the Ministry of Local Government in the City of Nairobi. It is, indeed, a big shame that there was a Minister in charge of roads, and money was just stolen left, right and centre. This is what we are attempting to scrap. The theft of money which is meant for roads amounts to the theft of taxpayers' money. We hope that with the amendments which we have put in the Bill, the road management in this country can be done in a more transparent, professional and hands-on-the-job way, and not the way it has been done hitherto.

Mr. Temporary Deputy Speaker, Sir, we have also put in certain aspects on how to bring about transparency. In terms of monetary expenditure, we have put in parliamentary approval to be of essence. I think we will find it important for hon. Members to come in and scrutinise the amount of money which the Board wants. We have also put a provision that a certain amount of the money which is allocated to the Board should go to the constituencies directly. That is very important because dealing with all the roads in the district has become so amorphous! When we say so much money has been released for roads in Meru District or Suba District, for that matter, where I come from, it becomes amorphous. We have the DCs and their notorious district treasuries. The moment any amount of money arrives at a district treasury, it disappears by the next day. If such money was meant for roads, then the roads will remain as bad as they were. So, we want to try and remove this "animal" called district treasury and the DCs from handling money set aside for roads, so that it can go to the ordinary mwananchi who pays tax eventually.

The other important aspect is the creation of the District Roads Board which will be like a child to the actual Roads Board. With a bit of supervision and a change of attitude, we can ensure that monies are channelled from the Board to the District Roads Board wherein the elected leaders and the roads engineers in the districts will be in charge. We can get somewhere, hopefully, if we have the right attitude and ensure that our roads are done.

We also agreed that the Roads Board should not be exempted from parliamentary scrutiny. It should appear before the Public Investments Committee (PIC), and we are happy to report that, indeed, it will be subject to scrutiny. I urge all hon. Members to go through its finances with a tooth-comb. If you do not do so, then it will be your constituency which will be unreachable, and there will be nobody to blame. We have made sure that some amount of the money goes directly to our constituencies. So, when PIC seats, eventually, and examines the accounts of the Roads Board, please, go through them that with a tooth-comb.

We have also proposed that the appointment of the Chairman of the Roads Board will be subject to parliamentary approval. The Chairman can be appointed by the President, but the last approval must be given by Parliament. Although this might sound like a piecemeal way of going around it, these are some of the things which we want to see in the new Constitution. We want to ensure that Parliament is supreme. It is only important that for the Chairman of a body which is as important as this one, the representatives of the people give an okay. We do not want people who are appointed unilaterally.

Mr. Temporary Deputy Speaker, Sir, the other issue which our Committee looked at is the question of our contractors. The Kenyan contracts, unfortunately, are dominated by a certain community. We need to change our attitude and make our African brothers know that they can do a good job like the others. Why should all the money that is paid out for these contracts be given out to the same people? If it is not Behal and Chang, it is some other Asian! We must change our attitude towards this, and we are going to ensure that the Roads Board has the right approach and the right attitude. We are the owners of this country, and we must have a share of its resources, whether as contractors or

in any other sphere.

Mr. Temporary Deputy Speaker, Sir, there are two very important people in the Roads Board, namely, the Chairman and the Chief Executive. We are not setting up this Roads Board for Asian contractors or any particular person. We want people who can deliver.

Already, word is going round that a former Government officer wants to be appointed chief executive of this Board, and one of the names which repeatedly comes up is that of a retired Permanent Secretary who is an engineer. Now, we do not want retirees in this kind of job. We have very able engineers who are very young boys, who can do good jobs. So, from the onset, I want to caution the Minister that we are not going to have retirees sit in this kind of very important institution just because they are politically correct. I want to say this: The former Permanent Secretary, who is an engineer of roads, who is eyeing the post of the chief executive of this particular lucrative Board must keep off and forget about it. Of course, an engineer, preferably, should be there, but we want the younger engineers who are sitting with us and not retirees. If you have retired at the age of 55, what are you going to do? You were a Permanent Secretary for about 10 years, and you want to come back. What new ideas do you have? We do not want those kind of people hanging around such an important institution.

With those few remarks, I wish to support.

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to make my contributions to this particular Bill.

First, I would like to thank the Committee for having taken time to go through this Bill and make suggested recommendations for amendments to be included in the final Bill. I do so, given the fact that the Committee even met over the weekend and it did give certain suggestions. Once I have said that, I would urge the House and, in future, the Minister, that whenever there is an important Bill such as this one, it should come in good time for the House to give it serious consideration, and make certain suggestions, instead of it being brought as we are about to go for recess. A rush such as this one engenders a situation where there are so many mistakes we are likely to make. Those mistakes will, in turn, make the Bill or the Act of Parliament impossible to implement. I have seen this with so many other Bills that have come to this House. Bills that are brought at this particular time are likely to contain many mistakes that render implementation impossible.

Mr. Temporary Deputy Speaker, Sir, I would also want to urge the Minister that all the amendments Members of Parliament have suggested and agreed upon should be brought in the final draft. I am saying this because, in the past, Ministers have taken a tendency where they, without the knowledge of Members, sneak in some clauses that are at variance with the initial suggestions of Members of Parliament. Once I have said that, I would like to look at specific sections or clauses and give my own suggestions to the Minister.

Under Clause 6 (G), it is suggested that:-

"Recommendations to the Government on the appropriate levels of road user charges, fines, penalties or any other sums required under this particular Act shall be made".

I will give a suggestion that such recommendations should not be recommendations to the Government, but if there is any levy to be charged or any sums required---

## QUORUM

**Mr. Nyanja:** On a point of order, Mr. Speaker, Sir. There is no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): We have a quorum now. You may proceed, Mr. Kirwa.

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, as I was saying, under Clause 6(g) of the Act, they are mentioning the Fund under a different Act of Parliament that was passed in this House in 1993. There is no provision in all other sections of this particular Bill that gives ways and means of inheriting any monies that were in that particular Act. So, it will actually bring a conflict where some of the money should be levied under the previous Act. There are also areas where, if the officer manning the money under the other Act refuses to surrender the money, the Board has no way of getting that particular money. So, the Minister had better look into ways and means of harmonising that, such that, when it comes to the final stages, that should not create any conflict at all.

Under Clause 7(c), there is what I suggest might be a typing error because in all other subsections, under Clause 7, they are talking of "officers not below the level of Deputy Secretary". But in this particular one, they are mentioning that "the Permanent Secretary in the Ministry for the time being responsible for matters relating to roads or designated alternate below the level of Deputy Secretary". So, what is probably meant here is that, that person should

not be below the level Deputy Secretary. So, I hope the Minister is taking note of that particular suggestion.

Mr. Temporary Deputy Speaker, Sir, under Clause 8 (d) and--- In Subsection (d), I would suggest that parliamentary approval must be sought for any Board entering into association with the organisations, particularly organisations outside Kenya. This House must approve the association so that the Board does not enter into some kind of association with organisations that are going to bring problems to this country.

Subsection 8(f) talks about the investment of the Funds by the Board. We have had the experience of failing financial institutions where enormous amounts of money were invested. For us to guard against this, we had the recommendations of the Committee. But that is not enough; it must be for a specific period! I am mentioning a specific period because the object of raising this particular Fund is to maintain our road network. Therefore, I do not see any rationale in this money being kept beyond a certain period, and my period in this particular case is one financial year. This is because if the money was not used during the previous financial year, that money must, of necessity, be used in the subsequent financial year, but not exceeding one year. So, I suggest to the Minister that they have to be specific on the period the money can be kept with those financial institutions, or it can be invested in any of the institutions that can invest money.

Having said that, there is also the section under Clause 30, subsection 2(a), which mentions proceeds from Road Maintenance Levy Fund. I hope that this will now be clearly harmonised with Clause 8(d). Under Clause 30(d) subsection 5, they are talking of the Minister setting the ceiling of money, or approving once the ceiling has been set. I think it should be the work of the Minister alone. The Minister should all the time be able to make his proposals to this particular House. It is the same under Clause 31 subsection (2). Of course, when we talk about Clause 32(a), we are talking of investing surplus funds in Government securities and so forth. The same question is being asked again, that, for how long are you going to keep this money or invest this money? Are you going to invest the money under NSSF or other failing institutions like in the past, for instance, National Bank of Kenya and also other imaginary institutions? I want the Minister to inform the House every time he is investing this money.

Mr. Temporary Deputy Speaker, Sir, likewise, under Clause 34(3), it should not be "without the consent of the Minister"; it should be "the consent of Parliament" because this is the only way we can be responsible to our people.

Under Clause 35(2), I hope the Minister is going to explain whether they are talking about the Auditor-General (Corporations) or an auditor appointed under this section. I do not know which other auditor they are going to appoint under this particular section other than the Auditor-General (Corporations). Since we are considering this Board as a parastatal, we do hope that, in all practical ways, it is going to act as a parastatal that is being responsive to the wishes of this House.

Mr. Speaker, Sir, having said that, I would want to have a look at the First Schedule where there are seven various organisations from which the Board is going to be appointed. I do not have much quarrel with most of the associations, but I was thinking that, because there are institutions of engineers, and I do know that engineers mainly deal with issues of construction; they have to be assisted by quantity surveyors, and I hope, in the final amendments, quantity surveyors are also going to be put into consideration. Therefore, I do hope that the Central Architectural Board, for all practical purposes, shall not appear in the final Bill.

Let us now look at what has happened in the past. We have various organisations that we have formed under various Acts of Parliament, one of which is the previous fund that, for all practical purposes, this Fund is going to inherit. I am made to understand that the money that we have been getting from the Fuel Levy is in the tune of Kshs7.8 billion or thereabouts, annually. One wonders where this money has been going to since 1993. What miracle is the Board going to perform to ensure that this money is actually going to be accounted for? Since the Minister has a good name as an engineer, are we not putting him in the Bill for the purposes of passing this Bill? Once the Bill is passed, we are going to have somebody else who is going to preside over the total destruction of this particular money!

Mr. Temporary Deputy Speaker, Sir, this is the question many members of the public are asking and we have a right to ask it here. This is not the first time we are having such very good projects that eventually end up nought. We had even the Nyayo Car. What happened to the car and the spare-parts? We had so many Nyayo Wards. We have the Nyayo Tea Zones that were taken from various county councils. What happened to that particular area? We hope this House is not being used just to facilitate a process of getting money from donors and also getting money from our taxpayers. The amount of money that we are getting from fuel alone is enough to maintain most of our roads.

Why this money has not up to now been able to do some job that can be appreciated by the public and this makes many of us ask the question: "Are we sure that we are not endorsing another chance for somebody to eat this particular cheap money?" I am calling it cheap money because, money that is going to be collected from fuel is the easiest to collect. There should be no complication at all because by the time the man running a petrol station collects the fuel, it is almost as good as paid for. This particular Board is going to get one cheque from the company. This is the caution that we want Members of Parliament to realise as we are discussing this.

There is the recent case of the Transport Licensing Board (TLB). We were promised that there is going to be order on our roads. Now, it is more natural to see disorder on our roads. What happened? Where did the money go? Emotions of the members of the public were whipped into believing that we have to support the Government because it is the only way of bringing order or sanity on our bus stations. What is happening is that, it is just like the old days and billions of shillings are being collected every day under the TLB. Let us not allow a situation where, we as Members of this House, become the laughingstock of the public. There is a corporation like the Kenya Power and Lighting Company (KP&LC). While the Company gets a lot of money from this House, it seems to have autonomy. Some of these corporations or boards should be able to make their periodical proposals to the House so that anything that they do must be approved by this House. Otherwise, in the eyes of the public, Members of Parliament are responsible for the issues that take place in their own constituencies.

Mr. Temporary Deputy Speaker, Sir, but we know that Members of Parliament are the most powerless people in this country. Why? It is because the Executive, over the years, has taken away powers from Members of Parliament such that our main role is just to come here and pass the Budget, go for recess; come back in March, pass the Supplementary Estimates, go for another Recess and pass the Budget, go for recess, pass the Appropriations Bill and go for recess! What business do we do? This is the problem. Unless we stand to be counted, the Executive is going to manipulate us year in, year out. It is just not enough to make noise here. We must have the ability to probe this particular Board from misusing public funds. Even the Executive can make illegalities. We make noise and after two months, we forget and life continues. How many recommendations have we made to this House? We have resolved as a House that so-and-so should be banned from holding any public office. They are here in our midst. They are our colleagues and they do not have the audacity even to resign as Members of Parliament. Parliament is gradually being made useless.

Mr. Temporary Deputy Speaker, Sir, the dictatorship that has been taking place in the public is spreading into various political parties where they are assuming a more important role than individual Members of Parliament. We have to make it clear that we are here as individual Members of Parliament and not on behalf of any political party. Parties nominate us, but they do not elect any Member of Parliament into this House. It is the population of this country, simply and collectively that elects us into this House. This is the message to various political parties, that they should not assume a more important role than Members of Parliament. We are here on behalf of Kenyans.

Having said that, I hope the Minister, being a good man, as we know him so far, is going to bring amendments that 50 per cent of the money shall be retained by the Board; 40 per cent shall go to the district, out of which 40 per cent shall go to the constituency. For the district, it will depend on the size of the district, but for the constituency, let it be on equal proportion throughout the country. If it is the Kshs2 billion, we are talking about, let every constituency get Kshs10 million and the rest of the money which is 24 per cent of the total shall go to the district for maintenance of the various roads in that particular area.

Mr. Temporary Deputy Speaker, Sir, I want the Minister to take into consideration the so many projects that have stalled throughout the country. There is no need in starting new projects when there are many others which have stalled and the Government has incurred enormous amounts of penalties because these projects have not been completed, like the Eldoret-Ziwa-Kitale road that passes through my constituency. For the last four years, the Ministry has been giving us one excuse after another. We want also the President, being the Chief Executive, not to be changing these people in that particular Ministry every day. For the last one year, we have had almost three Ministers in that Ministry. I cannot count the number of Permanent Secretaries since the last general elections. If all these people are corrupt, then it means the appointing authority is not taking into consideration those factors before appointing them. Possibly, they were eating together and when they stopped eating together; he did away with them to look for somebody else who can eat with him. We want to be fair. You do not expect a Minister to understand a Ministry within six months. These reshuffles are becoming useless. In fact, I have been following some of my friends in various Ministries, I have lost count. When I meet them every day, I ask them: "Are you still where you were last year? They tell me: "No; I was moved to another Ministry, then I was moved to another one. I am in the third Ministry".

With those few remarks, I beg to support.

**Mr. Munyao:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to say very few words on this Bill.

First of all, I would like to join my colleagues from both sides of the House who have contributed in congratulating the Minister for bringing this Bill to the House. The Minister is new in the Ministry. However, for the few months he has been in office, he has proved to be a true Minister; he is honest, determined and willing to serve Kenyans. If the staff of the Ministry have similar values to those of the Minister, we should expect a total transformation of this country's roads.

I would like to express my appreciation for the Minister's acceptance of the proposed amendments by the

relevant Committee of the House. Hon. Mbela and other Members of the Committee told me that they received very good co-operation from the Minister. I am informed that the Minister accepted the amendments straightaway and promised to support them to the end of the debate on this Bill. Also, I would like to congratulate the Committee, headed by hon. Mbela, and particularly, for the time they put into this matter. It was only last week when this Bill was returned to the Committee. That, such beautiful work was done within such few days, means that the Committee sacrificed a lot.

Mr. Temporary Deputy Speaker, Sir, having gone through this document, I believe that there is very little to add to the Bill. Perhaps, I should put a rider to the Ministry's views. I will begin by asking the Minister to consider changing the strategy and culture of road building in this country. Hitherto, we have been building our roads using bitumen. A new method of doing this has been introduced in the area of road building, which I think the Minister should consider. Engineers have shifted from the use of bitumen for carpeting road surface to the use of cement or concrete blocks. Most countries in the world, today, consider this material more durable.

The kind of road carpeting I am talking about is not totally new in Kenya. We have roads finished in that manner near the National Museums of Kenya, in Nairobi; in Mombasa, a similar road is found near Bamburi. Similar roads are in existence in various parts of the country. I have been told that the construction of this type of road is cheaper, quicker and labour intensive. In particular, if we have to increase job opportunities during this time when the country has about 4 million unemployed people, this is one of the options we have to consider.

Some experts have told me that the construction of such roads can cut the costs of the traditional way of building roads by about 30 per cent, and reduces the completion period of any road by almost 50 per cent. Further, to that, this type of road building is labour intensive since most of the work is done by hand. After the road is graded, the carpeting of its surface is done manually by joining concrete slabs.

The construction of this type of road will create jobs in two ways. One, quite a number of people will be required to undertake the manual joining of the concrete slabs; many local people will be employed since very few experts are required in the construction of such roads. Two, Bamburi Portland Cement Company, which is currently in the business of making such slabs, can be kept in business. The company will have to produce a lot more cement since we will be using it for road construction. Because of the bulk use of cement, its production costs and price will be reduced. So, the construction of this type of roads has three positive factors, namely, it is labour intensive; it creates jobs; and ultimately results in lower cement price. This will, turn, encourage Bamburi Portland Cement to produce more cement.

In fact, the company has now built clinker mixing factory in Athi River. At the moment, the company is not able to use most of the clinker material it produces at Athi River. I have been informed that if the Minister introduces this method of road building, the company will be able to double its production of clinker material in both Athi River and Mombasa. In this way, this Ministry alone can help the Government to reduce unemployment by between 60 and 70 per cent, and this country cannot boast of any bigger achievement than this as far as job creation is concerned at the moment.

Another positive aspect about this kind of road building is that it will help to reduce the corruption that is, otherwise, being perpetrated by supervisors and road engineers. As it is now, road engineers and other professionals are the ones who supervise road projects for the Government. However, most of these people are corrupt. For instance, recently, the Minister had to commit himself to follow up a matter involving a contractor who had done a shoddy job on a Nanyuki road because the Government engineer who was in charge of the project had issued the contractor with a completion certificate yet the work was not properly done. It is as a result of such malpractices that we get many reports about roads that are poorly done. In turn, it further costs the Minister much more money to go round inspecting such roads.

I have been told that the concrete slabs that will be used for carpeting the type of roads I am talking about will be of a specific standard in terms of dimensions, and the road engineer will just have to join them. This will enable us to have a uniform standard for all roads in the country irrespective of the region in which those roads will have been built. Thus, the issue of roads in urban areas being better than those in rural areas will be a thing of the past. Concrete slabs for road construction countrywide will be coming from one manufacturer, and will be of the same size and quality. I have been told that some of the roads that were carpeted using concrete slabs in the United States of America and Europe have lasted for between 50 and 60 years, and are still in good condition. Therefore, since roads are being re-built in Nairobi, I think we need to have the kind of material I am talking about tried on Lunga Lunga Road and on other roads within the City. It is cheaper to build such roads. Also, as I have said, there will be no room for corruption.

Mr. Temporary Deputy Speaker, Sir, road maintenance is very important. I may say here that nothing is more important than road maintenance in this country. If you buy a bicycle for Kshs10,000 today, within three years of its use, you will have spent Kshs50,000 on its maintenance. This is because, as you cycle on it, you will be losing parts of that bicycle every time, and you will be required to replace them. I have been told by hon. Nyenze that in his area, you



can get a wife even free, but you will incur maintenance costs on her. So, costs these days are on maintenance.

**The Minister for Environment** (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am surprised that hon. Munyao is alleging that I have told him that it is easier to get a wife than to maintain her. Is he in order to make such an allegation when I have not told him such a thing?

**Mr. Munyao**: Mr. Temporary Deputy Speaker, Sir, I did not mean exactly that, but I meant that one can get a free wife in hon. Nyenze's constituency. In fact, they would like a Minister to marry many wives, but the problem is taking care of them. I am sure that if taking care of them was easier, he would even go for 20 wives. **The Minister for Environment** (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. I hope that hon. Munyao is not carrying the Kamba battles into Parliament. Could he substantiate or apologise and withdraw that statement?

**Mr. Munyao**: Mr. Temporary Deputy Speaker, Sir, that was said with a light touch. I know that the Minister will get a chance to speak, and when he gets it let him associate me with 20 wives. In fact, I will be proud. Am I not a gentleman or man who would like to be associated with 10 or 20 wives? I think I will be proud to own 10 or 20 wives. Let him say that when he gets a chance, because I will be proud if he associates me with marrying 20 wives. I will not have any problem, if they are all my wives. What is wrong if all of them will be singing my name?

However, I was just associating that with road maintenance. I would like to inform this House that it is easy to build a road in Kenya, but it is not easy to maintain it. This is because we are not serious. I would like to request the Minister for Roads and Public Works to, at least, initiate maintenance of our roads. If a tarmac road develops a pothole in Nairobi, where the Headquarters of this Ministry are located, and it takes a year before it is filled up, how long will it take if this pothole develops on a road which is somewhere near Kibwezi or North Eastern Province?

We would like most of the roads to be gravelled and murramed properly. Above all, we would like the Minister to ensure that if a road has been allocated some money by the Government, it is maintained. In some countries, which I do not want to mention, immediately a road is constructed, they even assign a tractor to it so that immediately a pothole develops on it, it is easy to access the tractor so that it can be used to repair the road. We would like maintenance of our roads to be taken seriously by the Ministry.

Mr. Temporary Deputy Speaker, Sir, some of the contractors we are talking about, and I am happy that hon. Angwenyi or somebody else cited them--- It is on record that an Asian by the name Behal Sunil, who has been summoned because of corruption, left the country last week for the United Kingdom. That is the man who has actually guzzled all the money allocated to the construction of roads in this country. I remember I brought a Question before this House, when hon. Magugu was the Minister for the then Ministry of Public Works and Housing, and we, the people of Mbooni refused the shoddy job which had been done by this contractor. This is because he was doing the Tawa-Makueni Road, which within some few days had been washed away. He had used sand on the road instead of murram. I would like to inform this House that he had refused to buy murram and instead opted to use sand, because he did not want to compensate the owners of the land from where the murram was being dug. This is one of the persons who the Kenya Anti-Corruption Authority (KACA) must try and bring back to this country. This is because internationally, we can bring this man to this country to be tried. This is because he stole all the money from this country! I would also like to inform this House that he was the only man who was being awarded tenders to construct most of our roads. I do not know how he went around being awarded the tenders for the construction of our roads.

I would like the Minister, because I am sure that these Committees have made some recommendations of some people who have earlier on swindled or mismanaged Government finances--- The people or the companies which have been blacklisted should not be awarded any contract to repair our roads. We would like the Minister, when he will reply, to assure this House that the people who have been blacklisted in this country will not be awarded a tender to repair a road. One of these people who should not be allowed to repair our roads is Mr. Behal Sunil. Whatever the case is; this man should be brought to book; he must be tried! We are all looking at the Minister to see what is likely to happen to some of these people. This is because if names of such people appear later on as having been awarded contracts to construct some roads in the country when they have done shoddy jobs in the past, it will be bad.

Mr. Temporary Deputy Speaker, Sir, the other contractors whom I would like to talk about are the ones who had done the Nanyuki Road, which was being discussed in this House last week. This road which is 40 kilometre long is said to have cost around Kshs110 million. One does not know the amount of money used to repair a kilometre of this road.

Although we have castigated some members of the Asian community who are constructors, not every Asian constructor is corrupt. However, some are more corrupt than others. At the moment, I know of a certain construction company called Quad Singh which I do not know the owner--- This company was building a road from Mwamuny to Kalawa, which is 42 kilometres long and, in fact, they have done a wonderful job. I would like to congratulate the earlier Minister, hon. Kones, who at one time we accompanied in inspecting that road and within a month he had to terminate the tender of the original contractor. I know it costs a lot of money and requires a lot of courage to terminate

a tender which has been awarded to a certain contractor. It costs the Government a lot of money, because these are people who are well-connected. In fact, they are not awarded tenders in a straightforward manner. The original contractor who was repairing this road had only two tractors and a wheel-barrow. In fact, the man had been on that road for some time and whatever he had done on it, one cannot compare it with what has been done by the current construction company. The people in that area really feel that Independence has come because of the manner in which this contractor has widened and repaired that road. We would like to encourage such persons to continue with this kind of work.

The other point is that the Ministry personnel have most of the time been in that area, because we can see that they are actually supervising the construction of this road. This is because without supervision, this performance would not be achieved. Mr. Temporary Deputy Speaker, Sir, there are some areas like Makueni District, which for some unknown reasons were under Machakos District for many years. At that time, there was no priority to build roads, because all the roads began from Machakos and ended up in whatever area. It is just like in Kitui District where we had Mwingi and all roads began from Kitui Town--- One will find that tarmacking of roads in these areas is only about 10 kilometres from the major towns. We admit that the Machakos-Wote Road will take three years to be completed, but we would like to remind the Minister that to wait for three years for a road to be completed is a long time. We do not see why it should take three years to have this road completed. I understand that the constructors are new and they have never done any road in this country. They are from South Africa. We want the Minister to intervene and reduce this period of three years to about two and a half years.

The other thing which has delayed the completion of that road is the land compensation issue. Even where the Ministry of Lands and Settlement evaluated the cost of compensation for the land owners, it took a long time before compensation was made. And even now, compensation has not been made and as such work cannot continue. We would like the Minister to intervene so that those people who have not been compensated up to now, and who do not allow the constructors to pass through their area, can be compensated to allow the construction work to continue.

We had a DDC last month in Makueni and it is so surprising that the entire district has got only one grader. Up to now that grader has got no tyres. Last week they were negotiating with Firestone Company to replace the tyres. As soon as they have replaced the tyres they will find out that a certain part of the engine is not working. After that, the driver will need to go or leave. It is a total shame for a district like Makueni to have only one grader. We have already proceeded to give the Minister recommendations of about 12 roads costing about Kshs4.8 million purely for grading. If we wait for these grader to come from a garage and get some tyres, by the time they go half way the tyres will be useless. That will be three or four years from now and of what wananchi will have been expecting will not be seen.

We are, therefore, requesting the Minister to treat this district like any other district and, perhaps, allocate much more finances and a grader per constituency or division. We have got five constituencies in Makueni and we only need four more graders which will give us service. In that area people have never known roads. At one time I was tempted to ask a Minister for Public Works to define a road licence because most of the motorists in that area do buy road licences every year. If the Minister maintains that the purpose of having a road licence is because it is a permit to use a road then people in Makueni, Kitui and Mwingi do not need to acquire road licences because those areas do not have roads. We have got earth-created farrows.

At one time the Minister will receive a charge that we have paid money for which we are not receiving services. We pay for road licences to use our roads but, eventually, we never use the roads. Therefore, we should be refunded this money which we have actually paid. In that area we have got very many vehicles. We would like to see roads in Makueni.

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

**Eng. Muriuki:** Thank you, Mr. Temporary Deputy Speaker, Sir. I must start by saying that this Bill is timely. It may not have all the answers to all the problems we have in this country, but it will go a long way in solving one of our major problems which is poor infrastructure. You will recall that this Bill was brought for a Second Reading last week and we blocked it. The reason for this was that it had not been referred to the relevant Departmental Committee. I must compliment the Minister for Public Works because thereafter, he availed himself at very short notice on Friday. Even this morning he availed himself with a team of experts and, therefore, we were able to sort out a lot of the grey areas which were preventing us from proceeding with this Bill. For that reason, I support the Bill.

One of the issues which have been raised by some of the Members is that up until now we have been having road programmes. We hear of donor aid for certain programmes but, we never seem to get anywhere. We are just being told that there is a road somewhere in Kenya, which costs Kshs74 million per kilometre. I would like to tell the Members here and now that I am a civil engineer and so is the hon. Minister, and he shall testify that there is no road which can cost Kshs74 million unless it is under "eating" programme. If it costs more than Kshs10 million, I would like to see that bill or quality. When we have all these road programmes for 36 years since Independence, it is a shame that we have to import food. At the moment we have to import maize, milk, eggs and worse still, some of the products

which we can produce here very easily like wheat. We are importing more than 60 per cent of our wheat requirements simply because we cannot provide simple access roads to our farmers. Our farmers are not asking for bitumen roads which cost Kshs74 million per kilometre.

As a matter of fact, considering the amount of money being used for the roads in the urban areas here, one kilometre will cost the same as 100 kilometres of murrum road in Nyandarua District, where I come from, because we are only looking for simple murrum roads. Due to the lack of rural access roads in the food producing areas you will find that investors have declined to invest there. A lot of hon. Members here have land in the rural areas, but they do not invest there because you cannot get in and when you get in, you cannot get your food out. We have made a very big step forward. This Bill remembers the rural areas. I come from a rural constituency, so I will continue speaking on behalf of 80 per cent of the people who live in the rural areas.

If you look at the 1998 Economic Review, it states clearly that within that year, the Government spent Kshs11.4 billion on roads. I looked through the same document to see how much was spent on the rural areas. The same document states that Class E which is the rural access roads for farmers was nil. The same document states that the amount of money spent on unclassified roads which are now the inner roads used for taking out cabbages and milk was also nil. The current budget to tarmac urban roads is now ranging at Kshs10.5 billion. I have no quarrel with Kenyatta Avenue or Parliament Road being tarmacked. All I am saying is that there is no maize growing along Parliament Road.

If we can afford Kshs20 billion in one year, all we are asking is that a small part of it be taken to the rural areas. This Bill has an answer. It has an alternative. We were going to ask for a moratorium so that we stop building all the trunk roads and urban roads for one year and remember the farmers, but this Bill has now come to remember the farmers. Through the Kenya Roads Board like has been stated by our Chairman in the Committee, we have agreed that 40 per cent of all the money which is going to the roads will be allocated to the District Roads Committees. That will ensure that every corner of this republic will be reached by whatever funds are available for the roads. This money will not go to the District Commissioner's account; it will go to the roads money account, so that even if it is not utilised this year it is still available next year.

I would like to comment a little bit on the amendments which were done by the Committee and in so doing allay a few fears which have been raised by a few hon. Members. One of them is that there is a lot of money being raised through the Fuel Levy Fund Act which was enacted in 1983. I would like to assure Members that what was agreed on in the Committee and is part of the published amendments which were tabled by our chairman is that 100 per cent of the amount of money raised through the Fuel Levy Fund will come to the Kenya Roads Board. In that way, Members should know that there is no conflict. There was also an issue raised on the investment of surplus funds. I would like to clarify here that the issue of what happens to the surplus funds and whether it should be invested or not has also been discussed in the Committee. We have no choice.

Mr. Temporary Deputy Speaker, Sir, right now, we have no choice. This is because there is no way a road will be build in one day and payment made on the same day. There will always a surplus. That is why we proposed to select and determine the kind of banks in where this money should be deposited. That is why we said, we want banks which are quoted on the stock exchange market. One hon. Member, who is a veteran in this market said correctly that not all banks quoted in the market are good. Therefore, I will ask the Energy, Communications and Public Works Committee that when we sit down to review the amendments, as proposed, we need to scrutinise those banks before we decide on which to use. We should not go for them simply because they are quoted in the stock exchange market.

Mr. Temporary Deputy Speaker, Sir, another hon. Member raised the issue of why we do not have quantity surveyors on the Board. The engineers trained to work on the roads do not require quantity surveyors because they are trained to do the design work, bills of quantity and determine the quantities. Quantity surveyors do a very good job on buildings. So, I would like to allay the fears of some Members on why we do not need quantity surveyors on the Board.

Mr. Temporary Deputy Speaker, Sir, there was also another issue raised by hon. Members with regard to concrete roads. I would like to advise hon. Members that, whereas concrete roads are very durable and we use them in areas like bus-parks where there is spillage of diesel and oil, we are still yet to perfect the technology in order for us to use concrete roads on extensive basis. However, in the Committee, we did agree that there will be specific division of duty or responsibility as far as road construction is concerned. The Ministry of Roads and Public Works will be responsible for research and will provide all the expertise pertaining to roads. Therefore, I would request the Minister to take up the challenge and do for us a proper research, so that we know whether or not, we could use concrete roads on extensive basis.

Mr. Temporary Deputy Speaker, Sir, one other issue raised by the Committee was that, hon. Members have not had a say in the determining which roads would be constructed in this country. Again, the Committee agreed that 40 per cent of the funds will go to districts. It was also agreed that, hon. Members will have a major say on the roads

to be constructed or maintained in their constituencies. The Committee further agreed that, 40 per cent of roads to be constructed should be determined by the Board. The quorum for Board's meetings will consist of half the number of hon. Members in the respective districts. So, on that note, I would like to allay the fears of hon. Members that, the construction of roads will not be done in the same way, but hon. Members will be included in decision-making.

Mr. Temporary Deputy Speaker, Sir, since I am a Member of this Committee, I will not talk much on this Bill. I will allow other hon. Members to make their contributions. However, we are aware of how PIC has unearthed a lot of mess in this country. But that is only history and we can do nothing much about it. So, I am proposing that, in future, this Parliament should establish a Parliamentary Tender Committee, so that we are able to curb the mess in this country.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Eng. Muriuki has touched on a very serious issue that, that with regard to those who have misappropriated funds, it will be history. Is he really in order to say so, when we know that all those who have misappropriated funds will not be treated as history, but they will be prosecuted at one time or another?

**Eng. Muriuki:** Mr. Temporary Deputy Speaker, Sir, thank you for that correction. We know that prosecutors prosecute history. All I am saying is that, for most of these misdeeds, we are not able to curb them. Therefore, in future, this Parliament should establish a method dealing with those individuals who misappropriate funds. We can have a Parliamentary Tender Committee, which could give out tenders to public bodies that can be scrutinised by Parliament before mess is done on our roads.

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

**The Assistant Minister for Energy** (Mr. Chanzu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this important Bill. We know that the Development Vote of the Ministry of Roads and Public Works goes to the construction and maintenance of roads in this country. Therefore, this Bill is very important to the Ministry. It is also very important to agricultural activities in this country, because our farmers need good roads to transport their produce.

Mr. Temporary Deputy Speaker, Sir, I wish to thank and congratulate the Minister for Roads and Public Works, Eng. Kiptoon. The Ministry has a good blending of professionals at the Ministry's Headquarters. I hope that this time, his staff will produce better results than we have seen in the past. I also support the amendments which have been introduced by the Department Committee on Energy, Communications and Public Works. It is very important that when money is voted in this House, there is a way to monitor and oversee how it is spent throughout the country. Therefore, the creation of the District Roads Committee is a very important aspect. However, I would like to encourage hon. Members of Parliament to be attending meetings of the Board because, we have had DDCs meetings where hon. Members do not attend. This will be counter-productive if the quorum will be based on hon. Members and yet, they do not attend meetings. So, it is going to reflect very badly. And I think that is why when the Chairman of the Committee was introducing these amendments to the Bill, the Speaker requested us to listen carefully and attentively. I think that is one of the issues that I would like hon. Members to take into account. For example, in an area where we have one district and one hon. Member and he may not attend the meeting, then it will mean that there will be no quorum for the meeting. Therefore, I would only like to advise hon. Members on the meetings, so that we can uphold our dignity.

Mr. Temporary Deputy Speaker, Sir, we used to have Rural Access Roads Programmes in this country which served our people very well. It is a pity that in some places, the roads are not in good condition at all. As you have heard, with very little money, we should be able to murrum our roads and make them passable. Another advantage that we had under that programme was that, most of them were labour intensive. Therefore, they were very good means of creating employment and eradicating poverty in the rural areas. So, the Ministry should consider reviving the Rural Access Roads Programme. Let us have more of them in the rural areas.

Mr. Temporary Deputy Speaker, Sir, on the aspect of regular maintenance of roads, I do not want to over-emphasise that point because it is very well known that, our roads develop potholes gradually. Those potholes start as very small potholes, but because they are not attended to, they eventually develop into very large potholes and, sometimes, they end up wearing away all the tarmac on our roads. So, that is an aspect we must look into and I am sure it will be taken care of in this Bill.

The other aspect which need to be looked into is the method of procurement of the projects. There have been some loose ends or ways of procuring a project. I think, this is what has exposed this Ministry to corruption, like the issue of collusion. Some of the projects hon. Members have mentioned in this House cost about Kshs74 million per kilometre, strangely enough, some of these are donor-funded projects. The system of procurement of projects was very water tight. These are some of the aspects the Ministry and the Bill should address, so that we can know how they come about. I think it also goes with the engagement of consultants. Maybe, let me just touch on a small item; the *El Nino* Emergency Fund. I have got an example where consultants gave information on a road which had already been

done by the Ministry of Roads and Public Works under the Fuel Levy Fund. The officers in the field leave the consultants to work on their own, which should not be the case. So, the supervision of consultants in the field should also be undertaken vigorously by the Ministry.

Mr. Temporary Deputy Speaker, Sir, the other aspect is the disbursement of the funds for various usages in the districts. Hon. Members have already talked about a situation where there may be a district which has got four constituencies, or which is a constituency as well. The one with more constituencies should have more funds in terms of proportion. We also need to curb the loopholes which lead to misuse of funds and I am sure, with the creation of the District Roads Committee, we will be able to address that problem.

Mr. Temporary Speaker, Sir, there was an aspect regarding those bodies which will nominate representatives to be appointed by the Minister to the Board. In the Bill, we have the Institute of Engineers of Kenya, the Automobile Association of Kenya, the Kenya National Chamber of Commerce and Industry, the Institute of Surveyors of Kenya, the Kenya Farmers Association, the Institute of Certified Public Accountants of Kenya and the Kenya Transport Association. I suggest that the Architectural Association of Kenya (AAK) should be included in the Bill, because that is a body which is comprised of various professionals, who will be able to assist in that aspect. The AAK is a body composed of architects, engineers, quantity surveyors, town planners and landscape architects. I would also want to support the idea that the Executive Director must be a professional of very high integrity, who can be able to work for the organisation, and not one who will protect his or her pension, and should be able to meet the challenges that we face in the future.

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

**The Assistant Minister for Finance and Planning** (Mr. Lomada): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Bill.

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

Mr. Temporary Deputy Speaker, Sir, what is happening?

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, Mr. Githiomi!

**Mr. Githiomi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I beg to move that the Mover be called upon to reply.

**The Assistant Minister for Finance and Planning** (Mr. Lomada): Mr. Temporary Deputy Speaker, Sir, I ought to contribute to the Bill and Mr. Githiomi should not interrupt me.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Lomada! I am satisfied that there is no infringement on the rules of the House, and considering the very excellent Report from the Chairman of the Energy, Communications and Public Works Committee, I do agree that I should call upon the Minister to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Minister for Roads and Public Works** (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, on the onset, I should take this opportunity to thank the Members of the Energy, Communications and Public Works Committee, together with the staff of the National Assembly, for having sacrificed their holidays, from Friday till this morning, in order to deliberate on the various aspects of this Bill. Also, I should take this opportunity to thank the hon. Members for all the contributions they made this afternoon on this Bill.

Mr. Temporary Deputy Speaker, Sir, there is no gain seeking, in stating that roads are of paramount importance to our nation. Actually, they are able to carry over 80 or 90 per cent of all passenger and train transport. Roads are of paramount importance in that, they act as our nerves as a nation, to be able to communicate one with another and to move our products from the farms to the market. Currently, our roads are our largest assets as a nation, comprising about of Kshs590 billion worth of assets. That particular asset requires a continuous maintenance, to the tune of Kshs30 billion annually to keep them in proper state.

As you are aware, we have not been able to achieve the Kshs30 billion per year, to be able to maintain our roads in perfect order and that has led to a lot of vehicular maintenance costs over the years on our people. Our people spend a lot of their resources in maintaining vehicles and also getting to move from one point to another, not mentioning the discomfort that they experience while travelling. Way back, it was found that lack of marketing discipline tended to encourage the Government to minimize costs on road maintenance expenditure. Also, lack of recurrent revenue to be able to maintain those roads has actually been a bother in the past.

Mr. Temporary Deputy Speaker, Sir, as you know, around 1993, the Government did introduce the Fuel Levy Fund to maintain roads. While we were discussing the Budget Estimates for my Ministry this year, the Minister for

Finance did promise to provide an amount of K£340 million for the amount that was asked for, through the Fuel Levy Fund. I would want to inform hon. Members that out of a total estimated revenue of Kshs7.8 billion through the Fuel Levy Fund, the arrangement prevailing at the moment is for Kshs1.6 billion to be given to the local authorities, municipalities and cities, so that they are able to maintain their roads, leaving a balance of about Kshs6.2 billion to be spent on all other national roads. My Ministry has taken the opportunity to give hon. Members a breakdown of how the Fund was spent in the 1998/1999 Financial Year and also to provide a budget of how the Kshs6.2 billion is planned to be spent in the 1999/2000 Financial Year. So, I wish to lay this document on the Table for hon. Members to peruse through and possibly, to come up with comments on what they think about it.

*(Eng. Kiptoon laid the document on the Table)*

Mr. Temporary Deputy Speaker, Sir, the Fuel Levy goes to address the issue of financing road maintenance in our country. It was also found out that one area that needed to be strengthened, was the area of road management. The Bill that is before this House is a step forward in trying to strengthen road management. This in itself, is a consequence of a thorough study that was undertaken to ensure that in future, our roads are properly maintained and the Fuel Levy Fund is properly managed. In that connection, once this Bill is passed, there will be need for us to harmonise the Road Maintenance Levy Fund Act, of 1993 together with the new Act that we are putting in place. There will be need to review all the Acts that appertain to our roads management.

Mr. Temporary Deputy Speaker, Sir, the Bill sets out to show the objectives of the Bill, and also shows how the stakeholders will be able to nominate their own members, who will sit on this Board, which in turn, will be responsible for development, rehabilitation and maintenance of our road network. I would like to inform hon. Members that we have a total of about 154,000 kilometres of road network in this country, out of which, about 64,000 kilometres is being maintained by the Ministry of Roads and Public Works, whereas the balance is maintained by the Local Authorities. So, when this Bill came under scrutiny of the House Departmental Committee, one aspect that came out was the idea of having a District Roads Board. This will make sure that whatever funds are available for roads rehabilitation or maintenance, will trickle down to the district level. This will give hon. Members of Parliament an opportunity to sit with the other elected members in their municipalities or county councils and road engineers, and discuss how best to utilise the little funds that will be directed by the Board to the district level. So, this is one liberal move that we think, the Ministry has accepted to undertake. It is also one move that hon. Members of Parliament should be proud of, because, for the first time, they are going to receive, right at the district level and up to the constituency level, funding that they will be able to account for.

Mr. Temporary Deputy Speaker, Sir, hon. Members have raised very pertinent issues concerning how we should be managing our roads in the future. One issue that came out very clearly, is the fact that, henceforth, there shall not be any favoured contractor, who in turn, will "eat" our money as if it is their own. We are going to encourage honest contractors. I am glad, that one hon. Member was able to identify a few, very good local contractors for example, Hundan Singh Construction. I would like to add a few others, such as Pheroze Construction, Access Construction and Pencom Construction. These are a few good local contractors that are in existence. We would like to take the opportunity henceforth, so that, 36 years down the road, we do not stand up here and say, we do not have our own contractors. Currently we do not have our own indigenous contractors. We have not taken steps to make sure that we have a built in capacity to be able to construct roads. This is an unfortunate scenario, and we hope we shall be able to turn it round within the next 20 years, so that we shall be able to be proud as a country to have our own contractors. Currently, most of the contractors are foreign based. If anything was to happen here, they would all fly away, and we will have no knowledge around.

So, one area that the Ministry is going to endeavour to ensure that we have development, is the area of development of domestic contractors. We need them, because without them, we cannot rely on borrowed contractors.

Mr. Temporary Deputy Speaker, Sir, an hon. Member appealed - I am supporting him - that our engineers and other professionals should stick to their ethics and ensure that they do what they have been trained to do. They should not allow themselves to be hired out for little money. They should be able to follow specifications, so that once a specification has been made and approved by those who know, it should be followed to the letter. Some hon. Members also alluded to the need for us to come up with new construction materials. I think we have not been doing enough research to see how we can incorporate our cement into our roads. We have been purely relying on aggregate and bitumen for a long time. I call upon our engineers, especially those from the Ministry, to see to it that we do more research and use what is locally available in the form of cement in road construction.

Mr. Temporary Deputy Speaker, Sir, more than one hon. Member stressed on the need to ensure that road construction is more labour intensive. We are going to shift in this direction, and I think, it is envisaged that the roads department will be an agent to the Board. It will only be an agent, if it will be able to utilise our abundant human

resources that we have in this country. That way, we shall be able to create employment for our people, reduce crime and also be able to do more of our roads.

Mr. Temporary Deputy Speaker, Sir, we used to have the Rural Access Programme which was labour intensive, but apparently or unfortunately, that particular programme has been replaced by other programmes, and it is time we went back and tried to re-establish that particular kind of programme.

I would like to support the move that, this Kenya Roads Board does not become completely autonomous or be exempt from the State Corporations Act. This is what has allowed people to operate as if whatever they are running is their personal business. We would like everybody to be answerable to the Auditor-General (Corporations), so that we are able to manage our own affairs. Especially, so, when the Kenya Roads Board is going to handle a lot of funds emanating from our people. These funds must show on the ground, so that they translate into roads in our rural areas.

Mr. Temporary Deputy Speaker, Sir, we take the challenge that the Ministry must come up with a proper criteria for investing funds in our roads. It should not necessarily be roads that are purely economic, but they must also be socially acceptable to our people. We hope to have a Board that will be transparent and accountable to this particular Parliament. We went through the amendments that have been proposed, and they are all acceptable to us, in that, they will make the Board very transparent and accountable, not so much to the Minister or the Executive, but more to Parliament. This is one area in which Parliament has gone a step forward and has gotten itself some responsibility. It has been able to liberate this particular sector, so that whoever will be handling whatever they will be handling, will be able to know that Parliament is the authority. This is a radical change from the norm, and it will be able to get us to work. The District Board will be able to operate directly, and not through the District Treasury. We hope that Board will have its own account, and will be able to implement its own decisions without being tied down to normal bureaucracy. I want to assure this House that whatever amendments the Committee has come up with, will be incorporated into the document, so that we come out with something that is truly parliamentary.

Mr. Temporary Deputy Speaker, Sir, there was an issue raised about auditors other than those from the Auditor-General (Corporations). I want to assure the House that there will be no other auditors apart from the Auditor-General (Corporations). We will not allow other auditors. We have deleted that provision for other auditors so that it will be only the Auditor-General (Corporations) who will audit the accounts.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt my friend the Minister, but I have been listening to him. I do not know whether he is in order to almost conclude his remarks without telling those of us in urban areas, for example, Nairobi, how we fit in. He has been referring to districts, and so far, I have been looking at the proposed system and I cannot see how Nairobi and other urban areas really fit into this mandate and the system that he will use.

**The Minister for Roads and Public Works (Eng. Kiptoon):** Mr. Temporary Deputy Speaker, Sir, we have always handled Nairobi properly. Even when we are talking of districts, Nairobi is not forgotten, since it is our Headquarters. So, it will not be left out, but will be incorporated into the system. As a Member of Parliament, hon. Mwenje will represent his district. If Nairobi has one or four districts, that is an issue to be sorted out, but it is taken care of. As a leader, he will not be forgotten. There is room for mayors and Members of Parliament. In Nairobi we have Members of Parliament and a Mayor who will constitute a District Road Board. We have remembered them and they should not worry. In any case, may I assure the hon. Member that my Ministry and the Committee have agreed not to stop at the end of this Bill going through the House, and we shall be continuing to work on the modalities of how the Board will operate. We shall not forget anyone.

Mr. Temporary Deputy Speaker, Sir, as I said, the Bill has several amendments which we have raised. We have deleted some of the clauses. In considering the membership of the Board, we have scrutinised all the users of roads and we will make sure that every user is taken care of. We had the Central Agricultural Board which was to be deleted because hon. Members felt that the Kenya National Farmers Union is a more representative body than the Central Agricultural Board. Equally, we have had to remove the Association of Local Government Authorities because we thought this body is more of a political nature. But instead, we have allowed the Institution of the Surveyors of Kenya to be incorporated into the Bill together with the other stakeholders as tabulated. We have also brought in the idea of having the Kenya Association of Tour Operators (KATO), so that it also makes sure that its tourists are taken care of.

I would say that the Bill is timely. It is time that, we, as Parliament, took our position clearly, and that this particular Bill will address the management of our roads. The Board itself, will have to have agencies through which it will work. In this case, we have the Ministry of Roads and Public Works, the Kenya Wildlife Service, the Forex Department and the Kenya Roads Board. The District Roads Boards will be major agents of the Kenya Roads Board.

With those few remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and  
Committed to a Committee of the  
Whole House tomorrow)*

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, that brings us to the end of today's proceedings. Therefore, the House stand adjourned, until tomorrow, Wednesday, 15th December, 1999 at 9.00 a.m.

The House rose at 6.25 p.m.