

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 20th July, 1999**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Kenya National Examination Council for the year ended 30th June, 1998 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 1998, and the Certificate thereon by the Auditor General (Corporations).

*(By the Assistant Minister for Education and Human Resource Development (Mr. Awori) on behalf of the Minister for Education and Human Resource Development)*

Annual Report and Accounts of Sunset Hotel for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister for Education and Human Resource Development (Mr. Awori) on behalf of the Minister for Tourism)*

Annual Report and Accounts of National Housing Corporation for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Education and Human Resource Development (Mr. Awori) on behalf of the Minister for Public Works and Housing)*

## ORAL ANSWERS TO QUESTIONS

*Question No. 221*

ELECTRIFICATION OF JUA KALI  
SHEDS IN MUMIAS TOWN

**Mr. Speaker:** Mr. Osundwa not in? Next

Question.

*Question No. 222*

## REVIEW OF DISTRICT BOUNDARIES IN NYANZA

**Mr. Speaker:** This Question has been withdrawn.

*(Question withdrawn)*

*Question No.309*PAYMENT OF COMPENSATION  
TO FAMILIES OF SLAIN POLICEMEN

**Mr. Speaker:** Mr. Shill is not in? We will come back to that Question later.

*Question No.395*DEATH OF CONSTABLE  
MWAGANYUMBANI MPHOSWA

**Mr. Speaker:** This Question No. 395 by Mr. Maitha, is deferred.

*(Question deferred)*

*Question No.400*

## CONSTRUCTION OF DIVISIONAL HEADQUARTERS

**Mr. Ayacko** asked the Minister of State, Office of the President, what plans he has to construct and improve Awendo and Rongo Divisional Headquarters respectively.

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

I have no immediate plans to construct or improve any of the divisional headquarters mentioned as they already have adequate facilities.

**Mr. Ayacko:** Mr. Speaker, Sir, first, I would like to go on record as saying that I have not received a written reply. However, can the Assistant Minister tell this hon. House the kind of facilities that are at Awendo Divisional Headquarters that he deems adequate?

**Mr. Samoei:** Mr. Speaker, Sir, Awendo Divisional Headquarters was put up jointly through the efforts of the Government and the local community. It was completed in early 1997. We have a modern office block and there are enough offices to accommodate all the divisional heads of departments. Wananchi have also constructed the district officer's house which is about to be completed. The only issue that is pending is for additional members of staff to be sent to Awendo Divisional Headquarters. As it stands now, we believe that by and large we have adequate facilities.

**Mr. Omamba:** Mr. Speaker, Sir, in realising that--

**Mr. Speaker:** Who is that very anxious hon. Member? Mr. Omamba, I have given you a chance to ask a supplementary question. Would you like to do so?

**Mr. Omamba:** Yes, Mr. Speaker, Sir. I am aware that all these headquarters, including the one in question, have been built by the local community. Awendo, being very close to me, has been going without the necessary facilities for a long time.

There is no money forthcoming from the Government to supplement the money that has been contributed by the community. What plans does the Government have to raise money when establishing divisional headquarters in our place? Is this the work of the community or the Government?

**Mr. Samoei:** Mr. Speaker, Sir, I concur with the hon. Member that divisional and district headquarters, not only of Awendo or Rongo, but everywhere else in the Republic, should be built through the joint efforts of the local community and the Government. Awendo and Rongo are not exceptions. That is what happened, and that is why we have the two structures in place now.

**Mr. Ayacko:** Mr. Speaker, Sir, while listening to the Assistant Minister talking about Awendo and Rongo, I

was not sure whether he was talking about the same places that I know. As I am speaking now, you cannot access Awendo through telephone. In fact, there are no divisional headquarters in Awendo or Rongo. The kind of staff who are there cannot go by that description. Mr. Speaker, Sir, now, that I have informed the Assistant Minister that his answer is insufficient, would he take time and come up with a better answer?

**Mr. Samoei:** Mr. Speaker, Sir, unless the hon. Member wants me to say what is not true, what I have stated here is the situation on the ground. Indeed, we do have divisional headquarters both in Awendo and Rongo, and we have modern facilities.

**Mr. Speaker:** Very well. Next Question, Mr. Mutua Katuku.

*Question No.290*

IRREGULAR ALLOCATION AT MBIUNI MARKET

**Mr. Katuku** asked the Minister for Local Authorities:-

(a) if he is aware that the Mbiuni Market borehole in Mwala Constituency, which is at the centre of the market, has been allocated to an individual;

(b) if he is further aware that part of the open market has also been allocated to individuals; and,

(c) in view of the above irregular allocations, if he could consider revoking the allocation of Plots Nos. 91, 92, 93A, 93B, 94, 95, 96A, 96B, 96C and any other plot in areas reserved for public utilities in Mbiuni Market, Mwala Constituency.

**The Assistant Minister for Local Authorities** (Mr. Mwakalu): Mr. Speaker, Sir, I beg to answer.

(a) I am not aware that Mbiuni has been allocated to any individual.

(b) I am not aware that part of the open air market was planned and allocated to individuals.

(c) The plots under reference were properly allocated by the Masaku County Council and the issue of revoking the allocations, therefore, should not, and does not, arise.

**Mr. Katuku:** Thank you, Mr. Speaker, Sir. The answer the Assistant Minister is giving is surprising and misleading. I have been to this area; I know it so well while he has not been there. We are talking about a borehole which stands on plot number 91. All these other plots that I have indicated in part "c" of the Question are in the open air market. So, the Assistant Minister is misleading this House. It is high time he took up the matter himself, because this answer has been given by the same officials of the county council who have allocated these plots. If he is sure of this, I can take him there. The plot on which the borehole stands has been allocated, and we need this borehole. Can the Assistant Minister confirm these allocations, apart from the answer he has given me?

**Mr. Mwakalu:** Mr. Speaker, Sir, this Ministry is not in the business of allocating boreholes to individuals. The allocation mentioned has not arisen and the onus to prove that this borehole was allocated to individuals is upon the accuser. Hon. Katuku, can you tell this House to whom it was sold?

**Mr. Speaker:** Order! Mr. Mwakalu, you are supposed to address the Chair! Ask as follows: "Mr. Speaker, Sir, will you tell us---"

*(Laughter)*

Can you repeat that?

**Mr. Mwakalu:** Mr. Speaker, Sir, could the hon. Member tell us to which individuals these plots were allocated?

**Mr. Speaker:** Order, I was thinking of Mr. Kikuyu, but I will give Mr. Katuku that opportunity to respond.

**Mr. Katuku:** Thank you, Mr. Speaker, Sir, the Assistant Minister denies that the borehole has been allocated to an individual. The plot was allocated to Mrs Zipporah Kathinji. Part of it was also allocated to a former councillor, Mr. Francis Kaswoa. These are plots numbers 91, 92 and 93. So, these plots have been allocated and have been developed, while the Assistant Minister is saying they have not been developed. I think the Assistant Minister is not aware of what is happening on the ground. That is a fact.

**Mr. Mwakalu:** Thank you, Mr. Speaker, Sir. This is either a question of confusion, or political mischief on the part of the Questioner. Plot number 91 does not border plot number 93. I have the exact location, and I will table this document, indicating where the said borehole is. It was not allocated at all, as per the minutes that endorsed and resolved on the allocation of these plots back in 1997. So, the information that is factual here is that this borehole has not been allocated, and it does not border plot number 91, which was legally allocated to Zipporah Kathinji Mwenga. Plot number 93 was initially allocated to Mr. Francis Kaswoa, but it was later subdivided into plots numbers 93A and

93B. Plot Number 93B was allocated to Joseph Mwathia. Originally, the plots which were allocated were numbers, 91, 92, 93, 94, 95 and 96. Those were the plots that were legally allocated during the county council meeting of 16th April, 1997, where there were 18 members of that council, excluding three absentees. These were properly minuted, gazetted and allocated, excluding the borehole in question. So, I do not understand why the hon. Member should come here and say that I am misleading this august House. I am not misleading this House! If he does not respect facts, then it can only be a function of political mischief; that he asks a question that has been amply answered here, and no further questions could ideally arise

**Mr. Kikuyu:** Mr. Speaker, Sir, whereas I thank the Assistant Minister for trying to answer the question, in response to part "a" of the Question, the Assistant Minister said that he is not aware. On part "b" of the Question, he also said that he is not aware. On part "c" of the Question, he agreed that about six to eight plots have been allocated in Mbiuni Market. Could he tell us where this open space in Mbiuni is, if it is not a market place? Where are these plots that were allocated? Are they in the forest?

**Mr. Speaker:** Order! Mr. Mwakalu, if you are referring to a document, could you table it so that the other hon. Members can refer to it?

**Mr. Mwakalu:** Thank you, Mr. Speaker, Sir, I do hereby table the document for necessary perusal.

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

**Mr. Speaker:** Could you respond to Mr. Kikuyu's question?

**Mr. Mwakalu:** Mr. Speaker, Sir, in the absence of that document before the hon. Member, I am afraid---

*(Mr. Katuku went to the Dispatch Box and took the document)*

**Mr. Speaker:** Order! Mr. Katuku, if you take the document away, he cannot answer the Question. So, what do we do?

*(Laughter)*

**Mr. Mwakalu:** Mr. Speaker, Sir, the so-called open space is part of Mbiuni barter market which has not been allocated.

**Mr. Kikuyu:** On a point of order, Mr. Speaker, Sir. We know where Mbiuni Market is and how it looks like. Could the Assistant Minister tell us where these seven plots have been hived off within Mbiuni Market? This is because there is no other open space except the market place.

**Mr. Speaker:** Mr. Kikuyu, if these plots have been hived off from this market, they must be on the ground somewhere at the market.

**Mr. Kikuyu:** Thank you, Mr. Speaker. Therefore, is the Assistant Minister in order to continue telling this House that Mbiuni Market has not been allocated to individuals, while we know that it has? It is a public utility plot? He has allowed it to be allocated to individuals. Can this allocation be revoked?

**Mr. Speaker:** Mr. Mwakalu, you mean an open-air market?

**Mr. Kikuyu:** Yes!

**Mr. Speaker:** Mr. Mwakalu, has the open-air market been allocated?

**Mr. Mwakalu:** Mr. Speaker, Sir, the plots that were allocated were not covering the entire market. The six plots were duly allocated legally by the full council sitting during its session on 16th April, 1997. They do not cover the open-air market *per se*.

**Mr. Katuku:** Mr. Speaker, Sir, the document which has been laid on the Table is just a piece of paper. It has not been approved by anybody; it has no signature or date. It virtually has nothing. In fact, it was just drawn in the streets. Looking at the document, the market---

**Mr. Speaker:** Order! Mr. Katuku, if you say it is a worthless paper, then you are totally out of order to refer to a worthless paper.

**Mr. Katuku:** Thank you for that guidance, Mr. Speaker, Sir. I wish the Assistant Minister would withdraw this document because it is not valid. It has no date or anything to make it authentic. I am from that area and I know that, that market has been allocated to individuals. I have with me, the names of those who have been allocated. Could the Assistant Minister undertake - because he has been misled - to nullify the allocation of these plots? Where the

borehole stands, a building has been erected. Is he telling me to go and pull it down with a bulldozer?

**Mr. Mwakalu:** Mr. Speaker, Sir, may I ask hon. Katuku to bring before this House the allocation letters that he purports to have been allocated to the individuals he has in mind? The facts we have on record, and on the ground, are as provided in this answer.

**Mr. Katuku:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is challenging me to bring to the House, letters of allotment of the individuals who have been allocated these plots, and yet, in his answer, the same names he read out are the same names I read out. Why do I have to go and bring the letters of allotment while he has agreed and read out the same names I read out here? The question is: Where are these plots he is talking about? There are no plots in Mbiuni Market that can be allocated; it is only the open-air market.

**Mr. Speaker:** Mr. Katuku, if there are no plots to be allocated, then your Question does not arise. But I want to make an observation on the papers that were tabled by the Assistant Minister. They are three, and two of them seem to have been signed as the minutes. What appears to be the plan of Masaku County Council, does not seem to have any signature. Maybe, what you can challenge is the plan that the Minister has signed. So, we will take it as accompanying the minutes.

**Mr. Katuku:** Mr. Speaker, Sir, that is what I said, that, that plan is not official. What I know is that, it is the County Council Clerk, Mr. Mbondo, who is messing up this issue of allocation of plots in Machakos. We have told this Ministry to take note of this fact. Now he is cheating us with a plan which does not exist.

**Mr. Speaker:** Order, Mr. Katuku! First of all, will you go to the Back Bench? You are not entitled to speak from the Dispatch Box.

*(Mr. Katuku moved to the Back Bench)*

Now, what were you saying?

**Mr. Katuku:** Mr. Speaker, Sir, I withdraw the word "cheating". The Assistant Minister has been misled by the Masaku County Council Clerk. This is not the first Question we have raised in this House on the misallocation of plots in Machakos. He has misallocated everything. Could the Assistant Minister remove this Town Clerk from Masaku County Council and cancel these allocations?

**Mr. Mwakalu:** Mr. Speaker, Sir, I am very happy that, finally, the cat has been let out of the bag. The hon. Katuku has taken a lot of pain to demand the sacking of that Clerk, which is neither on his job description as a Member of Parliament, nor his job definition, nor his job specification. The Ministry will not be cajoled into sacking its officers, unless and until there is proven reason to do so. But that is not the docket of a Member of Parliament.

**Mr. Wambua:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to turn the blame on the Member of Parliament, who has given him information, that he is using his position as a Member of Parliament to demand the sacking of that Clerk? We are aware, and we know, that this is the Clerk who allocated plots in that market, and there is no other space at Mbiuni. Is he in order to use that language against an hon. Member of Parliament, who has the right to question such matters?

**Mr. Speaker:** Mr. Mwakalu, what is the job description of an hon. Member of Parliament?

**Mr. Mwakalu:** Mr. Speaker, Sir, the job description of an hon. Member of Parliament is anything and everything, except sacking an officer from the Ministry of Local Authorities.

**Mr. Speaker:** Order! Order! I agree with you on the first statement, but I disagree with you on the last one. So, could you add the last statement to the very first two statements?

**Mr. Mwakalu:** Mr. Speaker, Sir, in keeping with the laws of natural justice, if an hon. Member has reason to demand the sacking, or replacement, or transfer, of an officer in our Ministry, they will be given the opportunity to state their case. But allegations alone are not evidence on our part.

*(Loud Consultations)*

**Mr. Speaker:** Order! Order! Hon. Members, we cannot transact business this way. Mr. Choge, you are sitting in a very perilous position. When I am on my feet, you keep quiet.

Next Question!

## MAINTENANCE OF KASARANI-MWIKI-NJATHANI ROAD

**Mr. Muchiri** asked the Minister for Public Works and Housing:-

- (a) what plans he has for maintenance and repair of Kasarani-Mwiki and Njathani roads; and,  
 (b) when these roads will be repaired.

**Eng. Rotich:** Mr. Speaker, Sir, this Question was asked last week and I replied to it. But there was a problem on the issue of whether we are sharing the jurisdiction of the road with the Nairobi City Council. I have since confirmed that from Mwiki to the end, the road is wholly owned by the Ministry of Works. Therefore, the answer I gave last week is sufficient.

**Mr. Speaker:** So, how did it come back?

**Eng. Rotich:** Mr. Speaker, Sir, I do not understand, but there was a problem of whether we are sharing the jurisdiction of this road with the Nairobi City Council.

**Mr. Speaker:** I understand the Question was deferred by the Deputy Speaker. Is that the position, Eng. Rotich?

**Eng. Rotich:** Mr. Speaker, Sir, the question was whether the road belongs to the Ministry of Public Works wholly, or we are sharing it with the Nairobi City Council. I was supposed to check and confirm whether we actually share the road or not. I have confirmed that the road belongs to the Ministry of Public Works and Housing.

**Mr. Speaker:** It belongs to your Ministry?

**The Assistant Minister for Public Works and Housing** (Eng. Rotich): Yes, Mr. Speaker, Sir.

**Mr. Muchiri:** Mr. Speaker, Sir, that road was being maintained in 1978 when the late President Jomo Kenyatta was using it to visit his farm at Njiru. Since the late President Kenyatta died, that road has never been repaired, and it is now impassable. Why has the Kenya Government taken 21 years without maintaining that road, if it belongs to the Ministry of Public Works and Housing?

**Eng. Rotich:** Mr. Speaker, Sir, as I stated last week, the road is No.D400 and D409. It will be repaired during the current financial year.

**Mr. N. Nyagah:** Thank you, Mr. Speaker, Sir. This road, which is 7.5 kilometres long, was allocated Kshs78 million under the Nairobi Emergency Project. What has happened to that money that was used under the *El Nino* Programme? Has it been diverted to another road and yet, we know that the concurrence has already come from Washington?

**Eng. Rotich:** Mr. Speaker, Sir, we are not responsible for that Fund that the hon. Member is talking about. It is under the Ministry of Local Authorities and the Office of the President. The question could be well directed to those Ministries.

**Mr. Gitonga:** Mr. Speaker, Sir, there are so many people living in that area. Is the road now being repaired because the Question has been raised in this House?

**Eng. Rotich:** No, Mr. Speaker, Sir. We started repairing the road last year and the Question came this year.

**Mr. Speaker:** Very well! Next Question, for the second time, Mr. Osundwa.

*Question No.221*ELECTRIFICATION OF JUA-KALI SHEDS  
IN MUMIAS TOWN

**Mr. Speaker:** Is Mr. Osundwa not here? The Question is dropped.

*(Question dropped)*

**Mr. Speaker:** For the second time, Mr. Shill's Question.

**Mr. Shill:** Mr. Speaker, Sir, I would like to apologise for coming late.

*Question No.309*PAYMENT OF COMPENSATION  
TO FAMILIES OF SLAIN POLICEMEN

**Mr. Shill** asked the Minister of State, Office of the President, when the families of the 12 administration policemen (APs) and one chief, who were killed while on duty on 19th and 20th September, 1997, by bandits in Garissa District, will be paid their benefits.

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

The relevant papers have already been forwarded to the Ministry of Finance and the families of the bereaved will be paid their benefits as soon as the papers are processed by the department concerned.

**Mr. Shill:** Mr. Speaker, Sir, it is now almost one year since those APs died. As we are aware, there are so many bandits in North Eastern Province and many police officers and chiefs are being killed every day. If the families of the deceased are not taken care of by the Government, this is going to discourage the officers on the ground. Could the Assistant Minister assure this House that the families of the deceased will be compensated very urgently? The Government should not also kill the families!

**Mr. Samoei:** Mr. Speaker, Sir, I concur with the hon. Member.

**Mr. Speaker:** Very well! Questions by Private Notice.

### QUESTIONS BY PRIVATE NOTICE

#### MURDER OF MR. SIMBA MUTEMI

**Mr. Musila:** Thank you, 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. Richard Simba Mutemi was killed on 20th May, 1999, at Kasanga Market, Thitani Location of Mwingi District?

(b) Is he further aware that the incident was reported at the Mwingi Police Station and no action has since been taken to arrest the culprits?

(c) Since there have been several incidents of murder and violent robberies around this area, what action has the Minister taken to strengthen security in the area?

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

(a) Yes, I am aware that Mr. Richard Simba Mutemi was killed on 20th May, 1999, at Kasanga Market.

(b) I am also aware that following the killing, a report was made at Mwingi Police Station and four suspects were arrested and have been charged in court with the offence of robbery with violence.

(c) In order to beef up security in the area, we have upgraded Mawani Police Patrol Base to a full police station, and additional security personnel have been deployed to the area.

*(Loud Consultations)*

**Mr. Musila:** Mr. Speaker, Sir, in the first instance---

**Mr. Speaker:** Order! Order, that corner over there!

**Mr. Ojode:** Mr. Speaker, Sir, I have seen Paul Muite seated here!

*(Laughter)*

**Mr. Speaker:** Order! Order! That corner over there, Mr. Ngure and company, if you are intent on disrupting the proceedings of the House, we will very easily disrupt that congregation out there. So, would you, please, keep order?

Proceed.

**Mr. Musila:** Mr. Speaker, Sir, the Assistant Minister has referred to "Mawani" Police Patrol Base, I would like to believe that, that is, in fact, not "Mawani," but Migwani Police Patrol Base. Having said that, one of the cardinal duties of the police is to protect lives and property. Incidents of murder have been taking place in Migwani for a long time without any action. In the case of Mr. Simba Mutemi, is the Assistant Minister aware that, in fact, the police never arrested anyone, but out of frustration, members of the public, after the murder of Mr. Mutemi, mounted their own operation after failing to get police action, and arrested six suspects and killed two out of the six; then, they handed over four suspects to the police? Are those the four suspects the Assistant Minister is referring to as having been arrested by the police?

**Mr. Samoei:** Mr. Speaker, Sir, while I agree that, indeed, members of the public did help the police in apprehending the four suspects, who were eventually charged in a court of law, I would urge the hon. Member and other hon. Members to educate the public not to take the law into their hands, because we have had cases of innocent people being killed through mob justice. I hope the hon. Member is not advocating that the two suspects who were killed were given justice, because members of the public and members of any other fora except members of the Judiciary, are not competent in meting out justice. More often than not, they mete out justice in bigger doses than should be the case.

Mr. Speaker, Sir, while I admit that members of the public assisted the police, I want to state that one Mr. James Kitemi Kivuiithu, who is a very dedicated member of the public, helped the police to apprehend the four suspects. But the police did charge them, contrary to what the hon. Member is saying, and we have a court file No.591 of 1999. The four accused, who are now in police custody, will again appear before the court on 28th July, 1999.

**Mr. Speaker:** Is it not then becoming *sub judice*, Mr. Musila?

**Mr. Musila:** Mr. Speaker, Sir, I would like to ask a question on a different matter.

**Mr. Speaker:** Very well. Order! Order, there!

**Mr. Musila:** Mr. Speaker, Sir, I asked the Assistant Minister whether he was aware that, in fact, members of the public, out of frustration, because the police were not taking action, arrested six suspects and killed two of them. He has turned round and talked about members of the public taking the law into their own hands. They did it because of frustration, when the police failed to act. Having said that, I would like to inform the Assistant Minister, and with the indulgence of the Chair, to give him a list of eight persons---

**Mr. Speaker:** Order! Order! Mr. Musila, if you want to give him a list, first, ask him questions and then, kindly, do that. We do not have really the time for all that.

**Mr. Musila:** Mr. Speaker, Sir, I wanted to stress that those eight people have been killed over the years and the police have not taken any action. Could the Assistant Minister now take action to have the cases of these eight other murders in the same area probed? Could he also post competent CID officers to Mwingi District who can follow up all these murders in addition to the one I asked?

**Mr. Samoei:** Mr. Speaker, Sir, I think it is only fair to say that the Government is doing something urgent, and we are upgrading Migwani patrol base into a police station. We have, indeed, upgraded it to a police station and posted additional personnel there. And as the hon. Member has said, it was originally a patrol base. If the hon. Member has any other persons in mind, who have been murdered, the police will be at liberty to help him.

#### ABUSE OF OFFICE BY ADMINISTRATION POLICEMEN

**Mr. Sambu:** 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 on 2nd June, 1999, the District Officer (DOD), Kipkarren Division, Nandi District, accompanied by three administration policemen (APs), went to the farm of Mr. Kiplagat Sambutie at Kaplemur Village of Ndalat Location, allegedly to resolve a land ownership dispute prevailing in the family?

(b) Is he further aware that acting on orders of the District Officer, the three administration policemen burnt a house on the farm and assaulted Messrs. Justin Lagat and Kimutai Lagat, injuring them seriously?

(c) Could the Minister order the arrest of the District Officer and the three administration policemen for abuse of office and arson?

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

(a) I am aware that the DO, Kipkarren Division and three APs went to the farm to execute an eviction order given by the Eldoret High Court, vide Civil Case No.114/80, and not to solve a land dispute as alleged.

(b) I am not aware of part "b" of the Question.

(c) In view of the responses to parts "a" and "b" of the Question, part "c", therefore, does not arise.

**Mr. Sambu:** Mr. Speaker, Sir, it is sad that the Assistant Minister says that there was an eviction order. This is because an eviction order should be served on the parties concerned. There was no eviction order, and if he has one, could he lay it on the Table?

Secondly, these three people were actually beaten, and there is evidence that, these particular administration policemen---

**Mr. Speaker:** Mr. Sambu, ask him questions but do not narrate a story.

**Mr. Sambu:** Mr. Speaker, the story must come before the questions.

**Mr. Speaker:** Order! You are not the one in charge.

**Mr. Sambu:** Mr. Speaker, Sir, if there is no story, there can be no questions.

**Mr. Speaker:** Order! Order! Very well. If that is your attitude towards the Chair, I will leave it open to the



other hon. Members.

**Mr. Sambu:** Mr. Speaker, Sir, I am saying that, let the Assistant Minister lay this eviction order on the Table and let him state how many days' notice this family was given, since it was a family dispute and not what he is alleging here.

**Mr. Samoei:** Mr. Speaker, Sir, as I have said, the District Officer and members of the police force who were present were executing a High Court Order in Civil Case No.114/80.

**Mr. Speaker:** Have you got a copy of it?

**Mr. Samoei:** Mr. Speaker, Sir, I do not have a copy here.

**Mr. Speaker:** Why do you not bring it and lay it on the Table before the House? I will personally defer that Question until you lay the eviction order on the Table.

**Mr. Samoei:** Mr. Speaker, Sir, I promise to bring the copy of the court order.

**Mr. Speaker:** I will defer the Question to tomorrow. Is tomorrow enough for you, or you can table it next week?

**Mr. Samoei:** Mr. Speaker, Sir, we are talking of laying it on the Table next week.

**Mr. Speaker:** Very well, bring it next week then. Question deferred.

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. The DC, Kapsabet has a fax machine and I even know the number. I believe that the Assistant Minister in the Office of the President has a fax machine in his office. Could he fax it this afternoon because there was no court eviction order which says that there should be an assault?

**Mr. Speaker:** In the interest of the House, I defer it to next week. Next Question, Mr. Wanjala.

*(Question deferred)*

BREAKDOWN OF PUMPS AT BUNYALA  
RICE IRRIGATION SCHEME

**Mr. Wanjala:** Mr. Speaker, Sir, before I ask the Question, I wish to point out that I have not been given a written answer. However, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that the water pumps for Bunyala Rice Irrigation Scheme broke down three weeks ago?

(b) Is he further aware that due to lack of water, rice in all the zones is withering?

(c) What urgent measures is the Minister taking to save the farmers from this disastrous loss?

**The Assistant Minister for Agriculture** (Mr. Karauri): Mr. Speaker, Sir, I undertake to give the hon. Member a written answer. I am sure it was sent and, maybe, it has not reached him. However, I beg to give the following reply.

(a) I am aware that one of the two pumps serving the Bunyala Rice Irrigation Scheme broke down, not three weeks ago, but in May this year.

(b) I am not aware. The scheme cropping programme is implemented in three phases of approximately 171 acres each, scattered at intervals of one month. Therefore, the operational pump is able to comfortably handle the current scheme's crop acreage of 150 acres. It cannot however, be able to cater for the unplanned crop acreage outside the scheme.

(c) To meet the overall operation pump requirements, the National Irrigation Board (NIB) has made arrangements to acquire spares for repairing the broken pump.

**Mr. Wanjala:** Mr. Speaker, Sir, Bunyala Rice Irrigation Scheme is one of the oldest rice irrigation schemes in this country and it has continued growing, through the efforts of the outgrowers. However, the pumps that were working broke down, as the Assistant Minister confirms, three weeks ago. Since then, there is no water that is being pumped through canals to the crops. Therefore, the crops must wither, contrary to what he claims in part "b" of his reply to my Question. The pumps have kept on breaking down and yet, there is electricity at the site near the pump. When will the Ministry install electric pumps, so that we do not have shortage of water?

**Mr. Karauri:** Mr. Speaker, Sir, the NIB is going to install pumps and, in fact, we are meeting tomorrow with the Bunyala outgrowers, to work out a way of cost-sharing, so that those people who are diverting water from the main scheme can also contribute towards buying another pump.

**Mr. Wanjala:** Mr. Speaker, Sir, could the Assistant Minister tell us when they will provide electric pumps because diesel usage has caused us a problem of paying too much money? We want electricity to be installed. When are you going to provide electric pumps?

**Mr. Karauri:** Mr. Speaker, Sir, I am informed that before the end of this month, there will be a contractor

there, installing electricity so that the diesel pumps can be disposed of.

**Mr. Speaker:** Very well. Next Question, Mr. Shakombo.

PRIVATISATION OF KPA

**Mr. Shakombo:** Mr. Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) Could the Minister explain why the Government finds it necessary to privatise the Kenya Ports Authority services against the wishes of Kenyans and the Coast people in particular?

(b) Could the Minister assure the House that those container terminals/depots already advertised will not be privatised?

(c) What urgent steps will the Minister take to ensure that the KPA services are not interfered with by the privatisation process?

**The Minister for Transport and Communications (Mr. Ntimama):** Mr. Speaker, Sir, I beg to reply.

(a) Right now, the Kenya Government is not privatising the port of Mombasa, but certain developments are now taking place, which include commercialisation of the container terminals in order to facilitate the movement of containers to the Great Lakes Region, including Rwanda, Burundi and the Democratic Republic of Congo (DRC). I would like, however, to say that the Government policy and its objectives is to finally privatise all parastatals. The KPA has not been performing well. The Government has no obligation anymore, to bail out parastatals that do not perform, and it cannot continue to spend its revenue bailing them out.

(b) Mr. Speaker, Sir, however, I want to emphasise here that, any proposals to commercialise, lease or to concession the port will be done on open and competitive bidding. There will be no secret negotiations---

*(Mr. Muiruri crossed the Floor without bowing)*

**Mr. Wanjala:** On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to cross the Floor directly before bowing to the Chair?

**Mr. Speaker:** Which hon. Member is that?

**Mr. Wanjala:** Mr. Speaker, Sir, he is here.

**Mr. Speaker:** There is no hon. Member called "he is here". Proceed, Mr. Minister.

*(Laughter)*

**Mr. Sungu:** On a point of order, Mr. Speaker, Sir. Is the hon. Member for Budalangi in order to sit on the Government side, when he is an Opposition Member?

**Mr. Speaker:** Order! Order, Mr. Sungu. That is a very frivolous point of order. He is a Member of this House.

Proceed.

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

**Mr. Speaker:** You are out of order.

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. You want me to---

**Mr. Speaker:** Order! Order, hon. Sambu. You are creating disorder yourself. Mr. Sambu, please keep your tempers low. Thank you.

Proceed, Minister.

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

**Mr. Speaker:** Mr. Sambu, could you let the Minister proceed with his answer? Sit down!

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. This House is going to be disorderly if hon. Members are going to cross the Floor without bowing to the Chair.

**Mr. Speaker:** Order! Mr. Sambu, you are not behaving well. If you continue behaving that way, I will deal with you very firmly.

Proceed, Mr. Minister!

**Mr. Sambu:** You can do as you wish, Mr. Speaker, Sir!

**Mr. Speaker:** Order! Mr. Sambu, you are displaying a very arrogant attitude towards the Chair. Hon. Members, I think simply throwing out this hon. Member will not do this House any good. I think the hon. Member is looking at this House as if it is a kindergarten. This is not a kindergarten. It is an honourable House. I think this hon.

Member, in all honesty, needs to be dealt with firmly.

Now, hon. Sambu is disorderly and, for the time being, I order that he be---

**Hon. Member:** Forgive him!

**Mr. Speaker:** Order!

**Mr. Ngure:** Mr. Speaker, Sir, the hon. Member does not know what he is doing.

**Mr. Speaker:** Order! Mr. Ngure, I agree with you but you, too, are disorderly!

*(Laughter)*

I will take Mr. Ngure's unlawful interjection as the official attitude of the Chair towards Mr. Sambu; he does not seem to know what he is doing.

**An hon. Member:** He should apologise!

**Mr. Speaker:** Mr. Sambu, I do not think you are doing either this House or yourself any good. If I were you, I would seek the indulgence of this House for that terrible behaviour. Would you like to take the opportunity to do so?

**Mr. Sambu:** Mr. Speaker, Sir, I apologise to the House. I intended to raise a point of order that hon. Muiruri crossed the Floor without bowing to the Chair. If I am out of order, I am sincerely sorry.

**Mr. Speaker:** Order! I think the House will accept your apology. We sincerely hope that you are sorry.

Proceed, Mr. Minister!

**The Minister for Transport and Communications** (Mr. Ntimama): Mr. Speaker, Sir, I was going to emphasise the fact that if there are any proposals to commercialise, lease, or concessionaire the port, this will be done on an open and competitive bidding. There will be no secret negotiations at all. There will be nothing underhand. Everything will be done transparently.

For now, I appreciate the concern raised by hon. Members from the Coast Province because, although the port is a very important national resource, it is also important for the people of Coast Province in that they look at it as a source of employment for them. However, I would like to allay all the fears of hon. Members by saying that most of the tendering and bidding will always be in public focus, and they will be able to raise any issues on the process of commercialisation.

Mr. Speaker, Sir, let me emphasise that the container terminals, which are now being commercialised, will not be sold.

Thank you, Mr. Speaker, Sir.

**Mr. Raila:** Mr. Speaker, Sir, I think the Minister is actually missing the point. One, he is not telling us what "commercialisation" is. What does he mean by "commercialising" the container terminals? What does that involve? More importantly, I would like to say that the Government is not interested in competitive bidding. What we are saying is that we support privatisation and liberalisation. However, we are saying that the Kenya Ports Authority (KPA) is a creation of an Act of Parliament. If the Government wants to privatise the KPA, it is supposed to bring a policy Paper before this House for debate and approval.

*(Applause)*

**Mr. Speaker:** Could you ask your question, Mr. Raila?

**Mr. Raila:** Mr. Speaker, Sir, could the Minister confirm or deny that certain civil servants have formed companies abroad, and that they intend to use those companies to take over the operations of the port, which are said to be set for commercialisation?

**Mr. Ntimama:** Mr. Speaker, Sir, first of all, "commercialisation" means "commercialisation". Maybe, we have to refer to the Oxford English Dictionary to expound on the word "commercialisation". However, I would like to assure this House that if there is any amendment to be made to the Kenya Ports Authority Act, that amendment will be brought before the House. I would also like to assure hon. Members that if any such amendment is brought to this House, we will give opportunity to the Departmental Committee to discuss any amendment they may want done to the Act. I would like to say that I do not know of any civil servants who are forming companies outside the country with the aim of taking over the port. I do not have any idea of this allegation. If somebody will give me some information on the allegation, I will be very grateful.

**Mr. Mugalla:** Mr. Speaker, Sir, is the Minister aware that privatisation in this country is looked upon with a lot of suspicion because it has not been done openly? Is he also aware that the policy of privatisation has resulted in a lot of workers being declared redundant? The third question I would like to ask him is that the privatisation that has been done---

**Mr. Speaker:** Those are enough questions, Mr. Mugalla. Let us have one question at a time.

**Mr. Ntimama:** Mr. Speaker, Sir, I do not know that privatisation is being looked upon very suspiciously. I can only say that it is the objective of the Government to privatise parastatals, and that a number of them have already been privatised. However, I can also say that it is not good for us to say that we are not going to privatise the Port of Mombasa. When the Government brings the amendments to the Act, and the House approves them, it will definitely be for the good of the country and, particularly, the people of Coast Province, to privatise the port. The Port of Mombasa can also be privatised as were the Ports of Hong Kong, Singapore, and all places---

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. Is the Minister not misleading this House by saying that he is not aware of the people behind the commercialisation of the Port of Mombasa, when he knows very well that Mr. Joshua Kulei and Mr. Biwott are involved in buying the KPA?

*(Applause)*

*(Mr. Ntimama stood up to respond)*

**Mr. Speaker:** Order! Order, Mr. Minister! Mr. Njehu Gatabaki, please, let the House transact its business seriously. Proceed, Mr. Minister!

**Mr. Ntimama:** Mr. Speaker, Sir, I did not hear exactly what the hon. Member said.

**Mr. Gitonga:** On a point of order, Mr. Speaker, Sir. Could the hon. Member be allowed to substantiate his claim?

**Hon. Members:** Yes!

**Mr. Speaker:** Order! Order, hon. Members! Mr. Gitonga, we just want to seriously find out about the privatisation of the Port of Mombasa. Mr. Minister, maybe, you will tell the hon. Member for Githunguri what you know. He has asked you whether you are aware that it is hon. Biwott and Mr. Kulei who are taking over the port.

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

**Mr. Speaker:** Order! I was just informing you of what he said because you said you did not hear.

**Mr. Ntimama:** Mr. Speaker, Sir, he was too loud for me. I have no idea at all that one hon. Member and a citizen of this country have the intentions of taking over the Kenya Ports Authority. I do not know, and I do not think it is true at all.

**Mr. Keriri:** Mr. Speaker, Sir, the Minister, in answering an earlier question from hon. Raila Odinga, missed the point in that he said "if the Act is going to be amended". The hon. Raila had asked the Minister whether he was going to bring a Sessional Paper in this House on the mode of commercialising the Kenya Ports Authority. It is a very important national asset and it requires a Sessional Paper to be brought here to be discussed by this House; not about amending the Act, but on the mode of that commercialisation.

**Mr. Speaker:** Just before you answer that, hon. Ntimama, I would like to refer to what was said by hon. Gatabaki. I am getting concerned about hon. Members who apparently on points of order, stand up and make very grievous accusations in the hope that they get some publicity and, in the process, destroying other people's names. Hon. Gatabaki, do you have any evidence to support the statement you have just made?

**Mr. Gatabaki:** Mr. Speaker, Sir, if I am given time by the Chair, I will do so---

**Mr. Speaker:** Order! Mr. Gatabaki, that is the kind of thing that I have said belittles the dignity of this house. You knew very well before you made your utterance that hon. Members here may ask you to substantiate. It is your duty, under Standing Order No.76, to verify the veracity of whatever you say. I now order that you either substantiate, here and now, or you withdraw and apologise to the House--- Order, Mr. Mwenje!

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. It is serious because the Standing Order quoted by the Chair clearly does not state at what stage somebody should substantiate his claim. I do not know why the Chair should rule that Mr. Gatabaki should substantiate now. Why should the Chair break our Standing Orders?

**Mr. Speaker:** Mr. Mwenje, I do not know whether you can ever keep quiet! I do not know whether you have ever read Standing Order No.76. It states as follows:-

"A Member shall be responsible for the accuracy of any facts which he alleges to be true and may be required to substantiate any such facts or to withdraw his allegation (with suitable apology, if Mr. Speaker, so requires)".

*(Mr. Kamolleh interjected)*

Mr. Kamolleh, you are disorderly and you should get out!

*(Mr. Kamolleh withdrew from the Chambers)*

Order! Order, Members. This is a very serious issue. Hon. Members do not seem to understand the gravity of some Members making statements without facts and thus, destroying other people's names in the hope that somehow, they can get away with. They hope that once the damage is done, somehow, it is forgotten. The Chair is very concerned about hon. Members who disparage other Members' or ordinary Kenyans' names without the slightest interest in proving the allegation to be true, or without any reasonable grounds for the statement they so make. Two things happen; the dignity of this House clatters down and we may never be taken seriously again. If we continue always making malicious allegations or false allegations against one another, or the Kenyan public, without proving it, then the veracity of what we say here suffers irreparable damage.

The other thing that is likely to happen is that the privileges which we have given ourselves under the Powers and Privileges Act, and by tradition, will come into question, whether, as a matter of fact, we are not abusing privileges. Is it right that we continue to subject ourselves to that kind of thing? Mr. Gatabaki, you made an allegation, and it is in the interest of the House that you prove it correct or wrong.

**Mr. Gatabaki:** Mr. Speaker, Sir, the dignity of this House is lowered when it has no ability or willingness to discuss the likes of Mr. Joshua Kulei or hon. Biwott, who are the cause of the economic crisis we are facing. If we do not have that ability to discuss this---

**Mr. Speaker:** Order! Order! Mr. Gatabaki, rhetoric will not help, but facts will do. I am now giving you an opportunity to prove what you have said. You are turning round and saying that I am not giving you an opportunity. I am giving you an opportunity and that is a microphone; go ahead!

*(Mr. Mwenje stood in his place)*

**Mr. Speaker:** Order, Mr. Mwenje! Please, I do not know whether in your estimation, the Chair is here sitting wrongly? I am dealing with that hon. Member. So, will you let me do my job?

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. You have just ruled from the Standing Order which you have just read to the House, that the hon. Member does not have to substantiate now. So, give hon. Gatabaki time!

**Mr. Speaker:** Order! Order! Where have you read that? Those hon. Members who have had the opportunity of reading the Standing Order, will you pass it over to Mr. Mwenje to read it loud? Order, Mr. Shidie!

**Mr. Mwenje:** Mr. Speaker, Sir, you have just read that!

"A member shall be responsible for the accuracy of any facts which he alleges to be true and may be required to substantiate any such facts or to withdraw his allegations (with suitable apology, if Mr. Speaker, So requires)".

There is no time limit!

**Mr. Speaker:** Order, hon. Mwenje! Because of persistently rising on a frivolous point of order, you are ruled disorderly. I now order that you withdraw from the Chamber.

**Hon. Members:** No!

**Mr. Speaker:** He will have to go!

**Mr. Mwenje:** Mr. Speaker, Sir, I will leave but we elected you to restore---

**Mr. Speaker:** Order, Mr. Mwenje!

**Mr. Mwenje:**

*(Mr. Mwenje withdrew from the Chambers)*

**Mr. Speaker:** Order, hon. Members! On a more serious note, this House deserves respect and this Speaker cannot stand, and will not continue to stand this kind of behaviour. I hold this seat in trust for this House, now and in the future. Hon. Members owe it to themselves and to Kenyans to keep this House dignified. I take very unkindly the kind of behaviour exhibited by hon. Mwenje. Hon. Members, if you want to destroy this Parliament, go ahead, but I will resist that to the last ounce of my blood.

Mr. Gatabaki, if you cannot substantiate now, then, please, withdraw and apologise. I am serious.

**Mr. Gatabaki:** Mr. Speaker, Sir, if I heard correctly the Standing Order that you read, the word is "may"---

**Mr. Speaker:** Order! Will you stop playing with semantics? I order you to substantiate it now.

**Mr. Gatabaki:** Mr. Speaker, Sir, substantiating about the mess at the---

**Mr. Speaker:** Order! It also requires time for you to think very clearly what you will say gravely about

others; that you must weigh your words and come prepared. I have said that I will not give you time to substantiate the allegation that you made. If you do not want to withdraw it now, I will take action against you. So, are you withdrawing the allegation you made, or are you not?

*(A number of hon. Members stood up in their places)*

**Mr. Speaker:** Order, hon. Members! I am dealing with hon. Gatabaki, and I am ordering him to withdraw the allegation he made and apologise, or substantiate.

Hon. Members, you must weigh the gravity of what you are about to engage in. Under Standing Order No.88, a Member who has persistently refused to comply with the directions of the Chair is deemed to be disorderly. So, Standing Order No.88 is the one which the Chair is applying on the hon. Member. I urge all hon. Members to read the Standing Orders, so that you do not ask Mr. Speaker which Standing Order he is talking about without even bothering to check it. If the hon. Member cannot substantiate the allegation now, and he does not want to withdraw, let him just say so, so that I can deal with him.

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

**Mr. Speaker:** I am sorry, I am dealing with hon. Gatabaki.

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

**Mr. Speaker:** Order! I will hear none of you.

**Mr. Gatabaki:** Mr. Speaker, Sir, the Port of Mombasa is so important to this country that to apologise to these kind of characters will be to demean this House. Therefore, I will withdraw from the Chamber on my own volition.

*(Laughter)*

**Mr. Speaker:** No, you will not.

*(Mr. Gatabaki withdrew from the Chamber)*

**Mr. Speaker:** Order! Mr. Gatabaki, now that you have withdrawn from the Chamber on your own volition, I will deal with you when you come back to the Chamber.

*(Laughter)*

So, anyway, hon. Gatabaki, you are disqualified from staying in the Chamber for the balance of the day.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. This is a very grave matter which is before the House. It is important that we use it to lay a basis for such incidents in the future.

*(The Minister for Transport and Communications  
(Mr. Ntimama) stood up in his place)*

**Mr. Speaker:** Order, Mr. Ntimama! Mr. Anyona, is on a point of order.

**Mr. Anyona:** Mr. Speaker, Sir, on the basis of the face value meaning of the Standing Order No.76, it is correct that when an hon. Member makes a statement and he or she is challenged to substantiate it, he or she should do so. That is the beginning of the process of substantiation of any matter. If the House decides, with the indulgence of the Chair, that more time is required, then it can be extended. In fact, that is how it has been in the past. But I would like to agree with the Chair that there has been so much of this kind of abuse of the Standing Order. But in view of the gravity of a matter of this kind, which even involves a Member of the House, it is only fair that the hon. Member who has sought the indulgence of the House - and the Chair - be given time to exonerate himself. If he is not able to acquit himself, then, in future, this freedom can be curtailed.

**Mr. Speaker:** There is something called *functus officio*. I am now *functus officio* as far as hon. Gatabaki is concerned. But Standing Order No.69 is sitting there, and next time hon. Gatabaki comes to this House, it will look at his face and beg him: "Please, make a statement on what you said last time in the House to prove it." Those hon.

Members who are here now can point it out to him so that he proves his allegation.

But I am worried of what has happened in this House. Again, that leads me precisely to the same kind of thing. I wish to deliver the following Communication from the Chair:

**Hon. Members:** Hon. Shakombo's Question!

**Mr. Speaker:** Order! Time is up. It is not really my business to be told that hon. Shakombo's Question has not been satisfactorily answered by the Minister because of the interference from hon. Gatabaki.

### COMMUNICATION FROM THE CHAIR

#### IMPROPER MOTIVE AGAINST A JUDICIAL OFFICER

Hon. Members, you may recall that on the 24th of June, 1999, hon. Raila Odinga, the Member for Langata, on a supplementary question to a Question by Private Notice, raised by the Member for Lamu West, Mr. Fahim Twaha, did make serious allegations against the conduct of a judicial officer. I did promise to look at the HANSARD and make a ruling on the matter at a later date. I have now perused the relevant HANSARD and established that hon. Raila Odinga did, indeed, impute an improper motive against the judicial officer. The following are the words that the hon. Member uttered:

"The Judiciary in this country has admitted that there is corruption within itself. In fact, they have instituted internal investigations with a view to ending that corruption. Is it in order for an hon. Member to come before this House and present here a ruling as a reason, which he knows himself how he acquired it in that Judiciary, which he corruptly acquired when he himself knows that he is guilty of corruption?"

The Hon. Member further states:

"Mr. Speaker, Sir, hon. Twaha was at one time charged with bringing sugar into this country and evading paying tax, and as a result of that, he was, in fact, sacked as an Assistant Minister. Now, through manipulation, he now manages to become the complainant, accusing the Commissioner of Customs and Excise."

Mr. Speaker, Sir, to the best of my knowledge, the case relating to the sugar itself is still pending in court. Therefore, there is no way he could have gotten a proper judgement, releasing the sugar and commanding the Commissioner of Customs and Excise to release the sugar to him, when the case itself, has not been determined by a court of law."

As stipulated under Standing Order No.73 (1), it reads:-

"Neither the personal conduct of the President, nor any conduct of Mr. Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the ruler or the Government or the representative in Kenya of any friendly country, shall be referred to adversely, except upon a specific substantive Motion moved for that purpose."

I have, indeed, been reliably informed that, the concerned judge only recorded a consent order between the two parties. He, therefore, did not make any ruling on that case. Be that as it may, the conduct of the judicial officer can only be challenged through a substantive Motion, and not through innuendos or raising the matter under general debate.

Hon. Raila, though purporting to make a general observation on the conduct of the Judiciary, did cast aspersions on the manner in which hon. Twaha, obtained the court order. This is totally unacceptable as hon. Raila was, no doubt, questioning the conduct of the Member, contrary to Standing Order No.73 (4), without raising it through a substantive Motion.

At the same time, hon. Raila has questioned the credibility of the honourable judge who gave the order to release the sugar consignment without a substantive Motion, as guided by our rules and procedures of this House. As you are all aware, a Member is responsible for the accuracy of any facts which he alleges as true, according to Standing Order No.76. I quote:-

"A Member shall be responsible for the accuracy of any facts which he alleges to be true and may be required to substantiate any such facts or to withdraw his allegation (with suitable apology, Mr. Speaker so requires)."

I am not satisfied that hon. Raila substantiated his allegation to the satisfaction of this House. Under the circumstances, hon. Raila was out of order to impute improper motives on both hon. Twaha and the judge. I, therefore, order that hon. Raila should withdraw his allegations and apologise to the House.

Thank you. Proceed, hon. Raila!

**Mr. Raila:** Mr. Speaker, Sir, I have investigated this matter in detail and I have a lot of documents. But I

have established that an application of consent order was made on the 29th of March, 1999, by the Attorney-General's Office and the Commissioner of Customs to release the seized sugar to Messrs. Kensamco Forwarders and Marine Services Limited for sale. The judge's hands were, therefore, tied and in that regard, I wish to withdraw and apologise to the judge, the Attorney-General's Office and the concerned authorities for any adverse remarks that I made on this matter.

Mr. Speaker, Sir, regarding the contemptuous advertisement which was placed in the newspaper by hon. Twaha on 26th June, last year, I would seek your permission tomorrow, to make a personal statement, and to also make available some documents that I have, to this House.

*(Applause)*

**Mr. Speaker:** Order! I am aware of a request made to me by hon. Karume on a certain issue that he wanted to raise. Unfortunately, we have really gone very far. Hon. Karume, can I invite you to come here very early tomorrow morning? I will oblige and give you some time to make the statement that you wanted to make. So, you will be granted some time tomorrow morning. But I would like to say this. We are supposed to have began at 3.30 p.m. We have been out of Business for almost half an hour. I will, therefore, order that today's Business shall continue up to 7.00 p.m. this evening.

*(Messrs. Obwocha, Shakombo and  
Karume stood up in their places)*

**Mr. Speaker:** Order, all of you! Mr. Karume, I have already given you an indulgence. You should be here tomorrow at 9.00 a.m.

**Mr. Obwocha:** On a point of order, Mr. Speaker, Sir. I would like to raise a matter of privilege!

**Mr. Speaker:** What is the matter of privilege that you would like to raise?

**Mr. Obwocha:** Mr. Speaker, Sir, I was threatened in this House! I want to seek the protection of the Chair!

**Mr. Speaker:** By who?

**Mr. Obwocha:** Mr. Speaker, Sir, by Prof. Onger, when he came here to contribute last Thursday. He made a speech and I have the HANSARD here! He said that he is going to deal with me! You know, he is in a clique of those people who killed Dr. Robert Ouko!

*(Loud consultations)*

*(Prof. Onger stood up and pointed a  
finger at Mr. Obwocha)*

**Mr. Speaker:** Order! Order, Prof. Onger! Order, the two of you! Order, Mr. Obwocha! Mr. Obwocha, first of all, you are not serious! Prof. Onger and Mr. Obwocha, you may not be serious! This is because if this allegation was made against you last week, and the Speaker has continuously been around in his office and you have never consulted the Chair to seek even a chance for you to raise that issue, either in the Chamber or in my office--- I think the two of you should keep your politics out now! But, in the meantime, Mr. Obwocha, I do beseech you to bring that HANSARD to the Chair. Let the Chair see it and it will advise you on the best course of action to take.

Can we now proceed to the next Order?

**The Minister for Local Authorities** (Prof. Onger): Mr. Speaker, Sir, hon. Obwocha has made a serious allegation! Either he withdraws it or substantiates it! I demand that he substantiates it or he withdraws it!

**Mr. Speaker:** Order, all of you! Please, I have already warned this House about the consequences of statements and bringing parochial politics to the House. This is parochial politics that is being brought to this House, to disrupt the lawful Business of this House! I will not entertain this debate any further. I will deal with both your allegations at my own good time.

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

Order! Will you sit down! What is happening to Members this afternoon? Mr. Shakombo, if you are so agitated about your Question losing out to people who are generally not serious on this Question, you should have assisted the Chair to deal with those Members who took away your time! But I do take cognition of the fact that your Question has not been given what I would consider to be a fair treatment. But because of that, may I give a general



warning to those Members who just want to spoil the time for others who have serious Questions to, please, keep away. If hon. Gatabaki had not interjected, we would have dealt with this Question! So, I will consider bringing back your Question and treat it as deferred.

**Mr. Shakombo:** Tomorrow?

**Mr. Speaker:** Order! It is not your business! I can bring it next year if I please!

Next Order!

*(Question deferred)*

### COMMITTEE OF SUPPLY

*(Order for the Committee read being  
Ninth Allotted Day)*

### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 13 - Ministry of Public Works and Housing

**The Minister for Public Works and Housing** (Mr. Ngala): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair---

**Mr. Speaker:** Order! Order! Mr. Ngala, Proceed!

**The Minister for Public Works and Housing** (Mr. Ngala): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair, to enable me initiate debate on Vote 13 - Ministry of Public Works and Housing.

I wish to thank you for giving me this opportunity to present my Ministry's plans and programmes for the 1999/2000 Financial Year before this House. It is my hope that discussions of my Ministry's proposals by hon. Members will yield useful ideas, views and information that will help my Ministry to improve services to the whole nation. The vision of my Ministry is to contribute to socio-economic development of the country by facilitating adequate provisions and maintenance of physical infrastructure in roads, public buildings and housing throughout the country. Since my appointment as the Minister for this Ministry, I have had the opportunity to visit a number of districts in order to familiarise myself with activities on the ground. I have emphasised to my officers, the Ministry's commitment to improve and maintain the entire classified road network, as well as public buildings and housing, which are of great concern to Kenyans. I will continue to exert my energies on this noble cause, since I realise that the efforts being made by both the Government and wananchi to develop this country will be seriously hampered if the condition of our infrastructure is not improved. I can assure hon. Members that there will be prudent use of all voted funds under my Ministry's Vote. In that direction, therefore, I have to institute appropriate management systems that will enhance accountability and transparency in the general management of public funds and resources. I, therefore, invite constructive criticisms and contributions from hon. Members.

Mr. Speaker, Sir, my Ministry is listed as Vote 13 in the Government Budget Estimates. I am aware that hon. Members are conversant with my Ministry's responsibilities. I will now move on to present the corresponding budgetary proposals for consideration by this House under the following Sub-Votes---

*(Loud consultations)*

**Mr. Speaker:** Order! Order! In all honesty, I do not think we are serious! And I do not think anybody has been serious the whole of today. We cannot hear the Minister. We could not deal with Questions. Please, take the work of Parliament seriously.

Proceed, Mr. Ngala!

**The Minister for Public Works and Housing** (Mr. Ngala): Thank you, Mr. Speaker, Sir. I will now move on to present the corresponding budgetary proposals for consideration by this House under the following Sub-Votes:-

- (i) The General Administration and Planning;
- (ii) Buildings and Works;
- (iii) Housing Development;
- (iv) Roads; and,
- (v) Other Services.

In order to finance services under Vote 13, I will require a gross total of K£776,699,575, out of which K£451,179,715 will finance the Recurrent Expenditure, while K£325,519,860 will finance the Development Expenditure. I will present the proposals for the Recurrent Vote, R13, and then move on to Development Vote, D13. The first sub-vote under Vote R13 is Sub-Vote 130, which caters for Ministerial General Administration and Planning Services. I am seeking the authority of this House to spend K£33,353,990 on services under three heads in this sub-vote, namely, Headquarters, Provincial and District, and Administrative Services. I also expect to raise a total of K£314,364 as Appropriations-in-Aid (A-in-A) from the three heads through the sale of unserviced stores, boarded vehicles and equipment. The fourth and last expenditure under the Sub-Vote 130 is Head 419 - Supplies Branch. This department procures common user items in bulk and supplies the same to user Ministries and departments at cost price. The Government receives quantity discounts on bulk purchases of items through the Supplies Branch. The department also processes Government term contracts and provides furniture for all Government buildings. To finance these services, I will require K£2,351,289. I also expect to raise a total of K£20,364 as A-in-A through the sale of tender documents and boarded stores in this department.

Mr. Speaker, Sir, I will now proceed to Sub-Vote 132 - Buildings and Works. The first head under this sub-vote is Head 400 - Architectural Department which provides professional technical services in designing and supervising the construction of Government buildings. In order to sustain these services, I will require a sum of K£1,868,618. I also anticipate to raise K£35,000 as A-in-A from fees payable for registration of approved contractors.

The next expenditure is Head 041 - Quantities and Contract Department. This department is responsible for both financial and contract management on all Government building projects. Under this Head, I am seeking authority to spend a total of K£938,766 during this fiscal year. I also expect to raise under the same head, K£45,000 as A-in-A from the sale of tender documents. The other Head in this sub-vote is Head 402 - Structural Department. This department provides civil and structural engineering services to buildings and other specialised works, maintenance of sewers, jetties and sewerage disposal systems in Government institutions. I seek the authority of this House to spend K£1,279,799 on these services throughout the fiscal year.

I also wish to seek the authority of this House to spend K£3,791,400 under Head 409 - Government Buildings. These funds will enable me to carry out maintenance work on these Ministerial buildings, as well as meeting the cost of electricity, water and conservancy consumed in the course of providing these services. I also expect to raise K£20,000 as A-in-A from the sale of boarded items and materials, as well as surcharges arising from damages to and misuse of Government property.

Mr. Speaker, Sir, the last head in this sub-vote is Head 413 - Electrical Department. The responsibility of this department is to provide mechanical and electrical services in public buildings. It also maintains lifts in Government buildings, hospital equipment such as boilers, laundry and kitchen equipment, pumps and generators. I would like to seek the authority of this House to spend K£1,627,682 on these services. I also expect to raise K£8,000 as Appropriations-in-Aid from miscellaneous receipts under this head.

I will now turn to Sub-Vote 133 - Other Services. The first Head under this sub-vote is 399 - Kenya Building Research Centre. In order to sustain services under this Head, I would like to seek the authority of this House to spend K£365,899. The funds will be spent on the co-ordination, planning, documentation and dissemination of information on low-cost construction materials. I also intend to raise K£91,685 as Appropriations-in-Aid from the sale of materials printed by this department.

The next Head is 418 - Government Housing Section. This section administers the renting and leasing of offices and houses for the Government. To enable me sustain these services, I would like to seek the authority of this House to spend K£37,470,947 out of which, K£13,600,000 will cater for pending bills.

I would like now to move to Head 505 - Mechanical and Transport Department. The department undertakes the repair and maintenance of Government vehicles, plant and equipment. In order to provide these services, I would like to seek the authority of this House to spend K£15,349,582. This Department anticipates to raise K£750,000 as Appropriations-in-Aid through the sale of boarded equipment, plant and vehicles.

Mr. Speaker, Sir, I would like to turn to Head 506 - Materials Department. This Department provides supportive services in research and testing of the materials which are used in building and road construction work. The department also carries out research and testing of industrial materials in general. I would like to seek the authority of this House to spend K£2,531,538 on these services. This department also renders material testing services to the general public, and I anticipate to raise K£160,000 as Appropriations-in-Aid from these services.

Last in this Sub-Vote is Head 507 - Kenya Institute of Highways and Building Technology. This institute conducts technical courses for both pre-service and in-service trainees. The training facilities of this institute are situated in Nairobi, Kisii and Ngong. The facilities which are in Kisii are for training supervisors for road construction and maintenance operations, using labour-based methods. The training which is offered at Kisii attracts trainees from other African countries. I would like to seek the authority of this House to spend K£5,910,254 on this department. I

also expect the department to collect training levies and fees amounting to K£106,000 as Appropriations-in-Aid.

I would now like to turn to Sub-Vote 134 - Housing Department. Under Head 411 of this sub-vote, I would like to seek the authority of this House to spend K£2,619,927 on personal emoluments, Government contribution to international organisations such Habitat, and other operation costs at the department's headquarters. This fund will also enable the Department to prepare national housing programmes and policies, and to monitor the implementation of the same. In this regard, my Ministry has reviewed the national housing policy, and it will finalise a Sessional Paper for submission to this honourable House.

Mr. Speaker, Sir, the next head under this sub-vote is Head 416 - Provincial Housing Services. Under this head, housing services at the provincial level are provided, and for which I request the authority of this House to spend K£307,982.

I would like to inform this House that the last head on this sub-vote is Head 423 - Rent Restriction Tribunal. The tribunal's responsibility is to facilitate the stabilisation of rents, especially for the low-income earners, while, at the same time, ensuring that capital investments in housing yield satisfactory returns to the investor. In order to sustain these services, I would like to seek the authority of this House to spend K£625,961. I also anticipate to collect K£154,000 as Appropriations-in-Aid from the sale of boarded items and fees for services rendered by the tribunal.

Last in my Ministry's Recurrent Vote, but not in anyway the least, is Sub-Vote 136 - Roads Department. The Department is responsible for planning, designing, construction and maintenance of all classified roads whose length is approximately 63,300 kilometres. Roads constitute the singlemost important mode of transport in this country. Indeed, the development of all the other economic sectors significantly depends on an efficient road network. For this reason, the long-term objective of the Government is to develop and maintain a system of all-weather roads, which will facilitate access to all economically productive areas of our country.

Mr. Speaker, Sir, as the Government has progressively invested large sums of money in the development of roads every year, it is the aim of my Ministry to sustain and preserve the benefits of these investments through timely and adequate maintenance. However, this has been difficult to achieve in the past because of a number of factors, among them being inadequate funding for the reconstruction of our aging roads, as well as poor utilisation of the available resources. However, the desired impact on the road network has not been achieved due to the devastating effect of the *El Nino* rains, coupled with inadequate development funding. To address this problem, we shall, in this financial year, implement the department's strategic plans approved in early 1997. To achieve this, we shall emphasise the maintenance of trunk roads; limit the number of new contracts on non-trunk roads; introduce routine maintenance contracting for major roads, and strengthen our road patching units. To enable me to carry out this task, I would like to seek the authority of this House to spend a total amount of K£343,137,308 for Recurrent Expenditure.

The Roads Department's recurrent expenditure is budgeted for under Sub-Vote 136 of Vote R13. Expenditure of these funds can be classified in two categories. The first category includes expenditure on the actual road maintenance activities, which include routine maintenance of all roads, resealing and recarpeting of the existing tarmac roads, and gravelling and re-gravelling of unpaved roads. For these activities, I seek the authority of this House to spend a total of K£314 million, all of which will be Appropriations-in-Aid to be raised from the fuel levy and transit tolls. The second category includes expenditure on headquarters; roads branch; provincial and technical services; road work inspectorate and road marking and signs, for which I seek the authority of this House to spend a total of K£29,137,380 in the new financial year. Out of this sum, Appropriations-in-Aid totalling K£5,236 will be raised from the sale of tender documents.

Mr. Speaker, Sir, I would like to assure hon. Members that all the funds that shall accrue from both the fuel levy and transit toll charges will be utilised solely for the maintenance of classified roads throughout the country, and the Ministry will fully account for the same. In order to help hon. Members appreciate the extent of utilisation of funds accrued from road maintenance, I would like to highlight some of the activities that were funded by the Petroleum Levy Fund in the 1998/1999 Financial Year.

Funds amounting to about K£106.5 million were spent on both routine and periodic maintenance of paved and unpaved roads and procurement of equipment for roads maintenance as well as traffic toll administration, among other maintenance related activities.

Mr. Speaker, Sir, under the Unpaved Roads Programme, a total of K£47.8 million was spent on 98 road gravelling projects, while K£9.4 million was used for routine maintenance throughout the country. With regard to paved roads, several resealing and re-carpeting contracts were executed at a cost of K£49.3 million. Works were completed on the following major roads projects: Sagana-Samson Corner Road, Eldoret-Sagoiti Road, Mai Mahiu-Naivasha Road, Mai Mahiu-Maasai Mara Road and Eldoret-Mutwot Road. Works are still going on, on the following bitumen roads: Nakuru-Njoro-Mau Summit Road, Katumani-Wote Road, Bachuma-Iveti-Miritini Road, Kiganjo-Nanyuki Road, Maili Tatu-Lari-Mutwati Road, Lanet-Elmenteita-Narok Road and Kakuma-Lokichoggio Road. Mr. Speaker, Sir, during the last financial year, the Ministry also paid pending bills amounting to K£68.4 million relating to

commitments made in previous years. This expenditure had a negative impact on the funds available to do actual physical work. The Ministry will continue with the process of establishing the Kenya Roads Board during this financial year and a Bill will be tabled in this House. In addition and in order to maintain transparency in reporting on these funds, the levy collected will continue to be deposited in our Fund at the Treasury. All disbursements will be made on the basis of approved road maintenance expenditure plans. In order to increase productivity and efficiency of road maintenance, the Government will continue the process of off-loading the functions of axle load control to the private sector. Towards this end, a Cabinet Paper has been prepared and as soon as the Cabinet authority is granted, the legislation necessary to institutionalise---

**Mr. Achola:** On a point of order, Mr. Speaker, Sir. Could the Minister read his speech slowly? I think there is something he is hiding. He is so fast that we cannot follow what he is saying, yet this is one Ministry where we want to say a lot. A some pole pole!

**Mr. Speaker:** Order! Order! It will help a lot if we lend the Minister our ears. Proceed.

**The Minister for Public Works and Housing** (Mr. Ngala): Mr. Speaker, Sir, I have 30 minutes and I have a lot to say. So, I beg to be excused. I am doing this purposely, so that I do not get time barred.

Towards this end, a Cabinet Paper has been prepared and as soon as the Cabinet's authority is granted, the legislation necessary to institutionalise the private sector involvement in axle load controls will be brought to this House for enactment. In the meantime, the Government will continue to strictly enforce the axle load control regulation in accordance with the current Act. Towards this end, the Government recently announced new measures in response to various suggestions by the stakeholders in order to stiffen the penalties for over-loading. Secondly, the Government will continue increasing the private sector participation in routine maintenance of the classified roads. Thirdly, the Government will continue with a review of design manuals. Fourthly, through the recently established environmental unit in the Roads Department, the Ministry undertakes the environmental impact assessment for all new roads.

Mr. Speaker, Sir, I will now turn to the Ministry's Development Vote D13. There are three Sub-Votes under this Vote, which include Sub-Vote 132 - Building and Works; Sub-Vote 133 - Other Services; Sub-Vote 136 - Roads. I wish to present my proposals for the various service Heads under each Sub-Vote. Under Sub-Vote 132, there are four service heads, namely Head 400 - Architectural Department; Head 402 - Structural Department; Head 409 - Government Buildings; Head 413 - Electrical Department.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, I have already outlined the functions of each of these departments in my review of the Ministry's proposals for the Recurrent Vote. To enable these departments carry out the development responsibilities assigned to them, I seek the authority of this House to spend K£16,105,105. On the various service Heads of Sub-Vote 132, the activities that will be financed with these funds include the completion of on-going works on Lamu Sea Wall, installation of telecommunication facilities, PABX3, covering all Ministries and Government departments and the electrification of various Government buildings. Sub-Vote 133 - Other Services, has five Heads catering for housing services, including Kenya Buildings Research Centre, Planning and Research, Materials Department and the Kenya Institute of Highways and Building Technology. To enable me carry out these services, I am seeking the authority of this House to spend K£8,305,465.

Mr. Deputy Speaker, Sir, having highlighted the afore-mentioned development programmes, I now wish to turn to the Roads Department Development Expenditure which is budgeted for under Sub-Vote 136 of Vote D13. While roads constitute the single most important mode of transport in our country, the Government's efforts to upgrade and improve the road network have largely been hampered by lack of adequate funds due to the many competing financial needs from other sectors of our economy. Since roads represent a vital input in all sectors of the economy, it is my Ministry's long-term objective to develop a road network which is consistent with the actual needs for both economic and social sectors of our economy. To achieve this objective, my Ministry will accord highest priority to: First, preservation of tax investment in the existing roads infrastructure through timely and adequate maintenance; secondly, upgrading high priority roads to gravel and bitumen standards in areas where absence of such roads poses serious bottlenecks to development; thirdly, use of labour-based methods in road works, where this is the most cost-effective and also helps generate employment opportunities. Fourthly, efforts will be made to enhance efficiency in revenue collection from toll stations for road maintenance. Fifth, training and re-training of our personnel will be undertaken to reduce the cost of road maintenance. Sixth, promotion of road safety will be done by improving road signs and markings. Seventh; rehabilitation of all dilapidated road segments will be undertaken.

Mr. Deputy Speaker, Sir, in order to enhance the above strategies, the Ministry has embarked on the

implementation of the Roads 2000 Initiative. This initiative is geared towards the improvement of roads to maintainable standards, using a network approach; that is the combination of labour and equipment with great emphasis being put on reduced costs and maximising employment at local level, in line with the Government policy on poverty eradication, particularly with regard to rural and agricultural roads. In this respect, improvement of rural roads will continue as follows: The Government, with the assistance of DANIDA, will implement Roads 2000 Project in all districts of the Coast Province. During this financial year, K£5 million is included in the Budget for this purpose. The Government, with the assistance of the European Union, has started the implementation of Roads 2000 Project in Machakos, Makeni, Embu, Mbeere, Meru Central, Tharaka, Meru South and Meru North districts of the Eastern Province and K£600,809,000 has been allocated in this financial year for this purpose. The Government of Sweden, through SIDA, is assisting the Government to implement Roads 2000 Project in Nyeri and Kirinyaga districts of Central Province, where K£1,976,000 has been allocated for this purpose in the 1999/2000 Budget. The Government of Germany, through KFW, will support Roads 2000 Project in Nakuru, Nandi, Kericho and Bomet districts in Rift Valley Province and Kisii North District in Nyanza. The World Bank will assist the Government to implement Roads 2000 Project in Nyandarua, Murang'a, Maragwa districts in Central Province; Baringo, Koibatek, Laikipia, Samburu districts in Rift Valley Province; Kisii, Gucha, Homa Bay, Kuria, Migori, Suba, Rachuonyo and Nyando districts in Nyanza Province. The African Development Bank is interested in assisting the Government to implement Roads 2000 Project in Kajiado, Trans-Mara, Trans-Nzoia, Uasin Gishu, West Pokot, Keiyo, Marakwet and Narok districts in Rift Valley Province. The United States Agency for International Development (USAID) is also keen to assist the Government of Kenya in implementing Roads-2000 in Kiambu and Thika districts in Central Province; Siaya and Bondo districts in Nyanza Province, Kakamega, Busia, Bungoma, Vihiga, Mt. Elgon, Teso, Lugari and Mumias districts in Western Province, and K£6 million has been allocated in this financial year for this purpose. Government funding for the Roads 2000 Project will be biased towards those districts.

Mr. Deputy Speaker, Sir, I now wish to take this opportunity to enlighten hon. Members on some of the key projects and programmes which my Ministry intends to undertake in the roads sub-sector during the 1999/2000 Financial Year. First, reconstruction of a section of Mombasa Road between Mtito-Andei and Bachuma Gate will continue. About 40 kilometres of the road have been opened to traffic and work is on schedule. Secondly, the tender for the reconstruction of the Mtito-Andei - Sultan Hamud section of Mombasa Road will be finalised this financial year. Thirdly, a feasibility study on the Bachuma Gate section of Mombasa Road will also be launched this Financial Year. This study will indicate whether it is economically feasible to construct a dual carriage way between Mariakani and Mombasa. Fourthly, designs for the reconstruction of Mai Mahiu-Naivasha-Lanet Road are almost ready. My Ministry will embark on the process of procuring, constructing and consultancy services. The pre-feasibility study on Isiolo-Moyale Road will be carried out this financial year. Sixth, the construction of Amala River-Narok Road will continue and its completion date is March, the year 2000. Seventh, strengthening and widening of the Narok-Mai Mahiu Road has been started and efforts will be made to mobilise funds for this work. Eighth, plans are at hand to mobilise funds for the tarmacking of the Wote-Makindu Road. Ninth, plans are also at hand to undertake a feasibility study on the Ndundori-Ol Kalou-Njabini Road with the assistance of Arab Bank for Economic Development in Africa (BADEA).

Mr. Deputy Speaker, Sir, my Ministry also intends to reactivate a number of stalled road projects throughout the country.

Mr. Deputy Speaker, Sir, I, therefore, seek the authority of this House to spend a sum of K£301,109,290 out of which Appropriations-In-Aid amounting to K£244,221,420 will be realised in the form of loans and grants from various donors.

Finally, I wish to take this opportunity to thank His Excellency the President, hon. Daniel Toroitich arap Moi, for his exemplary commitment to the best interest of Kenyans and his continued determination to steer our country in the course of peace, development and prosperity. Indeed, the on-going initiative and discussions on positive constitutional, economic and other reforms are notable and commendable endeavours which further strengthen the foundation of our Kenyan nation.

With those remarks, I beg to move.

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

**The Minister for Transport and Communications** (Mr. Ntimama): Mr. Deputy Speaker, Sir, I stand to second this Vote. This is a very important Vote because the road infrastructure in any country, is the most important thing when it comes to development.

Mr. Deputy Speaker, Sir, I would like to request the House to approve the money that the Minister is requesting. It is important to stress that the road infrastructure is the most important thing when it comes to sustainable development. I know that the Minister and his team in the Ministry are going to work hard in order to improve the road system in this country. Right now, there is no need to pretend that everything is rosy while it is not. Our road system is

very poor. This has been precipitated by the disastrous effect which was brought about by the *El Nino* rains. Now that we are going to approve the money which the Minister is asking for, I hope the officials of the Ministry, with the help of everybody on the ground, including the Provincial Administration and the Provincial Engineers will go ahead and repair some of the very important roads in this country; the trunk roads, secondary roads and most importantly, the roads that help the farmers to bring their crops to the market, be it tea, wheat or coffee.

Mr. Deputy Speaker, Sir, before I complete my contribution, I would like to say that several times on the Floor of this House, I have talked about the Narok-Mau Narok Road which has been in the drawing books for the last 36 years, since the days of Mr. Kim Gatende. That road has never been construction. We really do not know where the money was taken to. Lately, there was another large amount of money allocated for this road but it has disappeared and the road has never been done. I think everybody knows that, this is a very important road which serves the farmers of Narok in the transportation of wheat, barley, potatoes and all sorts of other crops.

Mr. Deputy Speaker, Sir, I know that we are all serious. The Minister is serious in that he would like to make sure that every penny that has been voted by this House goes to the construction, the repair and the maintenance of our roads. But as it is, in the Ministry of Public Works and Housing, most of the contracts have destabilised the economy of this country through people "eating" three-quarters of the money, leaving the roads undone or half done. Some of the people working in the Ministry of Public Works, a few of them, have been co-operating with unscrupulous contractors who want to misappropriate public funds and the people of this country have not got the right service and taxpayers' money has been misused. I hope the Minister, the senior officers in his Ministry and the Government in general will do a little house cleansing in the Ministry, so that we can get the right people doing the right job.

With those remarks, I beg to second.

*(Question proposed)*

**Mr. Wamalwa:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to make a few observations on this particular Vote.

Mr. Deputy Speaker, Sir, to echo what the previous hon. Member has just said about corruption in this Ministry, I think when we talk about corruption in this country, the Ministry of Public Works and Housing and more particularly, the Roads Department, ranks highest in the order of corrupt practices in this country. Corruption in the construction of roads comes about because contracts are not awarded properly. There is a lot of collusion before contracts are awarded and when that is done, they are awarded to corrupt contractors who say they will put eight inches of tarmac but they end up putting only three inches. The rest of the money finds its way into other people's pockets.

In fact, there is a big joke about the Ministry of Public Works and Housing internationally. There were two people who went to school together in England; one was a Kenyan while the other one was an Indian and they were both lawyers. The Indian was the first one to go to Parliament and he became a Minister for Works in his country. After five years of being a Minister, he invited his Kenyan friend to go and visit him.

When he went to this man's place he found a palace, a beach home and a Bombay home. The Kenyan asked his Indian friend how he had made so much money so fast. He said: "There have been so many roads built in India, and I used to take just 10 per cent to make sure that the people got the quality of roads they wanted, but I got my bit." When the Kenyan came back, he also vied for a Parliamentary seat and by chance he became a Minister for Public Works. Five years later, he invited his Indian friend to come and visit him. By now the Kenyan Minister for Public Works and Housing had five Rolls Royces', two latifundias which stretched over 10,000 acres, two private aircrafts and a big stake in a big transport company. The Indian asked him: "How did you manage to do so well within such a short time?" He said: "Look out there. That is the main trunk road between my country and a neighbouring country. I only took 30 per cent and this is how I am."

Mr. Deputy Speaker, Sir, the moral of the story is that we Africans seem to go overboard. In other places there is corruption in construction and so forth, but I think people have a conscience where they realise that they had better do a good job even if they got something. With us, if it is there, grab it. I am sorry, but this is the sad statement on the question of road construction in this country. So many roads, even those under the study of the Controller and Auditor-General and the scrutiny of the Public Accounts Committee, have been paid for although they were not built and others have had certain specifications which were not met. As a result a road that was supposed to be built to last for 10 years already has potholes after two years. This is how we waste our resources. That is not enough.

We can have very good roads built, but there is no maintenance of these roads. Nothing can last without maintenance. I would like the Minister to assure this House when he rises to reply that whatever roads are being built or exist in this country will be maintained before they deteriorate to a state where they just need total overhauling and rebuilding. There is an old saying that a stitch in time saves nine. The Minister may land in a pothole as he is going to Mombasa. He does not do anything about it and two months later it is a moon crater. Other potholes develop and in the

end the road becomes completely impassable. The question of maintenance must rank highest in this Ministry because it does not matter what good roads we build if they are not going to be maintained because we are wasting our time.

Exaggeration of costs in road construction is a well known phenomenon. For a road that is going to run, say, from Timboroa to Eldoret you will find that instead of it costing an "x" number of pounds; it is doubled. Then the job is shoddy and in a little while the road is gone. I think we should be serious with ourselves as a nation. If we are going to fight corruption, this must start within Government circles to make some sense. That is where the greatest amount of resources lies. The Government must realise that whatever money it has is not its money; it is the people's money. It is only a custodian of that money. It will be failing to honour the social contract if it collects taxes from wananchi and does not provide services or build better roads. A good road network is the lifeblood of any nation. It is the means by which members of that nation can travel from point A to B, do business, transport their goods, businessmen can transport food and medical supplies to needy areas and so forth and so on.

It is important that the few roads we have must be well maintained. After listening to the Minister I noticed that there was an obvious omission. This is so typical of the Government's attitude towards the North Eastern Province, which always comes as an afterthought in main planning in this country. It is a place that people just hear of, and to them it exists somewhere, but it does not matter. According to the Minister money is being distributed all over the place to maintain the roads and so on. There is practically no mention of a paltry sum of money which has been reserved for road maintenance in the North Eastern Province. May I dare suggest, although I abhor the word "privatisation", that for privatisation to be successful we need financially able Kenyans to make it work? It would not make sense if we were to privatise certain sections of our roads and they go to foreigners or to a few well-known tycoons in this country.

Mr. Deputy Speaker, Sir, I have great reservations about privatisation in its entirety. Maybe, we ought to think about it now because if the Government is not able to maintain the roads then it must get somebody who can do so. The profit motive is always a major factor in any undertaking. I do believe that for sections of our various trunk roads, which the Government cannot maintain, perhaps they want to start shopping around for private investors who can maintain those roads and charge toll fees to recover their money and continue maintaining the roads. It is very important that the Government takes the farming areas in this country very seriously. Places like Trans Nzoia and Uasin Gishu districts are the bread baskets of this country. Yet you will find that the roads there are so bad that a farmer finds it difficult to transport his farm produce to the nearest market.

I would like to appeal to the Government to take seriously the major farming areas like the tea areas in this country. There was an arrangement that the Kenya Tea Development Authority (KTDA) would look after the roads in the tea areas. Quite often as it has happened with KTDA in many other spheres, it has failed to maintain those roads. I feel that the Government bears the primary responsibility of making sure that the farmers can access markets quickly without too much waste of time. There are certain roads in the farming areas which are totally inaccessible once it rains. There is a road in Kitale in Trans Nzoia District called the Central Elgon Road which joins Kitale Town with the Mt. Elgon area to tap tea from the Mountain, coffee, maize and a lot of milk from that area. That is an area endowed in the production of almost anything. It is God's own country and yet the roads---

**Hon. Member:** It is the devil's country!

**Mr. Wamalwa:** The devil's country? I have no idea. Even if I had, I would not tell you. I do believe that the Government ought to look at the Central Elgon Road and make sure that it is rebuilt to enable the farmers from the slopes of Mt. Elgon, around Saboti and Kapreto where, in fact, quality tea in this country is being grown, to transport their produce to the market more easily.

With those few words, I beg to support.

**Eng. Toro:** Thank you, Mr. Deputy Speaker, Sir. I stand to respond as the Opposition Shadow Minister for Public Works and Housing.

Last year, the former Minister for Public Works and Housing, Mr. Kones gave promises to this House on what the Ministry intended to do during the last financial year. Unfortunately, very little has been done. Today, we have been promised again by the current Minister that his Ministry will work hard to achieve a lot this year. We hope that he is going to keep his word.

Mr. Deputy Speaker, Sir, we have a lot of problems in the Ministry of Public Works and Housing. Maintenance of roads has become a big problem. We sometimes wonder whether we have qualified engineers in this Ministry. I happen to know that we do have qualified engineers, but it is not easy to say why they are not doing their work. Causes of poor road maintenance are numerous, but I will just highlight a few.

The Minister is probably aware that we do not have adequate functional equipment to carry out maintenance of our roads. Without proper equipment, there is very little that can be done. Some districts do not even have a single grader to carry out grading work. It would be very appropriate for the Minister to think about pooling the equipment in certain areas. We do not require decentralisation to the district level as far as equipment is concerned. The Minister

should think of reviving the gravelling, grading and the sealing sections. These three units used to exist in the Ministry of Public Works and Housing, but I do not know what happened to them. As soon as they ceased to exist, we started having numerous potholes, roads in disrepair and unpaved roads which are not attended to.

There is also another cause of poor maintenance of roads. There is disparity in allocation of funds. The funds are not allocated in a transparent manner. It is common knowledge that some districts have more kilometres of classified roads than others. Districts with well established classified roads are being neglected at the expense of other districts. There should be a way of working out the amount that is going to be allocated to the district, based on a kilometre-length of classified roads in the district. This is because once we do not have a good policy on the allocation of funds, you will find that a district receives about a third of what another district gets and yet it has fewer kilometres of classified roads. There should be a clear definition of the classified roads and a clear working of the road workload in each district. We have got low morale among the officers within the Ministry of Public Works and Housing. Most of the officers are not committed. So, when it comes to maintenance of the roads, they are just there to be seen. They are not productive in the districts.

Mr. Deputy Speaker, Sir, I would like to give an example of what is happening in the districts and provinces. For some years now, we have been experiencing situations whereby officers are posted to districts and provinces to occupy posts of Provincial and District Works Officers. It goes without saying that, about 95 per cent of the work in the districts is road maintenance. The Ministry posts an architect to go and become a District Works Officer and under him will be a Roads Engineer. This will lead to a conflict of interests because the architect has nothing to do in the district at all. The little work that is done in the building sector is conducted from the Ministry's headquarters. So, you find somebody supervising technical staff such as engineers, and yet he is an architect or a Quantity Surveyor (QS). I would like to ask the Minister to look into this issue. We would like to suggest that District or Provincial Works Officers should be engineers who would be answerable to the headquarters, so that if anything goes wrong, you do not hold a meeting with two groups of people; you do not summon the District Works Officer who is an architect to come to the headquarters so that he can answer questions about roads. I hope the Minister and the Permanent Secretary will look into that matter.

Another cause of poor road maintenance is that, there is a lot of interference within the districts. District Works Officers sometimes do not know whether they are answerable to the District Commissioners or to the headquarters. Sometimes, you find that they are getting orders from the District Commissioners and those in the province are getting orders from the Provincial Commissioners. The technical staff in the Ministry of Public Works and Housing should be able to work independently without interference. They do not have to accompany the district commissioners on meet-the-people-tours and get orders to repair this and that road. They should work out their workload according to the Ministry's priorities and should not listen to anybody else. I must also say that, some politicians interfere with the work of the roads engineers in the district and provinces.

Mr. Deputy Speaker, Sir, I would also like to request the Minister to look at the current administrative boundaries in the districts which conform to maintenance boundaries in the Ministry of Public Works and Housing. There is no need of having a maintenance team per district. We do not have to conform to administrative boundaries. For example, when Murang'a District was split into two, there was a duplication of what used to be in Murang'a into the new Maragwa District. When it came to the issue of dividing assets, there were only two graders and one was not working. So, the one which was not working was given to Maragwa District. Therefore, Maragwa District cannot maintain roads because officers want to split all the equipment.

Mr. Deputy Speaker, Sir, it would be appropriate if the Department responsible for the maintenance of roads remained under Murang'a District so that it can serve both Maragwa and Murang'a Districts. This is because the more we try to decentralise the activities, the more we suffer. The technicians who are supposed to repair graders and other equipment are divided up into smaller groups. So, we end up with very little output. If there is nothing to repair, then those people stay idle. That is why you hear the Ministry of Public Works and Housing saying that, it is going to retrench people. It is not going to retrench people because they are not qualified, but because they are not giving them work to do. It would be wrong to retrench people because the Ministry is not giving them work. The Ministry should find a proper way of pooling the resources and having a bigger unit to cater for equipment and maintenance of roads and buildings.

Mr. Deputy Speaker, Sir, I would like to touch on the management of roads and building construction contracts. We are having problems in the Ministry because contracts are awarded and yet sufficient budgetary provisions are not given to the Ministry.

Mr. Deputy Speaker, Sir, currently, poor budgetary allocations for on-going projects exist. It is very wrong when you find projects stalling because of lack of money. It is wrong to continue awarding contracts for new works, when the on-going works are not complete. I would like to propose to the Minister, that the current on-going projects be finalised first, before new contracts are awarded. It has become very expensive for the Ministry---



*(Loud Consultations)*

**Mr. Deputy Speaker:** Order! There are very loud consultations from that corner. Please, consult in low tones so that we can listen to the hon. Member on the Floor.

**Eng. Toro:** Mr. Deputy Speaker, Sir, there is a lot of money being paid out by the Ministry in form of pending bills. When a contractor issues his certificate and is not paid, depending on the contract agreement, he is entitled to claim interest on the money that has not been paid. This interest is on commercial rates. It is not his business to know whether there is money or not. When he issues his certificate, he should be paid so that he can continue working. It is very sad when the Ministry does not pay contractors. When they are not paid, it becomes expensive, since they claim interest on the sum of money that has not been paid and on idle machinery and equipment. I am sure the Minister knows that most of the pending bills are related to stalled projects. They are struggling to clear those bills, but it is not going to be easy.

Mr. Deputy Speaker, Sir, budgets for on-going projects should be fulfilled because of the expenses that the Minister is going to incur on them when they stall. On some of the stalled projects, we know contractors claim money for not being paid for their certificates and claim that their machinery had been on site whereas, maybe, some of them had moved the machinery to other areas. Just to mention a few examples, the Murang'a-Kangema Road, Marua-Nyeri-Kiganjo Road, Narok-Mau Narok Road, buildings such as the Makueni District Headquarters, the PC's office in Kisumu and the white elephant National Youth Service Headquarters. It goes without saying that once contracts are awarded, the officers or those people who want to get kickbacks, look for new projects. After they get kickbacks they lose interest in completing the projects that are already on-going. They look for new areas where they can be able to "harvest". This is corruption that the Minister should look into. If the Minister does not eradicate corruption in the Ministry, we are not going to have roads or buildings. At the end of the day, we are going to have nothing to the advantage of corrupt officers.

Mr. Deputy Speaker, Sir, traffic management and planning are also very important. Nowadays it is everybody for himself on the roads. We need some proper planning on traffic. The Minister should be concerned with what town councils and the City Council are doing. Poor planning within the City spills over to the other trunk roads. A case in point is the road from the City Centre to Jomo Kenyatta International Airport. There are buildings coming up along the road, with direct access to the trunk road. The engineers are aware that the physical planning for that area does not allow direct access from the building to the main trunk road. There should be controlled access to all trunk roads. There is supposed to be a road which is supposed to feed the trunk road at a certain junction where all traffic within that area is supposed to filter to. I would like the Minister to look into that issue, because instead of the dual-carriage way we are having, we are going to have a street. This has happened on Outering Road, which was not designed to operate the way it is operating now. No wonder we have heavy traffic jams along Outering Road. This is because the plan for Outering Road was abandoned and every house along the road has access to the road. I would like the Minister to find out from the engineers what physical planning there is for Mombasa Road from Nairobi to Athi River and the Airport. You will be surprised when you know the truth.

Mr. Deputy Speaker, Sir, we have the proposed Kenya Roads Board. I remember during the last financial year, the Minister promised that the Board would be operational. But up to now, the Board is still not operational. I hope the Minister is going to do something about this Board. Whereas we are hoping that it is going to alleviate the problems of roads maintenance and construction, his success will also depend on the constitution of the Board; whether it will be subject to be dictated to by outside forces. Whereas the idea is very noble, we might end up with another Board that is non-functional. The sooner the Minister brings the Bill to Parliament, the better. We want to see a change in the maintenance of roads in this country.

Mr. Deputy Speaker, Sir, the poor morale in the Ministry is as a result of serious cases of promotion where officers supersede other officers. When this happens, there cannot be good morale and commitment. Sometimes there are tribal promotions in the Ministries. Promotion is based on which tribe one comes from instead of being based on qualifications and experience. I would like the Minister to take this issue seriously.

We have a technical Ministry composed of professionals. In the Engineering Section, and all engineers know this, it is very inappropriate for somebody two years your junior to be promoted to become the boss of senior officers. The Ministry is notorious when it comes to officers superseding others. An officer is simply sent out to the district where he becomes a District Works Officer or a Provincial Works Officer and back at the headquarters, his junior officer is promoted. This is very serious, and has occasioned departure of some engineers, senior officers in the Architectural Department and Quantity Surveyors.

Mr. Deputy Speaker, Sir, I have nothing against the current Chief Engineer, Roads, but he is very junior compared to others who are there. He graduated in 1979 from the University of Nairobi and we have very qualified

engineers who graduated in 1975. They have all been superseded. Why? Would it be proper for them to work under the current Chief Engineer, Roads? These are the issues which make engineers who have been superseded to resort to corruption in order to line their pockets. They will not be committed to their work. I would request the Minister to look into this because all is not well. When you supersede engineers, all is not well.

Mr. Deputy Speaker, Sir, I would like to congratulate the Minister for sacking the former Permanent Secretary, Eng. Akute, who has been a disgrace to the engineering profession. This is another case of tribal promotion where somebody is promoted without considering properly his qualifications and commitment to work. Within a year, Eng. Akute had amassed hundreds of millions of Kenya shillings through dubious companies which he jointly owns with other corrupt people.

**Mr. Achola:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member on the Floor in order to accuse Eng. Akute when he is aware that all the engineers in the Ministry of Public Works and Housing are very corrupt, including those ones who are seated here? It is not only Eng. Akute who is corrupt!

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order! Eng. Toro, you create a very bad scenario when you make certain categorical allegations about people who cannot come here to defend themselves. If I were you, I would watch it.

**Eng. Toro:** Mr. Deputy Speaker, Sir, I am very happy to hear that the hon. Member accepts that Eng. Akute was corrupt.

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to allege that the former PS was corrupt? Could he substantiate that he was corrupt?

**Mr. Deputy Speaker:** Well, hon. Angwenyi, he is expressing an opinion. It is extremely difficult to prove that people are corrupt unless you have taken them to court. How can he prove that before he takes Eng. Akute to court?

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Early in the day, two Members were sent out because they alleged that somebody was---

**Mr. Deputy Speaker:** Well, you are running into the same risk!

**Mr. Angwenyi:** By pointing out a mistake?

*(Laughter)*

**Eng. Toro:** Mr. Deputy Speaker, Sir, although the former PS has not been taken to court, his sacking was related to certain activities that---

**Mr. Deputy Speaker:** Order, Eng. Toro! I think, we are discussing the Estimates of the Ministry of Public Works and Housing and not about an individual who is there or who has been there. So, please, be relevant.

**Eng. Toro:** Thank you, Mr. Deputy Speaker, Sir. I would like to request the Minister to account to this House, as we were promised last year by his predecessor, that the Fuel Levy Fund which would be collected would be accounted for to the last pound. I would like the Minister, maybe in the near future, to give us audited accounts of the Fuel Levy Fund. Last year, the Minister said he was going to spend about Kshs6 billion from the Fuel Levy Fund on road maintenance; one year later, and hon. Members can bear me witness, we cannot see where that money has been used. We have got some contractors who ended up being awarded contracts at exorbitant rates. It would be fair for the Minister to provide this House with a proper audited account of the Fuel Levy Fund for the last financial year. He has also promised to account for the Fuel Levy Fund that would be collected during this financial year to the last pound.

Mr. Deputy Speaker, Sir, hon. Members have always made remarks here about the poor state of roads in the country, whereas we are told that the Fuel Levy Fund, which is disbursed from the Treasury, is being operated in a transparent manner. It is not possible to know whether this has been done in a transparent manner unless and until we are told how much money has gone to which project and the estimated cost of the projects and so on. We cannot keep on taxing motorists every year and yet, they cannot see where that money is going. All tarmac roads are in disrepair and yet, they are paying tax through the Fuel Levy Fund. We hope that this time round, the Minister will be dedicated and committed to making sure that the officers in the Ministry do their work, and make sure that all the projects are done as economically as possible and without corrupt deals being entered into.

Mr. Deputy Speaker, Sir, agricultural areas, again have been neglected. Last year, we were promised that they would be taken care of, but this has not been done. Farmers still continue to experience problems taking their produce to the markets, especially tea and coffee areas. We would like some seriousness directed to those areas so that the decline in coffee production, which is being experienced now, can be reversed, because tea and coffee farmers are getting fed up. Coffee and tea cess was supposed to go to the farmers, but in some areas, there are still some

controversies as to whether it should be managed by farmers or the county councils. This is the case in Murang'a District where the fund is still a subject of a court injunction. The money has not been used up to now.

Mr. Deputy Speaker, Sir, I would like to comment on the Materials Department. The Materials Department has let Kenyans down. It is not doing its work now. We have numerous cases of roads failure. Once the contractor is on site, the Materials Department should go and find out whether he is using materials of the proper specifications. It is high time the Materials Department woke up and did something about it. Otherwise, it will not justify its existence.

Mr. Deputy Speaker, Sir, let me turn to axle loading. The Minister has promised that our roads are going to be protected from excessive loads. Whereas we have had weigh bridges in Mariakani and Athi River, nothing has materialised by way of arresting transporters who are overloading their trucks. Mobile weigh bridges have been bought and I have witnessed some of them. I would like the Minister to be very aggressive about checking axle loads on all trucks that are moving on our roads.

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

**The Assistant Minister for Agriculture** (Mr. Karauri): Mr. Deputy Speaker, Sir, thank you, for giving me this opportunity to contribute to this Vote of the Ministry of Public Works and Housing. This is a very, very important Ministry because without roads, even agriculture will collapse. Indeed, it has collapsed in several areas, because farmers cannot transport their produce to the market. They cannot also transport seedlings to their farms. In fact, even those farmers who want to farm far in the rural areas, cannot get access to those areas.

Mr. Deputy Speaker, Sir, the Minister for Public Works and Housing must, therefore, work overtime to ensure that our roads are back to normal. The road infrastructure, needless to say, has collapsed completely. The roads that were good and were used about ten years ago are impassable today and the main reason for this, as some of the previous speakers have said, is due to lack of maintenance. Occasionally, we have had donor money which has been used to murrum certain roads and after doing so, that is the end of it. There is nobody to maintain them; there is no drainage and the roads are left to go to waste. Maintaining a road is a very cheap affair. Once you have built, say a 20 kilometre road, if you employ about ten casual workers there on a monthly basis and even if they were paid Kshs2,000 or Kshs3,000 per month, at the end of the year, they will not have spent more than Kshs300,000 and the road will retain its importance and it will be passable.

Mr. Deputy Speaker, Sir, corruption in the Ministry is one of the evils that have destroyed our roads and I want to give an example of a road in my own constituency. This is Road D4 82 and is called Meru-Mikinduri Road. That road was earmarked for tarmacking and was surveyed between 1989 and 1991 and after doing that, from 1992 to-date, no tractor has ever been assigned to work on it; the road has never been graded. Not even a tractor can move on it, except the grader itself. I am saying it is corruption that has led to this sad state of affairs. I am happy that hon. Kones is here and when he was the Minister for Public Works and Housing, in October last year, the late hon. Ndubai asked him a Question about that road. He asked him: "How many times has that road been graded between 1993 and 1998?" The Minister replied: "The road has been graded at the cost of Kshs2 million annually to-date." I was seated here and because I come from that constituency, I did not know what to tell the Minister. I was shocked by the answer that, this road has been repaired at the cost of Kshs2 million. That amount of money has been appearing in the Development Estimates annually for seven years when the road has never been graded for that number of years. That is corruption.

Mr. Deputy Speaker, Sir, I have said in this House before, that what is killing this economy is not the corrupt practice of offering a policeman Kshs100 because I can easily buy him tea for Kshs100. It is a small form of corruption. The corruption that is killing us is that, money that is meant for projects like roads, finds its way into people's pockets. It does not do that work.

*(Applause)*

Mr. Deputy Speaker, Sir, if that road was graded as promised, we could have no problem ourselves. Instead today, a very productive area full of tea, milk, and other crops is isolated because we cannot travel on that road. For example, if it starts raining, I also stop going home. People cannot travel on that road and yet, here is a road which was at one time like a tarmac road because it was murrumed perfectly well but immediately after that, there has been no grading. When we ask a question from out there, the people from the headquarters tell us that they have been doing it and they have spent so much money per annum on this road.

Mr. Deputy Speaker, Sir, the other thing is that when districts are split, I agree with Eng. Toro that they should not be centralised with regard to the equipment. Meru District was split into four districts, namely: Meru East, Meru South, Meru Central and Meru North. Now, it was upto Meru Central to give to the others some of the equipment and it is anybody's imagination what kind of equipment they will give you. If there is unserviceable

equipment, that is what they give you and you may not have any money to repair it. So, we have those problems. But what surprises me is that, there is food in our district and we are told: "We cannot grade your roads because the tractor is not in a working condition." Now, what happens at the end of the year? What happens to the money voted for the roads in that district? It is not enough to say that the tractor has been out of order and yet, it has been out of order for the whole year. Then, where did the money go?

(Applause)

Mr. Deputy Speaker, Sir, because the tractor was out of order all the time, it has not graded any roads. I think something must be done and, as the Member of Parliament for Tigania East, I want to appeal to the Minister and his Permanent Secretary to give positive directives to the District Works Officer in the district. This is because for eight good years, there are such roads as D484, D482 and others which have never been graded. This is because the District Works Officer has instructions from the District Commissioner and the Minister there, that my constituency should never have a road graded. The tractor goes upto where the constituency ends. So, for eight good years, Tigania East---

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. I am telling my good friend that he is a member of the KANU Government. So, how can it be that there have been instructions---

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

**Mr. Wamae:** Mr. Deputy Speaker, Sir, is it in order for him to say that there are instructions that, the tractor should not go to his place?

**The Assistant Minister for Agriculture (Mr. Karauri):** Mr. Deputy Speaker, Sir, that is not a point of order. It is very clear that I am in KANU and I am talking about my constituency, and I am addressing the Minister for Public Works and Housing. I am not addressing KANU.

**Mr. Deputy Speaker:** Order! Address the Chair!

**The Assistant Minister for Agriculture (Mr. Karauri):** Mr. Deputy Speaker, Sir, thank you. I am addressing the Chair.

Mr. Deputy Speaker, Sir, I want the District Works Officer to be given positive instructions, so that he does his work. Over the last eight years, the tractor has been going up to the border of Tigania East Constituency and the work ends there and yet, those are graded roads.

**Mr. Deputy Speaker:** Should they construct all the boundaries?

**Mr. Shaaban:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that the District Works Officer in that district is only working for one particular constituency, when he is supposed to serve the whole district?

**The Assistant Minister for Agriculture (Mr. Karauri):** Mr. Deputy Speaker, Sir, I think the hon. Member does not know what I am talking about. I think that is not a point of order because I know what I am talking about.

**Mr. Deputy Speaker:** Mr. Shabaan, then you can ask him that question.

**The Assistant Minister for Agriculture (Mr. Karauri):** Mr. Deputy Speaker, Sir, yes he can ask me that during Question Time.

Mr. Deputy Speaker, Sir, I also want to lament that there is a bridge on Road D484 linking Kianjai, Mikinduri, Gatithine and Kunati areas. The Government spent Kshs4.7 million on that bridge. At that time, I was in Parliament and I was complaining that the materials were being sold and were not used properly but my complaint fell on deaf ears. What happened when the *El Nino* phenomenon came? The bridge was swept away. So, for a long time now we are driving across a big river, on which we have to use the four wheel drive vehicles; that is, either a Land Rover, Land Cruiser or Range Rover, but then you know that you are also swimming under the bridge and you are ruining it.

Mr. Deputy Speaker, Sir, I also want the Minister to consider our needs, because we feel a bit disadvantaged in that area. In Meru Central District, on this part of the road, D482, they have already given some contract and our people can see equipment on that road. That money was given for it as part of the Roads 2000 Project. In our area, we are stuck. If there is any problem, we should be told. That is Kagaene earth road which is now a continuous road from Meru Town going to Mikinduri and towards Maua. But when we attend the meetings of the DDCs--- I thank the Government for having included the members of Parliament in the DDCs and even in the tender boards, so that they can see what happens there. But Government officers are reluctant to tell us what is happening there. Sometimes, you might get a letter a week after that exercise has taken place. But even when we are called, we want to be given all the details. We do not want to be in the dark. I am appealing to the Minister that, whatever mistake might have been made or whether something wrong has happened or has not happened, we want something to be done urgently for that road to be murramed.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Shill:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to the Motion on the Vote of the Ministry of Public Works and Housing. I would not like to over-emphasise how important roads and other public works the Ministry is undertaking. However, it seems that for the last 10 years, Kenyans have been crying over dilapidated infrastructure. Among the poor people in society, they are the poorest. People from the North Eastern Province are hard hit by poverty as a result of poor infrastructure; the province is now bleeding.

Mr. Deputy Speaker, Sir, it is on record that 36 years after Independence, the whole of North Eastern Province has only 11 kilometres of tarmac road. We sometimes wonder whether the North Eastern Province, really, is part of Kenya.

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

**Mr. Deputy Speaker:** Order, Mr. Shaaban!

**Mr. Shill:** Mr. Deputy Speaker, Sir, let the hon. Member inform me.

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that it is also on record that there are only 200 kilometres of gravel road in the province.

**Mr. Shill:** Mr. Deputy Speaker, Sir, I was saying that we wonder whether, really, the North Eastern Province is part of Kenya. We know that this country belongs to all Kenyans. Whether you a Member of Parliament, a Minister, a Permanent Secretary, or an engineer, Kenya is our country. If we do not develop one part of it, we will be haunted one day.

Mr. Deputy Speaker, Sir, the North Eastern Province is poor because of economic problems arising from the poor state of the roads in the area. After the *El Nino* rains of 1997/98, roads in the province are still impassable. Let me give you an example of some roads in Garissa District. In that district, the equipment of the Ministry of the Public Works and Housing has been dead for a very long time. The District Works Department has four graders, one bulldozer, three tipper lorries, one flat lorry and one shovel, but none of these pieces of equipment is in working condition as I speak here.

Traditionally, when the Head of State visits a district, the Ministry of Public Works and Housing and other departments rush up and down to prepare for his arrival. During the recent visit by His Excellency the President, there was not even a bulldozer to prepare the roads on which he was to pass. So, the Ministry's workers used manually-operated shovels to repair the roads on which the President passed through. That was a shame! Sometimes, when we, Members of Parliament, ask Questions in this House, we get frustrated. The answers we get from this Ministry are very pathetic. For example, last year, I asked a Question about a bridge which was washed away by the *El Nino* rains in Bura. The answer I got from the Ministry was that Ksh8 million had been set aside for re-constructing the bridge. However, upto now, the money is not forthcoming.

In my constituency, the Garissa-Bura-Hulugho Road, E863, which is very important, is 158 kilometres long. However, the amount of money earmarked for it is a paltry Ksh2,000,528. When I asked the Question: "For the last 15 years, how much money has been spent on the road?", I was given a figure of about Kshs15 million. I wonder where the Ministry has constructed that road.

Mr. Deputy Speaker, Sir, this issue of dilly-dallying and running away from the reality is very absurd. We, the people of the North Eastern Province, feel that we are being given a raw deal. We would like to remind those who hold office that we, too, are Kenyans, and that we deserve development; we deserve our rightful share of national development. There is no reason why we should always be crying foul. For 35 years now, we have been crying. When are we going to get development? Since then, the KANU Government has not been changed, but there is still that problem. It is pathetic!

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. Is hon. Shill in order to cry a lot when we know that the Permanent Secretary for the Ministry of Public Works and Housing is from the North Eastern Province?

**Mr. Shill:** Mr. Deputy Speaker, Sir, I think that the point of order raised by Mr. Wamae is irrelevant.

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

**Mr. Shill:** Mr. Deputy Speaker, Sir, I would like to urge the Chair not to allow hon. Members to waste my time.

**Mr. Deputy Speaker:** Order, Mr. Shill. Mr. Shaaban, you had better be sure that what you are raising is a point of order.

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, is Mr. Wamae not misleading the House by suggesting that Mr. Shill should not cry about poor infrastructure since the Ministry's Permanent Secretary (PS) comes from the North Eastern Province? It really does not matter where the PS comes from; he is just there to serve the entire country.

**Mr. Deputy Speaker:** Order! Order, Mr. Shaaban! Proceed, Mr. Shill!

**Mr. Shill:** Mr. Deputy Speaker, Sir, I was going to say that we are Kenyans, and that we do not care which tribe one comes from. What I am saying is that we must develop the North Eastern Province. The North Eastern

Province has neither benefited from the Fuel Levy Fund nor the funds that have been released by the World Bank to rehabilitate the roads that have been ruined by *El Nino* rains in the country. Politicking has become the order of the day. Hon. Members from both sides of the House are busy making a lot of political utterances at the expense of our people. During the last General Elections, my people elected me to this House on an Opposition ticket after they had realised that the ruling party, KANU, had let them down.

Mr. Deputy Speaker, Sir, my people elected me on a Safina Party ticket, hoping that I would foster development in that area. However, I am surprised to note that some hon. Members in the Opposition are busy doing things which are not benefiting our people. For example, in the recent past, an hon. Member from my party has been very busy politicking and abusing other people behind the scenes. That kind of politicking is of no benefit to our people.

**Hon. Members:** Who is that hon. Member?

**Mr. Shill:** It is Mr. Paul Muite!

**Mr. Deputy Speaker:** Order! Order! Hon. Shill, earlier this afternoon, the Chair made a ruling on how hon. Members should conduct themselves while debating Motions before this House. You are now discussing the conduct of an hon. Member. You know that you can only do that through a substantive Motion. So, if you mention the name of another hon. Member again, you will pay for it.

**Mr. Shill:** Mr. Deputy Speaker, Sir, what I was trying to say is that we are doing a lot of politicking, which is not benefiting our people. I thought that the best thing we should do for the people who elected us to this august House should be to help them. We were recently advised by many leaders that it is time we focused on our economy and other important things instead of witch-hunting each other.

**An hon. Member:** That is what you are doing!

**Mr. Shill:** That is what I am trying to say, Mr. Deputy Speaker, Sir.

*(Laughter)*

Mr. Speaker, Sir, what I am trying to say is that those people who have contributed to the sorry state of our roads are busy buying luxurious cars, and we wonder on what kind of roads the cars will be driven. Today, the only passable roads in Nairobi are the "COMESA roads". You cannot drive beyond those roads. It is very disheartening. You could be having a very luxurious car, but you will be forced to drive it as if you are in Lamu Town, where the only vehicle on the island, the DC's Land-Rover, can only be driven between his office and his house. It cannot be driven to any other place in the town because the streets are too narrow for vehicles to pass through.

**The Assistant Minister for East African and Regional Co-operation** (Mr. J.D. Lotodo): On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member substantiate where the "COMESA roads" are? I am not aware of any of them.

**An hon. Member:** Ooh, they are in Nairobi!

**Mr. Deputy Speaker:** Order! Order, hon. Members!

**The Assistant Minister for East African and Regional Co-operation** (Mr. J. D. Lotodo): On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member tell us which is this "COMESA Road"?

**Mr. Shill:** Mr. Deputy Speaker, Sir, I think hon. Lotodo was asleep when "COMESA Road" was being exhibited!

*(Laughter)*

**The Assistant Minister for East African and Regional Co-operation** (Mr. J. D. Lotodo): On a point of order, Mr. Deputy Speaker, Sir. I hope my friend is not serious when he says that I was asleep, yet I was awake. He is forgetting that I am also in the Ministry which was dealing with COMESA exhibition.

**Mr. Shill:** Mr. Deputy Speaker, Sir, I would like also to draw his attention to that fountain near Nyayo's place. He should tell us when it started. I only know that even if we go to River Road, people there know where "COMESA Road" starts and where it ends. In general, the evil that we do to our roads and elsewhere will haunt us.

With those few remarks, I beg to support.

**The Assistant Minister for Environmental Conservation** (Mr. Affey): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also contribute to this very important Motion.

I would like to congratulate the Minister for the manner in which he presented his proposals and, of course, also congratulate the Ministry of Public Works and Housing for the manner in which they have also, under the difficult circumstances, managed our roads. It is very important to support this particular Vote because we are talking about roads and when we talk about roads, we are talking about development.

First and foremost, I would like to correct the impression created by one of the hon. Members when he stood on a point of order to the effect that the Permanent Secretary comes from---

**Mr. Deputy Speaker:** You do not stand to argue with another Member; make a point!

**The Assistant Minister for Environmental Conservation** (Mr. Affey): Mr. Deputy Speaker, Sir, the impression created was wrong and the Permanent Secretaries in this country are civil servants. My contribution to this particular Vote, in as far as roads in my Constituency are concerned is that they are in a very pathetic position, as we speak here now. The development of each and every particular area in this country has direct relationship to access. Where there is no access, there can be no development, and where there is no development poverty is very high. The reason why we have a lot of poverty in the North Eastern Province is because we cannot access that part of Kenya. It is difficult to access the Province during the rainy season and it is equally difficult to access it when it is dry because the roads are in such pathetic condition. In future, we would like to request the Minister that if he brings a budget before this House, obviously because of the importance of the Ministry, we will pass it, but please he should consider bringing a proposal that can give the people of North Eastern Province one particular road from Garissa to Mandera; a tarmacked highway. I am sure this House will be more than willing to pass that Vote because that area has a lot of potential in terms of agriculture and tourism. We simply cannot access the region because the roads are simply not there. I could not find that kind of proposal in this year's budget, but next year we would request the Minister to establish ways of looking for the donor and Government support to give us that one vital road. If we were given that road, we can assist in the Poverty Eradication Programme. We have land and water and if we can access that region, we can contribute to the economic development of this nation.

Mr. Deputy Speaker, Sir, one very important road in Wajir South Constituency, we have got a classified road; the only one classified road since Independence as E1970. We have classified it, but nothing was done to it. This E1970 is a stretch that goes through almost all the centres in my Constituency from Halwasoine through Sabuli to Diff. This road having been classified, I thought the Ministry probably would allocate some funds. Unfortunately, we have not seen that. After classifying the road, we were even required to go ahead and open up the area. It is a very vital road, but up to now it has not fully been opened up. I would like to request the Minister plus his team to consider, at least, giving us some funds for that particular road.

In terms of equipment, that region has a serious problem in as far as equipment are concerned. We have a few equipment there at the disposal of the District Works Officer, but they do not function. We pass a Vote, but the equipment that would have been necessary for usage are not simply functional. Like in Wajir, for instance, we have a serious problem. We do not have a bulldozer and we have got only one or two graders and they do not seem to be doing a good job because of serious mechanical problems. I would like to request the Minister to consider, at least, funding that Province, to rehabilitate the entire equipment that are at the disposal of the District Works Engineer so that, at least, at times when we have problems with our roads, even though we are not asking for a tarmac road - it is not a tall order - we have the basic equipment at our disposal. We do not have graders, bulldozers or trucks. At least, the engineers have got vehicles, but we require more than that. We require those equipment to be functional so that they can be of significant importance to the area.

Mr. Deputy Speaker, Sir, the other very important aspect in my Constituency is that there is a very notorious stretch at the Lorian Swamp from Modogashe to Habaswein. This is an area which when it rains, even showers, it becomes impossible to drive even the four-wheel-vehicles, leave alone small trucks. I would like to request engineers to, at least, come up with specifications for this particular region; the Lorian Swamp. It is a very difficult zone. We have taken several contractors there, but every time it rains, it becomes impossible for that area to be used. Just recently, we had a contractor on site; the Skanka(?). They did a very good job and I cannot complain, but it was not meant for the amount of downfall that we had following the *El Nino rains*. At least, they did not project that kind of a situation. I know that we have got some funds from SIDA. We have always been told now for about two years, but I do not know what has happened to those funds. We are waiting for the contractor to come back to the site. I would like to request the Minister and his team that it is of big concern to us in Wajir that this project cannot again jump-start. We would like the Minister and his team to make sure that the soonest possible before the Long Rains, we have this stretch repaired and the contractor on site because money is there. There is a lot of dilly-dallying and bureaucracy to a situation where one or two years will elapse before we can have the contractor on site. I would like to request the Minister, at least, to make sure because the funds are available, there is no dilly-dallying. He should please send the team there, the contractor to be on site and let us repair that stretch so that we can use it and forget the nightmare on that stretch.

The other aspect is about the contractors that are given the responsibility to repair our roads, not only in North-Eastern Province, but in this whole country.

We need to have accountable contractors, whom we can trust with our money. We should not just award a contract, because persons A, B or C are involved, but award it on the basis of competence. Also, the award of contracts

should be based on local manpower. There is no way we can award a contract in Wajir to a contractor who comes from the Central Province, to an Indian, or to any other outsider. That contract must, in fact, be awarded to the locals. The idea behind the awarding of contracts to the local people is to empower them economically. There is no need of importing somebody all the way from Mombasa, or Nairobi, to Wajir, in order for him or her to perform a simple road construction work, which can be done by the locals. We have got a case in Mandera where a road construction project was given to outsiders. Such contractors have got a false impression; that they would go to the North Eastern Province which is a difficult zone with a security problem. In the end, we pump in money to contractors who do not perform their work well. So, such jobs should be given to locals, because they can perform. We have many contractors on the ground who can do a very good job. But if contractors will be imposed on us, it will even be a security risk for them, because it is very difficult for locals to stand by and watch all jobs being taken up by non-locals, which they can do.

With those few remarks, I beg to support this Motion.

**Mr. Munyasia:** Thank you, Mr. Deputy Speaker, Sir. While supporting the Motion, I would like to say a few things to the Minister. First, he has an enormous duty of salvaging the image of his Ministry, because it is one which all Kenyans know as corrupt and inept. There is an outcry about the poor state of roads in almost every part of this country. Everywhere you go in this country, if you want to see evidence that there is no Government, you look at the state of our roads.

(Applause)

You will see potholes, gullies across roads, broken bridges and tarmac peeling off, and it appears that no one is concerned about that deteriorating state of our roads. So, the Minister, who has just taken over the Ministry, has a big task of trying to salvage the image of his Ministry. When we find that roads are in poor state, even after they have just been constructed, or tarmacked, we say that, that is the evidence of corruption. Otherwise, why would those who are supposed to maintain standards of roads certify certain roads as complete and facilitate payments of money?

Besides that conjecture, there has also been evidence that officers of this Ministry have been extorting bribes from contractors. Recently, an allegation was made by a contractor who had been awarded the contract of constructing Kibabii Teachers Training College. The gentleman cried out, saying that some people were extorting money from him. I did not see this Government coming to the assistance of the people of Bungoma, to see to it that those people who have been mentioned as having frustrated the efforts of the contractor are nabbed. Some officials from the Ministry said that if they were going to pass the plan as up-to-standard, then, they must also have a little cut from the amount of money that would be paid to the contractor. These allegations have been there, even from a United States of America company that was working with a local person. But those people have not been arrested by the Government. Their names were mentioned, and they were from the Ministry of Public Works and Housing. That is one case, and there might be many others.

The officials from the Ministry are the people who are supposed to pass certain road plans, to check and see that standard work is done, *et cetera*. There are also cases of false reports. I used to think that it is only the Ministry of Public Works and Housing officials from Western Province who make false reports. We have been told here of another case by an Assistant Minister. These people even do not fear Assistant Ministers. Road B482 in Tigania has been reported to have been graded a number of times at Kshs2 million. There is Garissa-Bura Road, which is said to have been graded for the past few years at a cost of Kshs15 million. But those who come from that area have said that nothing has been done. That is what also happened in Bungoma. One time, in the DDC meeting, the District Works Officer gave a report on the state of roads; those ones that have been graded. He mentioned Makotelo-Chebukaka Road as having been graded. That road happens to pass along my home. I had to interject and ask him when it was graded, because for the past 10 years it has never been graded. So, the young man had to say: "I am sorry. I have just taken over the office and this is the report that I found." That is what happens. A graded road will not remain permanent. Officials of the Ministry wait until the end of a financial year so that they can enter into the records that they have graded a certain road.

Now, everyone says that the state of our roads is bad, because of the *El Nino* rains, otherwise they had been graded. But the truth on the ground is that there had been no such grading. That is what the Minister should be supervising now. Those officers in the districts should not be trusted too much, because they give false reports and consume all money allocated to road construction projects. But some time, we also sympathise with them. The Ministry might give them money to grade certain roads, but the equipment to be used is out of order. It is good that I have seen some money allocated in the Estimates for purchase of spare parts and repairs of equipment. But last year, the Ministry had set aside more money than they are offering this year. There is a drop of about K£10,000 for the purchase of spare parts. I am wondering whether with the little money that they have voted for repairs of equipment, they will now repair the grader in Bungoma District. For the maintenance of plants, machinery and equipment, there is



a further drop of K£65,104 from last year. So, what promise do we have now? The Ministry has less money this year than it had last year. That is the problem that we have. I urge this Minister to take stock of the number of graders that the Ministry has in the country. In Western Province, we have three districts and they are supposed to share one grader. Now, which district should have priority over the others? Those are some of the things this Minister and his team must look into.

Then there is confusion even in the Estimates. Under Head 384, "Major Roads," - maybe the Minister should get advance warning that we shall be looking at the Estimates more closely tomorrow - they collected K£10 million from the Fuel Levy Fund. How comes they estimate the Appropriation-in-Aid for this year to be only K£9 million? Last year, they were to collect about K£264 million for the Fuel Levy Fund, but they were to spend only K£248 million. They are not even showing that the balance was carried over to this year. This year they are just showing us that they will have K£314 million from the Fuel Levy Fund. So, this is the Ministry that is even confusing us more in its Estimates.

Mr. Deputy Speaker, Sir, I would like to talk about road markings and signs. Road markings are not there in areas that experience mist and fog like Limuru and Timboroa. Those who travel on such roads really suffer especially at night. Without road markings, you can veer off the road very easily. Otherwise, you have to drive at a snail's pace. What is that particular section doing? Even the signs which show distance from one place to another are not there. Such signs and markings were there during the colonial days. But with the current Government, there is hardly anything! We travel without any assistance and it is very difficult to tell how far one has travelled. All the tarmacked sections in Bungoma have no markings. There are no markings on the roads from Webuye to Malaba and Bungoma, Kimilili to Kitale. The Minister should make sure that this particular section does work.

Lastly, Mr. Deputy Speaker, Sir, North Eastern Province is an area that I know very well. It was my first province of posting from Makerere University. In 1997, I went there to solicit for votes. The roads that I found in 1972 when I went there to teach are worse than they were. When you hear about the other roads in Kiambu and other places--- But nothing is happening in North Eastern Province.

**Mr. Angwenyi:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Vote.

As we all know, our economy is in shambles because we cannot take our produce to the markets. Tourists cannot go around the country because of poor infrastructure. The economy is in shambles because the infrastructure is in shambles. We thank God that we have got a Minister who is not corrupt. He has not been mentioned as a corrupt person. We also thank God that the Minister has got a devout Moslem as a Permanent Secretary, who is not corrupt. We have got a new Roads Engineer who presumably, will sweep clean what has been dirty. But these are comments that were made sometimes back. We want to see new developments in the Ministry.

When our roads and bridges have collapsed, we still get a reduction of K£31 million in the Development Vote of this Ministry. In fact, there should have been an increment to this Ministry so that we can get our infrastructure back in order. This way, we can improve our economy.

Mr. Deputy Speaker, Sir, we all do know, and the Minister gave a statement recently, that the Government wanted to privatise all Government houses. That is why the Government gave two to three houses to Permanent Secretaries, judges and the like. But I can see an allocation of K£130,000 for developing residential houses in Nairobi West. Are we going to develop those houses and give them away to people under the guise of privatisation?

This Ministry is regarded by Kenyans because of roads. It is in charge of roads. When the Ministry is developing its budget, it must look at the economic value that can be derived from a particular road. It looks like the Ministry does not regard the economic benefit of a particular road before it allocates funds for it. If the Ministry was doing that, then the Kisii-Chemosit Road could have been finished by now. This particular road has been on the Estimates Books for the last 15 years. Every year, money is allocated to it, but it is never done. I would like to know whether the K£3.8 million, which was allocated to this road last year, was ever used! If it was used, which part of the road was constructed? This year's allocation for that particular road has been reduced and yet, they know that, that road is the mainstay of the Gusiiland economy. This Ministry does not seem to have shame! They deal with a project year-in, year-out without completing it! Could the Ministry be allocating funds for a project that can be completed.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker*

*(Mr. Musila) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, we do know that the road from Nairobi to Mombasa is the backbone of our economy. For the last three to four years, that road has been impassable. In fact, I do know of my colleagues who were having a meeting in Taveta. They had to go through Tanzania in order to get to Taveta, simply because the road

from Nairobi to Mombasa is impassable. We have been told that the World Bank and other donor agencies have given us funds for this road. But the Ministry is dilly-dallying in doing that road. I would urge the Minister, who also comes from the Coast Province, and travels on that road every week end to see his people, to do that road urgently. On that same road, I notice that an amount of money was allocated to do the section from Sultan-Hamud to Uthitande last year. Some more funds have also been allocated this year. I do not know what happened to the amount that was allocated last year.

Mr. Temporary Deputy Speaker, Sir, the other road that I am concerned about is the Mau-Narok to Narok Road. Last year, it was allocated K£11.9 million. I travelled on that road recently and nothing has been done. It is still the same as what I saw last year. Where did this money go to? Did the money go to the pockets of the engineers or corrupt contractors? I sympathise with the Head of State because he truly has a lot of "pick-pockets", pick-pocketing even the Ministry of Public Works and Housing! They pocketed K£11 million! Could we assist the Head of State to leave a legacy in this country? This can be done by the Ministry doing the work for which it has been allocated funds.

Mr. Temporary Deputy Speaker, Sir, Kenya is an agricultural country. It depends on rural access roads which are used to transport our produce from rural areas to markets and factories. There is no substantial amount of money allocated to such roads. The Ministry could have allocated more money to the rural access roads.

Mr. Temporary Deputy Speaker, Sir, we have the Fuel Levy Fund which is supposed to assist in the construction and maintenance of our roads. This Fund is not accounted for at all in this Budget. We do not see where it has been used to maintain or recarpet roads in this country. The money from this Fund ends up in peoples' pockets. We request the Minister to come here with a programme for the entire country as to how this money was spent in the last financial year and how much will be spent this financial year.

We do know that district works officers deal with the construction and recarpeting of roads in districts. Like my fellow hon. colleagues said earlier, you will find that those officers are controlled by a politician in the district. For example, in my district, all the graders and tractors are kept in one constituency. We are told that, that politician pays for fuel used by those graders and tractors. It is a pity that we have an allocation of fuel in this Vote. I would like to ask the Minister and the Permanent Secretary to be in charge of this Ministry so that other Ministers from other Ministries should not run it on their behalf. Our people are annoyed with this kind of thing and they might burn those graders and tractors, if they cannot be used in the construction and maintenance of roads in the whole district.

Mr. Temporary Deputy Speaker, Sir, I would suggest that the next Budget should be done on a district basis so that we know how much funds have been allocated to a particular district, instead of the current system whereby all funds are taken to the Ministry's headquarters for disbursement. In this case, we do not know how much money is allocated to a particular district. The current system of funds being allocated to the Ministry's headquarters encourages corruption because, if the Minister is corrupt, he may decide how much money will be allocated, for example, to Trans Nzoia District while other districts get nothing.

There are bridges in my constituency which were washed away by *El Nino* rains. In fact, I cannot drive home. I have to leave my vehicle about seven kilometres away because five bridges on that road were washed away by the *El Nino* rains. These bridges have not been repaired. I was promised by the previous Minister that they would be repaired last year, but that did not happen. So, I am requesting the Minister to look into the issue of repairing those bridges so that I can drive home.

Mr. Temporary Deputy Speaker, Sir, with the hope that the "new broom" will clean up this Ministry, I beg to support the Motion.

**The Assistant Minister for Education and Human Resource Development** (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me also to make a few comments on this Vote. The high cost of transport in this country is one of the factors inhibiting the recovery of the economy. The repair bill of vehicles here is so astronomical, not because the garages are charging highly, but simply because of the frequency of taking our vehicles to garages. Conveyancing of goods in this country is so expensive that it makes local products more expensive than imported ones. Can you blame an impoverished consumer who chooses to buy tomatoes, apples and eggs from South Africa? I can only repeat what everybody else has said: That the state of our roads is very, very deplorable.

In discussing this Vote and giving it approval, it is very important that we ask all those concerned, particularly the engineers that are listening, to take seriously their responsibility and make sure that our infrastructure improves. But I think like everything else, when you have a problem you must look at what is the root cause of the deplorable state of our roads. We can no longer buy the view that this has been caused by *El Nino* rains. I think this has been bandied around too much. It is a scapegoat. We do not accept that our road problems were caused by the *El Nino* rains. Let us ask ourselves: Is it the design of our roads, the specifications, the construction or the way we use our roads that has made them so poor? Why is it that roads in Europe or America, where the climatic and weather conditions are so harsh, can withstand and stay much longer than our roads? How come that some of the roads in the

country which were constructed 30 or 35 years ago, are still passable and yet roads that were constructed two or three years ago, are impassable? In this case I refer to a road I use quite regularly from Yala to Busia. This road was constructed in 1972 and with minimal maintenance, it is still passable, but if you look at the road that was constructed five years ago, it is gone. Why? I believe that, possibly, it is the faulty designs with wrong specifications. It is important that the Ministry starts to look into the designs, particularly the specifications of what material we have to use. Why do we continue to use tarmac; why not cement? Why do we not try it? Have we tried it? There are areas in Nairobi where they have used cement blocks---

**An hon. Member:** It is very expensive!

**The Assistant Minister for Education and Human Resource Development** (Mr. Awori): I do not know because I am not an engineer. I cannot compare the cost, but how are they standing? What about the construction? I personally believe that we have reached the stage where we should now use international contractors that, probably, will not be caught up by people who need a kickback from them.

Mr. Temporary Deputy Speaker, Sir, in the old days, the question of maintenance was taken very seriously. I remember even before we had tarmac roads in this country, there were road units in every so many miles, where we had guards. These were people who made sure that drainages were cleared, murram was brought, the road lasted and they remained useful for a long time. Right now, the biggest problem that we have here is maintenance of our roads, where we see a small pothole that is left to continue to grow into a crater. It is not just the roads themselves, but also the equipment. They are no longer maintained. This fact has been stated by many hon. Members here and I want to add my voice to that. In Busia District, there are hardly any graders actually working all the time. Why is that? Could it be that, perhaps, because in our vernacular in this country, we have no word for "maintenance"? We need actually to emphasise the question of road maintenance in this country. We know that a good road network is the lifeline of the economy of the country.

I reject categorically the system of categorising roads. This is the view that there are certain areas which are potentially high-yielding and, therefore, they should be favoured. Why should we think that coffee is better than cotton? Why should we think that wheat is more valuable than fish?

What we need to do is to plan the roads nationally, and we should not think in anyway that one area has more potential than the others. After all, if you want to build an economy you have to give all the ingredients, and one of the ingredients is infrastructure. There are certain areas, like where I come from, which have never seen tarmac. We have never seen tarmac in Funyula and Budalangi Divisions. I cannot see any reason why we should also not get tarmac roads. What we need in my area immediately is the gravelling of roads. Since the *El-Nino* rains, no grader has been seen my constituency. That is nearly two years from now.

Mr. Temporary Deputy Speaker, Sir, with the great unemployment that we have got at the moment, why do we not borrow a leaf from other countries? We should borrow a leaf of what these countries, such as United States of America (USA), did in the early 1930s, when it had many people who were unemployed. These people were used on public works. Those people built dams, which are very useful today. In Italy, during the depression they utilised the people who were not employed to construct the road networks, which are now paying dividends. I would like to inform this House that the same thing happened in Germany, and I cannot see any reason why when we have got such a great deal of unemployment we cannot use the same system.

Mr. Temporary Deputy Speaker, Sir, I now want to touch on axle load. I would like to appeal to the Permanent Secretary, Ministry of Public Works and Housing, to quietly send some investigators to Busia District, where I saw the so-called mobile axle load--- The police are using this axle load to make money! For every excess tonne, all one needs to do is to pay Kshs1,000 to the police and he or she will be allowed to pass. It is necessary that this is investigated and stopped. Mr. Temporary Deputy Speaker, Sir, oOn the question of housing, in the printed Estimates, I saw that there is an amount of money for development of Government houses. Some of these houses have been sold off. Are we improving those houses so that they can be sold again? Still on housing, why can that department not be used to increase, not only Government houses, but also private houses in the country? In other countries people suggest the number of houses that should be increased for private use. The first thing that we have to do is to design houses that can be affordable to our people. Why is it that we still continue to use outdated designs? Imagine of a fire outbreak in Mombasa and Marsabit! Why do you think that the design that originated from Europe is the only design that is applicable in our country? We would like to see the housing unit in this Ministry being utilised for the betterment of this country.

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

**Mr. Mwakiringo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Vote of the Ministry of Public Works and Housing. This Ministry is just like a receptionist in a company, who gives visitors the first impression about the whole company. I am saying this because this Ministry is charged with the maintenance of our infrastructure. If on arrival in this country from outside one finds that the

infrastructure is not good, that gives one an impression of what kind of a State Kenya is. I am happy that we have a non-corrupt Minister and a Permanent Secretary in the Ministry, but the problem is that the Government of the day does not retain such people! Therefore, we need to support the Permanent Secretary in whatever measures he will take against corrupt officers in the Ministry. Our only worry is whether he will stay there, or not because he is not corrupt and he might not want to do what those who are putting pressure on him want him to do. In fact, he is a very clean person.

Mr. Temporary Deputy Speaker, Sir, I would like to inform this House that there is a district housing programme in Voi Town which was allocated K£45,500 last year, but the housing project is still not yet complete. These houses are very ideal for Government employees who are working in Voi Town. Surprisingly, the former District Roads Officer, who had over-stayed in the area, had already sold the ballast which was heaped there and concrete blocks and, therefore, made the Government spend a lot of money to bring in more ballast and make more blocks in order to complete those units. I would like to see that the allocation is disbursed to the district for the completion of those housing units.

It is surprising that to travel to a certain town within your country you have to use a neighbouring country because it has better roads. Last month, when we had the national chairman of the Democratic Party of Kenya touring Taita-Taveta District, his entourage had to go through Namanga to Tanzania and then enter the district through Moshi. The roads in Tanzania are perfect but the moment you cross over to the Kenyan side you have to pray before you reach your next destination.

I would like to inform this House that the Taveta-Mwatate Road has not been allocated any money in the current Budget or in the last Budget. We said that Kshs850 million had been given out from the Consolidated Fund when we were touring that district and the Government denied that. But immediately after we said so, the Government sent engineers to re-evaluate the road to Taveta, but surprisingly they only took one day to re-evaluate the road. How could they evaluate a 90-kilometre stretch for only one day? When they came back they under-estimated the number of culverts which were required on that road and the worst damaged areas on that road. They recommended that the road should only be given Kshs15 million for repair. That is a very little amount of money compared to the volume of traffic which flows between Taveta and Voi. The traffic is normally very high, especially on the market days. Therefore, I would like to urge the Government to allocate this road more money so that it can be gravelled while it looks for more funds to tarmac it. For the Government to sustain major roads and even feeder roads, I would like to plead with the Minister to re-introduce the maintenance camps which were there before. Again, the Government says that it would like to privatise the maintenance camps. According to me, this should never happen because privatisation of the maintenance camps will definitely mean handing over the maintenance units to the engineers, or the people within the Ministry, so that they siphon out money from the Government. Let the Government maintain these camps under the District Roads Engineers or the District Roads Officer so that repaired roads can last longer than would otherwise be the case.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Minister to look into the road markings. It is a pity that between Nairobi and Mombasa, one will not know how many kilometres he or she has travelled and how many kilometres he or she is remaining with in order to reach Mombasa, Mtito-Andei or Voi. We would like to urge the Ministry to look into that issue so that everybody knows how many kilometres he or she has travelled, and how many kilometres he or she is remaining with to arrive at his destination. There are some markings which are not on our roads. Sometimes bumps are placed on our roads, but there are no signs to show where bumps have been placed, therefore, this causes a lot of problems. Even where there are sharp bends, some of the markings have either been eroded or are not there at all. So, one would not know whether he is approaching a bend or not.

The Department of Housing, which leases Government houses, is a very important department. But let it not be corrupt by condemning houses unnecessarily, so as to be allocated to the politically-correct individuals in this country. It is important for this department to recommend the rehabilitation of Government houses. This is because it is better to rehabilitate existing structures than condemning and selling them to individuals, as this will give morale to the Government workers. We should not deny Government officers proper housing, yet their salaries cannot allow them to rent houses outside their estates. Quite a number of these houses are worth being rehabilitated. They should not be condemned and sold.

Mr. Temporary Deputy Speaker, Sir, my good friend, the Permanent Secretary tried as much as he could, but I think his hands are tied up. The materials workshop at Ngong, which is very important to the Ministry has been grabbed and now, they have nowhere to place their materials for the workshop. I would urge the Ministry to use the Public Acquisition Act to acquire that land to enable the Ministry carry out its duties in that area. The Rent and Tribunal Department is also very corrupt. This department colludes with landlords to---

**The Minister for Public Works and Housing** (Mr. Ngala): On a point of order, Mr. Temporary Deputy Speaker, Sir. Whereas I would not like to interfere, the hon. Member has raised a very interesting point. I would like

him to substantiate, so that we take the message more seriously. He talked of a plot in Ngong being grabbed.

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, I can easily do that and I will give the House more information on that. I will definitely do it, but not today. If I am given a chance next week, on Tuesday, I will do it.

**The Temporary Deputy Speaker (Mr. Musila):** May I know what you said about the plot?

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, I said the materials workshop in Ngong which belongs to the Ministry of Public Works and Housing has been grabbed and the Permanent Secretary has no power to retrieve it because his hands are tied. This plot has been grabbed by the politically-correct individuals.

**The Temporary Deputy Speaker (Mr. Musila):** What is the name of the area?

**Mr. Mwakiringo:** When I say "materials workshop", what does that mean?

**The Temporary Deputy Speaker (Mr. Musila):** Order! Mr. Mwakiringo, I am asking you to clarify to the Minister which area you are talking about, so that he can take action.

**Mr. Mwakiringo:** Agreed, and I have referred to the materials workshop at Ngong.

**The Vice President and Minister for Planning and National Development (Prof. Saitoti):** Mr. Temporary Deputy Speaker, Sir, I do take interest in that, because Ngong is in my constituency. So could the hon. Member tell us when he is going to substantiate, because we want to get that information? Who grabbed it?

**Mr. Orengo:** But he has stated it very well!

**The Vice President and Minister for Planning and National Development (Prof. Saitoti):** It is important; we want to know who grabbed it and when. I am interested in it as a Member for that constituency.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Mwakiringo, when would you like to substantiate?

**Mr. Mwakiringo:** I have already said Tuesday, next week. I am appreciating the spirit which is being shown now because I think people would want to make peace with their makers as we cross to the next millennium.

*(Applause)*

**The Temporary Deputy Speaker (Mr. Musila):** When will you make your substantiation?

**Mr. Mwakiringo:** On Tuesday, next week.

**Mr. Orengo:** The Minister and the Permanent Secretary are out. They are not involved.

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, the over-expenditure in this Ministry is also causing roads to be impassable. The Minister, in his presentation said that the Ministry spent K£68.4 million on pending bills. I think that is a very big amount and it is retarding development.

With those remarks, I beg to support.

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, the Ministry of Public Works and Housing is not only one of the Ministries which is a very key one in Government expenditure, but also a Ministry which should earn the Government a lot of money. But this is a Ministry which is wasting a lot of money in this Republic. I would like the officials of this Ministry to listen to me very carefully and brief their Minister who is currently out of the House, on what I am going to say.

First, in the area of tendering for roads construction, I am a member of the District Development Committee (DDC) in Kisumu and I have been written to by the District Commissioner that I am a member of that DDC. But, usually, we get notices of those meetings at a time that suits the DC and his officers and not Members of Parliament. I would like the Ministry to make it very clear that in the matters of tendering, particularly for the construction of roads, proper arrangements must be made so that Members of Parliament from all areas attend these meetings. Secondly, they must make sure that information is given to the Members of Parliament ahead of time. There is no need going to a meeting and you find all these complicated documents on the table and you have not had time to study them and gather proper information so as to take a meaningful part in that meeting. This is something that should not only happen at the Kisumu DDC, but nationally.

Secondly, I also know for certain that there is mega corruption in the awarding of tenders for roads. In Kisumu District, one firm has been getting tenders ever since I became a Member of this Parliament. Haya Bishan Singh Construction Company has been getting tenders for the maintenance and construction of roads in Kisumu ever since I became a Member of this Parliament. But no work that Haya Bishan Singh has done has proved to be good. Not a long time ago, the former Minister for Public Works and Housing, hon. Kones, had to travel from Kisumu to Miwani to inspect the Kisumu-Miwani Road that Haya Bishan Singh Construction Company had done, and he saw for himself the shoddy work that had been done. Subsequently, Haya Bishan Singh Construction Company gave an undertaking that it was going to rebuild that road to the required standard. What this company has been doing ever since then is putting some funny bridges left, right and centre along the road, and filling potholes. This has been done for the last three years. Now, the road is again having potholes.

Mr. Temporary Deputy Speaker, Sir, we know what happens and I have followed this tendering procedure

very carefully. A firm that wins a tender puts up four other firms. The Ministry perhaps, wants a pre-qualification of five firms. But the pre-qualification tenderers are the same people, because you find one person who has duplicated himself five times. So, you have before you five tenders from five different companies, but in reality, it is one person. So, they do not lose. In the end, the person that was meant to get the tender wins the tender award. We know this. I have received a lot of information on how these things happen, and the Ministry should not sit pretty thinking people do not know these things. At this point in time, there is a tender for a road from Kisumu to Busia. It was discussed in the DDC last time, which unfortunately, I could not attend because I had another meeting here in Nairobi. But that tender too, was won by Haya Bishan Singh. I happen to know, and I would like those tender documents to be brought to the Ministry for further scrutiny, for the Ministry to make sure, once and for all, whether those other four companies which were tendering were not siblings of Haya Bishan Singh. I would like the Ministry to ensure and make it very clear to the public that indeed, these were different personalities tendering for the same job. As I stand here today, the road from Kisumu to Busia is in a pathetic condition. I know that some re-carpeting has been done from Kisumu to Kisian. Between Kisian and Ojola, since January, they have been removing tarmac from the road, putting it aside and that road between Kisian and Ojola is now murramed. This is an international Pan-African Road, which has been under murram for the last eight months.

On this road, there are potholes which can only compete with potholes in Eastleigh or Industrial Area.

Mr. Temporary Deputy Speaker, Sir, I have got no good words about this Ministry because whatever money we approve here will not be used for the intended purposes. We have been voting money for the Ministry of Public Works and Housing since I entered this Parliament and they cannot show us any evidence that they have constructed good roads; that the jobs are completed in good time and that the money spent is worth it. We know, as a matter of fact, that the completion rate of public works in this Republic is only 3 per cent. Out of every 100 projects voted for in this Parliament, only three are complete by the time they are supposed to be completed. Three per cent completion rate by this Government cannot let anybody to have confidence in rescuing this economy because the infrastructure will not be developed for the next 40 years if we will still have this Government here looking after our affairs. So, I am going to say for certain that whatever this National Assembly does, I am not going to put an approval to the Vote of the Ministry of Public Works and Housing. My objection may not make any difference but let me go on record that in 1999, I refused to vote money for the Ministry of Public Works and Housing because I know that they are only going to complete three out of every 100 projects that are voted for.

Mr. Temporary Deputy Speaker, Sir, the state of rural access roads is pathetic, although the Ministry of Public Works and Housing may say that, that is not their portfolio. We no longer have rural access roads in this Republic. If we do not have such roads, how is the Minister for Planning and National Development going to plan for development in this country? How are goods going to leave the rural areas for the urban centres so that they are sold? How are women going to travel from their homes to the market to sell their goods? We know that a substantial percentage of commerce in this country is done through rural trade. The Minister for Planning and National Development can give you this fact. They are now planning for markets to be built and for telephones to be taken to the countryside. The other day, the Minister for Transport and Communications told us that the aim of his Ministry now is to make sure that Kenyans have access to telephones and no Kenyan should be further than five kilometres to the nearest telephone. There is no need for one to be four or five kilometres away from a telephone when there is no road to take one to that telephone. It is an exercise in futility! First and foremost, the Ministry of Public Works and Housing cannot tell us that they want to build a tarmac road when rural access roads are non-existent. Apart from this, the murram roads in the countryside are virtually non-existent! Personally, I do not have access to my home because the road from Kombewa to Maseno, which should have been tarmacked in 1984/85, was never tarmacked and I was told in 1994/95 that it was going to be tarmacked to standard levels but it was never murrammed. If you travel on that road now, you will realise that it has got gullies and potholes. In fact, potholes have graduated to gullies and gullies have graduated to valleys and so one cannot travel on that road.

Mr. Temporary Deputy Speaker, Sir, in those rural roads, we should have culverts. Where we should be having culverts, they are no longer there. When those culverts are made, they do not last more than six months because they are not of standard quality. Contracts are given and job certificates that so many culverts have been delivered to a particular area but when those culverts are fixed on the roads, they cannot take the weight of the cars and lorries passing through these roads and hence they collapse. How are we going to ensure that the money we vote in this House for the Ministry of Public Works and Housing is used when that same Ministry cannot maintain standards? I have talked to some officers in the Ministry who go to inspect work being done in these roads and they say; "We know that this road should have so many inches of tarmac. We know that first, it should be murramed and after the murram it should be of such thickness." We know all these things but the contract was awarded after so many people had "eaten" and so, in the final analysis such a person cannot use the material that was necessary in the construction of this road because he will lose. So much money has been "eaten" such that for the contractor to make ends meet, he has just to do

a substandard work. When he is doing that substandard work, he is in cahoots with the people who go to inspect the road. Such inspectors come with work certificates, fill them and take them to the Ministry that the job has been satisfactorily completed. But after six months, a road that was tarmacked is back to where it was before, potholes and gullies develop so that we keep on going round in circles in this Republic.

Mr. Temporary Deputy Speaker, Sir, there should be no single cent for this Ministry until they wake up.

Thank you.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I rise to support this Vote and say that the Ministry of Public Works and Housing should be given the funds that they have asked for in order to maintain our roads for the year 1999/2000.

Mr. Temporary Deputy Speaker, Sir, this Ministry is, indeed, the backbone of the development of this economy. A colleague has said that there is need to salvage the image of this Ministry. In my view, because of the poor state of the roads at the moment, this Ministry has a monumental task to salvage the entire image of the Government when the roads are done properly. There are a few points that I want to mention. While I appreciate the good work the Ministry is attempting to accomplish, I wish the new Minister in this Ministry as well as the Permanent Secretary and their entire team all the success because there are a number of things that need to be attended to.

Mr. Temporary Deputy Speaker, Sir, to me, there appears to be total lack of professional approach and commitment to the work so far in terms of what we have seen over the years. Why do I say so? I do not see why a tender should be awarded to any contractor if the drainage for that particular road is not part and parcel of the tender and yet, we have been seeing roads contracted out and when you ask why there is no drainage component, you are told that it is not part and parcel of the tender. I cannot really imagine that a road would be contracted out, whether to be murramed or to be tarmacked when there is no drainage provision for that particular road. I would like the Minister, the Permanent Secretary and his new team to make sure that there is, indeed, a professional approach and commitment to work. Lack of maintenance of the roads has been one of our biggest problems. You will find a small pothole developing on a road and there is no District Public Roads Officer or a public engineer attending to that pothole until it affects a stretch of one kilometre. I am talking about situations that are very clear, for example, the Miritini section. For the last two years, we see a contractor on that portion of the road everyday. One day he is there with a lorry-load of murram, the next day he is there with a lorry-load of mud and the next day, he is there with something else and as a result, it becomes a total mess. I am appealing to the Ministry of Public Works and Housing to ensure that small stretches such as the Miritini section, which is the entrance to the town of Mombasa are done and also the entire road.

I see in this book that the portion from Mũto-Andei to Bachuma Gate has been contracted out and it is being done, but I see nothing with regard to the road from Bachuma Gate into Mombasa Island. Maybe it is there, but I have not seen it in the book. I would urge that that stretch, particularly, as it passes through my constituency from Maji ya Chumvi to Miritini--- It is really terrible and I would like to know what is really happening to that portion. The rural access road programme has been one of the more successful of the road programmes that we have had in the country. I would like to see the Ministry enhance this rural access road programme because it not only provides work to the people, but the people really feel responsible for making sure that the roads have been maintained in their respective portions. I do urge the Ministry to find it possible to re-introduce this rural access road programme because it is really the best particularly, for rural roads.

My other point is with regard to the classification of roads. The policy is not really clear. In the DDCs we try as much as possible to suggest and make recommendations for roads to be classified, but we do not see them in these books. I believe that if they are not in these books or they are not classified there will be no budget for them. I really wonder what the policy is. The last time that we had a new tarmacked road in Kilifi District was in 1972. That was the stretch of road from Mazeras to Kaloleni. Since then we have not had a single piece of tarmac stretch within Kilifi District. I would urge the Minister to look very seriously into this aspect, more particularly, for the Road C107 which is the road from Mariakani, through Kaloleni to Mavueni. This road was supposed to have been tarmacked for the last 30 years. According to the books the road should have been tarmacked, but this has not been done. This is a very important link road because it bypasses Mombasa Town as you drive over from Nairobi to the North Coast around Kilifi and Malindi. I would ask the Minister to have it prioritised. I know the last Permanent Secretary, Eng. Sharawe had agreed that it would be prioritised for tarmacking. I would urge the new Permanent Secretary and the Minister to ensure that this road has, in fact, been prioritised for rehabilitation.

The next point is on the *El Nino* project. In the Kilifi DDC we had requested a sum of Kshs188 million for rehabilitation of 11 roads because of the devastation caused by the *El Nino* rains. Only one road has been taken up under the World Bank rehabilitation scheme and for only Kshs22 million out of the Kshs188 million that we had estimated. I am asking the hon. Minister to really tell us what is going to happen to the rest of the road. I trust that the Fuel Levy Fund will be used to build this road, but could we please get a programme on how these roads are going to be rehabilitated because lack of rehabilitation is increasing the poverty in the area which is already very poverty-

stricken.

Mr. Temporary Deputy Speaker, Sir, quite a number of Coast roads have become dilapidated. There is a stretch of some two kilometres that requires some repair and it serves St. Johns Girls Secondary School, the hospital and about four other secondary schools nearby. I am asking the Minister, the Permanent Secretary and the officers concerned to take some immediate remedial action to ensure that this stretch is immediately attended to because we cannot even have access to the hospital at the moment.

Mr. Temporary Deputy Speaker, Sir, I was there last weekend and everyone there was saying: "You are the Assistant Minister from the Treasury, you control all the money in Kenya and this is the state of the road." In fact, all the matatu operators think that I am their Member of Parliament simply because the roads are in such a diabolical situation. I am asking the Minister and the PS to come to my rescue and make sure that we have done some remedial work to the roads around the Coastal region.

Finally, I want to talk a little bit about the Roads 2000 Programme. We trust that we will be given adequate time to make the necessary recommendations for the roads. In other words, we want the leaders at the grassroots level to take the initiative and propose the roads that they want to be included in the Roads 2000 Programme.

With those remarks, I support that the Ministry be given the funds.

**Mr. Githiomi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to air my views. A time will come when this Parliament will refuse to give funds to the Ministry of Public Works and Housing. This is because, over the years, we have been giving this Ministry funds to repair our roads and there has been no change. It is only last year that I brought a Question to this House and the Minister answered that, the roads in Kipipiri were going to be repaired in the month of August, last year. There were adequate funds to construct those roads and up to this time, I have not seen a single Government tractor in Kipipiri. Those roads are in deplorable conditions and particularly Road E69; it is in a very poor condition and it has become completely impassable. We have not been using it.

Since I came to this Parliament in 1995, we have never used this road. It is good that we have heard that it is going to be tarmacked. When the Minister was moving his Motion, he said that they are setting some money aside for feasibility studies. I believe that feasibility studies for this road were done a long time ago and the project was found feasible. Therefore, the road should have been tarmacked a long time ago. We have been told that that Arab Bank has given money to the tune of over Kshs2 billion to tarmac this road. I would like to urge the Minister to make sure that, all that money, which is over Kshs2 billion, goes to this project. We, the residents of Nyandarua District who are going to benefit from this road because it passes across Nyandarua District, are urging the Minister to ensure that he awards contracts to three contractors. One contractor should start the road from Ndundori to Ol'Kalou and another one from Ol'Kalou to Ndunyu-Njeru and another one from Ndunyu-Njeru to Njabini. That would hasten the construction of this road, if ever it is going to be done. We believe that the Government has good faith and it will implement this project.

Mr. Temporary Deputy Speaker, Sir, this is the only route that can open up the economy of Nyandarua District. Over the years, we have intensified our agricultural activities and most of our foodstuffs have been going to waste. In actual fact, during the rainy season, we have been pouring down a lot of milk. This is a serious matter and I want the Minister to listen. The farmers in Nyandarua District have been pouring their milk on the ground during the rainy season and hence the need to give priority to this project. The tarmacking of the Njabini-Ol Kalou-Ndundori Road is going to be the only saviour to the residents of Nyandarua District.

Mr. Temporary Deputy Speaker, Sir, at the moment, we have no road that can be termed as "passable", particularly in Kipipiri Constituency. I would like to be proved wrong that since 1993, we have never seen a single Government tractor going to Kipipiri to construct a road. We have been depending on one tractor of the County Council which we borrow once in a while. The residents of Nyandarua have been contributing funds to fuel the County Council tractor. So, when we talk of giving this Ministry funds, actually it beats reason why we should even give it money.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Githiomi, you will continue with your contribution tomorrow.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House, therefore, stands adjourned until tomorrow, Wednesday, 21st July, 1999, at 9.00 a.m.

The House rose at 7.00 p.m.