



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 19th April 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, you may ring the Quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum. Let us have the Leader of the Majority Party.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Legal Notice No.29 of 2023 on the Value Added Tax (Electronic Internet and Digital Marketplace Supply) Regulations, 2023 and the Explanatory Memorandum from the National Treasury and Economic Planning.
2. Legal Notice No.30 of 2023 on the Excise Duty (Excisable Goods Management) (Amendment) Regulations, 2023 and the Explanatory Memorandum from the National Treasury and Economic Planning.
3. Legal Notice No.25 of 2023 relating to the National Cereals and Produce Board (National Strategic Reserve) Regulations, 2023 and the Explanatory Memorandum from the Ministry of Agriculture and Livestock Development, Office of the Cabinet Secretary.
4. Report of the Auditor-General and Financial Statements on Ngong Technical and Vocational College for the Year ended 30th June 2021.
5. Monetary Policy Statement for October, 2022 from the National Treasury and Economic Planning.
6. The 2022 Post-Election Economic and Fiscal Report from the National Treasury and Economic Planning.
7. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2022–
 - (a) Petroleum Development Fund – Ministry of Energy.
 - (b) Women Enterprise Fund.
 - (c) Occupational Safety and Health Fund.
 - (d) Micro and Small Enterprises Authority.
 - (e) Council of Legal Education Staff Car Loan and Mortgage Scheme.
 - (f) Office of the Controller of Budget.
 - (g) Energy and Petroleum Regulatory Authority Staff Mortgage and Car Loan Scheme.

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- (h) Prison Industries Revolving Fund.
- (i) Revenue Statements – State Department for Interior and Citizen Services.
- (j) Revenue Statements of State Law Office and Department of Justice.
- (k) Ministry of Foreign Affairs.
- (l) State Department for Youth Affairs.
- (m) State Law Office and Department of Justice.
- (n) Commission on Revenue Allocation Staff Car Loan Scheme.
- (o) Office of the Controller of Budget Staff Mortgage Scheme.
- (p) State Department for Gender.
- (q) National Land Commission Staff Car Loan Scheme Fund.
- (r) Equalisation Fund.
- (s) European Widows and Orphans Pension Fund – National Treasury.
- (t) Asian Widows’ and Orphans’ Pension Fund – National Treasury.
- (u) Development Revenue Statements – National Treasury.
- (v) African Union and other International Organisations Subscription Fund – National Treasury.
- (w) Consolidated Fund Services – Public Debt – National Treasury.
- (x) Promotion of Youth Employment and Vocational Training - Phase II in Kenya Loan No. BMZ2018 65 120 – State Department for Vocational and Technical Training.
- (y) Multinational Drought Resilience and Sustainable Livelihoods Programme in the Horn of Africa (ADF Loan No. 2100150028345) – State Department for Crop Development and Agricultural Research, and;
- (z) Towards Ending Drought Emergencies: Ecosystem Based Adaptation in Kenya’s Arid and Semi-Arid Rangelands (IUCN Grant No. P02886) – State Department for Livestock.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Deputy Leader of the Majority Party.

COMMUNICATION FROM THE CHAIR

DELEGATION FROM THE NATIONAL
DEFENCE COLLEGE OF TANZANIA

Hon. Speaker: Hon. Members, I will go back to Order No.2. I wish to introduce to you a delegation from the National Defence College of the United Republic of Tanzania.

The delegation comprises nine Members from United Republic of Tanzania, both faculty and course Members, one faculty Member from the People’s Republic of China, and four course Members each from the Republic of Malawi, the Republic of Namibia, the Republic of Rwanda, and the Republic of South Africa. Some of the names are long and difficult to pronounce.

(Laughter)

They are as follows:

1. Commodore Baganchwera Traseas Rutambuka - Leader of the Delegation;
2. Ambassador Robert Kainunula Vedasto
Kahendaguza - Senior Directing Staff;

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3. Brigadier General H E Congnian	-	Senior Directing Staff
4. Major Mwinyikombo Ally Mwinyikombo Coordinator	-	Administrative
5. Brigadier General Hosea Maloda Ndagala	-	Course Member
6. Colonel Emmanuel Kanobayire	-	Course Member
7. Colonel Justas Mwilambeghe Kitta	-	Course Member
8. Colonel Evarist Richard Ngaila	-	Course Member
9. Colonel Stephen Ramorwa Mogale	-	Course Member
10. Group Captain Engelhardt Tjnouhona Koujo	-	Course Member
11. Colonel Luka Nickson Erick Kamanga	-	Course Member
12. Senior Assistant Commissioner of Fire		
13. Goodluck Zelote Urio	-	Course Member
14. Mr. Leonard Alphan Mwambungu	-	Course Member
15. Mr. Ahmada Sufiani Ali	-	Course Member

The delegation is accompanied by Lieutenant Colonel S.C. Langát, Senior Escorting Officer from the Kenya National Defence College. The delegation is on a one-week study tour aimed at exposing the officers to practical issues related to socio-politics, the economy, foreign policy and security in Kenya. On my own behalf and that of the National Assembly, I welcome them to the House of Parliament and wish them fruitful engagements during their stay in the country.

I thank you.

Hon. Members, we are cascading towards Question Time. I will direct the rearrangement of the Order Paper slightly so we skip Order No.7 for now and go to Order No.8 so that we can put the Question before we come back to Order No.7.

Clerk!

SPECIAL MOTION

CONSIDERATION OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE KENYA FISH MARKETING AUTHORITY

THAT, taking into consideration the findings of the Departmental Committee on Blue Economy, Water and Irrigation in its Report on the Vetting of a Nominee for the Appointment as the Chairperson of the Kenya Fish Marketing Authority, laid on the Table of the House on Wednesday, 12th April 2023 and pursuant to the provisions of section 201(1)(a) and (2) of the Fisheries Management and Development Act, 2016 and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Hon. Martin Otieno Ogindo as the Chairperson of the Kenya Fish Marketing Authority.

*(Moved by Hon. Kangogo Bowen
on 13.4.2023 – Afternoon Sitting)*

(Debate concluded on 18.4.2023)

Hon. Speaker: Hon. Members you had exhausted debate on this Motion and the Mover had replied.

(Question put and agreed to)

We go back to Order No.7. We have a raft of Questions listed on your Order Paper.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, today we will have two Cabinet Secretaries: the Cabinet Secretary for Environment, Climate Change and Forestry, Hon. Soipan Tuya, and Hon. Kipchumba Murkomen, Cabinet Secretary for Roads, Transport and Public Works.

We will start with Hon. Soipan Tuya who is in the House. Cabinet Secretary, Questions will be asked and you have been in this House so you need no unnecessary tutoring. A Member will ask a Question, you will answer, then two to three supplementary questions will follow. Depending on how well you convince the House, we leave it there. If there are incessant supplementary questions it means you are not convincing enough. Let us start with Question 069/2023 by the Member for Elgeyo Marakwet, Hon. Caroline Ng'elechei.

ORDINARY QUESTIONS

Question 069/2023

BAN ON MAIZE CULTIVATION IN PLANTATION AND LIVELIHOOD IMPROVEMENT SCHEME AREAS

Hon. Caroline Ng'elechei (Elgeyo Marakwet, Independent): Hon. Speaker, I beg to ask the Cabinet Secretary for Environment, Climate Change and Forestry whether she could:

- (a) explain the rationale behind the ban on maize cultivation in Plantation Establishment and Livelihood Improvement Scheme (PELIS) areas;
- (b) explain why there is a massive decrease in forest cover percentage in Elgeyo Marakwet County despite the ban on maize cultivation under PELIS; and,
- (c) explain the pros and cons of maize cultivation under the PELIS system, and clarify whether the area residents can revert to the initial maize cultivation in PELIS areas.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuya): Thank you, Hon. Speaker.

First, allow me to commend the House for such an opportunity to interact with the legislature. I was a member of this House and a chairperson of committees. I know the onerous tasks chairpersons struggle with when they are put to task on Questions they have no first-hand experience on.

I want to go straightaway to the Question raised by the Member for Elgeyo Marakwet and also commend the Questions brought before the Ministry for being very pertinent and those touching on matters of great concern to the public.

Hon. Speaker, this being a specific Question centred around the County of Elgeyo Marakwet in the area of forestry management, first I want to say that Elgeyo Marakwet forest ecosystem has 10 gazetted forest stations. They are Cherangany, Cheptongei, Kapyego, Chesoi, Elgeyo, Kessup, Sabor, Kaptagat, Penon and Kipkabus, and four sub-counties as is known to this House.

Hon. Speaker, in terms of the productive areas covered by plantations in Elgeyo Marakwet, we have a total of 12,615 hectares under commercial plantation. This is pertinent in answering this Question. We have 78,185 hectares under natural forests.

On the rationale behind the ban on maize cultivation, first I want to say that the PELIS is a practice that is undertaken as non-resident cultivation. It is provided for in law under the Forest Conservation and Management Act. This is a practice that only happens within commercial plantation areas, and not indigenous forests. Sections 48, 49 and 50 of the Forest Conservation and Management Act No.34 of 2016 speak to the issue of community participation in forest conservation and management. This, read together with the Sustainable Management Rules of 2009, afford communities adjacent to forests the opportunity to practise non-residential cultivation. This means that communities adjacent to forests that do not own the land can cultivate it for a maximum period of three years. This is in the spirit of involving forest adjacent communities in the management of forests for purposes of sustainable management because we cannot do that effectively without involving the forest adjacent communities.

The law states that the Kenya Forest Service may enter into a written agreement with a community forest association to allow its members to engage in the non-residential cultivation. As I said, this only happens in commercial plantations. The law further provides that the Kenya Forest Service may not allocate a plot within an important water catchment area, or a source of spring or on a slope exceeding 30 per cent inclination or within 30 metres on either side of a river course. The law is very clear on when the non-residential cultivation is allowed within our plantation forests.

For the information of the House, the Kenya Forest Service is in charge of 2.59 million hectares of forests in this country. Of this 2.59 hectares, 94 per cent which is about 2.3 million hectares is indigenous forests. The remaining six per cent, which is approximately 150,000 hectares is commercial plantations. The rationale for having commercial plantations within gazetted forests is to provide a buffer or cushion to indigenous forests from exploitation. It is also to provide timber and other wood products that are required for the timber industry. Having commercial plantations will generally deflate attention and demand of forest products from indigenous forests. These commercial plantations are generally found at the periphery of the indigenous forests. I want to underscore that the PELIS that the Member is asking about only happens within plantation forests.

Hon. Speaker, before issuing a cultivation permit, the Kenya Forest Service, in line with its rule 58 of the Forest Participation and Sustainable Forest Management Rules, is required to issue comprehensive operational guidelines to avoid any abuse of communities having activities within the commercial plantation areas. The cultivation permits that are issued are subject to certain conditions which include planting only of annual crops that are approved by the Service. In return, the communities will be required to render assistance to the Service in beating up or replanting, whichever maybe appropriate in cases of low survival rates of seedlings as well as controlling any illegal forest activities and preventing forest fires. The communities are not allowed to either lease or sell the allocated plot for the practice of PELIS.

The other very important guideline is that for any communities allowed to do the PELIS within forests, they are to only use hand tools for land preparation. They are not supposed to erect any structures on the plots allocated, except with the written permission from the Service, and this is only in areas with high incidences of game damage.

Hon. Speaker, in 2000, we had the ban on maize cultivation within plantation areas. This was largely informed by the abuse and subversion of guidelines that are supposed to guide the process of PELIS, which is a delicate process. The ban on maize cultivation in plantations was informed by the fact that maize grows very fast and ends up covering young tree seedlings. This ends up reducing the growth rate of the tree seedlings due to shading. The retarded tree seedlings were often chopped during maize harvesting by the employees of the PELIS scheme thus resulting in poor forest plantation establishment. Due to the above, the Kenya Forest Service banned the cultivation of maize in the PELIS areas. That was in 2020.

After the ban, it was established that it hampered the main intention of allowing PELIS in forest plantations which was to encourage participatory forest management. Therefore, it negatively affected the establishment of new plantations. After the ban, we also had an enmasse abandonment by communities of plots that had been allocated to them for cultivation in the PELIS arrangement. This was more pronounced in the Mau, the North Rift and Western conservancies. Due to the ban, the cordial relationship and cooperation between the communities and Kenya Forest Service was greatly affected. This resulted in the abandonment of community participation in tree seedling, planting and growing, and the taking care of the forest as had been the practice.

Given the foregoing results, the Kenya Forest Service, after careful consideration of the negative impacts on the ban of maize growing in plantation areas particularly on establishment of commercial forests plantations, approved the re-inclusion of maize amongst the crops that can be grown in PELIS areas. This is done while putting in mitigation measures to allow for the negative impacts of intercropping maize with the plantations that caused the ban. This was done vide a resolution by the Kenya Forest Service Board of Directors in April 2023.

Moving to the next Question, the Member seems to be correlating the supposed massive decrease in forest cover percentage in Elgeyo Marakwet County to the ban on maize cultivation under PELIS. From our own observation, there is no correlation between the forest cover and maize cultivation issues under PELIS. According to Section 8 of the Forest Conservation and Management Act, 2016, the KFS is required to prepare a forest status report every two years and a forest resources assessment report every five years for the Cabinet Secretary.

(The Speaker (Hon. Moses Wetang'ula) spoke off-record)

Can I proceed, Hon. Speaker?

Hon. Speaker: Yes, proceed.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuyu): There is that requirement for the Service to provide a forest resource assessment report every five years. According to the first national forest resource assessment report, which was done in 2021, Elgeyo Marakwet County has a forest cover of 20.53 per cent and a tree cover of 29.95 per cent, respectively. There has not been any further scientific assessment report with regard to the forest cover. So, I cannot speak to the variance that the Member is alluding to until we have another scientific assessment report, which will give us the forest cover variation in the county, but we have tabulated the areas under PELIS in Elgeyo Marakwet County for the last three years.

The report projects that in 2020 to 2021, the total area under PELIS was 1,400 hectares. In 2021 to 2022, the total area reduced to 954 hectares and currently, in 2022 to 2023, it further goes down to 910 hectares, which corroborates the argument from the KFS that the trend from when the ban on maize plantation was done has drastically reduced the area under PELIS within Elgeyo Marakwet County. It is a disincentive to communities adjacent to the forest in Elgeyo Marakwet County.

The last Question speaks to the pros and cons of maize cultivation under the PELIS system and seeks clarification on whether area residents can revert to the practice after the ban. Maize is a very important crop in Kenya and forms one of the key staple foods in most communities in the country and so, it contributes to food security in Kenya. Taking into consideration the data on plantation forest cover under PELIS when maize was being grown and plantation forest cover under PELIS after the ban, the KFS Board approved growing maize under PELIS. This has since been effected through the KFS management.

In this regard, I stated that the main problem and challenge with the PELIS system in general, besides the maize plantations, is the abuse of the process which, therefore, requires

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very stringent enforcement measures. In this regard, we have put in place a programme to sensitise Community Forest Associations (CFAs) across the country in various conservancies and we have held several meetings, the first of which was in March this year. We have planned subsequent meetings because one of the flagship projects of the Kenya Kwanza Government is the restoration effort through planting of 15 billion trees and winning the goodwill of communities, particularly forest-adjacent communities.

As a Ministry, we are also planning to actively engage the CFAs in participatory forest management meetings going forward, and assist them to come up with forest management plans that will conform to the regulations and confines within which the PELIS practice will happen. These engagements are part of the Government's plans to ensure that every stakeholder is fully involved in our mission to grow our tree cover to 30 per cent by 2032.

I take this opportunity to urge this honourable House and Members through you, Hon. Speaker, to take a leadership role and provide guidance as we protect our forests to curb the menace that is the climate change crisis that we are faced with.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Cabinet Secretary. Hon. Ng'elechei, before you ask your supplementary question, allow me to acknowledge in the Speaker's Gallery, Kamuiru Boys School from Kirinyaga Central, Kirinyaga; and in the Public Gallery, St Martha Gatoori Secondary School in Manyatta, Embu; Vicodec School from Kajiado North and Mountain View Academy, Namanga, Kajiado South.

On my behalf and that of Members, I welcome them to the House of Parliament.

Now, Hon. Ng'elechei, ask one supplementary question.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Speaker. First, let me appreciate Madam Cabinet Secretary for adequately responding to my Question. She is realistic because she knows that the ban on cultivation of maize brought negativity and constraints between the KFS and the surrounding community. I promise that we will continue cooperating with the KFS to ensure that farmers do not abuse the process. We also welcome engagements by the KFS with the local community to ensure that we work harmoniously since this will help increase food security in the country.

I do not intend to ask more questions because I wish to donate some few minutes to my fellow Members of Parliament from Keiyo North and Keiyo South.

Thank you, Hon. Speaker.

Hon. Speaker: You have nothing to donate, Hon. Ng'elechei. This is Question Time.

(Laughter)

Hon. Musa Sirma.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you, Hon. Speaker. I am speaking as a professional forester in this House. I do not have a counterpart in this House.

(Several Members spoke off-record)

Wewe hujasomea! Hujasomea! I thank the Cabinet Secretary for the bold move that she has taken in reintroduction of the *Shamba* System. This is the only way we can establish plantations. I urge the Cabinet Secretary to go a bit further. You cannot succeed in establishing forests when you still have the new policy of 'trees first' that was introduced before you joined the Ministry. You must prepare land. Even if you want to plant maize, you cannot plant on grass. Equally, trees are a crop. It is the same crop we are expecting to harvest after a long time. I urge the Cabinet Secretary to get rid of the policy of trees first and prepare the land adequately so that we have a very high count of trees in our forests. Otherwise, I laud her on the

reintroduction of the *Shamba* System. It will lead to food security and provide income for the people living near forests. As they harvest their crops, they will plant trees.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Keiyo South.

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you, Hon. Speaker. I laud the Cabinet Secretary.

Hon. Speaker: She has been lauded enough. Ask your question.

(Laughter)

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you. I come from a community adjacent to the forest, and I am thankful for the decision she has made at the Ministry. However, there are some mature trees which need to be harvested from the same forest. We understand there is a circular from the Ministry that allows saw millers to harvest the trees. Will the local community benefit from the same harvest or will the trees only be sold to commercial millers?

Thank you, Hon. Speaker.

Hon. Speaker: Well done. Hon. Pukose Robert.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. I thank the Cabinet Secretary for responding to the question, although I know it has been overtaken by events because people are already working on their farms.

Many forest stations have officers who have worked there for many years. The officers have been engaging in corrupt activities, where they sell some of those plots. What are you going to do to make sure that communities adjacent to the forest access the plots without paying a fee to officers who have been there for long and engage in corrupt practices?

Thank you.

Hon. Speaker: Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I thank my sister and Cabinet Secretary for the good job she is doing. My question goes back to the same *Shamba* System. While I appreciate the system, the Cabinet Secretary should ensure that those working around the forests are members of the communities that live within those forests. You should ensure that nobody comes from outside and starts a home there yet they were never part of that area. It is important to put in place good regulations to ensure that the *Shamba* System is for those living within the area. It is important to indicate what the people need to do and how they need to work around the forest and conserve the rest of the forest.

Thank you.

Hon. Speaker: Hon. Tongoyo. Cabinet Secretary, get ready to answer those questions.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I take this opportunity to commend the Cabinet Secretary for appearing before the House and creating time to answer questions. I have two questions.

Hon. Speaker: Only one.

Hon. Gabriel Tongoyo (Narok West, UDA): Two, please.

Hon. Speaker: Only one! I have given you room to ask one supplementary question.

Hon. Gabriel Tongoyo (Narok West, UDA): Okay. I was trying to weigh which of the two questions is more important. Is the Cabinet Secretary aware that Nkareta Forest, which is part of the Mau complex, is being encroached into and grabbed by very highly placed individuals? What is the plan the Government is implementing to protect the forest?

Thank you.

Hon. Speaker: Thank you. Hon. Umul Kheir.

Hon. Umul Kheir Kassim (Mandera County, UDM): Thank you, Hon. Speaker. I thank Madam Cabinet Secretary. Madam Cabinet Secretary, and I studied in the same school,

the Kenya High School... Our able Clerk Assistant, Ms Wanjiru Ndindiri, also went to the same school. Our motto was *servire est regnare*, meaning ‘to serve is to reign’.

Hon. Speaker: You are totally out of order, Hon. Umul Kheir.

(Laughter)

Hon. Umul Kheir Kassim (Mandera County, UDM): I want to say that we are here to serve and rule.

Hon. Speaker: Order. Either you have a question or not. Hon. Members, this is not a time for heaping accolades on Cabinet Secretaries. It is Question Time. You are here to ask questions that concern your constituencies or the country so that you can help or guide the Cabinet Secretaries to give answers that help the development and growth of the country. If you want to praise each other, we will give you a room out there to do so.

Hon. Umul Kheir Kassim (Mandera County, UDM): Hon. Speaker, I just felt that we are here courtesy of that.

Hon. Speaker: Ask your supplementary question.

Hon. Umul Kheir Kassim (Mandera County, UDM): I am guided, Hon. Speaker. Now that the drought season is over and there are rains, what plans does the Cabinet Secretary have for arid counties, especially Mandera County, on tree planting and afforestation?

Thank you.

Hon. Speaker: Well done. That is all I expected you to do. Cabinet Secretary, can you answer those questions?

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuyu): Thank you, Hon. Speaker. I thank the Members once again.

Hon. Speaker: Pass the comments. Just answer the questions. Many of them were just comments.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuyu): I will pass the comments.

Hon. Sirma, we are working on the ‘trees first’ regulations with the recognition that for a high survival rate of seedlings, there is need for preparation of land. To the Member for Keiyo South, yes, there are overgrown plantations in the 6 per cent commercial plantations that I spoke about. They have largely been affected by the ban on logging, which has been on since 2018. For the information of the House, the ban on logging is lifted on 5,000 hectares of land, which consist of overgrown and over-mature plantations. This only applies to harvesting of commercial plantations, which form 6 per cent of forests under the management of KFS. Following guidelines in a report of the Auditor General, which followed discussions around the ban on logging, there is a proposed arrangement to make sure that local communities which play custodianship to forests are not left out in the allocation of plantations.

Hon. Pukose, on the issue of plots, there is a nominal fee that communities have to pay, which is about Ksh300 per plot. It is very minimal. The whole PELIS process requires high level supervision and enforcement to ensure there is no abuse.

On Hon. Elachi’s question which is on ensuring that PELIS areas only apply to adjacent communities, it is not a commercial enterprise nor is it a free for all. It is only for forest-adjacent communities.

Hon. (Dr.) Robert Pukose (Endebess, UDA): On a point of order.

Hon. Speaker: What is your point of order, Hon. (Dr.) Pukose?

Hon. (Dr.) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. Madam Cabinet Secretary, you have not responded to my question. I asked: What are you doing to the officers who have overstayed in those forest stations that they now behave as if they own land

and they are the ones who decide on who gets and does not get the slots? I think it is corruption that is at the root.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuya): Thank you, Hon. (Dr.) Pukose. The staff establishment of KFS is of concern. We know the number of illegal activities leading to destruction going on within forests and one of the issues is to make sure that as we allow for in-forest activities, that will go hand-in-hand with a human resource audit to make sure that KFS is the one tasked with the Ksh15 billion trees initiative. If we have staffing issues, then it is going to compromise that. Following the recent recruitment of rangers and the upcoming recruitment of forest officers, indeed, the issue of human resources is of paramount importance to make sure that enforcement of the law is adhered to fully.

I was on the question by Hon. Elachi. Yes, it is only the forest-adjacent communities that are eligible for PELIS. From the regulations, we only allow for hand tools. Previously with the abuse of the PELIS process, you would find people getting in with tractors, but we will not allow it. Just like I said, this is only allowable within commercial plantation areas.

On Hon. Tongoyo's question, yes, I am aware. I have a report on my desk on the issue of Nkareta Forest in Mau and it is a matter that is under investigation. Action will follow once we establish the extent or any attempted encroachment to the Mau Forest. The Mau Forest is 40 per cent fenced and it is the priority of the Government to expedite the fencing of the remaining 60 per cent. Therefore, just like all the other forests in this country, my Ministry is keenly watching and taking action to make sure that other people do not destroy our already existing trees while we embark on an effort to plant 10 billion more trees.

On the question by the Member for Wajir County, we have an elaborate plan for tree growth because the Government's flagship project is on the 15 billion trees. For Mandera County, we have earmarked the arid and semi-arid lands because where we have the biggest space is in community forests. We have done a segmentation of this country and mapping to know where we have available land besides the Government protected forests. We have targets set out for different players because for us to achieve the 15 billion trees initiative, it is all hands on deck.

My Ministry is in engagement with among other players the National Government Constituencies Development Fund (NG-CDF) Board to request Members of Parliament that the 2.5 per cent that is earmarked for environmental conservation be expanded in scope because we are within an existential threat of the climate change and we all have to take our space in contributing to the climate action.

We have established that the funds earmarked in NG-CDF are very limited in scope to the extent that they can just purchase seedlings. We are proposing to the NG-CDF Board that Members will be able to shift with the Government. We are shifting from just planting to growing and seeing that trees grow to maturity. You cannot do that if you cannot employ some labour. Therefore, we request that the NG-CDF Board would allow for proposals for Members of Parliament to engage our young people in a concept we are calling the 'green army' to help not just plant but to grow trees. I hope you, Members of Parliament, are going to support us in that.

Thank you, Hon. Speaker.

Hon. Speaker: On that question, I will request three other supplementary questions. Keiyo East one question, Keiyo North one question... Sorry, Kipkelion East and Keiyo North, one question each and Hon. Farah Maalim. That will be the end of that question. There is another Question on the environment as well.

We can start with the Member for Kipkelion East. Give him the microphone.

Hon. Joseph Cherorot (Kipkelion East, UDA): Thank you, Hon. Speaker, for the time you have given me. I have a question for the Cabinet Secretary concerning forests in our area,

Kipkelion East, which I represent. My constituency covers around 36.6 per cent of forests in Kericho County. I grew up in the Sorget Forest in the county. Some people were tending to those trees when I was growing up. We had a lot of seedlings but sometime back they were fired and kicked out of the forest. Right now, we have a very big space. What are you doing to make sure that we have enough seedlings? Recently, I tried to drill water for Londiani Forest College so that they can have tree nurseries. In addition to that, those locals who were working and living in those forests find themselves left out when sawmillers are being awarded logging rights. It is only the big sawmillers who are awarded the logging tenders. The locals only get sawdust. What are we going to do to make sure that the locals who have been taking care of those trees also benefit?

Hon. Speaker: Member for Keiyo North.

Hon. Adams Korir (Keiyo North, UDA): Asante sana, Mhe. Speaker. Swali langu kwa Waziri ni kuhusu uhusiano mwema kati ya maafisa wa misitu na wananchi. Kuna visa vingi ambavyo vinaendelea kama vile wamama kupigwa na vijana kuumizwa. Kwa muda usiozidi miaka saba hivi, tumepoteza vijana watatu. Mwaka jana vijana wawili waliuawa na maafisa wa kulinda misitu. Ni mikakati gani ambayo Wizara imeweka ili maafisa wao wawe na nidhamu? La mwisho ni kuhusu

Hon. Speaker: Ahsante sana. Muda wako umeisha. Nilikupa muda wa swali moja tu. Hon. Farah Maalim, one question.

Hon. Farah Maalim (Dadaab, WDM): Thank you, Hon. Speaker. I want to draw the attention of the Cabinet Secretary that I come from Dadaab Constituency where we have over 450,000 refugees who are not given any source of energy by the agencies, the United Nations being primary among them, for them to use for cooking and so, they deplete the environment. Has your Ministry considered the calamity that is going on there as far as degradation of the environment is concerned? In consultation with the agency, what do you plan to do to make sure that the refugees have other forms of energy to cook instead of them cutting down trees in that fragile and limited ecosystem?

Thank you.

Hon. Speaker: *Waziri*, answer those three then we go to the next Question.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuya): Thank you, Hon. Speaker.

The first question is by the Member for Kipkelion East on the issue of seedlings. One of the immediate tasks that we need to engage in as a Ministry in the realisation of the restoration initiative is to do a massive seedling propagation exercise. We have many seeds in the Kenya Forestry Research Institute (KEFRI). What we are yet to do is the propagation of seedlings to meet the good demand we are seeing. Kenyans are ready to partner with Government in planting trees and in restoration efforts.

We are capitalising on commercial forestry. We want to do mass production of fruit trees through agroforestry so that there will be value for individual Kenyans who partner with us in planting trees. We target women and youth groups whom we know are fully engaged in nursery propagation. These groups need to be registered with KEFRI for us to work with them.

We have an inter-ministerial team that is undertaking the tree growing exercise. Recently in partnership with the Ministry of Water and Sanitation, we drilled a borehole in Londiani and through the support of the college, we are going to have a massive seedling propagation there. We are going to engage the youth and women within your constituency.

On the issue of only big sawmillers are benefiting from the allocation of permits for plantation harvesting, as I said, we have a proposal from a process that had been done through a multi-agency taskforce which proposed that issuance of permits should be in the range of 60 to 40 per cent. The 60 per cent should be given to locals and the 40 per cent to others.

(Applause)

In many instances the locals would be small-scale sawmillers. I will oversee that to make sure that this acts as an incentive to the forests-adjacent communities to partner with KFS in protecting our ecosystems.

Hon. Speaker, the Member for Keiyo North asked what is the relationship between KFS officials and the communities around the forests. My Ministry has held several meetings with community forest associations in the spirit of ensuring good relations between the KFS and forest-adjacent communities. Therefore, there will be little or no tolerance at all to acrimony because that will sabotage our efforts. We need the support of our communities and any case that comes up will be dealt with the proportion of action that is required. I will look into this issue to make sure that such cases will be dealt with.

Hon. Farah Maalim, this is a very pertinent issue at a time when we are looking at the nexus between climate change and migration issues. Through the Speaker, I wish to take time to investigate the impact of the refugee camps on the environment. I have the Director General of the National Environment Management Authority (NEMA) here with me today. With your permission, we can do a written response on the issue because it is of concern to the Ministry as well.

Hon. Speaker: You will write to the Clerk and he will pass the answer to the Member. Next Question by the Member for Mandera South.

Question 104/2023

IMPACT OF HEAT WAVES ON HUMANS AND LIVESTOCK

Hon. Abdul Haro (Mandera South, UDM): Hon. Speaker, I beg to ask the Cabinet Secretary for Environment, Climate Change and Forestry the following Question:

- (i) Could she clarify whether Kenya has ever experienced any heat waves in recent years and provide details on the impact of these episodes on humans and livestock?
- (ii) Could she provide the status of any records maintained on critical heatwave events experienced in the country and clarify whether such records have been used to provide disaster warnings for purposes of adaptation strategies?
- (iii) What measures has the Ministry taken to mitigate the impact of heat waves on human life and livestock in the country?

Thank you.

Hon. Speaker: Cabinet Secretary, I want you to take less than 10 minutes on this.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuyu): Most obliged, Hon. Speaker.

Once, again, this is a very pertinent question in the wake of the climate change crisis. I want to tell Members that climate action is of priority to the Government through the Ministry. The President chairs the African Union Committee of Heads of State and Government on Climate Change (CAHOSCC). This September we shall be hosting the first of its kind Climate Change Summit to address some of the emerging issues that are becoming a livelihood threat to not only Kenyans but the entire global community.

Heatwaves have a very loose definition. They are defined as periods of hot weather considerably above the average temperatures for a given time and location. The threshold for a given location or geographical area largely depends on the local weather conditions, the vulnerability of the people and ecosystems exposed to heat. It is likely that a number of perceived heat events will occur in regions of the country as temperatures continue to rise in response to climate warming with thresholds varying regionally. If Members have had time to

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peruse through the annexure to my response, they will see a tabulation of projected risks and impacts of climate change on human life and the risks appertaining to health, food security and animals.

With regard to the issues raised by the Member, in Kenya, like many other Sub-Saharan African countries, extreme heat events and attributed impacts such as emergency room visits, hospitalisation, human and livestock death, loss of productive hours are not documented. Heat waves are also not recorded sufficiently. Few studies have attempted to assess changes in heat waves in various African regions. However, these fragmented studies do not provide sufficient and comprehensive information for the necessary decision making.

Weather conditions that could result in health risks depend on the sensitivity, acclimatisation and adaptability of the population to extreme heat. Temperature is the main component of heat but, this also depends on various weather variables.

I will now go to the exact question on whether Kenya has ever experienced heat waves in recent years. Research into heat waves across the world has confirmed that the increasing trends in frequency, duration and cumulative heat have accelerated since the 1950s due to climate change. The biggest increases have been seen in the Middle East, South America and Africa. They project the deadliest disasters that are getting stronger and more frequent every other day. In the recent past, heat wave events were recorded around the world with examples of 3,000 people dying in the United Kingdom, 300 displaced in Italy and 600 people dying in Spain.

Hon. Speaker, chronic exposure to extreme heat in the form of seasonal and year-round extreme heat, especially in tropical regions, has far-reaching impacts on health, productivity and economic outcomes. Generally, public perceptions and awareness of heat in Kenya are very low. Therefore, there is need to raise awareness of heat risks, especially in this country where we have a substantive number of low-income populations. For instance, due to lack of awareness, people might underestimate the seriousness of heat-related instances and illnesses and may not go to hospital when they are required to go.

Based on analysis of data from 1975, 2022 was the third warmest year on record tying with 2021. It was followed closely behind by 2019 and 2020 as the first and second warmest respectively. Intrigued by undocumented heat wave cases and concerns of their impacts, our Kenya Meteorological Department (KMD) recently conducted research to identify high-risk regions, define heat thresholds and initiate a protocol to operationalise heat wave early warning in Kenya for early action and for purposes of informing adaptation strategies. This analysis showed that recently identified extreme heat events occurred in Kenya in March 2016, April to May 2019, March 2020 and February 2021. The extreme episode of March 2016 lasted for at least seven days with impacts, including increases in admission in hospitals in the cities of Nairobi, Kisumu and Mombasa.

Another study carried out in 2022 identified extreme heat events in 1991, 2005 and 2012 in Nairobi, Tana River and Turkana counties, respectively. Most heat events recorded in the selected counties were observed to begin around the month of February to March. The study concluded that owing to the established direct relation between extreme heat events and chronic obstructive pulmonary disease prevalence, the observed events ranging from normal to very extreme have had a great negative impact on human respiratory health.

Hon. Speaker, I now wish to inform the House on the link between climate change, heat waves and drought also known as climate change - heat waves drought nexus. The impacts of recurrent droughts in Arid and Semi-Arid (ASAL) regions of Kenya continue to worsen with significant impact on lives, health, losses in livestock and livelihoods. It is highly likely that droughts coupled with heat in these regions are increasing trends in temperatures observed in recent times. These issues which are highlighted compound dry events, heat waves and droughts. They change dramatically under global warming but have never been systematically

studied in Kenya. However, it is feasible to state that livestock deaths associated with long drought were spurred by extreme heat stress on the animals brought out by heat extremes, high evaporative demand that result in low soil moisture and decreased surface water availability. The need to understand the compounding risk posed by the combined effects of droughts and extreme heat events, especially in ASAL areas of Kenya, are dire.

Extreme heat events interact with other factors such as exposure and vulnerability and inadequate adaptive capacity resulting in greater impacts. The associated impacts of extreme heat events on livestock are negative psychological effects of heat stress on animals' metabolism and productivity and indirectly, buyer increased disease burden, reduced water availability and inadequate pasture.

There is a question to provide the status of records maintained on critical heat wave events experienced in the country and to clarify whether such records have been used to provide disaster warning. The World Meteorological Organisation (WMO) concluded that the past eight years were the warmest on record globally fuelled by ever rising greenhouse gas concentrations and accumulated heat according to six consolidated international temperature data sets: 2022 was the eighth consecutive year between 2015 and 2022 that annual global temperatures have reached at least one per cent above the pre-industrial levels. In view of this, Kenya started monitoring heat waves from 2022. This monitoring was likewise spurred on by an analysis done in the generation of the Annual State of the Climate document which is annexed in this presentation.

The initial analysis carried out examined daily data from 1991 to date and identified the following thresholds for issuing heat health alert warnings in Nairobi, Kisumu and Mombasa respectively based on historical data records: The threshold for Nairobi is that the daily maximum of 32 degrees Celsius plus for three or more days would account for a heat wave. In Kisumu, a daily maximum of 37 degrees Celsius plus for three or more days would equally be the threshold. In Mombasa, a daily maximum of 36 degrees Celsius plus for three or more days would also form the threshold. These heat waves identified in the historical record are all documented as described in the above section with regard to the three counties.

As previously outlined, KMD is working on expanding the threshold to cover many other regions in the country which would eventually then speak to the adaptation measures required. Additional research and studies are crucial to determine the impact of heat waves and other climate change phenomena on livelihoods in Kenya. In its seasonal forecast, KMD incorporates temperature forecasts for various parts of the country. These prepare stakeholders and the public for either high or low temperatures during the seasons.

The fourth question is on the measures the Ministry is taking to mitigate the impacts of heat waves on human health and livestock in the country.

Hon. Speaker, in ASALs regions of Kenya and Africa at large, livestock species, particularly sheep, goats and cattle are typically a major source of livelihood, survival and source of food. It may also be converted to cash to support livelihoods. The change in the heat seasons increases vulnerability. This, therefore, calls for an urgent need to develop effective adaptation strategies including increased uptake of emerging technologies such as the *zai* pits which are planting pits that provide efficient water farming technology and are often used in ASALs to maximise water utilisation by crops.

On the part of the Ministry, several measures to mitigate the effects of heatwaves on both human and livestock in Kenya have gone into place:

1. The KMD has adopted the Common Alerting Protocol Standard developed by the World Meteorological Organisation to issue early warnings on the onset of events such as floods and strong marine waves, which then provide advisories to the affected communities, be it fishermen, pastoralists and other communities.

2. The KMD is in the process of implementing and operationalising impact-based forecasting which will serve to support evidence-based decision making for extreme weather events such as heatwaves both in advisory form as well as in updates and forecasts. Together with other sectors including water, energy, health and disaster risk reduction, the KMD is developing thresholds of weather and climate variables trigger response and action.
3. The Ministry is currently developing the National Climate Change Action Plan which includes adaptation and mitigation strategies that respond to various impacts with regard to heat increases.
4. Partnership that the Metrological Department is involved with Resurgence, a development partner on a project called the *Daraja* where there is regular issuance of temperature forecasts including warnings for informal settlements. An example is one that has been developed in Kibra and Mathare based on collaborative thresholds. On collaborations, these thresholds are disseminated via text messages to communities and also radios such as Moja FM. This focus emanates from the fact that these informal settlements are largely impacted disproportionately by extreme heat conditions.
5. The Ministry is in the process of modernising the KMD's infrastructure so that the department will be in a position to monitor the weather events better. This improved monitoring network will be the basis for development of local scale threshold to detect extreme heat episodes for early warning. At the opportune time, we shall be reaching out through the relevant Committee of this House for the support of the House to help modernise and fully equip our Metrological Department by turning it into a Semi-Autonomous Government Agency that can stand on its feet to respond to the need for scientific based approaches to early warning systems for us to alleviate the effects of heatwaves and other such impacts of climate change. That is one of the biggest needs within the KMD that I know will specifically be followed through the House of Parliament.

In terms of recommendations, ...

Hon. Speaker: You have taken too long.

The Cabinet Secretary for Environment, Climate Change and Forestry (Hon. Soipan Tuya): Hon. Speaker, I am about to finish.

There is immediate need or measures to be put into place to cushion Kenya from heat waves; one of which is to support the modernisation of the KMD. This information needs to go out to our hospital managers and medical practitioners to pay particular attention to the effects of heat waves on Kenyans.

Finally, for the hardest hit regions of northern Kenya, there is need to take up specific measures to mitigate against heat waves, including reduction of livestock movement during extreme weather seasons, reduction of transportation of animals and focusing only on movement during cool hours of the day. Of course, the need for people to stay alert to signs of heat distress, including panting. Panting increases respiration rate and the water intake so that people can then get the necessary help.

With those presentations, I conclude. Thank you.

Hon. Speaker: Hon. Haro, you are the one who asked the Question. Are you satisfied?

Hon. Abdul Haro (Mandera South, UDM): Thank you. I think I am satisfied. Thank you, Hon. Cabinet Secretary...

Hon. Speaker: Thank you, Hon. Members. If you are satisfied, the story ends there. Cabinet Secretary, thank you very much. I will now release you.

(The Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry (Hon. Soipan Tuyu) left the Chamber)

Serjeant-at-Arms, kindly escort the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry and bring in the Cabinet Secretary for Roads and Public Transport.

Hon. Members, meanwhile, allow me to acknowledge visitors in the Speaker's Gallery. They are: Taita Mauche Secondary School, Njoro Constituency, Nakuru County and Kisumu University Students' Association, Kisumu County. In the Public Gallery, we also have students from Maguma High School, Maara Constituency, Tharaka-Nithi County; Jacridge School, Ruiru Constituency, Kiambu County and Somoei Boys School, Nandi Hills Constituency, Nandi County. On your behalf and my own behalf, I welcome the students and their teachers to Parliament.

(The Cabinet Secretary for Roads and Transport entered the Chamber)

Cabinet Secretary for Roads and Transport, you are welcome to the House of Parliament.

Question 018/2023

CONSTRUCTION OF FOOTBRIDGES ON MOMBASA ROAD

Hon. Speaker: Hon. Members, the first Question is by Hon. Joyce Kamene. Is she here? She seems to be in. Kindly, ask your Question.

Hon. Joyce Kamene (Machakos, WDM): Hon. Speaker, I rise to ask the Cabinet Secretary for Roads and Transport the following Question:

Could he outline the measures that the Ministry has put in place to provide for pedestrian footbridges along an approximately two-kilometre stretch of Mombasa Road, especially the crossing at the Hilton Garden Inn and the Syokimau Railway Station/Nairobi Standard Gauge Railway Terminus (SGR) and the stretch between KAPPA Industries and Mastermind?

Hon. Speaker: Cabinet Secretary you have nine questions and we must be done with you by 6.00 p.m. so, I want you to give us succinct short answers pointed to the questions. There may be supplementary questions that may give you latitude to wander around but give pointed answers to pointed questions. Go ahead and answer the first Question.

The Cabinet Secretary for Roads and Transport (Hon. Kipchumba Murkomen): Thank you, Hon. Speaker, for giving me an opportunity to appear before this august House to answer these Questions. Indeed, we have nine Questions but as it will appear later, I will demonstrate that the nine Questions have sub shot to three topics. Therefore, the rest of the issues that are related to pending roads can be collapsed and answered together.

Hon. Speaker, on this particular Question allow me to appreciate Hon. Joyce Kamene for it. I want to note for the good of the House that indeed we have a challenge in the country when dealing with matters related or touching on pedestrians. Statistics from the National Transport and Safety Authority (NTSA) show that we lost 1,383, 1,557 and 1,682 pedestrians in the years 2020, 2021 and 2022 respectively.

It is saddening that we continue losing lives as a result of lack of infrastructure and sometimes recklessness on the roads. The reasons are because of inadequate facilities for non-motorised traffic including cycling and footpaths. In this case the Ministry has prioritised incorporation of non-motorised transport as part of National Transport Policy.

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All new roads being constructed will have in place footbridges, cycling paths and footpaths. Under the Kenya Urban Roads Authority (KURA) already 300 kilometres of footpaths have been done. In the last five years, 12 footbridges have been built, eight of them being in Outering Road in Nairobi and others spread in identified locations across Nairobi City.

There is a policy to ensure road furniture and road markings - road furniture are the signage and materials used to protect road users - are in good conditions and where traffic calming measures are used, they are compliant with the stipulated standards. The division of the ministry concerned with roads standards is working with all road agencies to enforce approved configuration of bumps in the entire country.

However, of great concern is the issue of pedestrians not using the footbridges even after being constructed. We have witnessed many accidents in Nairobi especially in Allsops, Ruaraka, Outering Road, City Square and Waiyaki Way. Pedestrians have an apparent insatiable appetite to defile the use of footbridges in crossing the roads. This results in the road accidents being higher than might have been otherwise.

It has also compelled the Ministry to erect bumps around where the footbridge is already constructed, for example, at Uhuru Gardens in Nairobi as a result disrupting traffic flow. If you use Langata Road you know this is a big challenge. Consequently, we are working with road agencies together with the NTSA to formulate a new strategy that uses digital cameras to support reinforcement of traffic regulations. We anticipate that in the next few months we will have started a trial process of using traffic cameras especially in Nairobi and along the Northern corridor.

Hon. Speaker, on this specific Question, the Ministry through the Kenya National Highway Authority (KeNHA), has procured for construction of three footbridges along Mombasa Road at the following locations: Airtel Building near the Southern Bypass Interchange; Syokimau Railway Station and Katani, a few metres north of Katani Road Junction. The works are scheduled to commence on 27th April 2023 with contract completion date of 26th October 2025. This is a 30 months' contract period comprising 18 months' completion period and 12 months' defect liability period. The contract sum is Ksh1.2 billion.

I thank you.

Hon. Speaker: Hon. Joyce Kamene, are you satisfied? If you are, we move on to the next Question.

Hon. Joyce Kamene (Machakos County, WDM): Hon. Speaker, I just want some more clarity because if I can remember very well, public participation was done before the Expressway was started. It was agreed that there was need to have five footbridges because of public safety in the stretch from Mlolongo to Hilton Garden Inn. The most critical one is the footbridge around KAPPA because there are too many industries and residential areas so many people cross that road. What happens to it now?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Roads and Transport (Hon. Kipchumba Murkomen): Hon. Speaker, it is true that during public participation there was request for more than five footbridges but we are working within budgetary constraints. If I got the Member right, she is suggesting there was a request for a footbridge at KAPPA around Nation and Mlolongo area. The truth is that the footbridge in Katani is a few metres from where the Member is mentioning. Of course, it will be a bit of a walk from the exact position where she is saying, but in our consideration, it was important to start with the one at Katani Junction.

You can imagine with the constraints we are facing as a country we have been able to set aside Ksh1.2 billion for this exercise. In the next phase, finances permitting, we shall increase the number of footbridges but the Member's concern is founded on the true position presented by the members of public during public participation.

Hon. Speaker: Let us go to Question 072/2023. I have a letter from Hon. Paul Abuor nominating Hon. Joyce Kamene to ask the Question on his behalf.

Question 072/2023

STALLED CONSTRUCTION OF THE RIOSIRI-RONGO
UNIVERSITY-CHAM GI WADU ROAD IN RONGO

Hon. Joyce Kamene (Machakos County, WDM): Hon. Speaker, on behalf of the Member for Rongo, Hon. Paul Abuor, I beg to ask the Cabinet Secretary for Roads and Transport whether he could:

- (i) explain the circumstances under which construction of the Riosiri-Rongo University-Cham Gi-Wadu Road has stalled for the last two years;
- (ii) state plans that the Ministry has put in place to ensure that the contractor resumes construction of the said road; and,
- (iii) further state the timeline for completion of the said road.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Roads and Transport (Hon. Kipchumba Murkomen): Hon. Speaker, I beg your indulgence.

The Question by Hon. Abuor is similar to other six Questions which are asking one question: to explain why roads have stalled. In the interest of time, for the benefit of Members and for good order, allow me to address the question raised by Hon. John Njuguna, which is like the mother question in the sense that nine questions are asking why all roads have stalled. When I give the global picture...

Hon. Speaker: Hold on Cabinet Secretary.

The Cabinet Secretary Roads and Transport (Hon. Kipchumba Murkomen): Yes, Hon. Speaker.

Hon. Speaker: For purposes of parliamentary record, each Question must be asked. The only thing we can do is that on Questions on stalled roads, if you have answers, Members can specifically ask and then you answer. How many Members have Questions on stalled roads? Let me see.

Cabinet Secretary, you may take your seat.

Hon. Mulyungi, is your Question on stalled roads? You have Question 77/2023.

Hon. Gideon Mulyungi (Mwingi Central, WDM): It is a stalled road.

Hon. Speaker: You may ask the Question and sit to await an answer in combination with the others.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Speaker. I rise to ask Question 78/2023.

Hon. Speaker: 77/2023 or 78/2023?

Hon. Gideon Mulyungi (Mwingi Central, WDM): Question 77/2023 is not on stalled roads.

Hon. Speaker: Okay fine.

Hon. Gideon Mulyungi (Mwingi Central, WDM): It is different.

Hon. Speaker: Okay.

Hon. Gideon Mulyungi (Mwingi Central, WDM): The question I want to ask is on stalled project.

Hon. Speaker: Okay. Please ask Question 78/2023.

Question 078/2023

CONSTRUCTION OF THE NGUNI-NUU ROAD
AND ENZIU BRIDGE IN KITUI COUNTY

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I rise to ask the Cabinet Secretary for Roads and Transport whether he could:

- (a) provide the details of the total contract sum and the contract period for the construction of Nguni-Nuu Road and Enziu Bridge in Kitui County. The Nguni-Nuu is the one which is stalled but Enziu Bridge is not stalled. It is ongoing.
- (b) explain why the construction of the said road and bridge has stalled for such a long period; and
- (c) clarify whether there is any Corporate Social Responsibility (CSR) provided for in the contracts for the two projects, and if so, provide details and timelines for delivery.

Hon. Speaker: You are talking about the same road and bridge...

Hon. Gideon Mulyungi (Mwingi Central, WDM): No, Hon. Speaker. I have clarified.

Hon. Speaker: Okay.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes. The construction of the bridge is ongoing, but the road has stalled. Why has it taken such a long period, and could the Cabinet Secretary state when the projects are expected to be completed?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Charles Ngusya (CNN), is your Question also on stalled roads?

Question 079/2023

STATUS OF UPGRADING THE KIBWEZI-KITUI-KABATI-MIGWANI-MBODONI
ROAD TO BITUMEN STANDARD

Hon. Charles Nguna (Mwingi West, WDM): Yes, Hon. Speaker. I beg to ask the Cabinet Secretary for Roads and Transport whether he could:

- (a) explain the status of the remaining section of Kibwezi-Kitui-Kabati-Migwani-Mbondoni Road which was being upgraded to bitumen standard and has stalled.
- (b) state when construction of the said road is expected to be completed and the measures that the Ministry has put in place to ensure that the project is not abandoned before its completion.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Peter Masara, is your Question on a stalled road?

Hon. Peter Masara (Suna East, ODM): The Question is on stalled Kokendi-Arombe Bridge in Suna West Constituency.

Hon. Speaker: Okay. It is not a stalled road, right?

Hon. Peter Masara (Suna East, ODM): Yes.

Hon. Speaker: Okay. We will leave it aside. Hon. Gideon Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, the other ones are not on stalled roads.

Hon. Speaker: Clerk, how did you allocate Gideon Mulyungi three Questions in one day? In fact, he has four. So, we will leave out Hon. Gideon's Question 81/2023 and go to Question 83/2023. Another one for Gideon Mulyungi. Is it on a stalled road?

Hon. Gideon Mulyungi (Mwingi Central, WDM): I can answer that, Hon. Speaker. Yes, it is.

Hon. Speaker: You can answer that.

Hon. Gideon Mulyungi (Mwingi Central, WDM): The reason I have all these Questions is because I gave them at the beginning of this Session.

Hon. Speaker: No problem. Just proceed and ask. I did not ask you anything.

Question 077/2023

CONSTRUCTION OF KALISASI-MUMBUNI
ROAD IN MWINGI CENTRAL

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I beg to ask the Cabinet Secretary for Roads and Transport whether he could:

- (a) provide the details on the total contract sum and the contract period for construction of Kalisasi-Mumbuni Road, Phase I and Phase II;
- (b) indicate when the construction of the Kalisasi-Mumbuni Road is expected to be completed; and,
- (c) consider extending the construction of the Kalisasi-Mumbuni Road to Mumbuni Shopping Centre instead of the current terminus.

Thank you, Hon. Speaker.

Hon. Speaker: Move on to Question 81/2023.

Question 081/2023

STATUS REPORT ON THE NAIROBI EXPRESSWAY

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I beg to ask the Cabinet Secretary for Roads and Transport whether he could:

- (a) provide a status report on the use of the Nairobi Expressway since its inauguration and how it has improved traffic congestion in the city; and,
- (b) state when the Ministry intends to improve the main Mombasa Road.

Hon. Speaker: That is slightly different, Hon. Gideon. You can hold on that.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Okay. Thank you.

Hon. Speaker: Let us move on to Question 83/2023. Ask Question 83/2023.

Question 083/2023

CONSTRUCTION OF MWINGI-SLAUGHTER
HOUSE ROAD IN MWINGI CENTRAL

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I beg to ask the Cabinet Secretary for Roads and Transport whether he could:

- (a) provide details of the total contract sum and contract period for construction of Mwingi-Slaughter House Road; and,
- (b) explain the causes for the delay in the construction of the said road which is yet to be completed, including works relating to drainage, access culverts and reinstatement of services such as water pipes and street lights, among others.

Hon. Speaker, the road has been completed, but the services that were removed have not been reinstated.

Thank you.

Hon. Speaker: The last one is by Hon. John. Njuguna, Member for Kiambaa.

Question 115/2023

STALLED ROAD PROJECTS AND PENDING
BILLS OWED TO ROAD CONTRACTORS

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Roads and Transport whether he could:

- (a) provide a list of all stalled road projects in the country, enumerating the reason for the stalling of each of the projects;
- (b) provide details of all pending bills owed to road contractors in the country and explain the measures in place to settle and the status of payment of each of the pending bill; and,
- (c) explain the measures that the Ministry is taking to ensure that the stalled works resume and that all pending bills are immediately settled.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, from where I sit, I want you to answer all the other Questions, and then you will come to this very broad one by Hon. John Njuguna. It is likely to attract a supplementary from everybody because when he says a list of all stalled roads projects, I am sure every Member has a story to tell about stalled road projects. So, answer all the others and then we will finish with Kawanjiku's Question.

The Cabinet Secretary for Roads and Transport (Hon. Kipchumba Murkomen): Hon. Speaker, I beg your indulgence to start with Hon. John Njuguna Kawanjiku's Question. Once I answer that, the rest of the Questions will fall into place in terms of the consequence. I had earlier on requested you to start with that Question.

Hon. Speaker: Go ahead.

The Cabinet Secretary for Roads and Transport (Hon. Kipchumba Murkomen): It is like the mother Question is Hon. Njuguna's Question. I will start with Question 10, and then I will come to the rest.

The State Department of Roads, through its three implementing agencies, has an ongoing roads portfolio of over 800 projects with an outstanding cost of approximately Ksh763 billion as at 28th February 2023. I am putting an emphasis on Ksh763 billion and 28th February 2023 because with interest, the figure keeps changing as time goes. Out of this outstanding figure, an amount of Ksh150 billion is related to certified works. It is Ksh145 billion related to certified works that have not yet been paid; pending bills. Most of the 800 projects are currently on slow implementation while others have completely stopped due to inability of the Government to avail adequate budget over the years. We note that some of these contracts have stalled for over five years, and some almost nine years and approaching 10 years.

I have provided the annex, which will be tabled before the House. One of our officers has the annex. If you allow me, I will mention a few roads just for people to appreciate where we are coming from. Roads in Bungoma, for example, the Lwakhakha–Korosiandeti–Tulienge–Sirisia–Chwele Road have been pending since 2017. The Thanatu Bridge–Kagwata–Mulika Market Road in Meru has also been pending since 2016. The Kilgoris–Lolgorian Road has been pending since 2020. The Danger–Chemuswa–Cheptiret–Kesses–Lessos Road and the Cheptiret–Moi University–Himaki–Nandi Hills Road in Nandi County have stalled since 2016. Those are just some of the examples of stalled roads. A number of Hon. Members have come to my office and we have discussed those issues.

Contractors are currently owed Ksh145 billion in terms of pending bills. Local contractors are owed Ksh50 billion and foreign contractors are owed Ksh60 billion. Part of the

pending bills amounting to Ksh35 billion is owing to matters related to land acquisition. The actions we are taking are as follows.

In line with the Kenya Kwanza Manifesto, we have committed ourselves to complete all ongoing projects. We are negotiating with contractors. Within the last six months, we were able to secure some amount of money. Given the magnitude of pending bills, this amount was spread thin amongst service providers and contractors could not go back to the sites to resume works. Remember that this spreading thin is not as a result of a decision by the Ministry of Roads, Transport and Public Works. It is because of the budgeting that is done by this august House. Consequently, as a result of that situation, we have had to result to requesting the National Treasury to allow us to negotiate with contractors who are willing to resume works. It is true that a few road projects across the country have resumed and you have seen us launching some of them.

Hon. Speaker, it is important for me to say it in this very important Chamber. You have seen us re-launch projects that were initially launched almost eight years ago. That is because they were long forgotten. One case is when the President was recently launching a project in Nyandarua County. I know many people were concerned about why it was being re-launched. A project that has stayed for more than seven or eight years is long forgotten and it needs to be given a new lease of life. It is like it is being done for the first time.

Working with the National Treasury and in keeping with the economic plans of the Government in the current financial year to stop borrowing, it is expected that in the next financial year, the economic situation will have improved to enable resumption of access to funding on affordable terms. We know that, as a result of the financial and economic situation that we have in the country, there was a decision to stop continued digging of the financial hole. As a result, projects have not resumed on time. Pursuant to advice from the National Treasury, we have been patient because we were told that if we keep in line with the financial plan that the National Treasury has for this financial year, in the beginning of the next financial year, we might be able to access financial support and lending at affordable terms for us to borrow and clear the remaining projects.

Another measure we have taken is that we are not starting any new projects, unless they are funded by development partners on concessional terms, or if this House allocates funds to deal with emergencies such as security roads, or access to new Government projects for example, dams, hospitals, public institutions or new housing projects. We appreciate bilateral and multilateral development partners for their immense support on concessional terms. This has enabled us to start new projects that otherwise, we could not have done.

Hon. Speaker, allow me to use this opportunity to mention the Horn of Africa Gateway Development Projects which are funded by the World Bank and the African Development Bank as an example of this concessional support. We have other bilateral support that we receive from other lenders across the country.

Cognisant of the financial situation which has built up over the last five years, our first duty as a responsible Government is to stop the situation from deteriorating further through concessional and affordable borrowing. We recently decided to access the Annuity Fund to enable us to continue with this project. A meeting will take place tomorrow to ask the Committee responsible for the Annuity Fund to allow us to access Ksh12 billion that is in the account. This amount will enable us to pay some of the pending bills and hence, bring some contractors back on site and resume a number of projects.

I thank contractors who, despite the situation we have been facing, decided to continue with projects, even long after we were unable to pay them. In the Report I have tabled, you will see that we owe some contractors up to Ksh17 billion. We owe some local contractors up to Ksh5 billion. I totally appreciate their patience.

I thank some banks that, as a result of our interventions, they have been kind to contractors because a number of them could easily have lost their properties through auctions. This is because of non-payment of facilities that they have received. The same information will be tabled and each Member of this House will have an opportunity, through your kind Office, Hon. Speaker, to see the projects in their counties or constituencies and understand the situation.

I will repeat that, unfortunately, this is an inherited situation. I know many Kenyans are asking themselves why the Ministry is not facilitating construction of roads immediately. These questions could have been asked five years ago from 2016 to 2020, when all these projects stalled. Therefore, our job is not to continue writing the book of lamentations that this was not done five, seven or eight years ago. Our job is to appreciate the magnitude of the situation at the moment, to work around the clock to negotiate with contractors, and to request those who still have the capacity to finance themselves to go on site. I assure Members that even this Ksh12 billion we will receive is a drop in the ocean compared to the pending payment to contractors of over Ksh90 billion of already-due certificates. However, there are some contractors who are ready to negotiate. If we pay them a certain figure and they are constructing more than one road, they will be willing to go on site.

I have seen the Member for Kajiado North sitting here. He knows that we negotiated with one of the contractors for his road to be constructed and for the contractor to return to the site. That is the global situation, as asked by Hon. John Njuguna.

Let me go to the specific Questions of projects that have been mentioned by Hon. Members, starting with Question 72/2023 by Hon. Paul Abuor of Rongo. The contract for upgrading to bitumen standards and performance-based routine maintenance of Riosiri-Moi University Rongo Campus - Ogwedhi-Godi Jope Road was awarded to Mystical Corporations in 2019, at a tender sum of Ksh1.1 billion. The upgrading commenced on 20th August 2019, and was scheduled to be completed in 30 months by 20th February 2022, with a defect liability period of 12 months and a maintenance period of 36 months.

To date, 42 months have elapsed, being 143 per cent of the contract period against an overall progress of approximately 68 per cent, with 18.2 kilometres of blacktop achieved out of the total scope of 30 kilometres. The Ogwedhi-Godi Jope Centre section of the project, totalling to 12 kilometres, has been substantially completed and is awaiting handing over to the employer, that is, KeRRA. That will enable us to continue with maintenance. To date, the amount certified for payment is Ksh696 billion, which is pending. I also wish to add that the contractor suspended works on the site effective October 2021, more than a year ago, due to financial constraints attributed to delayed payments of IPCs which affected their cash flow. Currently, the contractor is owed Ksh347 billion *in lieu* of the works done.

Two, KeRRA intends to take over the parts of the works that have been substantially completed on the Ogwedhi-Godi Jope Centre section of the project, totalling 12 kilometres, upon which the contractor will be able to claim and receive part of the retention money that is held by the Authority and with which the contractor has received instructions to resume works on the site. These are the innovative ways we are applying for the contractor to come back to site. Further, KeRRA has made a provision of Ksh132 million in the Budget for the Financial Year 2022/2023 for the project. Once the Exchequer has released funds for the above, the contractor will be able to proceed with the remaining works. Due to financial constraints experienced by the contractor because of the delay in payment, he has applied for extension of time, understandably, of 639 days and evaluation of the same is ongoing. The days are already running. The process will be considered as we continue engagement.

On Question 77/2023 by Hon. Gideon Mulyungi, I will respond as follows. The contract sum for Phase I of the Kalisasi-Mumbuni Road (Kiseveni-Kalisai Primary School section) is Ksh74,953,255. The contract for the construction of the 1.7 kilometres road was awarded to

M/s Simora Group Limited and commenced on 16th August 2021. The contract sum for Phase II of the Kalisasi-Mumbuni Road (Kalisasi-Ikime section) is Ksh38,172,976.95. The contract for the construction of the 1-kilometre road was awarded to M/s M & J Holding Limited and commenced on 30th September 2022. The contract period for Phase I was 18 months and the works were expected to be completed by 16th February 2023. The contractor has completed all the instructed major works and has requested for a substantial completion inspection, which will be conducted at the end of this month. The contract period for Phase II was 9 months and the works are expected to be completed by June 2023.

The Phase II contract terminates at Ikime Centre, which is 1 kilometre short to Mumbuni Shopping Centre. KeRRA will consider extending the road to Mumbuni Shopping Centre once funds become available. Further, KeRRA extended the Phase I contract by 0.44 kilometres, at a cost of Ksh11.2 million, to close the gap between Kalisasi Primary School and Kalisasi Centre. The total length of Phase I contract is therefore 2.14 kilometres.

On Question 78/2023 by the same Member for Mwingi Central, the contract for the upgrading to bitumen standard and performance-based routine maintenance of Nguni-Nuu Road, E4119 Road, was awarded to M/s ADMO Construction Limited on 16th May 2017, at a contract sum of Ksh1,484,617,735. The upgrading works commenced on 14th July 2017 and were scheduled to be completed in 30 months up to 14th January 2020, with a defects liability period of 12 months and a maintenance period of 36 months. To date, 69 months have elapsed, being 230 per cent of the contract period against an overall progress of 76 per cent, with 22.46 kilometres blacktop achieved out of the total scope of 35 kilometres.

The contract for the emergency construction of Enziu Bridge and its approach roads was awarded to M/s Kiu Construction Limited on 23rd December 2021 at a contract sum of Ksh578,951,128. The works commenced on 5th April 2022 and were scheduled to be completed in 18 months up to 5th October 2023, with a defects liability period of 24 months. To date, 12 months, or 66 per cent of the contract period, have elapsed against an overall progress of approximately 26 per cent.

In regard to the contract for the upgrading to bitumen standard and performance-based routine maintenance of Nguni-Nuu Road, the contractor suspended works effective October 2021 due to financial constraints attributed to delayed payments of pending IPCs, which affected their cash flow. To date, the amount certified for payment is Ksh612,494,144.04, which is 40.25 per cent of the contract sum. As of 14th April 2023, the contractor was yet to be paid a total of Ksh175,878,072.57. The Ministry, through KeRRA, has made a provision of Ksh72 million in the Budget for Financial Year 2022/2023 for the project. Once the Exchequer releases funds and payment is made, the contractor shall resume works immediately.

As for the emergency construction of Enziu Bridge and its approach roads, the amount certified for payment is Ksh97,955,692.21, which is 16.92 per cent of the contract sum of Ksh578,951,128. As of 14th April 2023, the contractor was yet to be paid a total sum of Ksh23 million. The Ministry, through KeRRA, has made a provision of Ksh92 million in the Budget for Financial Year 2022/2023 for the project. Once there is Exchequer release of funds and payment is made, the contractor shall resume works immediately. The two contracts do not have any provisions for Corporate Social Responsibility (CSR) and the contractors have not indicated any desire to do the same.

Hon. Speaker, I will move on to Question 79 of 2023 by Hon. Charles Ngusya, otherwise known as CNN, of Mwingi West. The outstanding works for the section of the Kibwezi – Kitui–Kabati–Migwani–Mbondoni Road was as a result of variation to the scope of works under Addendum No.3, at a cost of Ksh3,141,024,203.86, and it is to be funded by the Government of Kenya. The scope of the works is summarized as follows:

1. Migwani-Mbondoni section to Junction with A3 is 20.9 kilometres.
2. Main road to Ndolo's Corner Road, Tulia Town and Migwani Town Roads

is 12.87 kilometres.

The 10 kilometres from Migwani Town to Tulia Town have been completed, including some town roads. Therefore, the percentage of physical works completed for this additional section is 29.6 per cent, bringing the total completion of the entire project to 90.5 per cent. The project end of Defect Notification Period (DNP) is on 4th October 2023. However, the contractor has suspended works due to delayed payment of certificates amounting to Ksh1,155,896,907 and delayed land acquisition. The two factors are likely to affect the contract period. However, the Government has provided Ksh150 million in the Financial Year 2023/2024 for resumption of works.

Hon. Speaker, I now move to Question No.80 of 2023 asked by the Member for Suna West, Hon. Peter Masara on the construction of the bridge. From our perspective, the road and bridge go together and I will respond as follows. The Kokendi-Arombe Bridge was procured by KeRRA as construction of Munyu Bridge and its approach road on Kokendi-Arombe Road. The contractor slowed down the rate of works due to financial constraints attributed to delayed payments of pending Interim Payment Certificate (IPC), which affected their cash flow. To date, the amount certified for payment is Ksh12,462,881.87, which is 62% of the contract sum of Ksh31,140,484.20, and as of 14th April, 2023, the contractor was yet to be paid a total sum of Ksh4,962,881.87. Before the slowing down of the rate of works, the contractor had completed the major works on the structure including the flanges, the top and bottom slabs and the deck before running into cash flow constraints.

The contract was awarded to M/s Regional Cosmaintor Limited on 9th July 2019 at a contract sum of Ksh31,140,484.20. The works commenced on 7th November, 2019 and were scheduled to be completed in 12 months up to 7th November, 2020 with defects liability period of 12 months. To date, 41 months have elapsed against an overall progress of approximately 55.75 per cent; that being 314 per cent of the contract period and the amount certified for payment is Ksh12,462,881.81. Having completed major works on the structure, the contractor has been instructed to prioritise the back filling and construction of the approach roads to Arombe Dispensary to allow public use, especially during the heavy rains. The Ministry through, KeRRA has also prioritised to provide budgetary provision to the project in the Supplementary Budget for the Financial Year 2022/2023.

I left the Express Way Question. There is Question 82 of 2023 that I need to respond to in relation to Masara-Sori-Agolo-Muok Road in Nyatike Constituency. I wish to respond as follows. The contract for the upgrading to bitumen standard and performance-based routine maintenance of Masara-Sori Road was awarded to M/S. Ceabud Engineering Services Ltd, on 6th November, 2018 at a contract sum of Ksh1,521,882,807.50. The works commenced on 3rd January, 2019 and were scheduled to be completed in 30 months up to 3rd July, 2021, with a defects liability period of 12 months and a maintenance period of 36 months. To date, 51 months have elapsed being 170.0 per cent of contract period against an overall progress of approximately 83.88 per cent with 28.98 kilometres of blacktop achieved out of the total scope of 41 kilometres. Of the 28.98 kilometres blacktop achieved by the contractor, works totalling 20.5 kilometres were successfully taken over by the employer (KeRRA) and are currently under the Performance Based Routine Maintenance Contract.

Currently, the contractor is owed Ksh286,844,972.06 *in lieu* of works done and they slowed down the rate of works on site effective December, 2021. The contractor slowed down the rate of works on site and is currently operating at 5 per cent of the initial work programme due to financial constraints attributed to delayed payments of pending IPCs, which affected the cash flow. To date, the amount certified for payment is Ksh936,564,590.59; this being 62 per cent of the contract sum of Ksh1,521,882,807.50 and as of 14th April, 2023, the contractor was yet to be paid a total of Ksh286,844,972.06 for IPC 8, 9, 10, 12, 13 and 14.

Further, the road section within Lwanda-Konyango area traverses a swampy section which floods during heavy rains. The road has been substantially raised and provided with several cross culverts to vent the water flow. However, the contractor could not complete the backfilling of the culverts, which was to be done in rock fill due to cash crunch. The contractor has been instructed to prioritise those works to enable the public to use the raised road section during flooding season pending the completion of the works.

The Ministry, through KeRRA, has provided Ksh141,525,000.00 in the Supplementary Budget for the Financial Year 2022/2023 for the project and once there is an Exchequer release of funds and payment is made, the contractor shall resume works immediately. Given the financial constraints experienced by the contractor due to delayed payments, they applied for Extension of Time (EOT) of 582 days which is so far under evaluation.

Lastly on that matter, is the Question by Hon. Gideon Mulyungi of Mwingi Central on the Mwingi-Slaughter House Road. The construction of Mwingi-Slaughter House Road was done as part of the project for the construction of upgrading to bitumen standards of 3.7 kilometres...

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, you stopped me before I asked that Question. So, the Cabinet Secretary is answering before asking. For purposes of the HANSARD...

Hon. Speaker: Question No.083 on Mwingi Slaughter House Road. That is the one he was answering?

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes, Thank you. I have seen it. It is Question No. 81 of 2023.

Hon. Speaker: He was answering Question No. 83.

Hon. Gideon Mulyungi (Mwingi Central, WDM): No, he has answered that one.

Hon. Speaker: Okay.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes. Provide a status report on the use of Nairobi Expressway since its inauguration. That is what he was answering.

Hon. Speaker: Just hold on. He had not reached there. He was answering your Question 083 on Mwingi-Slaughter House Road.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Which he has answered.

Hon. Speaker: He was answering.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Okay. Let him proceed.

Hon. Speaker: If you are so far satisfied with the answer, I can stop him there.

The Cabinet Secretary for Roads, Transport and Public Works (Hon. Kipchumba Murkomen): Hon. Speaker, I have not answered the Question. It would be good for good record to proceed and respond to the Question by the Hon. Member. I sympathise with the situation because I think there was an earlier Question that perhaps he did not really ask for the HANSARD, but I have already answered.

Hon. Speaker: Go on and answer Question No. 83.

The Cabinet Secretary for Roads, Transport and Public Works (Hon. Kipchumba Murkomen): Hon. Speaker, I will proceed with Question No. 83

The construction of Mwingi-Slaughter House Road was done as part of the project for the construction of upgrading to bitumen standards of 3.7 kilometres KCB-Slaughter House Road in Mwingi, Kitui County, whose employer was the Department of Slum Upgrading under the State Department of Housing and Urban Development. I wish to state that, the Kenya Urban Roads Authority (KURA) was only called upon to provide project oversight role. The Project had 2 lots, that is lot 1 and 2. The Project contract sum was Ksh137,707,776.00 which covered 3.7 kilometers as indicated in the table below.

S/NO	ROAD NAME	LENGTH(Km)	CONTRACT AMOUNT (Ksh)
1	Mwingi - Slaughter House Road	0.7	30,699,400.00
2	Mwingi-MTC-Nzeluni-Miambabi Road	3.0	107,008,376.00
	Total	3.7	137,707,776.00

The contract period was 12 months that ran from 29th June 2020 to 29th June 2021. It has since been completed, wound up and contractor demobilised.

Regarding the delays, the initial project had several challenges. There was the provision of relocation of services, as well as provisions in the quantities of access culverts. I must admit that there were disruptions in water supplies and street lighting due to the damaging of the infrastructure during construction. This is a common occurrence in the road construction projects. However, the contractor did everything possible to restore the water supplies and the street lighting within the given time.

He also installed several access culverts to the affected households. The provision of access culverts may not have been adequate. To this end, KURA is looking for funds to address the inadequacies. The key issue about this Question is to note that the specifications of the infrastructure were not done the way the Ministry of Roads, Transport and Public Works does because it was a project under State Department of Housing and Urban Development. Therefore, to address the remaining inadequacies, once KURA gets funds, they will continue from where this contractor left. However, we can confirm that he completed his work.

I suppose, in a combined way, I have answered all the stalled project questions. I thank you, Hon. Speaker.

Hon. Speaker: Hon. Mulyungi, hold your horses on the Nairobi Expressway. I have a few requests on stalled projects. Member for Kanduyi.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Speaker for giving me the opportunity to ask a supplementary question. Firstly, I thank the Cabinet Secretary for appearing before the House.

Could the Cabinet Secretary confirm that the Kakamega–Navakholo–Dorofu-Sang’ara-Musikoma Road falls among the stalled road projects? Could he indicate to this House and the great people of Kanduyi, who the contractor is, what the contractual sum is, and how much money he has been paid?

The contractor has not been on site at all ever since the year 2019. Could he indicate to the House, taking into account the actions he has proposed, if they have engaged the contractor to resume works at the site? If they have engaged him, when can the great people of Kanduyi expect the contractor on site? Two weeks ago, the residents were planting bananas on that road. This is a very big embarrassment to our Government.

Hon Speaker: That is enough. Thank you. Member for Dadaab. Hon. Members, the screen is full and has been full since we started. I do not know whether it is full because of the Cabinet Secretary who left or the one who is on the podium. What I will now result to for this round is probably the inconvenience to show your hands, one after the other. I have given a chance to Hon. Farah. When he finishes, we will come to you. Ask one question at a time. The Cabinet Secretary will record the first six questions. We are done with the Member for Kanduyi and now we have the Member for Dadaab.

Hon. Farah Maalim (Dadaab, WDM): Hon. Speaker, the Cabinet Secretary has said that there would be no new roads that would be constructed. We border five countries. That is Tanzania, Uganda, South Sudan, Ethiopia and Somalia. The former North Eastern Province is the only one that does not have a tarmac road that moves from Nairobi all the way to the border places. In view of the fact that we have a lot of insecurity, our boys in uniform are being blown up on the Garissa–Liboi–Hulugho–Mandera Road. Could he use this now as a conduit or security road and promise this House that the infrastructure in that region to our neighbouring Somalia will be taken care of as a security measure?

Hon. Speaker: Thank you. Member for Nyatike.

Hon. Tom Odege (Nyatike, ODM): Thank you, Hon. Speaker. I have two questions.

Hon. Speaker: Ask only one question.

Hon. Tom Odege (Nyatike, ODM): I am standing in for Hon. Masara.

Hon. Speaker: Just ask one question.

Hon. Tom Odege (Nyatike, ODM): Okay. Let me concentrate on the road in Nyatike, that is, the Masara–Sori–Agolo–Muok Road. If you look at the Order Paper, you will find that there was a mix-up. When I presented myself before the Committee after I was given notice to go there, we handled issues to do with Masara–Muhoro Road. However, the Cabinet Secretary has adequately answered my question on Masara–Sori–Agolo–Muok Road, which I appreciate. The only concern is that there is a lot of rain currently. As we are talking now, the drainage is complete in the area you have mentioned between Nyakweri and Lwanda Konyango. However, the backfilling has not been done. So, the road is not in use. As much as the debt burden is there, can we have a quick fix so that the road can be motorable for our people to use all through to Migori?

Thank you very much.

Hon. Speaker: Thank you, Hon. Member. Member for Taita Taveta County, ask one question only.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Hon. Speaker. The Cabinet Secretary has mentioned several roads which have stalled. There is one, Njukini–Rombo–Illasit–Bura–Mghange–Mbale–Mto–Mwagodi Road, which stalled. Could the Cabinet Secretary tell us the status of those roads? What plan does the Government have for them and are they stalled or not? Which plan do they have for them?

Thank you.

Hon. Speaker: Hon. Saney.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Speaker. My question is on emergencies we are facing right now following the flooding in Wajir North Constituency. It is cut-off from the entire country. It is not accessible. What is the Cabinet Secretary doing on Buna Bridge which has always been a perennial problem since Independence? It cuts off Wajir North from the rest of the country. There is also Hote–Watiti Bridge which has never been constructed. It recently washed away the Modogashe tarmac which was newly built. What are his plans to make sure that those roads and bridges are completed to make sure that the citizens get services following the severe drought? They are in another tragedy of flooding now.

Hon. Speaker: Hon. Ngogoyo.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you, Hon. Speaker. I appreciate the answers that the Cabinet Secretary, who is also my namesake, has given. Onesmus is a very important name. He is Onesmus Murkomen and I am Onesmus Ngogoyo. It is good for me to mention because I could be a Cabinet Secretary one day.

Hon. Speaker: That is totally unlawful.

(Laughter)

Hon. Onesmus Ngogoyo (Kajiado North, UDA): I ask the Cabinet Secretary to apprise this House on the specific measures that he has taken in relation to the road carnage in this country. There are accidents that we have seen of students from Pwani University, Wundanyi, and Naivasha. Are they related to the incomplete projects that are in this country?

The gracious lady has asked about the safety of road users along Mombasa Road. There are serious issues in Ngong and Kiserian, where I am the Member of Parliament. The people who are dying out of accidents right now can be more than the ones who died of the COVID-19 disease. For sure, there is a serious issue on our roads. There is a time the National Transport and Safety Authority (NTSA) was doing something. What is the Cabinet Secretary and Ministry doing about the deaths on our roads? Does he have any Cabinet memo that he has presented? What is he doing about it? Are the incomplete projects related to the accidents that are happening? I would like to hear that from the Cabinet Secretary.

Hon. Speaker: Cabinet Secretary, I will take two more questions and then you will answer. Hon. Member, kindly say your name. I am unable to see you clearly. Kindly, give him the microphone.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Speaker.

My name is Hon. Parashina Sakimba, Member of Parliament for Kajiado South Constituency.

(Hon. Bisau Kakai rose on his seat)

Hon. Speaker: Sorry, Member for Kiminini, your position has been hijacked by your colleague.

Hon. Parashina Sakimba (Kajiado South, ODM): Hon. Speaker, I would like to ask the CS a question which has partly been asked by the Women Representative of Taita Taveta County on the issue of the Ilasit-Taveta Road, which falls under the emergency and security roads because it is located between the Kenyan and Tanzanian border. When you talk about the economy, the road is between the Amboseli Game Reserve and Tsavo National Park, and it also helps in the supply of agricultural products. When they are going to make decisions on which roads need to be done first... This Road has been pending for many years. I want to ask the CS the measures that they have put in place to ensure that a road that serves the economic purpose of this country and which has been neglected even when the money was there, is going to be done. The same road is, in fact, causing accidents.

Hon. Speaker: Enough, Member. Last on this, I will give the gracious lady from Nandi County a chance.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Speaker. All the roads in this country, as has been stated clearly, are in a sorry state in regard to stalling. Could the Cabinet Secretary be gracious enough to provide this House with a comprehensive list of all the roads in this country, when they were first tendered, what their status right now is, and the way forward as regards to the same so that we stop going back and forth? Could we have a comprehensive list of all the roads in this country?

Thank you.

Hon. Speaker: *Mwisho*, Hon. Martin Pepela, then we let the Cabinet Secretary answer those ten questions. Members, we will do another round. Just be patient.

Hon. Martin Wanyonyi (Webuye, East FORD-K): Thank you, Hon. Speaker. Could the Cabinet Secretary tell this House and the people for Webuye East, how come the Misikhu-Naitiri-Lugulu-Makuselwa Road has not been done even after the Ministry paid the contractor an advance payment of about Ksh150 million? The contractor has not even done ten per cent of the road, which is, approximately, four kilometres.

Secondly, how come the contractor has not even maintained the road as stipulated within the contract ahead of works?

Hon. Speaker: One question at a time.

Hon. Martin Wanyonyi (Webuye, East FORD–K): Finally, what undertaking is the Ministry giving the people of Webuye East that the road will be completed within the expected period?

Thank you.

Hon. Speaker: Hon. CS, you have those ten questions to answer.

The Cabinet Secretary for Roads, Transport and Public Works (Hon. Kipchumba Murkomen): Hon. Speaker, if you allow me, I will start with the question asked by Hon. Cynthia Muge about what we are doing concerning the roads. This will help in answering all the questions that have been asked. As I had already said, I think I should table the list officially in the House. Once I do that, in the subsequent conversations in the near future, Members will have a reference point of all the contracts in the entire 800 projects. From there, if Hon. Members want to consult with the agency or the Ministry, we are available.

Two, I have established a procedure of consultation with all leaders. So far, we have had a meeting with eleven counties, the latest being Turkana County this morning. As a result of those meetings with Tharaka Nithi, Kisii, Baringo, Turkana, among others, it has become easier for Members to make certain suggestions during the meeting and it has been more helpful where you have a meeting with the county governor present. This is because then we deal with the issue of duplication of roads and allocation of resources.

Again, Hon. Speaker, as I have said, my office is open. We have had meetings with 11 counties. I will intensify the consultations. I think Kajiado is the next county and we will make sure that we do all the remaining 36 counties in the next three months. Our meetings start at 7.30 a.m. and by 9.00 p.m. we are done so that Hon. Members and the deputy governors are able to go back to their offices. All these questions and clarifications, once they are asked, not only do they help us in doing our job, but also help Members of Parliament to do their oversight work.

Having said that, Hon. Speaker, now I go to the specific questions asked, for example the Navakholo Road asked by the Member for Kanduyi. That road remained stalled from 2017/2018. I remember a little bit because some of the Members had come to my office. It stalled not because of money. At that time, we had resources. It was as a result of the contractor. We have decided to terminate the contract but by mutual consent with the contractor, and we are in the process of getting another contractor who is more effective. The process is ongoing and soon we are putting in place measures to ensure that we have resources and that the contract continues. It will be prioritised considering the length of period that it has taken to be done.

I will answer Hon. Farah's question together with Hon. Saney's on the state of roads in North Eastern as a whole. Indeed, we are unable to do new roads but if you remember in my answer, I put a rider that, 'unless the roads are supported by development partners'. The good news in the northern part of the country is that under this project of Horn of Africa funded by the World Bank and African Development Bank, we will be able to do major projects. In fact, some of the major projects that are going to happen in the next three or four years are all in the North and they are all new projects. This is going to change the situation in the northern part of the country. We are not only going to doing the main tarmac roads, but we are also going to ensure that all those roads provide spur roads to access all the centres and schools. That should facilitate access to urban areas.

Two, all those roads have Information and Communication Technologies (ICT) connectivity.

(The Principal Secretaries, Roads and

Transport spoke off the record)

Yes, the fibre optic cable. Thanks to the Principal Secretaries for reminding me that. The fibre optic cable is going to be laid along all the roads. The northern part has been marginalised for a long time, but might quickly become the part of our country with more ICT connectivity, thanks to this project. Going forward, all those projects are going to be accommodated.

I want to assure Hon. Farah that his concerns are going to be taken care of. We know that there is a road that is supposed to be done together with the highway from Lamu to Garissa, a connection to the Somali boarder to support security. You know that we have had issues in the recent past of a few acts of resistance by elements that do not support development, and want to scare our contractors. But we have been working with the Minister for Interior and National Administration and the Ministry of Defence to ensure that it is delivered and done on time. It will change the North to become the land of opportunity.

On the question of Masara Road, I think the Hon. Member knows that we have made a comprehensive answer and it is on the HANSARD. I do not want to repeat myself. The only thing I want to assure him is that we are looking for ways to ensure it is motorable during this rainy season.

On the question about Ilasit Road that has been asked by Hon. Haika and Hon. Parashina of Kajiado South, it is part of the few roads identified for annuity projects. It is part of lot 32 of the annuity programme. It is a very important project for us. It could have been completed many years ago, but you know the negotiation on annuity projects takes long. In the Ministry, the reports we have done show if we are going to deliver this road under annuity project, it is going to be very expensive. We are going to use up to Ksh23 billion for the period we are going to maintain that road.

We are thinking of a 67-kilometre long road. It may not be viable to spend that amount of money and yet, in the Engineering, Procurement and Construction (EPC) contract, we can spend about Ksh5 billion to 6 billion. We are in negotiation with the contractor because he spent money to prepare for this annuity project. We are having consultations as a Ministry to request them to find a way in keeping with our procurement laws of turning the contract to be an EPC one. So, he can save something from the resources he has spent in structuring this annuity project but, at the same time, deliver the project under an EPC contract. I have also had consultations with leaders. Soon, when I meet the team from Kajiado and Taita Taveta, we will have an answer on the progress.

Allow me to skip the question by my namesake, Hon. Ngogoyo of Kajiado North. So, I can conclude with it. On the question by Hon. Pepela on the Misikhu Road, it falls within the same rubric of roads that are suffering because of finances. We are going to make sure we prioritise it. In fact, in the second week of next month, I invite the Hon. Member and the team from Bungoma to come for a meeting after the Kajiado team. We will have a comprehensive conversation on all the roads and their status. The good thing with the meetings we have is that all agencies are there and solutions to these problems are discussed collectively. Both county governments, national Government and also Hon. Members should be present. I will extend this to Hon. Pepela and his team from Bungoma for a conversation on the same.

Hon. Speaker, with your indulgence, my friend, Hon. Ngogoyo has asked a very serious question on road safety, and you know this is very dear. In fact, I came here with a very heavy heart because I have held meetings with NTSA and other Ministry officials. Before I came, I issued instructions to NTSA as measures to be put in place. Perhaps, this will help. With your permission, if you can allow me three minutes, I will read a few of them for the record of the House and country.

I acknowledge what my colleague has said. Indeed, it is very painful to imagine children who were going home could not reach because of an accident. That incident is extremely unfortunate because the driver of the vehicle was outrightly overtaking at a place where other vehicles had queued, in the Delamere area. As you know, he was trying to get to the junction between Mai Mahiu and Kinungi Road by force, then he met with the lorry head on and we lost our dear children. I feel pained as the Cabinet Secretary in-charge of this sector. Sometimes, I wish I would find that driver and do something to him. That is the truth.

The problem is that as a Cabinet Secretary in this sector, you also have to carry the burden of bad manners and bad behaviour by individuals who cause havoc on our roads. Be that as it may, I take responsibility because this job is in my docket. I must continue doing everything humanly possible to provide leadership.

Hon. Speaker, as a result, I have directed NTSA to do the following:

1. That, school transportation shall not be allowed to operate between 10 p.m. and 5 a.m. in line with Traffic Amendment Act 2017, effective immediately.
2. All school children must be allocated seats with functional seatbelts put on at all times. We should not ignore and say you are small bodied; you can be carried or squeezed in a *matatu*.
3. School vans, buses and *matatus* that are road unworthy must be removed from the roads with immediate effect.
4. In the meantime, in the implementation of the Intelligent Road Safety Management System, all heavy commercial operators must ensure vehicles with tare weight of 3,049 kilograms and above are fitted with speed limits effective immediately.
5. In compliance with traffic Standards 2295 of 2018, all the 57 licensed speed limiter vendors must install approved gadgets that will limit speed, record speed data after every five seconds, transmit data to both the NTSA and vendor servers and report violations real time.
6. To ensure all public service vehicles operate with functional speed limiters, a multi-agency clinic shall be formed to verify and validate all speed limits from 25th April 2023 to the 31st May 2023. All stakeholders, including public transport operators, speed limit vendors and the National Police Service, will be incorporated into this multi-agency exercise.
7. On black spot management, I wish to directed that KeNHA, KURA and NTSA to work expeditiously to complete the ongoing road safety audit on all black spots and ensure safety interventions, including installation of signage, reflectors and street lighting within the next 30 days.
8. Additionally, all infrastructure around schools should be audited and declared school zones with necessary road furniture for the safety of our school children within the next six months.

I have further instructed the road agencies to ensure cameras have been installed in all black spots. The first phase to be completed within the next four months. Section 36 Cap 403 of the Traffic Act provides that a driver of a public service vehicle or a commercial vehicle shall be required to undergo, every three years, a driving test under Section 39 successfully as a condition for each renewal of license.

Further Section 105A (1) of Traffic Act provides that a driver of a public service vehicle or a commercial vehicle shall after every three years from the date of issue of driving license, pursuant to Section 30 of the renewal of license, whichever is the case, undergo - underline - a physical fitness test, including an eye and hearing test by a qualified medical practitioner. Consequently, I have directed that from 1st June 2023 all Public Service Vehicle (PSV) and

commercial vehicle drivers upon expiry of their licenses, will be subjected to a mandatory driver retest before renewal of driving license.

From 1st July 2023, all PSV drivers and commercial vehicles drivers will be subjected to a mandatory medical fitness test by a qualified medical practitioner before renewal of their driving licenses. Additionally, all driver trainees will be expected to provide a medical certificate before administration of the NTSA driver test.

On the enforcement of proliferation of substandard products in automotive industry, it has been noted from the crash investigations that most of the crashes are caused by tyre burst and brake failure while on high speed. Others are caused by crashing into vehicles mounted with substandard heat reflective strips thus affecting visibility of the road.

To address this, I have directed the NTSA to form a multi-agency enforcement team bringing together Anti-Counterfeit Agency, Kenya Bureau of Standards and National Police Service to weed out distributors and suppliers of substandard products and spare parts. In compliance with Standard 3372 of 2019, a passenger vehicle being constructed, I direct immediate enforcement of anti-rolling bars, installation of seat belts and proper anchorage of seats on all PSVs. This includes the *matatus*, omnibuses, and buses. Additionally, I have tasked the NTSA, through the Motor Vehicle Inspection Unit, to validate and take necessary action against non-compliant vehicles.

Hon. Speaker, the 11th measure is to support a post-crash management and implementation of Regulation 11(g) of the PSV Regulation 2014. All long distance PSVs are directed to subscribe to an accident and emergency system with immediate effect. In addition to this, vehicles are required to prominently display the details of subscription as public information and for passengers' reference.

I have also instructed the NTSA to submit a list of non-compliant PSVs and heavy commercial vehicles to the Insurance Regulatory Authority (IRA) for assessment of the insurance policies within the next seven days. In the long-term, for effective implementation of the same, I further direct NTSA to work on finalising system integration between them and the insurance sector for a real time data sharing to assist with compliance and enforcement.

I also direct all motor vehicle owners with expired inspection certificates to present their vehicles to the nearest NTSA for fresh assessment of their road worthiness within the next 30 days.

In conclusion, I assure Kenyans of the Ministry's commitment to implement regulations, policies and laws. We will also enhance behavioural change through training and sensitisation to reduce road carnage, non-safety and security on our roads, so as to save the lives of our road users.

We shall work closely with the Ministry of Interior and National Administration and other related ministries and State agencies to ensure that these directives are adhered to. I have also instructed the NTSA to intensify the *Usalama Barabarani* campaign. This is an education awareness programme across the country in a bid to change the attitude and behaviour of all road users. I also call upon leaders, including Members in this Chamber, my Cabinet colleagues, Governors, State agencies, religious leaders, the media fraternity and all stakeholders in the transport sector, to support these initiatives and reverberate this clarion call at all levels.

I urge the public to take personal responsibility for their safety by putting on seat belts when in vehicles, wearing helmets when riding a *boda boda*, crossing the road at the designated point, reporting drunk drivers, and refusing to board vehicles driven by drunk drivers. They should also refuse to board unroadworthy vehicles, and stopping and alighting from speeding vehicles. *Usalama barabarani ni jukumu letu sisi sote*. Help us restore sanity on our roads by reporting incidences of traffic violation through the National Police Hotline, 911.

[The Hon. Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

Those are the measures that we have put in place. I appreciate the opportunity granted. By coincidence, I had this document that I have just issued now, and I appreciate that I was able to make this very important statement related to our roads on the Floor of this very important august House.

Of consequence, I promised this House during vetting that we shall make sure that road and traffic enforcements take advantage of technology. We are doing everything possible with the road agencies and NTSA to ensure that cameras are installed. We will start with the Northern Corridor; Mombasa-Malaba, and also within our cities to ensure that we catch all those culprits. We are starting in the next two to three months with a number of black spots that have been identified.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Member for Taita Taveta County, Hon. Haika Mizighi.

(Loud consultations)

Hon. Members, she is doing a follow up question. After that, we still have an opportunity for 10 others. That is the instruction I have here that she has a follow up question.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Cabinet Secretary for the answer on the Taveta-Ilasit Road. I also have a reminder on the Bura-Mghange-Wundanyi-Mto Mwangodi Road. If you can, please, shed some light on that one.

Hon. Deputy Speaker: *Waziri*, I think you will wait for the next round of questions. I will just go by the list here.

(Several Members spoke off the record)

The problem is that I cannot be able to see all your faces from this far. Order, Hon. Members. Order, Member for Rangwe, Hon. Lilian Gogo. Hon. Karemba.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Deputy Speaker.

As I ask this question, I would like to thank the Cabinet Secretary because the contractor, who had deserted works at the Kieni-Karurumo Road in my constituency, is back. He has mobilised people and today I received some good news that he has embarked on the tarmacking of that road. Hon. Cabinet Secretary, please, receive my appreciation

Cabinet Secretary, I would like to ask you this because you have said that it is the citizens' responsibility to ensure road safety. I am a frequent traveller on the Embu-Meru-Nairobi Road and I have noted that the police officers manning the roads are very busy people. They are not busy manning the roads, but collecting money from road users, *matatu* drivers and *boda boda* operators. As you tell the citizens that it is their responsibility to ensure road safety by reporting to the police, I would wish that you also issue a statement to remove from the roads those police officers whose responsibility is to collect money from *matatu* drivers and harassing *boda boda* operators. What are you doing about that because that is partly the cause of the menace that we have on our roads in this country?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Wundanyi.

Hon. Danson Mwashako (Wundanyi, WDM): Ahsante sana, Mhe. Naibu Spika.

Ningependa kusema jambo fupi sana. Namshukuru Waziri kwa sababu ameelekeza mambo mazuri sana ya kupigana na utovu wa nidhamu barabarani. Ningependa kusema hivi: Juzi, kumekuwa na ajali mbaya sana kule kwangu Wundanyi ambapo tulipoteza watu 13. Sehemu ile inafahamika kama *black spot*. Kulijengwa ukuta wa takriban mita moja ili magari yanaposhuka kwa maana ni mteremko, yakigonga, yasiviringe. Ningependa kuomba kwamba katika sehemu ile ukuta mkubwa ujengwe ili gari ikigonga, isiviringe. Pili, sehemu ile ni hatari sana ndiyo sababu tulikuwa tunasema...

(Hon. Richard Yegon spoke off the record)

Hon. Deputy Speaker: Hon. Member, I have not given you the microphone. Hon. Mwashako, complete your question.

Hon. Danson Mwashako (Wundanyi, WDM): Waziri, ninaomba tujengewe ukuta. Halafu, pesa ambazo zilikuwa zimetengwa kwa ajili ya kujenga barabara ya Mto Mwagodi-Mbale ambayo Mhe. Haika ameitaja, zitumike kuimaliza. Kama barabara hii ingekuwa inapitisha magari, basi watu hawangetumia barabara ya muinuko ambayo iko na *black spot*.

Kwa hivyo, ombi langu kwa Waziri nikuwa ninajua pesa ziliwekwa kwa *Supplementary Budget*. Ikiwezekana, ninaomba ifanyike kwa haraka ili watu wasiendelee kupoteza maisha yao mahali pale.

Pili, sasa hivi, mvua imenyeshwa mpaka barabara hazipitiki. Ninaomba kuwa hata kama *contractor* hatakuwa amerudi barabarani, tutafute njia yakuhakikisha kuwa barabara ya Mto Mwagodi–Msau–Mbale–Wundanyi–Bura inapitika kwa sasa ili watu wasiendelee kupoteza maisha yao pale Josa.

Ahsante, Mhe. Naibu Spika.

Hon. Deputy Speaker: Hon. Bisau Kakai, I know you do not have your microphone.

Hon. Bisau Kakai (Kiminini, DAP-K): Thank you, Hon. Deputy Speaker, for giving me this opportunity. The Cabinet Secretary has articulated the issue of the financial constraints for the country, which we can see and feel. I would like him to assure this House that, as they start new projects, he will ensure that there is fair distribution. As my Trans-Nzoia County mate by extension, he has seen the skewed distribution of projects. For example, the only road that passes through Kiminini is the Eldoret Highway via Moi's Bridge, which is very narrow and has frequent accidents. The second one is the Bungoma–Webuye–Kiminini–Trans-Nzoia Road. The same also applies to Endebess Constituency where we only have the Highway that crosses over to Uganda. I would like him to assure us that, as they start new projects, he will prioritise marginalised areas and ensure fair distribution.

Lastly, as they do those projects, assure us that it will not just be construction of roads, but that they will also ensure that they come up with infrastructure that fits the current realities. Today, there is human and motorcycle competition, as well as vehicles on our roads. For populated areas that rely on motorcycle transportation, a more aggressive and proactive initiative may be needed, even the possibility of having special lanes for motorcycles. There is a motorcycle menace in our country. We even recently buried our own Member of Parliament because of that menace. Even as we construct that infrastructure, we need to be more creative and try to address the current reality.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Naivasha, Hon. Jayne Kihara.

Hon. Jayne Kihara (Naivasha, UDA): Thank you, Hon. Deputy Speaker. Before I ask my question, I would like to tell the Cabinet Secretary how important it is to dual the Rironi – Mau Summit Road. All the deaths that have been occurring on that road happen between that area and Naivasha.

I wanted to ask the Cabinet Secretary about the criterion used to classify a road as a security road. This is because in the last regime, I went to the Principal Secretary for Interior and National Administration to indicate that the road linking Nakuru and Narok via Maela–Kongoni–Naivasha Road was important. When there are demonstrations on Narok Road, which occur quite often when drivers kill Maasai cows or sand harvesters, things become very ugly and, sometimes, tourists are even blocked and get late for their flights in Nairobi while coming from the Maasai Mara National Reserve. The road linking Narok and Nakuru counties via Naivasha is very important. I would like to ask the Cabinet Secretary to classify it as a security road because it is such. He also came to campaign in Naivasha with the President. They came twice and they promised to get that road done. So, as we classify security roads, it is very important that, that road is put on the list.

Hon. Deputy Speaker: The Nominated Member, Hon. Jackson Kosgei. Hon. Bishop Kosgei.

Hon. (Dr.) Jackson Kosgei (Nominated, UDA): Thank you, Hon. Deputy Speaker. I would like to ask the Cabinet Secretary two questions. First, what is the Ministry doing to ensure that when we build new roads, especially in urban areas, they are accessible to persons with disabilities and are also accessible during emergencies?

Secondly, we have witnessed that in our port of entry – and I wish to single out the major one, namely, the Jomo Kenyatta International Airport – if you are coming home as a person with disabilities, you have to disembark and go round to where the planes are, while the engines are running, and enter the port of entry through the cargo area. What is the Ministry doing to make sure that it is possible for persons with disabilities to access our major airports and airstrips, where we only need a portable ramp? People with disabilities are subjected to many difficulties as they access the same.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, I will allow Hon. Gideon Mulyungi, Member for Mwingi Central, to ask his last Question. After that, all of you will have an opportunity to ask follow-up questions because I know they are all similar. We have plenty of time.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Deputy Speaker. I wanted to seek some further clarifications. I wanted to find out whether the Cabinet Secretary will allocate an adequate budget for the Nguni–Nuu Road because if you pay the Ksh72 million, which you have allocated in this financial year, and the pending bill is Ksh175 billion, the contractor will definitely not go back to the site. Therefore, I need that clarification.

Secondly, there are heaps of murrum which were left on the road and a one-way site road provided. Because of that, there have been many accidents and we have lost many people. We need that intervention, so that the road becomes passable and we do not continue losing lives because of a stalled project and negligence by the contractor.

The Kalisasi–Mumbuni Road does not terminate at Mumbuni Shopping Centre. The terminus is at Musukini, so you can make that correction. Musukini is one kilometre away while Mumbuni is five kilometres away. My wish is for the road to reach Mumbuni. You also need to clarify that because the funds to construct the road up to Musukini Shopping Centre were removed through the Supplementary Budget. Therefore, the road ended in the bush instead of going to the shopping centre. I want to find out whether you will reinstate that budget-cut to enable the road to reach Musukini Shopping Centre.

The other one is the Mwingi–Slaughter House Road. There is no road called Mwingi MTC–Nzeluni–Miambani Road. Miambani goes to Kitui Town, which is about 50 kilometres away, but this road was only 3.7 kilometres long. If you can get the road to that distance of 50 kilometres, it will be better for me and the people of Mwingi Central. The contractor only did the bitumen and left out services like water, reinstatement of pipes and street lighting. Culverts

were poorly done because there was no drainage system. So, the culverts are above the tarmac level.

Hon. Deputy Speaker, I will now go to my last question on the Nairobi Expressway. Could the Cabinet Secretary provide a status report on the use of the Nairobi Expressway since its inauguration and how it has improved traffic congestion in the City? Secondly, can he state whether the Ministry intends to improve the main Mombasa Road that was affected by the construction of the Expressway, including providing the necessary drainage infrastructure, road signs, and bus stops which are currently lacking? Thirdly, can he explain why there are no entry and exit points on the Nairobi Expressway to and from the City centre, in particular Haile Selassie and Kenyatta Avenues? If you are coming from Mombasa Road into the City Centre, you have to go all the way to Museum Roundabout to come back into the City centre. Could he clarify whether this was a strategic or an erroneous omission and if so, when the Ministry will rectify this glaring omission.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you Hon. Member. I will now allow the Member of Parliament for Mwingi West, Hon. Charles Ngusya. I think it is just a part of your question that was remaining. Thereafter, we will allow the Cabinet Secretary to answer the questions and the follow up questions can ensue.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon Deputy Speaker. I appreciate the answer that has been given by our young and able Cabinet Secretary for Roads, Transport and Public Works. I also appreciate what he has done so far. My question is this: The road is not upgraded to bitumen standards and is not motorable. Could the Cabinet Secretary...

Hon. Deputy Speaker: Which road are you referring to? Can you specify the road?

Hon. Charles Nguna (Mwingi West, WDM): The Kibwezi–Kitui-Kabati-Migwani-Bondoni Road is not motorable. Can the Cabinet Secretary provide a short-term solution?

Hon. Deputy Speaker: Thank you. Hon. Cabinet Secretary, if you could answer those questions Hon. Members will have a chance to ask follow up questions.

The Cabinet Secretary for Roads, Transport and Public Works (Hon. Kipchumba Murkomen): Thank you, Hon. Deputy Speaker. I know a number of questions are almost related. A generic answer would have been: 'When the money is available'. First, let me delve into the main question on the Expressway by Hon. Mulyungi. The traffic status report of the Expressway since inauguration is indicated below:

The total number of vehicles which have used the Expressway from its inception until the end of March 2023 was 12,491,403. The breakdown is as follows:

1. From May-June 2022, the total traffic volume was 1,257, 019 which is an average of 26,188 per day.
2. From July - September 2022 there was an average of 34,209 vehicles passing through the Expressway, which comes to a total traffic volume of 3,147,206 during that period.
3. From October to December 2022, there was a total of 3,974,821 vehicles using the Expressway, which is an average of 43, 205 per day.
4. Currently, in the period between January and March, there have been a total of 4,112,357 vehicles passing through the Expressway, giving it an average of 45,000 per day.

There has been a steady increase in the number of vehicles passing through the Expressway and further reports will be given every three months as the vehicles pass through the Expressway.

Currently, we are in the process of reviewing a decision made by my predecessor to exclude Public Service Vehicles (PSV) vehicles passing through the Expressway. At that point

in time, they had caused a number of accidents due to over-speeding but, since measures have been put in place, we are reviewing the request that has come to my office to allow PSVs to pass through the Expressway.

To answer the question related to A8 Road, the road below the Expressway, the Ministry, through the KeNHA, has procured for works on Mombasa Road, Athi River interchange and James Gichuru as follows:

1. Periodic maintenance of Nairobi Southern Bypass Interchange, Ole Sereni, Athi River Interchange A8 Road to MS Wolf Paving Works Kenya Limited at a contract sum of Ksh1,867, 823, 673.12.
2. Periodic maintenance of James Gichuru Road in Junction, Nairobi Southern Bypass interchange, Ole Sereni A8 Road to MS Shovels and Trowels Limited at a contract sum of Ksh1,190,271,451.26.

The rehabilitation works are scheduled to commence on 26th April 2023 and they are anticipated to be completed by 25th April 2025.

Hon. Deputy Speaker, I have also attached to my report the exact works that are going to take place on this important road because Kenyans have asked that the hustlers are using the road below while those who are incapable of paying for the Expressway need to be facilitated to use the road like other users who are able to pay to use the Expressway.

I think Hon. Kosgei had asked about what we are doing on this road. We have construction of walkways, 12 bus bays, a new pedestrian underpass at the University of Nairobi student tunnel, a number of box culverts, drainage channels, protection of works and stone pitching near Jomo Kenyatta International Airport, and drainage improvement, which Kenyans who ply Mombasa Road have complained that it becomes like a lake when it rains. This is because some of the areas like Imara Daima are being re-opened and extended to 3.5 kilometres to enable discharge into Ngong River along Outering Road. We also have construction of 21 kilometres of pedestrian walkways and concrete pavements along Mlolongo auxiliary lane. There is comprehensive work to restore the A8 27-kilometre road which will begin on the 26th of April, that is, in a week's time as indicated here. The works were contracted to two different contractors who must be on site.

The Question on the approved design of the Expressway and why it does not have an entry or exit from the City Centre has been repeatedly asked. The approved design for the Expressway included an exit into the CBD at Haile Selassie Roundabout, which could not be constructed at the time because the Government could not avail the land required. There was push back from environmental lobbyists regarding the sitting of the exit tolling station in Uhuru Park. Also, the management of Kenya Railway Golf Club complained regarding sitting of the exit tolling station on the portion of land that is the golf course.

To ensure service levels are maintained as agreed by both parties, the project developer and road operator together with contracting authority, KeNHA), discussed and agreed upon an alternative exit into the CBD. It will be located next to the Green Park Terminus on land acquired from Railway Sports Club. That will allow access to Haile Selassie Avenue and Uhuru Highway. That is the place that has some parking spaces up there. The construction of the CBD exit will take eight months from issuance of approval by the contracting authority. This is expected to be communicated to the project developer by the end of this month.

Hon. Deputy Speaker, the Nairobi Expressway is very important because it decongests the City, thus making it easy for all, including visiting dignitaries, to access the City faster. The second thing about it is that it is a project which is a good model of effective Public-Private Partnership (PPP) in that it removes demand risk for the Government. We are in discussion with the National Treasury so that we can continue this conversation on how to toll more roads across the country. The problem we face now with financing roads would have been mitigated if the third administration had been bold enough to toll the Southern Bypass and Thika Road.

Remember when Thika Road was being constructed, the agreement had been made that it would be tolled. The initial infrastructure for tolling of Thika Road was provided. Since then, political leaders, including all of us in this House, have never been bold enough to toll the roads.

The amount spent in Nairobi alone on dual roads such as Eastern Bypass, Southern Bypass, Western Bypass and Outer Ring Road would have built lots of infrastructure elsewhere in the country. Thus, those who benefit from such infrastructure should contribute to the building of other roads around the country. It is my humble request to this House to work with my Ministry to start a very candid discussion on tolling of the dual carriageways and have alternative passing routes for passengers to enable us to raise funds for further construction of roads and maintenance.

(Applause)

As part of the answer to this Question, I really hope we can be bold enough and work together as Members of Parliament to ensure that we toll those roads. If we had tolled those roads from the beginning, the amount of resources we would be having in the Tolling Fund would be maintaining and constructing more roads. That person in Lokichogio or Loitokitok who is not a beneficiary of the Southern Bypass is asking why he or she is contributing to the payment of taxes for the loans that we took to build those roads and yet, they cannot access their county headquarters at all. The best answer would be to tell that person that the roads that we have constructed in urban areas are being tolled and the money collected goes to the Tolling Fund. It should be the reason we are building for them other roads to access their county headquarters and other services. This is the only strongest justification we can have to make sure that we, as a country, become self-sustaining gradually in terms of managing our roads.

In fact, the challenge of self-sustainability will be higher as we continue rolling out electric vehicles. In the near future, five to eight years - I do not think it will reach 10 years - the number of electric vehicles which will be in this country will be more than those using fossil fuel. At that point in time, we will not have the road maintenance levy fund from the fuel. That is why we must become as innovative as possible.

My Ministry will take this bold step to bring those directives to this House. I hope that we will be supported by Members of Parliament, so that we can raise funds to take care of our roads and build better roads going forward.

I now remember that there were supplementary questions. As I said, most of them are almost generic. However, there is the most important question that has been asked by Hon. Jayne Kihara on the dualling of the Rironi-Mau Summit Road. I believe we will have time to discuss the dualling of Mombasa-Nairobi Road and Rironi-Mau Summit Road when I have another opportunity to come before this House. I want to say something which is important. We are working around the clock to discuss with the prospective PPP investor on the Rironi - Mau Summit Road. Our bone of contention at the moment – and that is why the construction of the road has not begun - is the transfer of traffic risk from the investor to the Government of Kenya. It means that we carry the burden, if we do not meet the volume of vehicles using the road to the level that the investor requires, to repay the loans. The Government of Kenya will have to repay for a long period of time. We calculated the amount. It can even mean that we pay between Ksh15 billion to Ksh30 billion consistently for the next 20 years up to 2050. That will be another additional burden to our already burdened society. We asked the investor to think through a process where this burden will not be borne by the Government of Kenya.

I am praising the Nairobi Expressway because that burden is not carried by Kenyans. If the investor does not achieve the volume of cars required to recoup his investment, we, the people of Kenya, will not fill in the gap. Unfortunately, Rironi-Mau Summit Road requires us

to fill the gap. For that reason, if we eliminate this bone of contention, we will build the road between Rironi and Mau Summit. Thankfully, there are other investors who are already coming in. If the current investor is not ready, they are ready to invest in this road, even if it means to carry the burden of not requiring the Government to guarantee the volume of traffic. This conversation is important because then it means that Kenya is an important destiny when it comes to investors and investments, particularly of PPP nature. We thank our investors in the road sector for making this possible.

There are other questions that have been asked by Hon. Members. Hon. Karemba has asked a very important question on police officers. I will still come back to Hon. Jayne about the road she had asked and the issue of security. We require citizen responsibility. I need to continue emphasising that you cannot just board a vehicle when you can see outrightly that the driver is drunk and you do nothing about it. You are 14 people against one driver. There can be no greater abdication of responsibility than that. You should not take the risk to be driven by a drunken driver from Eldoret to Nairobi and wait for the Cabinet Secretary for Transport to answer in Parliament why you allowed a drunk driver to drive you. Citizens can take the bold step of alighting from the vehicle and asking the company of that vehicle to provide another driver or vehicle that can carry them safely. We cannot continue being in the same bus. Some Kenyans who were seated in the bus sent me pictures of a driver chewing sugar-cane and abdicating his responsibility as a driver and removing his hands from the steering wheel.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

The only thing that those citizens who were seated in the bus succeeded to do was to take pictures and share them on social media and ask the Cabinet Secretary what he was doing about the driver who was chewing sugar-cane and abdicating his responsibility. They would have taken the responsibility of stopping that driver directly from what he was doing. We cannot be helpless, when our lives are involved. The driver overtakes vehicles. He overtakes vehicles in Salgaa, Nakuru and Gilgil recklessly. However, you are inside the vehicle cheering and telling him to do it faster because you must arrive in Nairobi as fast as possible. This is abdicating your responsibility to ensure that you are carried safely. If it starts with us, it will become easier for us to deal with the question of risk. However, there is a responsibility for the police.

We can take judicial notice that bribery is a menace that we have been unable to eradicate on our roads. What is the Ministry doing? We are gradually replacing human monitoring of the roads with technology. That is why I said that the black spots, including Nithi Bridge, will, in the next two to three months, have a camera in the piloting stage so that all of us can monitor vehicles as they pass through those spots. Slowly, we will not need to have police officers manning all roads and gradually, from a command centre, we will be able to catch those who are committing traffic offences using technology.

On the Question by the Member for Wundanyi, it is true that we have a problem. The Member has requested that we increase the barrier height and make sure that there is a wall. I will take note of his statement so that by the time we meet Taita Taveta County, we discuss together the audit plans we have for that black spot and put in place mechanisms of improving it. The good thing with the KeNHA is that in the highways, they have been auditing every black spot. When an accident happens, the statistics are given by the NTSA and then KeNHA decides whether to put speed bumps, build guard rails or improve the signage. That is what we will try to do even as we work on other mechanisms.

On the question by my friend, Hon. Maurice Kakai Bisau, concerning Trans Nzoia County, it is true that we have a big problem there. It is actually a paradox that since the Jubilee Administration came in place in 2013, the inlands of Trans Nzoia and Uasin Gishu counties, which are the bread baskets of our country, were completely ignored. A lot has been done but a lot still needs to be done. I appreciate that Kiminini is one of those marginalised areas. Many people in the country will never believe if you say Kiminini is marginalised in terms of road network. We are working round the clock to make sure that we rectify this issue. Unfortunately, we cannot use the Government of Kenya funds at the moment to start new projects. However, as I said, every time we have plans with our development partners – and they are willing to support us with fairly good concessional loans – we will support those programmes. We must design and plan for the time the resources will be in place so that in fullness of time, we are able to do so. Again, the day we will meet with you as Trans Nzoia County team, we will address this issue.

On the question of motor cycles, Kitale was a renowned town in the western part of the country when *boda boda* were bicycles. We all know that has been taken over by motor cycles and they are a menace across the country. Unfortunately, motor cycles cannot have their route. They enjoy using the same roads with other vehicles. As you all know, we use motor cycles or *boda boda* on highways.

The Temporary Speaker (Hon. Martha Wangari): Hon. Cabinet Secretary, we are getting to a close and we are past our time. So, I will ask that you kindly wind up.

The Cabinet Secretary for Roads, Transport and Public Works (Hon. Kipchumba Murkomen): I will gladly wind up, Hon. Temporary Speaker. The *boda boda* motor cycles should not be used on highways. We are not supposed to see them on Kitale-Bungoma Road or Kitale-Eldoret Road, but they are there. We must work with the reality that they are there. We are working on a mechanism of regulation. In the statements I made earlier, you notice I did not focus on the *boda boda*. I will be coming back with *boda boda* regulations as a result of the same issue.

On the road Hon. Jayne Kihara has mentioned, again, Maela road is a big issue. We had a discussion with the Member and leaders of Nakuru County. As we promised, we are going to do everything possible to ensure that we have resources for the same. Hon. Kosgey has raised an important issue about non-motorised transport (NMT) and persons with disabilities. Again, we will do the same.

To answer Hon. Jayne Kihara, I do not think classifying a road as security will change anything because the Ministry of Interior does not have the money to put the road differently. So, it will still come back to us. Let us just find a way of doing the road. It might be even better to do it as an important road for agriculture and economic activities, including the KenGen and Geothermal Development Company (GDC) projects that are going on there.

On airport access ramps, I agree with Hon. Kosgey. We will continue with the same.

On Hon. CNN's question, we promise to maintain the road as it awaits the resources for its improvement to bitumen standard.

The Member for Mwingi Central, Hon. Gideon's supplementary Question was on the further improvement of the remaining parts of the roads. The best answer to give you is that we will work on the resources to do so. At least, for the record, we have provided the substantive part of the answer. Funds permitting, we can address other issues. However, as I said, our doors are open. We have not met the Kitui County leadership. When we sit down with them, we will thrash out some of these issues.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): On a point of order!

The Temporary Speaker (Hon. Martha Wangari): Hon. Gogo, what is your point of order?

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Temporary Speaker. I have heard you mention that the Cabinet Secretary's time is up. I am afraid when I was called to speak, I had moved out ...

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Member! Hon. Members, I realise that there is immense interest on this matter. Hon. Cabinet Secretary, I can see that you will be coming back to this House very soon. However, we will follow our Standing Orders. The Question Time is three hours and we have taken three hours and 25 minutes. This matter will be put to rest. We will release the Cabinet Secretary and his team. The follow-up questions can be done later. We will not break the Standing Orders.

Hon. Cabinet Secretary, please, conclude.

The Cabinet Secretary for Roads, Transport and Public Works (Hon. Kipchumba Murkomen): Thank you, Hon. Temporary Speaker. First, I want to thank this august House for giving me an opportunity to be here today to respond to as many questions as it were possible. I know it is not within my purview, but I have suggested...

(Hon. Lilian Gogo interjected)

The Temporary Speaker (Hon. Martha Wangari): Hon. Gogo, you are totally out of order! You will not shout at the Speaker across the aisle. You know the Standing Orders. Continue Hon. Cabinet Secretary.

The Cabinet Secretary for Roads, Transport and Public Works (Hon. Kipchumba Murkomen): Hon. Temporary Speaker, I know it is not within my purview, but having served as a Member of Parliament with you in the Senate, I want to suggest – from the experience of the Questions that were sent to us – that Members make good use of this rare opportunity of Cabinet Secretaries appearing before this House by formulating questions in future to cover policy issues, so that they can cut across other than dealing only with one bridge or one road somewhere. The Questions will be answered – like the case of pending bills – as a whole. If, for example, the follow up questions are about a bridge or a road somewhere, the main statement on the status of the pending bills will have answered them.

For a Ministry that has got both roads and transport departments, it will be nice if in future, we get Questions that are prepared in a way that they cut across the Ministry. This opportunity, perhaps, comes once in a year. So, questions that Members will have on the Transport sector can also be addressed at the same time so that we can cut across the Ministry. We will have an opportunity to update the House and the nation across board on the things we are doing.

Otherwise, it has been my greatest pleasure to have the slightest opportunity of having something closer to accessing Parliament as I used to do before, even though not in the full sense of it. I will always appreciate the opportunity to interact with Members of Parliament. I believe accountability is extremely important in making sure that the Ministry I serve in and other Ministries deliver for the people of Kenya.

Thank you.

(Applause)

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Cabinet Secretary. Hon. Members, if you may indulge me, it is not very popular to be the one to cut this but I have to because of our Standing Orders. I will release the Cabinet Secretary and his team and revert to our business for the rest of the day.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. We will go back to our Order Paper. The Special Motion under Order No.8 will be deferred for obvious reasons.

(The Temporary Speaker (Hon. Martha Wangari) consulted with the Clerk-at-the-Table)

Order No.8.

SPECIAL MOTIONS

CONSIDERATION OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE KENYA FISH MARKETING AUTHORITY

THAT, taking into consideration the findings of the Departmental Committee on Blue Economy, Water and Irrigation in its Report on the vetting of a nominee for the appointment as the Chairperson of the Kenya Fish Marketing Authority, laid on the Table of the House on Wednesday, 12th April 2023 and, pursuant to the provisions of section 201(1)(a) and (2) of the Fisheries Management and Development Act, 2016 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Hon. Martin Otieno Ogindo as the Chairperson of the Kenya Fish Marketing Authority.

(Moved by Hon. Kangogo Bowen on 13.4.2023)

(Debate concluded on 18.4.2023)

The Temporary Speaker (Hon. Martha Wangari): Order Members, we will defer that business to the next sitting.

(Putting of the Question deferred)

Next Order!

CONSIDERATION OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE ETHICS AND ANTI-CORRUPTION COMMISSION

The Temporary Speaker (Hon. Martha Wangari): Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for the appointment as the Chairperson of the Ethics and Anti-Corruption Commission, laid on the Table of the House on Tuesday, 18th April 2023 and, pursuant to the provisions of Section 10(3) of the Ethics and Anti-Corruption Commission Act, 2011 and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Dr. David Adang Oginde as the Chairperson of the Ethics and Anti-Corruption Commission.

Hon. Temporary Speaker...

(Hon. Lilian Gogo spoke off the record)

The Temporary Speaker (Hon. Martha Wangari): Continue, Hon. GG.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, we held sittings regarding the appointment of Dr. David Oginde as the nominee for appointment as Chairperson of the Ethics and Anti-Corruption Commission. The matter was referred to the Committee by the Hon. Speaker.

(Hon. Lilian Gogo spoke off the record)

Hon. George Murugara (Tharaka, UDA): Sorry.

The Temporary Speaker (Hon. Martha Wangari): Continue, Hon. GG.

Hon. George Murugara (Tharaka, UDA): Alright. I will get to it. I am sorry about that. The nominee was referred to this House by His Excellency the President, and the matter was referred to the Departmental Committee on Justice and Legal Affairs by the Hon. Speaker. We held hearings as required by law. Dr. David Adang Oginde appeared before us and we conducted a vetting exercise in the pre-appointment hearing. We have prepared a detailed Report, which we have tabled before the House. It was tabled yesterday and I believe Members have had occasion to go through it.

In summary, at the vetting hearing of this nominee, it came out clearly that the nominee was suitable to be appointed as the Chairperson of the EACC. When we posed questions on his academic suitability, he proved to us that he had the requisite academic qualifications. When it came to his reaction towards being appointed as the Chairperson of this Commission, he demonstrated to us that he had a passion for fighting corruption. In fact, he took us through what he referred to as cultural change – that for the country to embrace the war against corruption, we need to have a cultural change. We listened to him and with his religious background in mind, we thought that it may have been more of a sermon than an expression of what he would do. At the end of the day, however, we were convinced that his idea of cultural change was one of his strongest points as regards the fight against corruption. As a country, we must have a cultural change towards how we deal with cases of corruption, and how we instil moral values in our children at a young age as regards corruption.

We also asked him what else he would do, especially in keeping the Commission together because in the past, we have seen chairpersons having direct conflicts with chief executive officers of the Commission and, as a result, in some circumstances, the Commission had to be terminated prematurely because of those conflicts, he confirmed to us that he has headed one of the biggest churches in Nairobi – Christ is the Answer Ministries (CITAM). He demonstrated to us that he is able to keep people together because he had all manner of people under him and he was able to serve them well. We were convinced that he will take care of this Commission as the Chairperson, and offer leadership.

He was able to distinguish to us that commissioners offer leadership to the Commission, while the CEO and his employees execute the mandate conferred by law as far as fighting graft is concerned.

We retreated to come up with this Report. We read media reports that there was a disagreement, which I kept on saying was fiction. It was a figment of the imagination of some members of the media because our Report was agreed upon unanimously. Most Members of the Committee who were present appended their signatures to this Report to confirm their approval. There were other extraneous issues that were raised, which we did not consider, because it is not the work of this Committee to go on a fishing expedition as regards matters that are not before it. There were no affidavits that were sworn in opposition to his appointment.

So, having evaluated the suitability of Dr. David Adang Oginde, and having made our observations, we concluded that he is suitable to be appointed as the Chairperson of the EACC. Therefore, I urge this House to agree with our Report and approve Dr. David Adang Oginde as the Chairperson of the EACC.

I beg to move and request a distinguished Member...

Hon. Beatrice Kemei (Kericho County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Order, Member. What is your point of order, Hon. Beatrice Kemei?

QUORUM

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I appreciate the Chairperson of the Departmental Committee on Justice and Legal Affairs, who is moving a very important Motion. However, pursuant to Standing Order 35, there is no quorum in the House.

The Temporary Speaker (Hon. Martha Wangari): Alright. Hon. Members, I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. Order, Hon. Njeri, Hon. Muge and Hon. Ferdinand Wanyonyi!

The time being 6.30 p.m. This House stands adjourned until Thursday, 20th April 2023 at 2.30 p.m.

The House rose at 6.30 p.m.

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