



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 16th July, 2025 – Morning Sitting

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 16th July, 2025

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings at 9.36 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes?

(The Quorum Bell was rung)

Hon. Senators, we do have quorum. So, we will---

(Sen. Nyutu consulted loudly)

Order, Sen. Nyutu.

Clerk, you may proceed to call the first Order.

Sen. Mundigi, be orderly.

Proceed, Chairperson, Select Committee on Delegated Legislation.

NOTICE OF MOTION

EXTENSION OF TIMELINE FOR CONSIDERATION OF THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION REGULATIONS, 2025

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion-

THAT AWARE THAT, the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessment and Environmental Audits) (No.2) Regulations, 2025, Legal Notice No.71 of 2025 were tabled in the Senate on Wednesday, 9th April, 2025 and referred to the Select Committee on Delegated Legislation for consideration pursuant to Section 12(1) of the Statutory Instruments Act;

COGNIZANT THAT the Committee is required to make a report within twenty-eight sitting days after the date of referral of the instrument by the Senate pursuant to Section 15 (2) of the Statutory Instruments Act which will lapse on Thursday, 17th July, 2025;

AWARE THAT Section 15(3) of the Statutory Instruments Act, provides that by a resolution, Parliament may extend the time for consideration of a Statutory Instrument by a period not exceeding 21 days;

NOTING that the Committee is in receipt of concerns by the public on the imposition of exorbitant fees, unjustified and punitive fee increments through the said Regulations thus compelling the Committee to further interrogate the issues;

NOW THEREFORE the Senate resolves to extend the timeline for the consideration of Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessment and Environmental Audits) (No.2) Regulations, 2025, Legal Notice No.71 of 2025 for a further 21 days pursuant to Section 15(3) of the Statutory Instruments Act, to enable the Committee consider objections raised by the public and make its resolution on or before 7th August, 2025.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

QUESTIONS

Hon. Senators, we have 11 Questions that are due for response this morning. We have two Cabinet Secretaries. We will start with the Cabinet Secretary in charge of Water Sanitation and Irrigation, who has two Questions; that is, Questions Nos.063 and 096.

We need to agree on how we will prosecute that business. We only have up to 1.00 p.m. to get the response and interrogate the responses from the two Cabinet Secretaries. Therefore, I will be allocating time to each of these Questions. So, each

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Question will be given a maximum of 15 minutes. After the expiry of 15 minutes, we will move to the next Question, so that we cover all the 11 Questions.

*[The Cabinet Secretary for Water, Sanitation and Irrigation
(Hon. (Eng.) Muriithi Mugaa) was ushered into the Chamber]*

I am informed that the Cabinet Secretaries in charge of Water, Sanitation and Irrigation is already in the Chamber.

Clerk, can you confirm that?

(The Clerk-at-the-Table consulted with the Speaker)

Hon. Cabinet Secretary, once again, welcome to the Senate. We will straightaway move to Question No.063 by the Hon. Senator for Kitui County, who I am told is not present. However, he had delegated Sen. Wafula to ask this Question on his behalf.

You may proceed, hon. Senator.

Question No.063

STATUS UPDATE ON THE SOLARISATION PLAN FOR WIKITHUKI IRRIGATION SCHEME

Sen. Wafula: Thank you, Mr. Speaker, Sir, for this opportunity. I welcome our good Cabinet Secretary to the Senate. I will go straight to the Question that has been presented here, on behalf of the Senator for Kitui, Sen. Wambua.

(a) Could the Cabinet Secretary provide an update on the status of the solarization plan for the Wikithuki Irrigation Scheme Project as well as the reasons for any delays or challenges encountered during its implementation?

(b) What is the current status of the fencing plan for the initial 500 acres of land under the Wikithuki Irrigation Scheme and could the Cabinet Secretary explain the reasons behind any delays in completing the fencing?

(c) Could the Cabinet Secretary elaborate on the overall progress of the Wikithuki Irrigation Scheme and outline the specific measures being taken to ensure the project becomes fully operational without any further delay?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond. However, your written response has been circulated to all hon. Senators and, therefore, you need not read verbatim. To save on time, you may just highlight the response that you have already filed.

You may proceed.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. (Eng.) Muriithi Mugaa): Mr. Speaker, Sir and Hon. Members, good morning. Thank you for the opportunity to address the House.

The responses for the question on Wikithuki Irrigation Scheme are on page five of the circulation. A brief background is that the Wikithuki Irrigation Scheme is in Tseikuru, Mwingi North Constituency, Kitui County. It was a project that was done in the year 2013 to 2017. The scheme was meant to cover approximately 1,000 acres. The first 500 acres were completed with mango farming.

The remaining 500 had suffered issues with power, but this was resolved through installation of transformers. The main challenge here was the power bill, Operations and Maintenance (O&M). The bills were high because this was a pumping scheme. The National Irrigation Authority (NIA) working hand-in-hand with the Rural Electrification and Renewable Energy Corporation (REREC) have developed a concept note to solarize the irrigation scheme.

This partnership has done preliminary designs that will cost approximately Kshs400 million to implement. The concept note has been submitted to the National Treasury for funding consideration.

Mr. Speaker, Sir, on part (b) of the Question, where the hon. Member asked about the status of the initial 500 acres of land, we can confirm that the Wikithuki Irrigation Scheme borders the Kora Game Reserve and this exposes it to human-wildlife conflict that is expected in such kind of scenarios.

To address this, the initial part of the contract allowed fencing of the first 500 acres, which was done. However, some sections of the fence have been vandalised. The remedy for that is that fencing is part of the concept note that has been submitted to National Treasury.

Part (c) of the Question was to elaborate on the overall progress of the scheme and outline the measures being taken to ensure the project becomes fully operational. The plans to solarize the scheme as a long-term strategy that is aimed at lowering operation and maintenance expenses is on the way once funding is secured. For long-term sustainability of the project, capacity-building efforts are ongoing to empower Irrigation Water Users Associations (IWUA) to effectively manage and maintain the scheme.

Mr. Speaker, Sir, the IWUAs have been sensitised, supported and have submitted an application for registration with the Registrar of Societies.

In terms of the future, I note that the scheme has the potential to irrigate approximately 10,000 acres through a gravity-fed system. However, this hinges heavily on the proposed upstream dam, called Highgram Falls Dam and that is the long-term strategy.

Mr. Speaker, Sir, I submit.

Thank you.

The Speaker (Hon. Kingi): Hon. Wakoli, do you have any supplementary questions? If yes, you may proceed to ask.

Sen. Wafula: Thank you, Mr. Speaker, Sir. The questions have been answered adequately and the budget estimates for the solarization process is quite enormous. However, I would like our good Cabinet Secretary to tell us; in the budget estimates that I went through the other day, I do not know if the monies that you have under your Ministry will allow you to proceed with a budget of Kshs400 million because I foresee a scenario where you will spend your office running resources to solarize this dam.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. (Eng.) Muriithi Mugaa): Thank you, Mr. Speaker, Sir, and hon. Wakoli for the question.

As I have indicated in my responses, this programme was done between 2013 and 2017. The vandalism that has caused some sections of the fence to be damaged and the high electricity bills because of pumping system has necessitated the Ministry, through the agency responsible, to develop a concept note which is at the National Treasury.

I owe it to the hon. Senator to tell him that the concept note is at the National Treasury for consideration. In case we get resources and I am hoping we get resources because this is a very key project, we can start actualising the programme.

Thank you.

The Speaker (Hon. Kingi): Sen. Seki, proceed.

Sen. Seki: Thank you, Mr. Speaker, Sir. The Kenya Kwanza administration had a plan to construct 1,000 dams across the country. Could the Cabinet Secretary tell us at least how many dams have been constructed to completion already and those that are stalled so far?

The Speaker (Hon. Kingi): Sen. Gataya Mwenda, proceed.

Sen. Gataya Mo Fire: Thank you very much, Mr. Speaker, Sir. Recently, the Hon. Cabinet Secretary was in my County. He was doing some inspection at a place called Kibunga. There is this water project called Kakimiki-Kibunga Water Project. It has been ongoing for quite some time, almost 10 years, with very many promises that have not been kept.

Hon. Cabinet Secretary, people from Tharaka-Nithi would want to know whether there is any allocation and the timeline on which this project is likely to be completed and when people are likely to get water across Kibunga, Marimanti, and all the way to Marawa.

On a rejoinder, Mr. Speaker, Sir---

The Speaker (Hon. Kingi): Senator, you have asked your question.

Sen. Gataya Mo Fire: It is just the same question, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): No, allow the Cabinet Secretary to respond.

Sen. Mungatana, proceed.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I just want the Cabinet Secretary to tell us what is the Government Policy when you take land that belongs to the people for irrigation purposes as you did in this case in Tseikuru and then you take so long to do it. I am asking this question in respect to the Tana Delta Irrigation Project (TDIP) because we have information that Tana and Athi River Development Authority (TARDA) is no

longer going to be doing any work on that project. Can you confirm what the Government policy is?

Can you confirm to us whether all that land that you have taken will go back to the people or to the county government? Can you confirm to us what the Government policy is when you take land? Do you not do the project and the land is still remaining in the hands of the Government?

We want to have a clarity of thought because if that land is not returned, then it becomes subject to land grabbing. I want a clarification on the processes of returning land back to the county or to the people whose land you had taken.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Kavindu, proceed.

Sen. Kavindu Muthama: Mr. Speaker, Sir, thank you for this opportunity.

Hon. Cabinet Secretary, when do you plan to fence Masinga Dam because hippos and crocodiles are eating my people there? When I approached the Ministry for Tourism and Wildlife, they told me that this is the work of the Ministry for Water, Sanitation and Irrigation. Do you have any plans to fence Masinga Dam soon to protect my people from being affected by the hippos and crocodiles?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now respond.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. (Eng.) Muriithi Mugaa): Thank you, Mr. Speaker, Sir. The first question was on the plan to do a 1,000 dams to completion. I have to be very candid with yourself and also the House because water infrastructure is not cheap; it is capital intensive. When you talk about a 1,000 large dams, most of them were scheduled to be implemented under Public-Private Partnerships (PPP).

Public-Private Partnership (PPP) means a proponent has to invest their money and recoup that money in a stipulated duration of time. Unfortunately, investments in water have not been very lucrative in PPPs because our tariffs are not cost recovery. Specifically, one litre of water in the supermarket goes for between Kshs50 and maybe Kshs100---

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, the question was very direct; how many dams have been completed so far? It is either two or 10, then you move to the next question.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. (Eng.) Muriithi Mugaa): Mr. Speaker, Sir, some are ongoing, especially the large dams. We have Mwache Dam, Thwake Dam and Umaa Dam ongoing, although some of them are suffering from financial challenges.

The answer to that is that we have not completed any large dams. For the small dams, I can provide a list for a conclusive answer.

Regarding the question on Kakimiki Water Project, it is meant to serve the areas of Marimanti in Tharaka Constituency. This project was completed 10 years ago, but the pipelines were on people's property and the non-revenue water was very high.

The programme we have now as per the question by Hon. Gataya, is to first align the pipelines to public wayleaves so as to reduce the non-revenue water. I was there the

other week and that programme is ongoing. We are looking forward to completing it in a year's time.

On the question by Hon. Mungatana on Government policy on acquisition of land, TARDA is Government land. If I understood you correctly, that means that, that land is owned by the Government. I do not foresee the need for compensation.

Mr. Speaker, Sir, the hon. Senator asked about the policy. The policy is that whenever the Ministry acquires private parcels of land, we go through the normal process of National Land Commission (NLC), where there is evaluation and then there is compensation. That is the Government policy.

The question by Sen. Kavindu on fencing of Masinga Dam; Masinga Dam is under the Ministry of Energy and it is unfortunate for this.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, the 15 minutes allocated to this Question have lapsed. We will, therefore, move to the next Question.

(Sen. Kavindu Muthama spoke off record)

Sen. Kavindu, you have just been informed by the Cabinet Secretary that Masinga Dam---

(Sen. Kavindu Muthama spoke off record)

That is the question that has been answered, that Masinga Dam is under the Ministry of Energy and Petroleum. That is the response you have been given. How you treat that response, you know exactly how to go about it.

Let us move to Question No.96 by the Senator for Embu County, Sen. Alexander Mundigi.

Question No. 096

REASONS FOR DELAYED COMMENCEMENT OF CONSTRUCTION
OF KAMUMU, THUCI AND THAMBANA DAMS

Sen. Munyi Mundigi: Mr. Speaker, Sir, I beg to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question-

(a) What has occasioned the delay in commencement of the construction of Kamumu, Thuci and Thambana dams in Embu County and could the Cabinet Secretary outline the actions taken by the Government to resolve the issues?

(b) Could the Cabinet Secretary also outline the measures in place to fast-track implementation of these dam construction projects and provide timelines for completion of each dam?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed to respond.

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The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. (Eng.) Muriithi Mugaa): Mr. Speaker, Sir, in response to the Question by Sen. Mundigi, Kamumu Dam is a zoned high rock filled dam that is 60 metres high, 725 metres long, that will store approximately 22 million cubic litres.

This project is expected to cost approximately Kshs6.65 billion and it was developed by Tana Water Works Development Agency. There was an expression of interest on the same in December, 2020 under the model of engineering, procurement, construction and financing. Following the evaluation, the Wheelmen Group of Belgium was identified as our preferred contractor. However, the project could not commence due to the high cost of financing proposed by the contractor. There were issues with land and wayleave acquisition that still remains incomplete according to the Resettlement Action Plan (RAP).

In the meantime, feasibility study upgrades are underway and engagement with key stakeholders, including the NLC are ongoing to unlock land-related bottlenecks. The project is part of some projects on the pipeline under the PPP framework.

Mr. Speaker, Sir, the Thuci Dam, which is a zoned also rock-filled structure, 84 metres high and around 332 metres long, is expected to have a storage capacity of around 23 million cubic metres. The project is meant to do some irrigation, domestic consumption and produce up to 5 megawatts of power. The approximate cost is around Kshs9 billion.

The status is that the project was advertised in 2023 under a Privately Initiated Proposal (PIP) by Elevo Group Company was submitted by an investor for implementation and design, build, finance, operate, maintain and transfer model. Despite the progress there have been delays that resulted from the complex due diligence processes that are associated with PIPs, particularly technical and financial appraisals and also alignment with regulatory and fiscal frameworks.

The land acquisition process that is including RAP has also not been finalised and to mitigate these challenges the ministry has reviewed and validated the submitted designs, initiated inter-agency Ministry, inter-agency coordination to first track evaluation and this is also scheduled under the PPP project pipeline.

Mr. Speaker, Thambana Dam at the confluence of River Thambana and Rupingazi is designed to be 40 metres high, storage capacity of around 27 million cubic meters and is expected to supply water for domestic, do some irrigation to around 24,000 acres and generate one megawatt of power at a cost of around Kshs22 billion. Conceptual design was completed in 2023 by the Ministry and an expression of interest was again issued in August, 2023 and accepted also in the same month. However, the proponent did not submit the mandatory deposit fee required under the PPP regulations of 2022 for PIP proposals, prompting the Ministry to initiate a fresh process.

The second part of the question was to outline the measures in place to fast-track implementation of these dams' construction projects and provide timelines. On Kamumu, Thuci and the Thambana Dams projects in Embu County, the Ministry has put in place several mitigation measures aimed at resolving the outstanding issues. The measures

reflect also our commitment to deliver this - the critical water infrastructure while maintaining transparency and aligning with the national planning framework.

Kamumu Dam is currently being finalised through a Cabinet memorandum for consideration and approval and the memo seeks to secure high-level policy direction and unlock requisite financing to allow for prompt implementation and in cognition of the time that has lapsed since the initial due diligence activities, the agency which is Tana Water Works Development Agency (TWWDA) has commenced the process of updating the due diligence reports to ensure accuracy and relevance of the technical and financial documentation.

On Thuci Dam, which has already been advertised and for which a PIP has been submitted, the Ministry continues to engage with the PPP directorate and the National Treasury to expedite the evaluation process and secure timely approvals.

On Thambana Dam, following the proponent's failure to meet the mandatory deposit requirement under the PPP Act, the Ministry has initiated a fresh procurement process. In the meantime, the project has been formally included in the fourth medium term plan. Engagements are ongoing with other prospective investors who had previously expressed interest in the project and the exact construction timelines of these three key projects as asked by the hon. Senator will depend on the conclusion of the outstanding procurement, financial and other statutory processes.

Mr. Speaker and Hon. Members, I submit.

Thank you.

The Speaker (Hon. Kingi): Sen. Mundigi, do you have any supplementary questions? If yes, you may proceed.

Sen. Munyi Mundigi: Thank you, Mr. Speaker, Sir. My question to the Cabinet Secretary is; is it possible for the Cabinet Secretary to advise or tell people of Embu County whether there is any money in this Budget of 2025 for those three dams?

The Cabinet Secretary knows water is life and life is water. On farming in Embu County, we are trying to motivate youth and other people who do farming. In Mbeere South and Mbeere North, animals are dying, people are dying because of lack of water. *Muguka* farmers cannot progress without water.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

The Cabinet Secretary for Water, Sanitation and Irrigation (Hon. (Eng.) Muriithi Mugaa): Mr. Speaker, Sir, I thank the hon. Member for that question. As I have explained, the three dams are in the pipeline for the PPP and the resources we have in the current financial budget, we have a small allocation, not specifically for those three, for all dams that require review of appraisals, because to go to PPP, you need to have preliminary concepts, designs and to do project appraisals.

Hon. Senator, we have a small allocation for these kinds of studies in the budget.

Thank you.

The Speaker (Hon. Kingi): Sen. Kinyua.

Sen. Kinyua: Thank you, Mr. Speaker, Sir. The Cabinet Secretary, you remember on the World Water Celebration Day, you came to Tigithi, Matanya and launched a project, Tigithi Water Project. I am just asking, how far is it now? This is because when

you came, you brought in pipes and other gadgets that are related to water. However, immediately you left, the pipes followed you thereafter. Please, where is the status of that project?

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. Mine is to find out the status of the construction - I know the design of Keben Dam. What is the status of the Keben Dam in Nandi Hills sub-county because we have waited too long for that project to take off and whether there is availability of funds to the construction and completion of Keben Dam in Nandi Hills Sub-county, Nandi County.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Chute.

Sen. Chute: Thank you very much, Mr. Speaker, Sir. The Cabinet Secretary was talking about concept note and availability of funds. The Kenya Kwanza Government promised 1,000 dams. So far, I want to ask the Cabinet Secretary, out of the three dams, he has gotten zero. So, that means even achieving the 1,000, it is going to be zero out of 1,000. My question is there is a sewer line in Marsabit, not completed up to today. I ask the Cabinet Secretary, because you have already zero out of three. If I add Marsabit, it will be zero out of four. When will you complete that irrigation system in Marsabit town and when will you visit Marsabit to tell the people of Marsabit when this project will be complete?

Thank you very much, honorable speaker.

The Speaker (Hon. Kingi): Senator for Kilifi County, Hon. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Ninataka kumuuliza Waziri wa Maji, ni lini lile bwawa lililoko katika eneo Bunge la Ganze, linaloitwa Rare litakamilika ili liweze kuwasaidia wananchi walioko katika Ganze Constituency na Kilifi kwa ujumla. Hii ni kwa sababu, Bw. Waziri, unaelewa kwamba wakati fulani, Rais wa Jamhuri ya Kenya, Mhe. William Ruto alikuwa katika eneo Bunge la Ganze na akaenda Rare na akaliona bwawa hili. Aliahidi kwamba hili bwawa la maji la Rare litakamilishwa ili liweze kumaliza ukame ndani ya eneo Bunge la Ganze. Ni lini unapofikiria, kama Waziri wa Maji, utaweza kufanya hiyo kazi ambayo Mhe. Rais mwenyewe aliweza kuahidi watu wa Ganze katika Kaunti ya Kilifi?

The Speaker (Hon. Kingi): Sen. Kisang please proceed.

Sen. Kisang: Mr. Speaker, Sir, my question is to the Cabinet Secretary. I want to know the status of rehabilitation of Sing'ore Dam, which is supposed to benefit the community and Sing'ore Girls High School.

The Speaker (Hon. Kingi): Sen. Maanzo, please proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. Under part (b) of the Question, the Cabinet Secretary has talked about PPPs. I want to ask him, what is the success rate of these PPPs and what are the statistics? Have you done any successfully? Have you found any investor interested to work with your Ministry to make sure that these dams succeed?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond. Before you respond, let us take just one question from Sen. Kavindu Muthama.

You may proceed, Hon. Senator.

Sen. Kavindu Muthama: I want to know from the Cabinet Secretary about Maruba Dam, where it is and if there is any allocation this financial year to complete the works. It is very key in Machakos County, especially Machakos Town. Also, what is the status of Yatta Dam and Yatta Canal? When is the completion of these three dams?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now respond.

The Cabinet Secretary for Water, Irrigation and Sanitation (Hon. (Eng.) Muriithi Mugaa): Thank you, Hon. Speaker and Hon. Members, for your questions. There was a question on Tigithi Water Project. I am aware of that project. If the Senator can allow me to give you a detailed status on that, I would really appreciate because I know the finer details are required, especially on that kind of small project of water supply.

On the question by Sen. Cherarkey on Keben Dam, Keben Dam is a key project in Nandi County and we have already advertised this dam under Engineering Procurement Construction and Financing (EPCF). Evaluation is ongoing. We already have a consultant who is doing this and it is taking shape. EPCF projects take time, especially in evaluation and procurement.

There is a question by Hon. Osotsi on 1,000 dams. This is what I have explained, the speed which we expected the uptake of PPPs in water which also couples with the question from Hon. Maanzo. It has not taken off. However, we have done a diagnostic analysis on how to make water projects, especially high-intensive, capital-intensive infrastructure, feasible to the Ministry. This has been a challenge that we are working to resolve because, as I said, our cost recovery tariffs are not in place.

The question on Marsabit sewerage, I know that is ongoing and it has taken time. You are right. Allow me to give a detailed brief on the status of this. There is a question on Rare in Ganze. I know the challenges we have of water in Kilifi County specifically. Since we share a common water resource from Baricho that comes to Kilifi, it also goes to Mombasa, this challenge will be resolved. Apart from doing the Rare small dam, when we complete the master plan of Mwache in Mombasa, so that we stop the water that comes from Baricho in Kilifi, so that it is shared in Kilifi, Malindi and Mtwapa. So, on Rare small dam, I can give you a detailed brief exactly on the same.

There is a question that has really come to the attention of the Ministry. This question has come more often to the Ministry on Maruba Dam, which is in Machakos County. Maruba Dam is one of our national urban programmes that we are running as a Ministry. The infrastructure has been done. The pending problem is land composition to the people of Maruba. I answered that question again in this House because we are in the process of the National Land Commission (NLC). Those are the people who evaluate and give us the amount to be paid. So, the allocation we require here from the government is to start paying these people in piecemeal.

The Speaker (Hon. Kingi): Senator for Kilifi County, you do not rise on a point of order against the Cabinet Secretary. Allow the Cabinet Secretary to conclude. I will give directives on the issue you have raised about Rare.

Proceed, Hon. Cabinet secretary.

The Cabinet Secretary for Water, Irrigation and Sanitation (Hon. (Eng.) Muriithi Mugaa): Mr. Speaker, Sir, to confirm to Hon. Kavindu Muthama, that because we do not have the entire money to pay the people of Maruba, we plan to acquire those pieces of land piecemeal. First of all, you start with the sections where the actual works will be ongoing. This is because the remaining section will be the impoundment area that will be flooded. I am well aware of Maruba and Miwongoni dams. Maruba is already in existence. We will be tying the two dams together, Senator.

(Loud consultations)

The Speaker (Hon. Kingi): Hon. Senators, allow the Cabinet Secretary to respond to the questions raised.

(Sen. Kavindu Muthama spoke off record)

Hon. Senator, when I am speaking, you yield. You are totally out of order, Sen. Kavindu.

The Cabinet Secretary for Water, Irrigation and Sanitation (Hon. (Eng.) Muriithi Mugaa): Mr. Speaker, Sir, the issues of Maruba and Miwongoni dams are in the same vicinity. The water supply in Machakos right now is fed by Maruba Dam. As I speak, Maruba Dam is complete and in use.

Yatta Dam is another dam under the PPP pipeline that I have already explained to the House. On the question asked by Hon. Kipsang on Sing'ore Dam, as I speak, it is under procurement.

On the question asked by Hon. Manzo on the status of PPPs and whether we have some in place, we are yet to secure any of the PPP to completion.

The Speaker (Hon. Kingi): Now, Hon. Senators, if you look at the clock, we have long used the 15 minutes that we had allocated to this Question.

Hon. Cabinet Secretary, on Rare Dam and on the project in Marsabit, you have undertaken to provide a detailed response to these two questions. Do so in the next seven days.

Also, the one that had been asked by the Senator for Tharaka Nithi on those three dams, file your detailed responses within the next seven days.

Hon. Cabinet Secretary, we have come to the conclusion of your session. You may leave at your pleasure.

The Cabinet Secretary for Water, Irrigation and Sanitation (Hon. (Eng.) Muriithi Mugaa): Thank you, Mr. Speaker, Sir and Members.

[The Cabinet Secretary for Water, Irrigation and Sanitation (Hon. (Eng.) Muriithi Mugaa) was ushered out of the Chamber]

(Interruption of Questions)

COMMUNICATION FROM THE CHAIR**VISITING DELEGATION FROM NTHANZE HIGH
SCHOOL, MACHAKOS COUNTY**

The Speaker (Hon. Kingi): Hon. Senators, as we usher in the Cabinet Secretary in charge of Roads and Transport, allow me to make this communication.

I would like to acknowledge the presence in the public gallery this morning of visiting teachers and students from Nthanze High School in Machakos County. The delegation comprises one teacher and 55 students who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I will request the Senator from Machakos County, in under one minute, to extend a word of welcome.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. I would like to wish the teachers and their students from Machakos County a warm welcome to the Senate and tell them that they are in the right place. They are now watching and learning how we deliberate the issues in this Chamber. I am sure that when they put great effort in their studies, some of them may end up in this Senate and others in various places.

May God bless them as they have their day at the Senate today.

I thank you.

The Speaker (Hon. Kingi): Clerk, kindly usher in the hon. Cabinet Secretary in charge of Roads and Transport.

[The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir) was ushered into the Chamber]

Welcome, hon. Cabinet Secretary. You have nine questions to respond to this morning. Therefore, this is my guidance as far as time management is concerned. We will spend not more than 15 minutes per question, so that we cover all the nine Questions before 1.00 p.m.

The first question is Question No.69 by the hon. Senator for Murang'a County, Sen. Joe Nyutu. You may now proceed to ask the Question.

Question No.69

**USE OF PRIVATELY-OWNED VEHICLES FOR
HIGHWAY PATROL BY KENHA OFFICIALS**

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I beg to ask the Cabinet Secretary for Roads and Transport the following Question No.069-

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(a) Why does the Kenyan National Highways Authority (KeNHA) use privately-owned motor vehicles for patrol on highways?

(b) Who owns these patrol vehicles and how are their services procured?

(c) What plans does KeNHA have to acquire its own patrol vehicles like other state corporations?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Mr. Speaker, Sir. Hon. Members of Senate, I am happy to be here this morning to respond to the various questions. Let me respond to the Question by the Senator for Tharaka-Nithi, Sen. Mwenda.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you are responding to Question No.69 by the Senator for Murang'a County.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Mr. Speaker, Sir, the person who has my papers has been locked outside.

Sorry about that, Sen. Joe Nyutu, Senator for Murang'a County. I will go straightaway to the answer on the question on KeNHA and why they use privately-owned vehicles for patrol on highways, who owns these patrol vehicles and what plans the KeNHA has to acquire its own patrol vehicles like other state corporations.

Mr. Speaker, Sir, I beg to respond as follows-

(a) The KeNHA utilizes privately-owned motor vehicles as it outsources road maintenance work through performance-based contracts. Under these contracts, particularly on critical roads such as Thika Super Highway Road and the Nairobi Southern Bypass, the scope includes regular road patrols to monitor compliance with traffic regulations, rapid response to include incidences and breakdowns, protection of road infrastructure, including street lighting and guardrails and immediate assistance on motorists in distress. The arrangement ensures efficient maintenance while enhancing overall road safety.

(b) On the patrol vehicles that are owned, they are owned by performance-based contractors who are assigned the performance-based contracts in terms of maintenance contractors which are competitively procured in compliance with the Public Procurement and Assets Disposal (PPAD) Act, 2015 through the open tender method.

(c) The KeNHA does not intend to procure its own patrol vehicles for maintenance work as it considers the maintenance-based contract arrangements a more suitable approach.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Any supplementary questions, hon. Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I have listened and gone through the response by the Cabinet Secretary. Just to seek clarity from him, it is not clear from the response why KeNHA outsources its road maintenance services. Why would KenNHA officers use privately-owned motor vehicles to patrol? This is not road maintenance?

Was there any cost-benefit analysis done before this particular decision was made because the Government needs to save resources. Are we saving by using privately-

owned motor vehicles? My understanding is that there is a difference between road maintenance and patrol. The question was about the patrol vehicles.

You will realize that sometimes motorists do not even know who is stopping them because these are privately-owned motor vehicles. I believe we need to seek clarity on that. That is the only question that I have because it also touches on your response on No.69(c) because we need to know the cost-benefit analysis. Has it shown that we are better off and we will save state resources through privately-owned motor vehicles and not motor vehicles owned by the corporation?

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Mr. Speaker, Sir, let me offer some explanation. Concerning periodic-based contracts maintenance, there is clarity that we tender for maintenance of a particular road for a period of one or two years. Therefore, a contractor who wins a tender to maintain that road through a competitive process works like any other private contractor constructing any road out there and they use their assets to maintain the road.

Regarding the issue of KeNHA staff inspecting roads using their vehicles, that is an area we need to get clarity on. Sen. Nyutu could be having a point that we should be inspecting roads using KeNHA vehicles. We have KeNHA vehicles to inspect roads for that matter. Therefore, I will take up that to make sure there is clarity between periodic maintenance, which is a contract given out to a private contractor to maintain a certain road.

Mr. Speaker, Sir, on the aspect of KeNHA staff inspecting roads, we will make sure that we pay attention and confirm the concern raised by Sen. Nyutu that we should have enough vehicles, if that is not the case, to inspect the works on various roads.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Maanzo.

Sen. Maanzo: Cabinet Secretary, does it not have a security bearing and is it not better for you to work in conjunction with the police if you have to utilise private hired vehicles? Is it not a collusion between yourselves and private people, so that they make money from Kenyans?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Mr. Speaker, Sir and hon. Members, regarding periodic maintenance contracts, I indicated that private contractors are like any contractor. Therefore, you do not expect them to use KeNHA vehicles. Regarding supervision and inspecting the works on various roads, the staff of KeNHA do not in any way come into contact with road users because of wanting to be discrete because of just inspecting the works done by periodic maintenance contractors.

If there has been a case where the staff of KeNHA are not properly facilitated and they use their vehicles, that is why I said I will take it up. However, it should not be a problem inspecting roads using KeNHA's vehicles. I will undertake to follow up that.

Mr. Speaker, Sir, to clarify, a periodic maintenance contract is a private contract done by a contractor who wins a maintenance contract for a particular road. As I have

said, I will take up the concern raised by Sen. Nyutu that there is a claim of lack of proper facilitation and staff could be inspecting roads using their private vehicles.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, we will now move to Question No.070 by the Senator for Kilifi, who is also the Senate Minority Leader, Sen. Stewart Madzayo. Hon. Senator, you may proceed to ask the Question.

Question No.070

COMPLETION OF THE MOMBASA-MTWAPA-KILIFI
ROAD CONSTRUCTION PROJECT

The Senate Minority Leader (Sen. Madzayo): Mr. Speaker, Sir, I would like to ask the Cabinet Secretary for Roads and Transport these questions-

(1) When will the Mombasa-Mtwapa-Kilifi Road project, which is a key part of the Northern Transit and Transportation Corridor, be completed?

(2) Are there plans to install lighting at the Kibarani-Changamwe Interchange in Mombasa County, to enhance security and vision for motorists at night?

(3) When does the Government plan to commence the construction of a second bridge linking Mombasa Island to the North Coast mainland, to ease traffic congestion?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Mr. Speaker, Sir, and thank you, Sen. Madzayo. Let me straightaway go to the answer. I beg to respond as follows-

The Mombasa-Mtwapa-Kilifi Road Project is divided into two lots with different completion dates. Lot One is Mombasa-Mtwapa up to the bridge currently being constructed at Mtwapa Town. The project commenced in November, 2022. Currently the progress is at 42 per cent. The project is expected to be completed by November, 2026.

Since the Senator comes from that region and he understands the challenges we faced with that very narrow corridor between Mombasa and Mtwapa and the issue of land compensation coupled with pending bills, I want to confirm that we have sorted out the pending bills issue through funds that we raised by selling our Kshs7 for securitization by a bankruptcy remote Special Purpose Vehicle (SPV). Therefore, we are fully compensating the project affected persons on that corridor.

Compensation could still be going on, but all the money has been released to the National Land Commission (NLC). Therefore, the issues of slowed project, including compensation of the contractor for pending bills have been sorted out and we should see very good progress going forward.

Moving on, Lot Two starts from the bridge at Mtwapa all the way through Kwa Kadzengo-Kilifi. The project commenced in December, 2021. Currently the progress is 64 per cent. The works are expected to be completed by March, 2026.

The project experienced delays due to challenges with land compensation equally. Like I said, the issue of compensation is a story of yesterday because we have sorted out the pending bills issue. The NLC is currently in the process of compensating the project affected persons. We will finish that corridor through Mtwapa Town. The current contract includes installation of streetlights from Makupa Roundabout to Kwa Jomvu Interchange. Implementation was scheduled to commence in June, 2025, which is just about now.

Mr. Speaker, Sir, moving to the third question, the Ministry, through the Kenya Urban Roads Authority (KURA) is undertaking a Public-Private Partnership (PPP) project for the second Nyali Bridge, which is still at preliminary stage. With the road infrastructure works going on in the Coast Region, we really need to finish the Nyali Bridge, so that there is connectivity with the works that have been done in Mombasa, Kwale and Kilifi connecting the great City of Mombasa and other areas of the Coast Region.

I thank you.

The Speaker (Hon. Kingi): Hon. Madzayo, if you have any supplementary questions, you may proceed to ask.

(Sen. Madzayo spoke off record)

Sen. Madzayo, do you have any supplementary question to ask?

The Senate Minority Leader (Sen. Madzayo): I have not organised myself.

The Speaker (Hon. Kingi): Organise yourself as I give an opportunity to your colleagues. We will come back to you.

Proceed, Sen. Faki.

Sen. Faki: Asante Bw. Spika kwa kunipa fursa hii. Kumekuwa na msongamano sana kutoka Kengelani mpaka Mtwapa kwa sababu ya ujenzi wa barabara ya Mombasa-Malindi. Kwa hivyo, magari mengi hutumia barabara ya Links Road iliyo Nyali ili waweze kutokea Bamburi-Nyali Centre wanapoelekea Kilifi na Malindi.

Katika maeneo ya Quickmart, barabara hiyo imekuwa donda sugu kwa wakaazi wa Mombasa na Kilifi. Kukinyesha, magari husumbuka kupita pale kwa sababu ya vidimbwi vya maji ambavyo viko pale. Hii husababisha msongamano katika Links Road mpaka maeneo ya Shell Petrol Station. Je, hili tatizo litaisha lini?

Kenya Urban Roads Authority (KURA) huandaa mkutano wa ushiriki wa uma na kesho yake, hao hukuja na kulaumu Kaunti ya Mombasa. Ikifika kesho kutwa, hao husema ya kwamba ni wawekezaji ambao wamejenga kando ya barabara ndio wanasababisha maji kutokwenda.

Jambo lingine ningependa kuongelea ni taa ambazo ziko katika barabara ya Causeway. Hizo taa zinaleta aibu kwa Mombasa. Hii ni kwa sababu mtalii akishuka katika uwanja wa kimataifa wa Moi, anaona mataa lakini akianza kuingia mjini, anakaribishwa na giza. Watalii ambao wanaingia Mombasa kwa mara ya kwanza huwa wanajiuliza kama wanaingia kwenye mji ama msitu.

Sen. Maanzo: Mr. Speaker, Sir, the Cabinet Secretary (CS) has talked about Public Private Partnership (PPPs) in relation to construction of bridges. What are his statistical successes? Are foreign partners or private partners willing to partner with them? What are the statistics of successful PPPs in his Ministry, especially in relation to the bridges?

The Speaker (Hon. Kingi): Hon. CS, you may respond.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Mr. Speaker, Sir, I beg to answer Sen. Faki's question in English *ndio nisichanganye sana*.

The congestion that is experienced around QuickMart and Bamburi area was exacerbated by the fact that we were unable to call the shots on the contractors because we owe them so much money. We have paid them and are now calling the shots. I have visited the road severally, including the day when the President went to inspect that road.

The corridor has been very congested around Bamburi Nature Trail and the slip roads could not be done because we needed to compensate for the corridor to move the wall out after compensating the project affected by Eastman. We have compensated the contractors hence you will not see that going forward. We have had meetings with the contractors and I have just come from a meeting this morning.

We will ease the traffic, accelerate the construction and finish that road very quickly. The road in Mtwapa and the lower part towards Kilifi is basically complete except for the Mtwapa Bridge and the corridor around there, the small section that has not been tarmacked. There is no reason why the road from Mombasa to Mtwapa is not catching up. I promise that we will accelerate and catch up. We will also address the issues of congestion.

We now have money to compensate for the land or project affected person hence we will now be able to open the corridor and have the slip roads to function. This means that there will be no congestion. This happened because we were constructing on a corridor with no additional space and had not paid the project affected persons.

With the money now being available, I want to assure this House that this will be a problem of the past. You will see us calling more shots to make sure the contractors do what is right now that we have paid what is due to them. We, therefore, expect them to be facilitative to eradicate the traffic congestions we have witnessed. We also expect to bring the project to completion much sooner than was expected. The delays were due to non-payment of pending bills.

On the Causeway Road, not very long ago, the Governor of Mombasa County, Abdulswamad Sharrif Nassir, and I were in a meeting with the contractor who is working on that section, Victoria Construction Company. The lights were pulled down when the construction started. The construction has now been completed.

The only thing that is pending is the bridge at Kwa Jomvu, which we will finish in the next two months. It is the bridge that was hanging around Synergy. We were also unable to compensate Synergy in order for them to give us space to finish the bridge. So, the bridge was built going up, but the dropping side had been hanging there for five years. That bridge is now being built and it will be completed. The lights will be restored with the completion of that road. With that, when clients arrive at Moi International

Airport, Mombasa, they will not get into darkness that has been experienced due to long, delayed construction.

Sen. Manzo has raised a question on the success of PPP projects on bridges. My response is that there will be PPP programmes that can work in areas where there is significant traffic. The drivers of success of PPP with respect to investors are the traffic. It is easy to get a project which is bankable for a road where there is so much traffic. A bridge that has no traffic with probably 20 vehicles per day will not repay for the investment even if you are to charge Kshs10 or Kshs15 for vehicles to cross through it. It, therefore, might not give return on the equity or the investment as a business for the next 30, 40 or 50 years.

The bridge we are talking about is a very high traffic area. We are, therefore, looking at possibility of a PPP. However, those of us who know Mombasa very well know that there is a serious road infrastructure transformation in Mombasa. Whether we succeed on PPP or not, we need to open up this bridge through PPP or through Government of Kenya funding.

I thank you.

The Speaker (Hon. Kingi) Can we hear from Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Ni hatua gani Wizara yako imechukuwa kueleza hao watu wanaotengeneza barabara kwamba kunahitajika kutengeneza barabara za kando kama vile wanavyofanya kule Uchina ama kwingineko? Magari yanaendelea kuharibika sana.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Mr. Speaker, Sir, allow me again to respond in English. The Mtwapa Bridge, which is in the second portion of this corridor, is ongoing. It is a very long bridge of about 150 metres. The current bridge is a bit compromised. There is a problem. I know what the Senator is talking about because I have been there a few times. We have compensated the contractor on that road for pending bills.

We have compensated the project-affected persons within Mtwapa Town, so that we are now able to connect the second section, which is complete to the Mombasa side, over the bit of compromised bridge. I am confirming that we are accelerating the completion of this bridge.

Now that we have got financing on this road, we have paid for project-affected persons on that corridor about Kshs2 billion, which is currently in progress. We have released the full funding to the National Land Commission (NLC) and compensation is going on as we speak.

The problem is that when a project takes too long, as you try to compensate you find that the people who were initially in the list have succession issues and so on and so forth, however, the full funding, as we speak now, is with the NLC.

The contractor knows that the challenge has been basically removed. We have also compensated the contractor to work to the extent of 40 percent. We want to quickly finish that corridor and ensure that road is motorable and the vehicles are not getting spoiled in that Moshi wa Mwanzo difficult section talked about.

With respect to the service roads, sometimes as a developing economy, it becomes very difficult to buy land from land users and possibly demolish houses, which have been built very close to the road to build a service road. So it is a case of economics. Do we compensate to build temporary roads while we are building the roads? Where there is a corridor, yes. Where there is no corridor, it becomes a bit of a challenge.

Allow me, for the programmes running in Mombasa with the expedited payments, to accelerate the connector between the Mombasa side and the Kilifi side through Mtwapa Bridge very quickly and ensure that we remove that challenge in a very short time.

The challenge for a long time was the pending bills and the very slow work that was whatever. With respect to slip roads, which have also been designed, I will seek to have possibly a closer meeting with the Senator to show him the design. There are slip roads around through Mtwapa Town.

We have compensated for the inner corridor to move the small traders, so that you can build the main corridor. There are slip roads and because we now have money, we are compensating and we will have slip roads through the town. The challenge was, because we were not able to compensate them, you would not actually know that there are slip roads. When you see the designs, we have designed with service roads, along the main corridor.

So we have compensated earlier on through Exchequer release some Kshs73 million to get access to build the main corridor. For slip roads, we have now got money and we are compensating to do the service roads, which are parallel to the main road.

You will see that and I can spend some time with Sen. Madzayo to show him the design, the fact that we have compensated for the main artery, and we are now compensating for the service roads through the town.

I thank you.

Sen. Faki: On a point of order.

The Speaker (Hon. Kingi): Sen. Faki, you certainly cannot raise a point of order against the Cabinet Secretary. What is your intervention?

Sen. Faki: Mr. Speaker, Sir, my first part of the question was not answered. The problem is on the Links Road, where we have a pool of water next to the QuickMart Supermarket, directly on the road. Even if you go there right now, you will see that pool is still subsisting. I remember during the month of May, if I am not mistaken, there was a public participation done by the Kenya Urban Roads Authority (KURA), where they started a blame game between them and the County Government of Mombasa.

A lady has lost her eyesight on that road because she was travelling in a *Tuk-Tuk* and as a result of hitting a pothole something hit her eye, and now she is partly blind. So, it is a serious problem. I know you said you have been there, but motorists going to Kilifi and coming to Mombasa, have that problem every day. Even those who are now residing in Nyali are thinking of relocating because every day in the morning there is a traffic jam, in the evening up to sometimes 9.00 p.m.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Sorry about that. I now understand where Sen. Faki was coming from. I thought you were

talking about the Mtwapa-Kilifi Road. This is the Nyali Bypass to Mtwapa-Kilifi Road or Mombasa Road.

I know the exact location. In my last visit to Mombasa, this was number one agenda with the Governor, where on either side of this road, where there is a kind of depression, there are developments on both sides. There is a hospital on one side, they have built a wall and there is no way to drain the water on this very low section.

We need to really tunnel out the water in this depression and it requires some serious design. I have discussed this with the Governor, we are discussing with the land users how to get access, to be able to get drainage out of that very low section. Yes, I am aware it is a KURA project. I was talking about the KeNHA on the main highway, and let me undertake to follow up what KURA has done on this particular one.

It was more of the city plan to basically allow for development without drainage pathways. It is one thing that if you are to think about a quick solution, you will need to be pumping out water, because you need to push water up and then look for a channel out. We need an access to be able to develop a drainage from that low section. I am aware of that. We have discussed with the Governor and I will pick it up with KURA to see how far we are.

The Speaker (Hon Kingi): We now move to Question No.85 by the Senator for Kilifi. You may proceed to ask the Question.

Sen. Madzayo, Question No.85 is yours.

The Senate Minority Leader (Sen. Madzayo): Yes, that is right.

The Speaker (Hon Kingi): Do you want us to defer it?

The Senate Minority Leader (Sen. Madzayo): No.

The Speaker (Hon Kingi): Then proceed to ask.

Question No. 085

STATUS OF THE PLANNED EXPANSION OF MALINDI INTERNATIONAL AIRPORT

The Senate Minority Leader (Sen. Madzayo): Bw. Waziri nina imani ya kwamba unaelewa vile nitavyokuuliza maswali haya yanayohusu kaunti ya Kilifi-

(1) Je, unaweza kueleza hali halisi ya upanuzi wa uwanja wa ndege wa Kimataifa wa Malindi?

(2) Je, unaweza kufafanua ekari ngapi ya ardhi ilitengwa kwa ajili ya mradi huu wa upanuzi? Pia eleza idadi ya wamiliki wa ardhi watakaoathirika.

(3) Je, Serikali imeweka mikakati ipi kuhakikisha wamiliki wa ardhi watakaoathirika na upanuzi huu wanalipwa fidia kwa haki?

(4) Je, Unaweza kutupa takwimu ya idadi ya wamiliki wa ardhi waliolipwa fidia hadi sasa pamoja na kiasi walicholipwa?

(5) Je, Serikali imechukua hatua gani kuhakikisha mchakato wa ulipaji wa fidia? Kama Waziri wa Barabara na Uchukuzi, je unaweza kutoa ratiba ya malipo kamili ya fidia zote ambazo bado hazijalipwa kufikia sasa hivi?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may proceed to respond.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Hon. Speaker. Thank you, Sen. Madzayo. Again, because the question was filed in English, I responded in English. I hope we have the printed response for Hon. Members.

Hon. Speaker, I am pleased to appraise this House on information sought regarding the status of compensation framework for the planned expansion of Malindi International Airport. I have communicated through our letter of Ref. No:SEN/4S/4/CORR/Q/2025/(051) dated 11th June, 2025.

Malindi International Airport was declared an aerodrome vide a Gazette Notice No.1161 of 8th March, 1961, commonly referred to as Aerodromes (Control of Obstruction) Ordinance, Annex 1. The Gazette Notice described Malindi Aerodrome as an unsurveyed area measuring approximately 231 acres.

Hon. Speaker, in order to secure the airport land, the Government of Kenya vide a Grant Number CR. 30280 at Annex 3, granted the Authority a 99-year lease with effect from 1st February, 1997 through the Government Land Act Cap. 280. The land measures approximately 100.6 hectares as delineated on the Survey Plan No.211701 of 2nd May, 1997, which we have annexed as Annex 4 to the Authority. This conferred a Land Reference (LR) Number of 10688 to Malindi International Airport.

Hon. Speaker, pursuant to the proposal of the Masterplan for Malindi Airport at Annex 2, undertaken by an airport consultant, Ms Sofreavia, the Authority in 2017 initiated land acquisition process, Phase One, for expansion of the airport through the National Land Commission (NLC) through a Gazette Notice No.3390 of 2017.

The acquisition process was undertaken to completion, valuation done by NLC and the Project Affected Persons (PAPs) issued with awards in respect of improvements on the land and disturbance allowance to fully compensate them for that purpose. The PAPs were compensated excluding the value of the land. The compensation amount was assessed at Kshs424,205,901 with a total of 155 PAPs.

Hon. Speaker, some of the PAPs filed an adverse possession suit before the Environment and Land Court claiming to be declared the rightful owners of the affected person. The cases were however dismissed. The PAPs and other claimants then moved to the Land Acquisition Tribunal through various appeals.

On 8th February, 2024, the tribunal issued a consent order directing the NLC and Kenya Airport Authority (KAA) to re-gazette the intention to acquire, conduct joint inspection to determine land ownership and issue awards to the PAPs. Pursuant to this court order, the Commission re-gazetted intention to compulsorily acquire land for expansion of Malindi International Airport and enquiries into the claim through Gazette Notice Corregendum No.2584 of 13th February, 2025.

Hon. Speaker, the enquiries into the claims were conducted over a period of three days between 25th March, 2025 and 27th March, 2025 at the DCC's office in Malindi. A total of 15 land parcels with a combined acreage of 19.8936 hectares were listed in the Gazette Notice.

Pursuant to the enquiries by the NLC, other issues were raised by the claimant on adverse possession occupant in good faith and historical land injustices. These matters

are currently under review by the NLC. The Authority is further undertaking design and land requirement assessment for Malindi Phase II expansion project to allow a runway expansion from 1.4 kilometres to 2.4 kilometres. This followed the setting aside of injunction imposed on Phase II acquisition project vide a ruling delivered by the Tribunal on 10th February, 2025. The land acquisition process and resettlement action for Phase II will be subject to budget availability.

As I conclude, I confirm that I have in the last two months visited this airport to address some of these challenges. I met the leadership of Malindi International Airport on the ground. We are paying attention to this airport. Albeit the challenges we have faced in the expansion of Malindi International Airport, to the extent of suggestions as to whether we could go to Vipingo SEZ, the tourism industry in this area and the need to sustain the investments which are wasting away in the hotel industry because of a lack of a good airport to be able to bring in big planes through expansion of this airport, so that we can bring in big equipment with the tourists that favour this destination. This is something that the Government is paying a lot of attention to.

I confirm that this is a top priority amongst the airports that we are paying attention to. This will ensure that we grow our economy and bring in more tourists into this economy. In order to support the hotel industry that is invested by majorly the nationals of Italy, I have met the ambassador lately in my office and we are looking for quick ways of correcting and expanding this airport to 2.4 kilometers.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Madzayo, do you have any supplementary questions?

The Senate Minority Leader (Sen. Madzayo): Bw. Waziri, uwanja huu wa ndege wa Malindi ni wa zamani sana. Ulikuwapo zamani kabla Kisumu Airport haijajengwa. Natumai hata wewe umejionea wakati unatembea Malindi kwa likizo ama mapumziko. Kitu cha kushangaza ni kwamba mpaka saa hivi, hata kama kiwanja kina itwa Malindi International Airport, kiwanja kile hakiko katika kiwango cha uwanja wa ndege wa kimataifa.

Haya yote yametokana kwa kuwa wizara yako aidha imesusia, imekataa ama haifanyi juhudi zozote kuona ya kwamba wale wawekezaji kama akina Flavio Briatore ambao walikuwa tayari kupanua kiwanja hicho katika mikadirio ya wizara yako na wale walioko tayari kutoka Italy. Nataka kujua ni kwa sababu gani Wizara yako, kufikia hivi sasa imewakataa hawa wawekezaji kupanua hiki kiwanja.

Vile vile, nataka kukueleza ya kwamba hata ikiwa ni wakati wowote kuanzia hivi sasa, kunahitajika kupanuliwa kiwanja cha Malindi, wapo wawekezaji ambao wamejitolea. Wako tayari kutengeneza hicho kiwanja; mmoja wao ni yule ambaye nimekueleza hivi sasa. Wako tayari kukitengeneza kiwanja hicho kiwe kiwango cha kimataifa.

Je, unaweza kueleza ya kwamba hawa wawekezaji wameweza kufanya mikakati ama ushirikiano gani na Serikali ama wizara yako ili kuona ya kwamba kiwanja hiki kimeweza kupanuliwa kikawa katika *status* ya Moi International Airport ama Kisumu International Airport?

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Mr. Speaker, Sir, in my supplementary answer I had touched on the supplementary question asked by Sen. Madzayo. I confirm and agree that what Sen. Madzayo has raised is true. This is an important and critical airport for the kind of tourist destination that we are talking about of Malindi in Kilifi County.

Therefore, it is of utmost importance for the Government to address the concern Sen. Madzayo has raised. The challenge in Malindi is not infrastructure development. It has been more the runway expansion. On the front side of the Malindi, there is a very high population that has been very expensive to resettle, but we must resettle them if we will expand this airport. We will do that.

The other challenge is a road on the other side where the airport would cut through the Mombasa-Malindi Road. So, there is a lot of attention. We rely on tourists as a major GDP contributor into our economy ---

The Speaker (Hon. Kingi): Hon. CS, I think the question was, there are private investors who are willing to put their money in the expansion of Malindi Airport, but your Ministry seems not to be in sync with these investors. What is the problem? That is what the hon. Senator has just asked.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): The straight answer, which maybe is not coming out very clear, is the project affected persons. What investors will not do is to do land compensation. We do not wish to basically concession the 1.4 kilometres. We want to expand to 2.4 kilometres.

(Technical hitch)

Thank you and sorry about that.

Hon. Speaker, the straight answer is that we will embrace investors to come in, but the biggest challenge is the land compensation. This is because, like I said, to be able to bring big planes into Malindi, some of the charters, we need to extend the runway to 2.4 kilometres. That is the primary challenge. If we were to concession the airport and give away to an investor to rebuild Malindi Airport at the current 1.4 kilometres, we would not have corrected the challenge. We need to expand the runway to be able to land big planes. So, the priority which is top on my desk is to do land compensation, and I think we are doing significantly well.

Like I said, I just visited that airport not very long ago, I think in the last three months and I met the leadership on the ground. The aim of the visit was to address the question of expansion of the runway. Putting up a modern building is not a big challenge. Recarpeting that second runway, which is in state of disrepair, is not a big challenge, but we need to get it to 2.4 kilometres.

Therefore, the big challenge to bring investors is more of the land acquisition and paying the project affected persons, so that we can expand and bring the big planes, which today would land in Mombasa and transport the tourists by road. So, allow me,

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hon. Members, to basically refocus the land compensation, acquisition and therefore the expansion of the runway.

I thank you.

The Speaker (Hon. Kingi): We shall now move to question No.3. We have spent 22 minutes on this Question, and we had allocated only 15 minutes. We have six more questions to go.

Proceed, Sen. Sifuna so that we ---

Sen. Sifuna: I think hon. Chair ---

(Sen. Cherarkey spoke off record)

The Speaker (Hon. Kingi): Let us proceed. Proceed, Sen. Sifuna.

Sen. Sifuna: Thank you, Hon. Chair.

The Speaker (Hon. Kingi): Senator for Nandi, please take your seat.

(Sen. Cherarkey spoke off record)

You are scheduled. I will call you.

Sen. Sifuna: Mr. Speaker, Sir, thank you. I think Members have forgotten that there was an advisory that priority would be given to the Senators who asked questions, and then we will hand over the CS for supplementary questions, if I am not wrong.

Hon. Speaker, my Question is No.93.

Question No.93

PROGRESS OF WORKS ON RIRUTA-NGONG RAILWAY LINE PROJECT

Hon. Speaker, I want the CS to address three questions. Actually, they are four, and these questions originated from a meeting with the Karen Langata Residents Association.

(a) Can the CS tell this House what is the current progress of works on the Riruta-Ngong railway line project, whose construction was commissioned in 2023?

(b) Secondly, could the Cabinet Secretary provide comprehensive details on the rationale for initiating the project, including the source of funding, the design framework, feasibility studies conducted, environmental impact assessment and the economic justification supporting its implementation?

(c) Thirdly, could the Cabinet Secretary provide a financial and cost-benefit comparison between the proposed Riruta-Ngong railway line and the alternative option of dualling the Bomas Rongai to Kiserian section of Magadi Road and the Ngong Karen section of Ngong Road?

(d) Finally, what is the current status of compulsory land acquisition by the Government for the Riruta-Ngong railway line project, and how will the associated

land acquisition cost affect the overall project budget and implementation timelines?

I thank you.

The Speaker (Hon. Kingi): You may proceed, Honourable CS.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Mr. Speaker, sir, I beg to respond. The transport sector is recognised as a key pillar and a critical enabler in achieving Vision 2030, a long-term development strategy and the bottom-up economic transformation agenda. Development of an efficient transport system in rural and urban areas is therefore a key factor in supporting the country's development strategies.

I wish to indicate that for this particular project, the source of funding for the project is purely the Government of Kenya. The Government, through the Kenya Railways Corporation, conducted a feasibility study that resulted in the development of a Nairobi Commuter Master Plan, 2019. The master plan identified key commuter line corridors for development and modernisation within the Nairobi Metropolitan area.

The key identified corridors forming the core network include: Kikuyu-Limuru, which is currently existing under the Metre Gauge Railway; Riruta-Thika, which also exists today with the Metre Gauge Railway; Lukenya-Kitengela-Konza, also existing; Jomo Kenyatta International Airport (JKIA), which is proposed; Embakasi Village, which is existing and Riruta-Ngong, under implementation from Riruta to Ngong.

Riruta-Ngong commuter line, which will be linked to the revitalised Nairobi Railway Station, is also one of the commuter lines identified as critical transport infrastructure under the Prioritised Integrated Transport System for the decongestion of Nairobi Metropolitan Area. The rationale behind preference of the commuter rail over land transport is that commuter rail is for mass transport and therefore the carbon footprint is what we all desire today and where one commuter train carries about 6,600 passengers, both standing and sitting, which is equivalent to about 460 14-seater matatus and that is one way of decongesting our city.

I have just indicated where you can get that master plan and in today's time of technology, if you go to that site, you will be able to see the master plan. I wish to indicate that for this particular project, the source of funding, like I have said, is purely the Government of Kenya. As regards environmental social impact assessment study, the same was conducted in line with the Environmental Management and Coordination Act, 1999.

Attached herewith is a copy of the National Environment Management Authority (NEMA) license number NEMA/EAI/PSL/35081. I also wish to add that the project is being implemented under the Engineering Procurement Construction Basis with an independent consultancy for design review and construction supervision in place.

[The Speaker (Hon. Kingi) left the Chair]

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

On the second question, in order to enhance the economy of the country, mobility of the citizenry is key and the transport sector acts as a key enabler for economic growth. The land is a finite resource, therefore, the aim of the Ministry is to ensure both railway and road transport modes complement one another instead of competing with one another. Given the finite nature of the land, the Ministry aims to promote use of Mass Rapid Transport (MRT) in the Nairobi Metropolitan Area. The two modes being pursued are Commuter Rail Transport and the Bus Rapid Transport (BRT).

I can talk more about that because we just came back from the United Kingdom (UK), where we were looking at the UK fund to do the Nairobi Railway City and we are specifically focusing on these corridors to be able to move people quickly out and into the city and be able to decongest. Construction cost is Kshs8.1 billion. For construction cost we have about Kshs8.26 billion. Land acquisition will cost us Kshs2.8 billion. We are acquiring land in very expensive areas through that current corridor. Land acquisition costs, including protection, relocation and existing utilities as I have indicated, they will be significantly expensive.

Next question is on the status of the compulsory land acquisition. The total length of the Riruta-Ngong commuter line is approximately 13 kilometers. The ownership of the section traversed by the proposed railway line we have given a schedule attached and the length of the railway track ownership of the land and so on and so forth. I have captured there 2.4 kilometers with Kenya Railways as available corridor. We already have that. About 0.55 kilometers is with the Kenya Forestry Service and we need to acquire way leave. About 0.3 kilometers is with the Kenya National Highway overpass across the southern bypass. About 4.55 kilometers is with Kenya Urban Roads Authority that we need to be able to share jointly. One kilometer is with Kenya Broadcasting Corporation Station, which we need to acquire. About 0.9 kilometers is with the National Police Academy and which we need to then acquire. Fortunately, that is in the Government. About 2.1 kilometers is with the VET Farm Department and 1.35 kilometers is private acquisition or land acquisition process which is ongoing by the National Land Commission. Gazettement has been done, Gazette Notice 7418 Volume CXXV11 No.119 dated 5th June, 2025 for inquiry. Hon. Sifuna, you can see that is fairly current and some work is being done.

Let me just hasten to add that Nairobi Railway City, having been pronounced by the leadership as a priority project to be able to recalibrate and give new life to that piece of 438 acres of land sitting with the Kenya Railways, we do not only wish to build the new railway terminals, we will update or upgrade the platforms for all these lines to come in and out of the city. We will build a public ramp for the people arriving at a capacity of 30,000 persons per hour.

To a very good extent, if we did the Nairobi Railway City alone without doing all the lines that I have talked about into Kikuyu-Riruta, Ruiru-Thika-Lukenya, JKIA and Embakasi Village to be able to bring in people in and out quickly, it would not be--- So, we do not wish to do a stranded investment in upgrading the Nairobi Railway City

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without doing the supporting BRT and the commuter rail. Therefore, we are taking all this as a package.

The project that we are talking about through Riruta, which already has a contractor on the ground, I think China Road and Bridge Cooperation (CRBC) is one project which has already taken off and we are going to pay attention to make sure that we decongest the city, we move people out of the city for residents out there and be able to expand the economy as it were by moving people in and out very quickly.

The Temporary Speaker (Sen. Veronica Maina): Sen. Sifuna, do you have a supplementary question? Do you want to ask both of them now?

Sen. Sifuna: Yes, in fact, I do have. The Cabinet Secretary has given me a 2019 report, but I was meant to believe that there was another report funded by the World Bank in 2017. A consultant funded by the World Bank actually ranked this Ngong-Riruta line as the least priority in terms of construction of railways in this city. I have a few issues. I have publicly said that this is one of the few Cabinet Secretaries, if not the only Cabinet Secretary, that I have respect for because he takes his work seriously. However, I can see here in his response he has made an allegation that one commuter train is supposed to carry 6,600 passengers and that is an advantage over road construction.

In this same report, paragraph 39 talks of 1,200 passengers per train. I do not know where you got your number of 6,600 passengers. Also, would you not agree with me that it is not just about passengers? The Cabinet Secretary is telling us that 6,600 passengers is equivalent to 460 14-seater matatus. However, you and I know 14-seater matatus, 460 of them employing two people each, there are other benefits of having these matatus on the road. It is not just about the numbers that you are able to transport in one vehicle.

Let us go to the answer on the comparison of the cost of construction of the road *vis-a-vis* the rail. There is a schedule that he has given here. Apparently, the Government prefers spending a total of Kshs9.5 billion to do 13 kilometres of railway from Ngong to Riruta, as opposed to dualling Bomas to Kiserian, which is a total distance of almost 24 kilometres and at a cost of Kshs10.9 billion. The hon. Cabinet Secretary should explain to me as if I was a child.

Honestly, if we wanted to decongest Nairobi, open up the city and reduce the pressure on land, we know we have more land in Kiserian than we have here in Nairobi. What is the rationale of spending Kshs9.5 billion to do 13 kilometres of railway and yet Kshs10.9 billion can be used to do 24 kilometres of a dual carriageway from Bomas to Kiserian?

Madam Temporary Speaker, if he can answer those two questions and also touch on accusations and allegations that some powerful people along that route of the railway have somehow secured concessions from his Ministry to divert the original plan in order to avoid their properties. However, those who are not powerful enough, are not being heard at all by the Ministry.

The Temporary Speaker (Sen. Veronica Maina): Cabinet Secretary, could you respond to those questions?

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Madam Temporary Speaker, first of all, I thank Sen. Sifuna for the compliments, which I do not take for granted. I am even going to work harder. I will now get down to the optimal.

When you are dealing with a commuter rail, you can optimize because it is about the number of attachments which can be pulled by the engine. Therefore, you can start from as low as 1,200 and go to as high as you want, depending on the capacity. Depending on whether it is rush hour, you do not just do the attachments if the population is not there, but you can go to as far as 6,000, depending on the capacity of the engine to pull that weight.

The point is that we will build Bomas-Kiserian because that is a new settlement and dual that road as a priority, but we can get to the details. Kiserian is where the people who work in this city live. It is a new settlement and an open area. If we are going to decongest the city in terms of new developments, then we are seeing serious development in that area. We would be impervious as leaders not to set priority dualling to that very congested narrow road to Kiserian.

I would like to confirm that there are works in progress, the dualling to decongest the people trying to reside in the small spaces around the city. The Bomas-Kiserian is a must-do and an urgent project that we must undertake and because it is a supplementary question, I do not have the details, but I can tell you this is a priority road for dualling. However, leaders, should see the optimized pool from the commuter rail to the road, the *matatus* and the congestion that we have, including the Bus Rapid Transit (BRT), in order to do the intercity with that understanding. This is because our city was not planned with a railway or commuter railway, it is easy for us to have the commuter planned along the Nairobi Railway City. It is easy to go out of the city through a Nairobi commuter metropolitan system, which brings in a number of counties in Nairobi where our population reside in Ngong, Kiserian, Kikuyu, Kiambu all the way down to Murang'a. The governors sit in the Nairobi Metropolitan Transport Authority decision-making process.

I will just confirm to hon. Members that Bomas-Kiserian is a must-do. I can come with specific timelines because it is a critical corridor to decongest the city. Even as we thought that maybe this line is a least priority, in the latest developments, we must build a number of lines going eastward, northerly, southwest and so forth in order to bring people in and out of the city; either through the BRT and the Nairobi Commuter Rail System, in order to facilitate and remove the congestion that is currently choking the city.

Madam Temporary Speaker, whereas it might be expensive to develop the commuter rail, if we see the capacity we can pull, depending on the number of units to transport up to 6,600 people and we do the economics, you will appreciate why we need both. The buses stop every so often and the train stations will be further apart.

Considering the passion of Sen. Sifuna to understand what we are doing in Nairobi and the recent developments, which include the visit to the United Kingdom (UK) to see the King's Cross development and how the city can look like when you develop a dilapidated facility like the railway land which sits on about 438 acres; I would

like to spend time with Sen. Sifuna, as the Senator for Nairobi, so that he can appreciate what we are doing to decongest the city, give new life through the development of those 438 acres sitting under the Kenya Railways and be able to move people in and out of the city quickly.

We are doing this as a package. We do not want to just do the railway city, but we want to do the BRT lines; including the line that starts from Kenol and which stalled for a while; coming through Ruiru and all the way to the Nairobi Railway Station. There is also the line going to Kikuyu and Riruta. There are live plans, including my planned visit to UK next week.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, hon. Cabinet Secretary. We have exhausted the time that was allocated by the Speaker. I will allow just one question because the time for that question has been exhausted, otherwise it will be difficult to complete the questions we have for the Cabinet Secretary today.

I will give Sen. Okong'o Omogeni to ask one question and then we will call it a day on that question. You can still find another chance with the next question he answers. He is still on his feet.

Sen. Omogeni: Madam Temporary Speaker, before I ask my question, I was wondering about the procedure that the Ministry follows as I looked at the documentation. This road he was speaking about was commissioned in 2023m but the Environmental Impact Assessment (EIA) license was issued on 19th September, 2024. Does it mean that the Ministry does not follow the laid-down compliance procedures before they commission projects? They should lead from the front. However, the question I wanted to ask the Minister is on road safety.

The Temporary Speaker (Sen. Veronica Maina): Sen. Omogeni, which question do you want him to answer?

Sen. Omogeni: That is what I am asking. That was just an observation. Last week, we had a bad accident. I believe we neighbour each other. I am in Nyamira and you are in Bomet. In Nyansiongo, we had a very bad accident, where a truck that was traveling from Keroka, Metamaywa, down to Nyansiongo lost control and crashed into Nyansiongo Market. Eight people died on the spot. If you have data that is coming up after another accident happened again last year in October, we again lost four lives.

On that stretch, coming downhill is a hill. From Sotik, Chebilat, down to Nyansiongo, you also go downhill. On both sides, you have not placed bumps to slow traffic. Before September, in April, another child at Kesebei Primary School was knocked down by a vehicle. Again, we raised these complaints.

I had raised the same issue before your predecessor, Hon. Murkomen, but nothing has been done so far. How long does it take to just place bumps on the roads for purposes of ensuring that there is safety for the road users and the people who are using markets? Can we get any assurance from you that you will take note of these concerns and move with urgency and place bumps on that stretch of the road?

I would also like to know whether there is a possibility of putting a climbing lane at that spot because we do not want to keep on losing lives. *Waziri*, the people of Nyamira are also part of Kenya.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Okong'o Omogeni.

Before I invite the Cabinet Secretary, I will allow that question based on the fact that there are fatalities because of the accidents. Otherwise, I would like to remind Senators that questions must be connected to the principal question that the Cabinet Secretary is responding to, so that he answers effectively. Therefore, I will ask the Cabinet Secretary to respond to the same.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Sen. Okong'o Omogeni for those two questions and a clarification. You want to know how we can construct a road without an environmental certificate because of those two dates.

Like the Temporary Speaker who assisted me to answer that question has said, allow me to check exactly what happened and how we can start construction ahead of getting a certificate, which is a prerequisite in the order of---

It is a requirement that an environmental study has to be done. The National Environment Management Authority (NEMA) has issued certification. The funding will not be kind of---

Allow me to check on whether---

(Sen. Omogeni spoke off record)

The Temporary Speaker (Sen. Veronica Maina): Sen. Okong'o, you are out of order. Let him respond and I will give direction. You cannot raise a question based on another Senator's question. That is out of order.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Madam Temporary Speaker.

The reason I am asking for time to check and confirm does not mean that did not happen. Sometimes when you apply, you are given a provisional license to start works and do subsequent environmental certification. Therefore, I need to bring the sequencing of the initial approval and establish whether this was a secondary requirement to submit the environmental reports and, therefore, get subsequent certification for compliance.

What I was requesting is that you allow me to do that. I am not disputing but I am asking for time to get the details because these are numbers. Therefore, I would wish to delve into that. It should not be that we are working on a project where there has been no environmental study and approval.

The Temporary Speaker (Sen. Veronica Maina): Hon. Cabinet Secretary, you will have seven days to check the documentation and supply any documents to show the sequencing of those licenses.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Madam Temporary Speaker. We will endeavour to comply.

With respect to road safety, which is a carnage ravaging our Kenyans, I want to empathise following the Nyansiongo Market accident and loss of eight lives there. I promise the Senator that immediately after here, I will address the concern of bumps.

However, we should not react all the time when there is an accident and lives are lost.

There are various initiatives, including the Intelligent Transport System (ITS). There is so much, given the day and age in technology, that we can employ for drivers to manage vehicles on the road. We are coming up with a digital driving license with certain features to do instant fines and manage drivers. We are setting up junction cameras through ITS. There is so much we can do to address that. For this particular case of Nyansiongo, I will address that.

For most blackspots, we need climbing lanes. Sometimes with the speed and narrow sections at some blackspots, when vehicles veer from the road because of the weight and so on and so forth, they get out of the road, sometimes ending up in a market or where people trade, causing untold suffering and deaths. Therefore, for that particular case, I will pay attention to it.

I wish to say that we are doing a lot and I will be paying attention to what the National Transport and Safety Authority (NTSA) needs to do. That is a whole authority set to address the safety on our roads. I agree that we need to do more. For the case of Nyansiongo Market and the concern of bumps and a climbing lane that *Mheshimiwa* talked about, let me pay attention to that.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you. Hon. Senators, we will move to the next Question, that is, Question No.077 by Sen. Agnes Kavindu.

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, when you need guidance, you should first wait for the Speaker to give you permission to address the Chair. You cannot take over from Sen. Agnes before you are allowed by the Speaker.

Sen. Agnes, please, resume your seat.

(Sen. Kavindu Muthama sat at her place)

Let me hear the guidance that Sen. Cherarkey needs. Please, give him the microphone.

Sen. Cherarkey: Madam Temporary Speaker, I understood when Sen. Sifuna was given indulgence to go ahead of me according to the sequencing of the Order Paper, unless the Order Paper does not guide the House. In the sequencing of the Order Paper, I was immediate after Sen. Steward Madzayo, but the Speaker requested for the indulgence of Sen. Sifuna. After that, it should have been me as per the sequencing of the Order Paper.

Madam Temporary Speaker, I thought we are following the Order Paper. Can I be allowed because I have other engagements?

The Temporary Speaker (Sen. Veronica Maina): Kindly, resume your seat so that I respond to that.

(Sen. Cherarkey sat at his place)

Sen. Agnes Kavindu has approached the Chair. She is indisposed and therefore, needs to seek medical treatment. I have used the discretion of the Speaker to let her Question be answered, then your Question will be next. We will go back to that sequencing.

(Sen. Cherarkey stood in his place)

Sen. Cherarkey, resume your seat. I have given direction.

(Loud consultations)

No. I have already exercised the discretion and given you explanation on that.

Sen. Cherarkey: Madam Temporary Speaker, I am also indisposed. Therefore, you also listen to me. That is why I came earlier.

The Temporary Speaker (Sen. Veronica Maina): It is at this point that you are indisposed? Please, resume your seat.

(Sen. Cherarkey spoke off record)

You are out of order and I wish to caution you. Resume your seat. That is the first caution. After the second caution, I will rule you to be out of order.

(Sen. Cherarkey spoke off record)

Resume your seat. Sen. Agnes, you can proceed.

(Sen. (Dr.) Khalwale spoke off record)

Sen. (Dr.) Khalwale, allow Sen. Agnes to proceed. I will listen to your point of procedure after Sen. Agnes has asked her Question.

(Sen. (Dr.) Khalwale spoke off record)

I have given you the direction, Sen. (Dr.) Khalwale.
Proceed, Sen. Agnes.

*Question No. 077*REASONS FOR DELAYED COMPLETION OF
KAKUKU-EKALALA-MATUU ROAD

Sen. Kavindu Muthama: Madam Temporary Speaker, I beg to ask the Cabinet Secretary for Roads and Transport the following Question-

(a) What are the reasons for the delay in completion of the Kakuku-Ekalala-Matuu Road in Machakos County, and what is the current status and projected timelines for its completion?

(b) Are there any plans for the construction of a bridge to connect Thika River-Ekalala-Isyuko ya Kathini in Masinga Sub-County, Machakos County?

(c) When does the Government plan to commence the reconstruction of Miu ya Ng'ang'a Bridge in Masinga Sub-County, Machakos County, which was swept away by floods, and what are the projected timelines for its completion?

(d) What are the budgetary allocation for these projects in the 2024/2025 Financial Year?

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Hon. CS, you may proceed to respond to that question.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Madam Temporary Speaker. I will straightaway go to the first question.

(a) The main reason for the delay of upgrading to bitumen standard and performance-based periodic maintenance of Matuu-Ekalakala-Kakuku and Junction A3-Kathulani Junction C439 Road is as a result of financial difficulties facing the main contractor.

The project was contracted to Kito Civil Engineering Company Limited, in 2017 and has faced significant challenges in completion. Having exhausted all administrative controls, the Ministry commends the process of terminating the contractor in October, 2019 through Kenya Rural Roads Authority (KeRRA) to allow for retendering of the works. The contractor, however, contested the termination in court following which the matter was referred for arbitration.

The contractor then requested to subcontract the works as an alternative to avert a lengthy litigation process that would further delay progress. The request was granted in the interest of the greater public good. Subsequently, Hon. Members, the contractor, has over time entered into several subcontracting agreements to facilitate the completion of works. The latest being the 20th February, 2023, when Lido Supplies and General Traders Limited was brought on board.

As of now, the sub-contractors have collectively delivered 16 kilometers of tarmac at the Ekalakala-Matuu and the Junction A3 Kathulani Junction C439 Road section translating to 54 per cent completion status with some 92 almost 93 months, which is their lapse time. However, on March, 2024, the subcontractor left site citing non-payment of dues. The Ministry has recently paid a total of Kshs88 million to the

contractor of the project through what we recently did to raise funds, and the subcontractor has since committed to resume works before the end of June, 2025. Allow me to follow up and confirm that.

We did a settlement agreement to pay pending bills, and one of the conditions in the settlement agreement was resumption of works for them to receive that 40 per cent payment. We are planning to pay an additional 40 per cent before the end of this month and it will be based on performance. So I will be following up to confirm that resumption has happened. We can all agree that has not been acceptable.

There have been myriad court processes and pending bills but with the solution having been reached through the recent payment, allow me to address that.

(b) We are aware of the need to construct a structure to facilitate access along the Thika River-Ekalakala-Isyuko ya Kathini Road C438 in Masinga Constituency to connect Thika River-Ekalakala-Isyuko ya Kathini in Machakos County. The road serves as a link to Ekalakala Ward in accessing roads such as Muthesia, Ithanga Hills and the larger Masinga-Ndithini region.

The cost of constructing an adequate structure is Kshs20 million and the construction shall be undertaken upon availability of funding. This is not very adequate but allow me to again pay attention to that and see how we can expedite funding for this particular bridge.

(c) I wish to state that the reference Miu ya Ng'ang'a Bridge in Masinga Sub-County has been designed for construction as a twin-cell box culvert. The Ministry is aware of the importance of the structure as it links the Kayole-Mataka-Kikule Road in Masinga constituency, Machakos County, providing a key transport link across the Miu ya Ng'ang'a River and improving access within the Ndithini area.

The cost of constructing the structure is estimated at Kshs15 million and a funding request for the same has been raised for consideration. The Ministry, through KeRRA, shall procure and undertake works on the structure as soon as a budgetary provision is made. Let me also undertake to follow up that because it is one thing to build roads with no structures connecting the two roads.

(d) The two structures were not allocated a budget on the Financial Year 2024/2025 since they are at preliminary pre-construction stages, including designing of the structures. However, that was in the Financial Year 2024/2025. Allow me to also check the status in the current budget for the Financial Year 2025/2026. I will do that.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Do you have a supplementary question to that, Sen. Kavindu Muthama?

Sen. Kavindu Muthama: Yes, Madam Temporary Speaker. Thank you. Sorry, my voice is disappearing, but I will strain. Bwana CS in 2016, we lost five people in Kathini. They drowned and their families have not been compensated to date. When people in that place want to go to Masinga, which is their local town, they have to go through three counties. They go through Murang'a, Kiambu, come back to Machakos then go to Thika if they want to go by road. Some of them cross using simple boats. Hon.

CS, I expect you to do something for the people of Machakos County so that they can cross those rivers in a dignified manner.

The other one is the Miu ya Ng'ang'a Bridge. Those people including small children going to school cross the river in an undignified manner. Most of them are attacked by crocodiles and hippos in the river. The cost of compensating one person who has been killed by a hippo or a crocodile is Kshs5 million. We have already compensated nine people, which is nine times Kshs5 million. If you compare the cost of compensating the people and building the bridge, you will note that building the bridge is cheaper than compensating the families when one dies. We are talking of school children who are crossing those rivers going to school on the other side.

Madam Temporary Speaker, I hope you will give the CS some few minutes to respond to those questions for us to move forward and for my people in Machakos County to be adequately supported by this Government.

I remember, the road I am talking about was launched when I was in Jubilee.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kavindu Muthama---

Sen. Kavindu Muthama: No, Madam Temporary Speaker, let me just finish this. It is a little one.

The Temporary Speaker (Sen. Veronica Maina): Listen, Sen. Kavindu Muthama---

Sen. Kavindu Muthama: I spoke about this road in 2017 and this is 2025.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kavindu Muthama, you need to abide when the Speaker calls you to respond.

(Sen. Kavindu Muthama spoke off record)

Sen. Kavindu Muthama, you are getting out of order. Resume your seat.

Hon. CS, proceed.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Hon. Madam Temporary Speaker, I think Sen. Kavindu Muthama was just stressing the importance of getting these two crossings to be built. I undertook to pursue the two bridges. In fact, we have some funding to address bridges in Kenya because we have challenges crossing many rivers across the whole country. So, I undertake to address the two.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Next Question. Be very brief, Sen. Kavindu.

*Question No.092*STATUS UPDATE ON UPGRADING OF THE MOMBASA ROAD
(DEVKI)-KINANIE PARK/ KINANE LEATHER PARK ROAD

Sen. Kavindu Muthama: Thank you, Madam Temporary Speaker, for your consideration. I beg to ask the Cabinet Secretary for Roads and Transport the following Question.

(a) Could Cabinet Secretary provide a status update on the upgrading of the bitumen standard of the 25 Mombasa Road, Devki-Kinanie Leather Park Road in Machakos County, which was allocated Kshs1.785 billion by KURA and explain how the road works align with the contract terms and road design specifications?

(b) Could the Cabinet Secretary explain the reason for the delay in the completion of the project, which commenced on 15 July 2021, with a contract period of 36 months and expected completion of 14 July 2024?

(c) What measures has the Ministry put in place to ensure the timely completion of all the current complete road projects by KURA and Kenya Rural Roads Authority (KeRRA), in Machakos County, and could the Cabinet Secretary provide respective timelines on the same?

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you Madam Temporary Speaker.

Allow me to rush through this Question very quickly, because I did visit this road in the last three, four weeks. which is a big special economic zone out there in Machakos County, and which has a contractor called China Aerospace on the contract amount of Kshs1.785 billion.

This road is a significant artery that will open job opportunities in the leather processing park, in what our President normally refers to as a ready market. We need to value-add our leather to make shoes for our school-going children. There is a ready market from leather which today is not processed and sometimes being fed to the dogs.

Sen. Kavindu, I have been told to personally supervise that road and ensure it is complete in the next six months. That road has now been provided full funding, and the contractor will not stop until completion.

Let me just answer that on that. I have driven on that road in the last three weeks. We have provided full funding. More importantly, because it is important to do the road, but we need to open Kinanie Leather Park.

I assure you, within the next six months, in spite of the status of the road today, we will complete construction of that road. I think that would suffice to answer (a), (b) and (c). I can undertake that because I have been told to personally take on that project to ensure that we open Kinanie Leather Park.

With respect to the roads which are currently going on in Machakos County, we paid 40 percent and we are paying another 40 percent in a short while, maybe by the end of this month.

The contractor resumed works and requested an extension time, which was reviewed and approved, setting the revised completion for the project to 2026. As I have said, we are not giving up to 2026. We need to finish this road in the next six months, which is just by end of year.

In the interest of time, and I see the mood of the House, I have given a very comprehensive schedule of all the roads in the county. Allow me not to go through it. I have mentioned, for example, Kenol-Ngoleni-Kaani-Muthituni- Kaseve, with Nyoro Construction, a road length of 38 kilometers, the cost of the project, what we have been able to do and the schedule is basically clear there.

You will basically see amounts that we paid in 2024/ 2025 Financial Year, and to the extent that we have cleared or paid 40 percent of the pending bills and we have another 40 percent to pay for the outstanding pending bills.

We are pushing contractors to get back to work and do what they must do. Allow me to basically stop on that because the table bringing out the various roads in the county has been presented in a fairly clear way.

The Temporary Speaker (Sen. Veronica Maina): Thank you, honorable Cabinet Secretary. I believe the second question is answered effectively. Do you have an extra question? I was hoping that you would not have. Do you have a supplementary?

Sen. Kavindu in the interest of time, just ask one question, then others can have an opportunity to ask.

Sen. Kavindu Muthama: Actually, I will not ask any other question. I am satisfied. If I have any other question, I will get back to them again.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey will proceed with Question No.73. Always be patient because your turn will still come.

Sen. Cherarkey: Madam Temporary Speaker, we must also stick to Standing Order No.45, so that we do not get stuck.

The Temporary Speaker (Sen. Veronica Maina): Just proceed to the Question.

Sen. Cherarkey: I beg to ask the Cabinet Secretary for Roads and Transport Question Nos.073, and 074 concurrently, since they are short.

Question No.073

STATUS OF REDESIGNATION, RECLASSIFICATION AND PROPOSED EXPANSION OF ELDORET-KAPSABET-CHAVAKALI AND THE KAPSABET-CHEMELIL ROADS

(1) What is the current status of the redesign, reclassification and proposed expansion of Eldoret-Kapsabet-Chafakali Road and Kapsabet-Nandi Hills-Awasi-Chemelil Road?

(2) Could the Cabinet Secretary provide the projected timelines and budgetary allocations for their implementation?

Question No. 074

IMPLEMENTATION STATUS AND EXPECTED TIMELINE
FOR EXPANSION OF NAIROBI-NAKURU-ELDORET CORRIDOR

(a) Could the Cabinet Secretary provide the implementation status and expected timeline for the expansion of Nairobi-Nakuru-Eldoret corridor, inclusive of Malaba particularly, the dualling of Rironi-Nakuru and Nakuru-Eldoret-Malaba highways, which are critical in easing congestion along the northern corridor?

(b) Could the Cabinet Secretary indicate the identity of the contractor for the projects, as well as the funding arrangements?

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Sen. Cherarkey for those questions. The current status of the inquired Road is as follows-

I thought there was a question about Moiben Junction-Eldoret Town, all the way to Mlango on the sides of Mosoriot Teachers College.

The Temporary Speaker (Sen. Veronica Maina): Have you added an additional one?

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): No, it was in the Questions. Allow me to answer, though the Senator did not speak to it. Although you did not mention it, it is in the written question. Let me answer as follows-

The Kenya National Highway Authority (KeNHA) has completed the design of the 55-kilometre Moiben Junction towards the Iten side. We will move towards Elgeyo Marakwet and Chepkoilel University College on the dualling, through Eldoret Town, the Airport, to Mlango Shopping Centre.

We want to come towards Mosoriot Teachers' Training College. That is the place where the dualling should start. The designs have been completed. We are looking for funding. This will help in decongesting the town and get movement of people from Mosoriot Teachers Training College, Mlango, all the way to Moiben Junction. We will go towards the Iten side and on the other side and move towards Chepkoilel University College.

With respect to Mlango-Kapsabet-Chavakali Road, we do not yet have any designs. However, we have designed the first one and we are finalising the funding.

On the reclassification of Eldoret-Kapsabet-Chavakali and Kapsabet- Chemelil Road section, it was done in 2020 from Class C to Class B. We are currently revalidating, given the recent court ruling, which declared the classification of roads unconstitutional and against Section 6 of the Kenya Roads Board (KRB) Act on the sharing of Road Maintenance Levy (RML). We are working on that. That has been done and upgraded from C to B.

With respect to the design of the 55-kilometre road, I have talked to that. Let me not repeat. I have said we are coming to the Teachers College all the way to Moiben and go towards the University and Iten.

With respect to the maintenance of the Eldoret-Chebarbar, Chebarbar- Kapsabet-Nandi Hills and Kapsabet-Chepsonoi and periodic maintenance contract for Chavakali-Chepsonoi roads, which was also in the question, that is ongoing. The works under those contracts are expected to commence shortly because they had to re-tender because there was a small challenge. The design of the 55-kilometre Moiben Junction-Eldoret Town Road- Airport-Mlango Shopping Road is complete. I do not know why I have repeated myself on that. We have stretched from Mosoriot all the way to what I had mentioned.

The next is Question No.74. Let me quickly go to it. Again, because of time constraints, I will spend some time with Sen. Cherarkei outside because I understand that region well. We are doing some work there.

(a) Just to remind ourselves, Rironi is where the current dualling ends and goes all the way to Nakuru, Eldoret all the way to Malaba. Let me answer in a structured way.

The Ministry of Roads and Transport through the designated contracting and implementing authority, KeNHA, is preparing to launch a new procurement--- This answer was written a while ago.

We are in the process of project development under the Public Private Partnership (PPP) process. We have a number of concession proponents and they are currently going through development phase. We expect to break ground before the end of August if all goes well for Rironi-Nakuru-Mausamit.

We will dual Rironi-Maai Mahiu-Naivasha as a bypass. It is called A8 South. We will dual A8, which is Rironi-Naivasha-Nakuru, all the way to Mau Summit. We will also dual A8 South, which is Rironi-Maai Mahiu-Naivasha. This will help to remove the challenge of congestion on that road.

As we speak, we do not have a contractor on site. They are currently being evaluated through the PPP process. They are at development phase. When you drive on that road today, you will find some people drilling the road to check the profile of the geotechnical work in terms of the structure of the soils. We have given them 10 days to finish that and give us the response. This will enable us to answer the second question on who are the contractors, if we were to award.

(Sen. Gataya Mo Fire spoke on his cell phone)

The Temporary Speaker (Sen. Veronica Maina): Sen. Mo Fire, you are bordering on being out of order now. You cannot make your phone call within the Senate when the Cabinet Secretary is responding.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): I thought it was a supplementary question. Sorry.

(Laughter)

Hon. Temporary Speaker, Hon. Cherarkey, we will pronounce the contractors as soon as the PPP directorate does. We are working with speed because we appreciate that

Kenyans have suffered on this road with congestion. Sometimes people sleep on the road. We expect to break ground, given successful process, before the end of August.

With respect to the design of Chepterit-Eldoret-Leseru Junction, the design proposes dualling the whole length of the road from Chepterit to Leseru Junction and construction shall be carried out.

Again, since *Mheshimiwa* Cherarkey knows this road very well, we are going to work from Cheplaskai, go through Eldoret Town, all the way to Maili Tisa on Leseru side. We can have more discussion on that outside because of time. I believe I have adequately addressed Sen. Cherarkey's question.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, do you have a supplementary question?

You can proceed.

Sen. Cherarkey: Yes. I have one supplementary question, so that I can allow my colleagues to also seek for clarification. Of all these roads that interconnect Chavakali, Kapsabet and Nandi Hills, there are roads like Nandi Hills-Simaki-Tulua-Chepterit-Chepsaita and repair of Chepterit-Moi University where they are using murram instead of tarmac.

There is also Chemuswa Danger Road. They are all interlinked. I am happy, through the Cabinet Secretary, that Selia-Talai and Timboroa-Baraba Potapoto, the contractor is on site. However, these other roads from Nandi Hills, Simaki, Cheptulua, Chepterit, Moi University, Chepsaita and Chemuswa Danger, there is nothing on it.

Can the Cabinet Secretary, as they say in Catholic, "*sema neno moja tu, na roho yangu itapona.*" Can he say something about this interconnect road?

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, do you need your *roho* to *pona*? Why are you mixing the parliamentary languages?

Proceed, Hon. Cabinet Secretary, I hope you understand the two languages.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Hon. Speaker and Members, we have done some work to unlock. For example, the Chemuswa Danger Road has the same contractor and they have started from one side. Do we move the contractor to the other side? Do we get two gangs so that one gang starts from the other side? Yes, we are able to do that given the fact that we have lately paid the contractors.

I encourage Members to talk to some of these contractors when you drive and meet them. They were in a very sorry state. We owed them money, they owed subcontractors and suppliers of cement and steel money. They also did not pay salaries. However, with the unlocking of that challenge, I confirm that all those roads that the Senator has talked about are funded in the current financial year. I would like to spend some time with the Senator to confirm that.

It is the same thing across the whole country. We have really done fairly well with the unlocking of the pending bills and ensuring that every road that has a contractor has at least a milestone funding in the Financial Year 2025/26 to ensure that we do not

only pay them for the pending bills but we have money to pay them for the subsequent certificates they are yet to give us.

All those roads, Senator, have been funded and I want to spend some time outside here with you sometimes to confirm that.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): I will allow Sen. Joyce and Sen. Boni Khalwale to ask supplementary questions on that.

Sen. Joyce, you have the Floor.

Sen. Korir: Thank you very much, Madam Temporary Speaker. I really appreciate the CS for the way he is handling the Ministry, but I still have one question which I know he is privy to. I do not know what the plans the Ministry has concerning a road that is sharing the same problem with what Sen. Cherarkey has said. That is the road from Chebole-Siongorio-Emurua Dikirr-Silibwet- Olenguruone-Chamaner-Kyogong-Sigor.

What plans does the Ministry have? This is because these are the roads that have been having a challenge with the pending bills and they have been in construction for the last four years. The same roads are also getting worn out before even they are completed. Can the CS respond to that?

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Joyce, I think you have breached the rule of giving a supplementary question springing from the principal question. However, I do not know whether those places you have mentioned are connected to the roads that Sen. Cherarkey asked about and whether Honorable CS would be prepared to answer that off from the top of his head without having prepared for it.

Honorable CS, are you able to respond to that?

(An hon Senator spoke off record)

It has no relation. However, he is a CS for transports and roads in Republic of Kenya. So, let him respond for himself.

Proceed, Cabinet Secretary.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Thank you, Madam Temporary Speaker. I drove on that road called Daraja Sita-Chebole this weekend. They will finish recarpeting it in the next two weeks.

With respect to Chebole-Laboyot-Dikirr, we are reconstructing starting this financial year. Kyogong-Sigor-Chebunyo is ongoing because of the pending bills payments. The contractor is on site and the Senator may be aware of that.

On Silibwet-Merigi-Kapkimolwo-Longisa, the contractor is on site. I think he is giving us an additional certificate. We paid the pending bills in December and they have done seven kilometers of tarmac and we have money to pay and he will continue for the next milestone.

Thank you.

With regard to the road from Olenguruone to Silibwet on the other side, we are also funded it in this current financial year. We will be tendering for that road to be rebuilt.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Cabinet Secretary. Sen. Boni Khalwale, proceed.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, on Question No.74, dualling Rironi all the way up to Malaba, when the Cabinet first announced, you told the country that is exactly the project you are going to do, but now, in the House, you have shifted goalposts. You are saying you will stop at Mau Summit so as to allow you to now go to Maai Mahiu and hopefully Narok. Are you doing this, Cabinet Secretary, so as to once again lock out Western Kenya from this modern process?

My last question is on Question No.73 about the Kapsabet-Chavakali Road. This road reaches Chepsonoi, goes to Chavakali, Shinyalu and Kakamega. The President announced two months ago while at Shinyalu Market, that he is putting money on this road, Chepsonoi-Shinyalu-Kakamega. Can you confirm that this project is on and when the construction will start?

The Temporary Speaker (Sen. Veronica Maina): Hon. CS, please proceed.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): I think the concessioning of a bridge is subject to an investor being able to get return on investment; as to whether the road can return on the investment at a rate that is attractive to be able to build the road.

At the moment, the traffic between Rironi-Nakuru - and I think we have moved all the way to Mau Summit - is where we have gotten interest from the investors. Mau-Summit, Eldoret, all the way to the border, PS Kiptoo has just come back from China, and the Asian Investment and Infrastructure Bank has expressed interest.

So, we are working on that section of the road and albeit it may not have the kind of traffic to attract investment, we will put Government funding through this Asia Infrastructure Investment Bank, which has been discussed and agreed on and we will be working to finalize that.

Just to remind you that this is the Northern Corridor. I hosted the Council of Ministers for the Northern Transit Transport Corridor in Kenya last Friday and I would like to remind you that Kenya is an anchor state with the advantage of Mombasa Port service in Uganda, Kigali, all the way to DRC and South Sudan.

It is in our interest to open the corridors so that we do the transit trade and take advantage of competitive opportunity as a country while we service those countries. It is in our interest to build that corridor to complete at the border. As I said, the Asian Infrastructure Investment Bank is working with us on that section of the road.

With respect to this road from Kapsabet going all the way to Chepsonoi and to Kakamega, again, we can have a discussion outside here. It is funded. I believe tenders have just closed or they are closing tomorrow. It was re-tendered. We will award and quickly start building that road to bitumen standard.

So, I confirm, funds are available. It has been designed and tendered. Unfortunately, the first tender had a challenge and it was re-tendered. We will seek to award this time round and get a contractor and start building that road.

Thank you. I appreciate coming to give clarity on any areas on the road infrastructure for this country.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Hon. CS. We will now go to Question No.088.

Senator for the Tharaka Nithi County, please proceed.

Question No. 088

CRITERIA USED BY KENYA ROADS BOARD TO DETERMINE
ALLOCATION OF ROADS MAINTENANCE LEVY FUND TO COUNTIES

Sen. Gataya Mo Fire: Madam Temporary Speaker, I beg to ask the Cabinet Secretary for Roads and Transport the following Question-

(a) What criteria does the Kenya Roads Board (KRB) use to determine the allocation of the Roads Maintenance Levy Fund (RMLF) to each county?

(b) Could the Cabinet Secretary explain the significant reduction in the RMLF allocation in Tharaka Nithi County from Kshs111 million in the financial year 2023/2024 to Kshs70 million in the Financial Year 2024/2025?

The Temporary Speaker (Sen. Veronica Maina): Hon. CS, please proceed.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): I actually thought we had finished, but let me go through this very quickly.

(a) The Road Maintenance Levy is allocated in accordance with the criteria provided in the Kenya Roads Board Act, 1999 Section 6. From 2015-2016, 2020-2021, the road maintenance levy was allocated to the roads agencies, as tabulated in that table; 40 per cent to Kenya National Highway Authority (KENHA), 21.8 per cent to Kenya Rural Roads Authority (KERRA) and Kenya Urban had 10.2 per cent. County governments had 15 per cent. There was allocation which was special for emergencies and for disasters and which sat in the Cabinet Secretary's office was at 10 percent, the Kenya Wildlife Service (KWS) was at one percent and two percent for Kenya Roads Board (KRB), totaling 100 percent.

Madam Temporary Speaker, effective July, 2021, the conditional RMLF allocation to counties was discontinued by the National Treasury including this allocation as part of the equitable share of revenue to counties. The 15 percent Road Maintenance Levy Fund allocation to counties therefore reverted to KeRRA and KURA because the RMLF is a conditional grant and a levy for maintaining roads. It can only be useful for roads.

The County Government's Additional Allocation Bill, 2024 proposed to allocate Kshs10,5 billion from RMLF to the 47 counties in the Financial Year 2024/2025. A formula for determining the quantum allocation to each of the 47 counties was therefore

developed under a multi-agency approach that included the Commission of Revenue Allocation (CRA), the national Treasury and KRB.

The formula took into account five factors including, basic equal share, length of the road network, proportion of paved and unpaved roads in each county, the climate condition, the soil types, the rural index, including traffic on the roads, the class of the road which is not mentioned here and all those are factored in the formula as drivers to the allocation.

Each of those factors was assigned weights as tabulated in the attached table but I will not go through it. Weight was the main criteria and the sub-criterias are percentages thereof. These criteria were to take effect in the Financial Year 2024/2025 in the event that the county governments were to benefit from RMLF allocation. However, the proposed allocation of Kshs10.5 billion was the subject of dispute between the National Assembly and the Council of Governors resulting in a court case that was determined sometimes early last month.

In November, 2024, KRB disbursed Kshs3.68 billion to counties using the formula; with Tharaka Nithi receiving Kshs55.9 million as shown in the response there. Kenya Roads Board did not allocate funds to counties in the financial year 2023/2024. Going forward, KRB may resume allocating RMLF to the counties based on the guidance of this House and the High Court.

Let me hasten to say that there has been further development since I gave that response to the House. After the court ruling, we are working with the National Assembly and we will be coming to the Senate to agree on the formula and the sharing. This is because, the courts declared Section 6 of the KRB Act which has that formula, unconstitutional. We will therefore need to amend that section quickly through the two Houses because under the Fourth Schedule of the Constitution, roads are a devolved function with policies and other certain aspects being with the national Government as well as county governments having certain aspects as defined in the Constitution.

Therefore, Madam Temporary Speaker, we are working quickly to unlock that challenge in order to disburse RMLF, considering that as we speak today, we are unable to disburse RMLF because Section 6 of the Kenya Roads Board Act has been declared unconstitutional.

I would like to conclude by stating that the High Court recently, like I have just said, declared the Kenya Roads Board Act unconstitutional with respect to some section 6 and 47 on the classification of roads excluding counties in the share of RMLF.

Like I said, the State Department for Roads is working with the Attorney-General and the National Assembly. We will also work closely with the Senate because that is an amendment that will also require passage by the Senate. Therefore, we will work closely together so that we avoid mediation to unlock that challenge and disburse RMLF to support management of our roads which are not in a good state particularly after the April rains.

Madam Temporary Speaker, allow me to stop there and thank the House again for inviting me.

The Temporary Speaker (Sen. Veronica Maina): You are not yet done, until you are discharged by the Chair because we still have supplementary questions.

Proceed, Sen. Gataya.

Sen. Gataya Mo Fire: Madam Temporary Speaker, I heard the Cabinet Secretary mention a formula which has all through proved to be discriminative. When you go to Tharaka Nithi, you will find many stalled roads projects.

I am sure *Waziri* is aware. He must be aware of a road which originates from some parts in Tharaka; that is Gatunga-Marimanti-Chakariga Road which has stalled for close to 15 years. The parts that had been done are already peeling off. We have witnessed several accidents for the past few years. There is also another road from Mutindwa-Kwa Mbogori all the way to Kithombani in Chogoria and several other roads that have stalled due to this discriminative formula which has neglected some parts of the country including Tharaka Nithi.

What is the Cabinet Secretary doing to make sure there is equality or balanced distribution of funds to make sure that every part of this country is served to ensure that all the roads are done? We have seen some parts of this country terribly neglected in terms of road network. What is your Ministry doing to make sure that we balance the equation to make sure that everybody benefits?

The Temporary Speaker (Sen. Veronica Maina): Cabinet Secretary, you can proceed to answer that.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Hon. Senator, let me start by thanking you for the supplementary question.

Madam Temporary Speaker, we can spend some time to see what we have done with securitization of a portion of the RMLF. In line with Section 32 of the Road Maintenance Levy Fund Act 1993, we have been able to raise funds to address some of the challenges facing our roads. A number of them were pending bills while others were maintenance challenges. The Maintenance Vote alone from RMLF may not be adequate to maintain all our roads.

I want to confirm that the formula that has been developed to take care of length, traffic and classes of roads and so on and so forth is basically meant to share the revenues from RMLF between the national Government, for purposes of maintaining national roads depending on the class, and county governments. We are quickly working on that amendment so that we unlock the challenge.

Like I said, securitization has unlocked a lot of challenges. It has also given us liquidity to address some of the challenges that roads like Chakariga-Marimanti-Gatunga, a 36-kilometre road which is in a state of disrepair.

Madam Temporary Speaker, I want to confirm to the Senate that road has received attention and in this financial year, we will start recarpetting it, amongst many other projects in the County of Tharaka Nithi. That is receiving the attention just like the other counties in Kenya. Therefore, I want to confirm that Chakariga-Marimanti-Gatunga, a 36-kilometre road, will be recarpetted this financial year.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Cabinet Secretary.

Sen. George Mbugua, you have the Floor. Please switch on his microphone.

Sen. Mbugua: Thank you, Madam Temporary Speaker. Cabinet Secretary, in the previous financial year, there was some money that was allocated and disbursed to the counties but they did not clear pending bills for the contractors. What is your Ministry doing through the Kenya Roads Board to ensure that counties do not start new projects before they pay the pending bills for the work which was done previously? Thank you.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Madam Temporary Speaker, with respect to accounting standard and first charge where debt should really be paid ahead of even paying ourselves salaries, what we have done with the securitized Kshs7 we have accrued all the pending bills for every road in Kenya. We will clear those pending bills when we raise that Kshs175 billion. So, the pending bills up to December, 2024 will be addressed without any favour.

We paid everybody for the first 40 per cent of the amount we owe. We are paying the next 40 per cent of the balance by end of this month maybe first week of August. What we did in the budgeting before picking on any new project was to make sure we provided funding for at least 1.5 or two certificates for the works for the new certificate that will come so that we do not again accrue pending bills.

I agree with the Senator. In terms of prioritization, it will not be right to develop new programmes when we are not paying pending bills. So, we are paying all the pending bills up to December. We provided for funding and liquidity to make sure that we are able to pay for at least one certificate that is accomplished by the contractors. I want to assure this House that we are on top of this and we will try, as much as possible, to minimize accruing pending bills while we are developing new projects.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Maanzo did you have a question or it was overtaken by events?

Sen. Maanzo: Madam Temporary Speaker, the question I have is a little bit different though it is related to a question he asked much earlier. He was here earlier on and I asked him a question and he promised to see me at his office, but that never happened. I wanted to know what happened to Ukiya Emali Road?

The Temporary Speaker (Sen. Veronica Maina): Hon. CS, that is a genuine concern. You could address it.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): Madam Temporary Speaker, when I was coming into the House this morning, the Senator came to receive me and I thought we had agreed on how we were going to sort that out. I will be seeing the Senator hereafter to address it.

I did not hear the first part of the question. Was there a question? You saw me struggling to hear? Sorry.

(Sen. Maanzo spoke off record)

Thank you.

Ukia Emali Road has now been funded. You are aware we closed the bid for that road? Is it Emali Ukia? There was a fight when we were advertising on whether we should publish it as Ukia Emali or Emali Ukia but it has been advertised. It has been closed and it is undergoing evaluation. We have funded it in the current financial year for us to have mobilisation and funds for the first milestone. The Ukia Emali Road construction will start in due course.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Hon. CS, I want to thank you on behalf of the House for the questions you have responded.

Sen. Abbas, did you have a question?

Sen. Abass: Yes, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Your name does not appear on the dashboard, but you can proceed and ask the question now that we have a few minutes.

Sen. Abass: Thank you, Madam Temporary Speaker. I want to first thank the Cabinet Secretary. It has been a long day for him.

My question is about the northern road that goes from Isiolo to Mandera. I want to thank the President for standing firm to see that the road is on progress. It is progressing. However, there are some challenges, especially delay of payments. Some sections have started while some have not.

The one for Samatar-Wajir has already been started, but the two sections were under annuity, that is, Modogashe-Samatar and Rhamu-Mandera. What is the position of the annuity because last time the President promised that the nation that the Government is going to take over to ensure that this road is done completely and not in patches?

The Temporary Speaker (Sen. Veronica Maina): Sen. Abbas, that is a road that is notoriously known in Kenya, especially in the social media. The Cabinet Secretary could speak to it.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): This corridor, honorable Members, totals slightly about 766 kilometers. It is quite a lengthy road starting from Isiolo, going all the way as Sen. Abbas says. It ends in Mandera East, where we have that annuity section, Rhamu-Mandera, which was under annuity, including Samatar-Modogashe, which is also under annuity.

I will have a meeting this afternoon. We are moving from annuity to Engineering, Procurement and Construction (EPC). We have done one road from annuity to EPC, the one in Taita-Taveta, and then we are just basically cutting and pasting what we did for Taveta-Illasit-Njukini.

We had a challenge between the two contractors of this road, a company which had a local component and we have resolved that challenge. We will move quickly because this is the section that is likely to cause delay, to move Rhamu-Mandera and Modogashe-Samatar to EPC.

We will award, probably through the specially permitted procurement method, because there was already a contractor, and start that section of the road. You will have noted that the other section of the road, which was in the papers just the other day, is that

section where we had the Arab funding and which we really need to close quickly. That is the section between Samatar to Wajir.

Those are the only two sections. I have instructions to make sure that the whole corridor is open at the same time. So we will accelerate Modogashe-Samatar and Rhamu-Mandera to move from annuity to EPC, and work with the Arab Bank on what we advertised yesterday to finish Samatar to Wajir and the whole corridor will have contractors.

We have resolved the insecurity challenges. I think we have attention from our forces inspecting and supervising the construction. The section, for example, like Isiolo-Kulamawe or Kulamawe to Modogashe, with this contractor called China State Construction is very good progress and today at about 45 percent completion. There is very good work on this corridor that will open our northern part of Kenya to be like the rest of Kenya.

The Temporary Speaker (Sen. Veronica Maina): Sen. Boy, I will allow you almost like one minute only to ask your question.

Sen. Boy: Thank you, Madam Temporary Speaker. My question is just a very simple one. There is a road from Lungalunga to Vanga with just one kilometre to reach Vanga. It is almost now four years and not completed.

The Temporary Speaker (Sen. Veronica Maina): Please, comment on that road within a minute.

The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir): I do not have the details on Lungalunga to Vanga Road, but I can tell you on any road with a contractor at the moment, because of the pending bill challenge.

Let me pick up that and check. One kilometre should not be a big issue, particularly if there has been a contractor and the issue is a pending bill. We have paid every contractor the first 40 percent. We are paying the next 40 percent in a short while. The settlement agreement we did with the contractors was they go back to work.

So, allow me to check on that, and I do not see a big challenge on a major road with one kilometre and a road which is linking us on that corridor.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Honourable CS, for the effort you have given in answering all those Questions. There were quite many, and it is good to know that your Ministry is looking into the road infrastructure.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 1.00 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until later today, Wednesday, 16th July, 2025, at 2.30 p.m.

The Senate rose at 1.00 p.m.