

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th March 2019

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]

PRAYERS

PETITION

DISPOSSESSION OF ANCESTRAL LAND

Hon. Deputy Speaker: Under this Order, we have Hon. Michael Kingi, who will present a petition, but before he does that I want to introduce, in the Speaker's Gallery, Mr. John Mosoti, who is a Kenyan in Diaspora. He happens to be a classmate of one or two Members in this House; that is, Hon. Kajwang', Hon. Njagagua and Hon. yours truly. Hon. Kajuju is no longer a Member of this House. So, order, Leader of the Minority Party.

Let us proceed, Hon. Kingi.

Hon. Michael Kingi (Magarini, ODM): Thank you, Hon. Deputy Speaker. I rise to present Petition No. 009 of 2019 regarding dispossession of ancestral land.

I, the undersigned, on behalf of the residents of Sabaki Ward of Magarini Constituency, draw the attention of the House to the following:

THAT, before Independence the residents of Sabaki Ward were forcefully evicted from their ancestral land and relocated by colonial government to pave way for the establishment of Kisima Farm owned by a foreign national;

THAT, the forceful eviction and subsequent relocation was done without any compensation, despite the abandoned farm being rich in cash crops like cashew nuts, coconut trees, mango trees among others;

THAT, after Independence, the Kenyan Government repossessed Kisima Farm, including the land and vested it to Agricultural Development Corporation (ADC), a State corporation and later renamed it Sabaki Farm;

THAT, with time, the once thriving livestock enterprise started to dwindle under the management of ADC and the local residents felt that this was a deliberate attempt to allow well-connected individual to get access to the prime land;

THAT, ADC management has illegally allocated the land to well-connected individuals and have them issued with title deeds;

THAT, the National Land Commission (NLC), vide a letter dated 13th March 2015 addressed to the Kilifi County Commissioner, confirmed that the ADC management had allocated the land illegally to individuals;

THAT, residents who were evicted from Sabaki Ward, ADC Farm are currently squatters on land which is not arable;

THAT, efforts to have the matter resolved with relevant Government agencies have been futile; and,

THAT, the matter in respect of which this petition is raised is not pending in any court of law, constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands:

- (i) Directs the Government to resettle the evicted people on the Sabaki ADC Farm, which is their ancestral land;
- (ii) Causes the National Land Commission to investigate allocation of ADC Sabaki Farm land with a view of revoking all the title deeds issued to individuals who were illegally allocated, and;
- (iii) Makes any other direction that it deems fit in the circumstances of this matter.

And your humble petitioners will every Pray.

Thank you.

Hon. Deputy Speaker: I do not seem to see Members' interest in this particular petition. If there was any interest, I would be seeing it at the intervention slot. But I can see one now, Hon. Mwambire Ngumbao.

Hon. Teddy Mwambire (Ganze, ODM): Thank you, Hon. Deputy Speaker. I support the petition that has been presented by Hon. Michael Kingi, who is a brother and neighbour. These issues are very rampant in the Coast Region. People have always considered this as a cash cow for looters and grabbers. I believe the Departmental Committee on Lands is going to undertake serious interventions about these issues. They should get to understand why the former Government used to direct individuals in the Coast Region to grab such potential land.

This is part and parcel of the historical injustices. We have been suffering for a very long time. This has left people thinking that we do not belong to Kenya. I highly believe that the Departmental Committee on Lands is going to undertake very serious measures. They should come up with recommendations that will be adopted by the House so that the great people of Sabaki and Magarini Constituency can get somewhere to settle. This will also send signals to the other parts of the Coast Region which have the same challenges.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us have Hon. Chachu Ganya, Member for North Horr.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support this petition by Hon. Kingi. It is so sad that 50 years or more after Independence, Kenyans are still squatters on their own land.

Now that we have a new constitutional dispensation, we have the NLC and other relevant authorities, who can easily address the land crisis in this country. While many other Kenyans are enjoying thousands of acres of individual land, other Kenyans are suffering as squatters. This is not right and should end. Our Constitution is very clear on this issue. It is time we made a decision as the House and forced those institutions or authorities to do what is right. I fully support this petition.

Hon. Deputy Speaker: That particular petition is committed to the Departmental Committee on Lands.

Hon. David Gikaria (Nakuru Town East, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Hon. Gikaria?

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. I am just seeking some clarification. I am not here to direct what the Clerk's Office should be doing,

but in the last Session, I had three petitions which lapsed. Again, I renewed them as advised by the Clerk's Office but I have never seen them. I had one petition on land matters and the other one was about the plane crash in Lake Nakuru. I need some advice, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Gikaria, have you revived them?

Hon. David Gikaria (Nakuru Town East, JP): Yes, I did that immediately we came back to Parliament. I have given out all the three petitions to the Clerk's Office, actually after the lapsing of last year's Session. That is what I was advised.

Hon. Deputy Speaker: You can kindly consult with the clerks at the Table Office. They will be able to advise and see how it can be fast-tracked. You make a lot of sense when you say that this is something that you had lodged in the last session. Therefore, we might consider giving it some priority so that it does not lapse again. Next Order!

QUESTION BY PRIVATE NOTICE

Hon. Deputy Speaker: We do not seem to have Statements on that particular order. So, we will straight go to Questions. We will start with the Member for Emuhaya Constituency, Hon. Omboko Milemba.

Question No.008/2019

MEASURES TO ENHANCE SECURITY IN EMUHAYA CONSTITUENCY

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary (CS) for Interior and Coordination of National Government the following Question:

(a) Is the Cabinet Secretary aware of the alarming level of insecurity in Emuhaya Constituency over the past three years and, in particular, in Esibuye, Esirulo, Kilingili, Illungu, Mwichio markets, whereby killings, robberies and burglaries have been on a steady rise with the most recent incident being the killing of eight people by a gang that attacked Kilingili and Illungu markets on Saturday, 2nd March 2019?

(b) What measures, if any, has the Ministry put in place to enhance security in the area?

Kilingili is a confluence of three regions: Ikolomani, where Hon. Shinali comes from; Khwisero and Sabatia.

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Administration and National Security. That was a Question by Private Notice. It was the only one. We now go to the Ordinary Questions. The first shot will be given to Hon. Muchiri Nyaga, Member for Manyatta.

ORDINARY QUESTIONS

Question No.077/2019

STATUS REPORT ON KENYA PLANTERS' CO-OPERATIVE UNION RECEIVERSHIP

Hon. John Nyaga (Manyatta, JP): Hon. Deputy Speaker, I rise to ask the CS for Industry, Trade and Co-operatives the following Question:

(a) Could the Cabinet Secretary give the status report of the Kenya Planters' Co-operative Union (KPCU) receivership by the Kenya Commercial Bank (KCB), including;

- (i) the debt owed to the receiver, if any;
- (ii) details of the shareholding of each co-operative society under KPCU before the Receiver Manager took possession of the Co-operative Union;
- (iii) the amount of money collected as revenue from tenants and from the sale of KPCU property, since the Receiver Manager took over;
- (iv) status of the unpaid terminal dues owed to former KPCU staff;
- (v) the number of assets sold off by the board and the amount of money received from such sale, and the approving authority for the sale and in particular, the sale of Kahonoki Coffee Estate; and,
- (vi) the current value of KPCU and its total liabilities?

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Trade, Industry and Co-operatives. Next is Hon. Nelson Koech, Member for Belgut.

Question No.078/2019

MEASURES TO FAST-TRACK REGISTRATION OF SCHOOLS

Hon. Nelson Koech (Belgut, JP): Hon. Deputy Speaker, I rise to ask the CS for Education the following Question:

(a) Could the Cabinet Secretary provide the number of requests received for registration of schools, both primary and secondary schools in the country, and whose consideration and approval is pending?

(b) Are there measures by the Ministry to ensure that the registration process for schools is carried out without undue delays?

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Education and Research. We go to the next one by the Member for Ol Jorok, Hon. Michael Muchira.

Question No.079/2019

INCLUSION OF NEXT-OF-KIN DETAILS ON MOBILE BANKING SERVICES

Hon Michael Muchira (Ol Jorok, JP): Hon. Deputy Speaker, I rise to ask the CS for National Treasury and Planning the following Question:

(a) Is the Cabinet Secretary aware that during the registration of mobile banking services, details of the next-of-kin of customers are not captured?

(b) What is usually the fate of funds belonging to mobile banking services users, in case they pass on?

(c) Are there plans to ensure that the said details are included during the registration of mobile banking services?

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Finance and National Planning. Next would have been Hon. Caleb Amisi, but I have been informed that he is away on official duties. So, his Question will come later.

Question No.080/2019

UPGRADING OF ROADS IN SABOTI CONSTITUENCY

(Question deferred)

Hon. Deputy Speaker: Next is Hon. Abdul Rahim Dawood, Member for North Imenti.

Question No.081/2019

STATUS OF CONSTRUCTION OF ROADS IN NORTH IMENTI CONSTITUENCY

Hon. Rahim Dawood (North Imenti, JP): Hon. Deputy Speaker, I rise to ask the CS for Transport, Infrastructure, Housing and Urban Development the following Question:

- (a) When will the collapsed Giaki Bridge in North Imenti be reconstructed?
- (b) What is the current status of the construction of Coca-Cola-Kithirune-Kariene-Gaitu-Giaki Road being implemented by M/s Northern Construction Company Ltd?
- (c) How much money was allocated for the construction of said road, and what is the total amount paid to date?

I had asked this Question last year. I hope to get a reply this year.

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Transport, Public Works and Housing. Next will be the Member for Teso South Constituency, Hon. Geoffrey Omuse.

Question No.082/2019

EMPLOYMENT OF TRAINED TEACHERS

Hon. Geoffrey Omuse (Teso South, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.082/2019 to the Cabinet Secretary for Education:

What plans is the Ministry putting in place to employ trained P1 and degree-holding teachers who graduated from 2006 to date, for both primary and secondary schools?

Hon. Deputy Speaker: Very well. That will be replied to before the Departmental Committee on Education and Research.

Let us have the Member for Rabai, Hon. Kamoti Mwamkale.

Question No.083/2019

REPORT ON KENYA RAILWAYS DEVELOPMENT LEVY FUNDS

Hon. William Mwamkale (Rabai, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.083/2019 directed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

- (a) Could the Cabinet Secretary provide details of the total amount of funds collected under the Kenya Railways Development Levy and how it has been utilised in the last 10 years?

(b) Could the Ministry consider servicing the Standard Gauge Railway loan using the said levy?

Hon. Deputy Speaker: Very well. That will be replied to before the Departmental Committee on Transport, Public Works and Housing.

That marks the end of Question Time. Let us move to the next Order.

MOTIONS

DEVELOPMENT AND IMPLEMENTATION OF REGULATIONS ON FARES CHARGED BY PUBLIC SERVICE VEHICLES

Hon. Didmus Barasa (Kimilili, JP): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, aware that road transport is the most widely used means of transportation in Kenya; further aware that *matatus*, motor omnibuses and buses provide service to millions of people in a day and are the backbone of Kenya's public road transport services; cognisant that the National Transport and Safety Authority (NTSA) Act is mandated by law to, among other things, come up with conditions as it may consider fit for the purposes of ensuring that the fares imposed for the carrying of passengers are reasonable and ensure fair competition within the transport industry; concerned that companies, associations or Savings and Credit Co-operatives (SACCOs) under whose umbrella the said public service vehicles (PSVs) operate, and which are required to prescribe fares for its members tend to take advantage of non-existence of regulatory policies in the sector thus prescribing exorbitant fares which puts a lot of strain on commuters and customers; further concerned that for a long time, commuters have suffered at the hands of merciless PSV crews who charge exorbitant fares where on many routes, fares are hiked on reasons as flimsy as change of weather, forcing commuters to spend more than what they intended to; this House resolves that the Government develops and implements regulations on the amount of fare to be charged by PSVs for their services to protect customers from exploitation.

Hon. Deputy Speaker, I am aware of the decree by the founding President of this country, His Excellency the late President Jomo Kenyatta, that gave birth to private citizens investing in public transport. The *matatu* business employs thousands of Kenyans. Because we do not have regulations, the fare from one point to another is not predictable. Very many Kenyans are suffering. Many Kenyans budget ahead. Someone may have planned to spend Kshs200 on fare. In the evening, the criminal gangs who have taken over the transport sector in this country will increase the fare and inconvenience thousands of Kenyans.

The Government tried to bring sanity to the transport and PSV sector through the infamous Michuki Rules. However, the Government has not provided a clear framework to guide how much fare Kenyans should pay from one corner of this country to the other. In the absence of these regulations, criminal gangs have started controlling stages and deciding how much money should be paid. This is even dictated by changes in the weather or demand for their services. This must be regulated. The role and work of the Government is to make the lives of its citizens simpler and not difficult.

It is on that basis that the National Transport and Safety Authority (NTSA) should formulate policies and regulations to cushion the many Kenyans who use *matatus* from exorbitant fares charged by unscrupulous people and criminal gangs controlling stages. Previously, the President urged *matatu* operators not to hike fares on the basis of the 8 per cent Value Added Tax (VAT) on fuel. They did not heed the advice of the President because there were no regulations or laws that could help the police or the NTSA to enforce those directives.

Every day, many Kenyans go to work. Even when they do not get their annual salary increment or when the cost of fuel goes down by a certain percentage, *matatus* would never reduce the fares they charge. During festive seasons, *matatus* hike their fares without any proper rationale. They are a government unto themselves. They decide what to do, how to do it and when to do it. It is on this basis that I ask Members of Parliament to support this Motion so that we can force the NTSA to develop regulations that will determine how much fare Kenyans will pay to procure transport services.

The NTSA's mission is to continually improve accessibility of Kenya's road transport system for all users. This is not possible without regulating or managing fares that are charged by PSVs. The core functions of the NTSA as outlined in Section 4 of the NTSA Act clearly states that part of their function is to implement policies relating to road transport and safety. It is, therefore, within the mandate of the NTSA to formulate regulations to manage fares. There will be no sanity on our roads unless the amount of money paid by commuters is regulated.

I appreciate the County Government of Nairobi. It has tried to amend the Urban Public Transport Act of 2018. As you are aware, commuter transport affects every Kenyan in this country. It would be prudent and fair if NTSA would formulate such policies so that counties across this country can pick it up from there and ensure that Kenyans are not exploited by the unpredictable fares that are charged by *matatus* and PSVs.

I urge my colleagues in this House to support this Motion. I would like to remind them that our cardinal role is to represent Kenyans and oversee the Government. By so doing, we must protect them from the charges that are levied by the Public Service Vehicles. This is something that will affect every Kenyan who uses *matatus*, including us. You must begin from somewhere in life. Everybody in this country, including the President, began his life by boarding *matatus*. This is a sector that affects millions of Kenyans. If you board a *matatu* in the United States of America (USA) or United Kingdom (UK), you know how much money you will pay. The PSVs are given licences to operate on roads. They do not operate in a country that does not have laws to protect the citizens from exploitation.

If this Motion will be approved by this House today and it resolves that the National Transport and Safety Authority (NTSA) formulates and implements policies that will determine how much money would be charged by the PSVs, it will provide a new life for very many Kenyans who use those services. Life has become very expensive. We understand that, as a country, we must suffer because of the increase in fuel. The businesspeople who operate *matatus* should not take that advantage to enrich themselves by charging exorbitant fares.

As I finish, I would like to ask Hon. Esther Passaris, Member for Nairobi County, to second. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Passaris, Member for Nairobi.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Hon. Deputy Speaker, I rise to second the Motion on development and implementation of regulations for management of fares charged by PSVs. I want to thank Hon. Didmus Barasa for becoming gender sensitive. He started off on the wrong path, but he supports women and their space now. When he fights for fares to

be regulated, he is protecting the women. If you try to charge more fare to most men, they defend themselves. Most of the PSVs in this town are very difficult for the women. If you board a *matatu* and the fare is Kshs20 and then it starts raining, you will be charged Kshs40. If there is a lot of traffic congestion, you will be charged more. So, it becomes very difficult for the woman because in the end, she is told to alight from the *matatu*. I have heard lot of complaints about this in Nairobi City.

There is also another problem. If you give the conductor more money than the exact fare, for example Kshs100 and your fare is Kshs60, you are denied your change. By the time you reach your stop, you get off and you are robbed by the *matatu* personnel. The Government has allowed the *matatu* industry to regulate itself. They have formed many organisations and associations. They have tried but they fail Kenyans when they do not regulate fares. One should know exactly what it costs when you board and when you alight. It should be the same for all *matatus* all over the country.

Nairobi County has led by example because we have Governor Sonko who was in the *matatu* industry. So, he understands. There will be a lot of resistance because people will say that it is an open market and we should allow forces to determine the price. When it comes to public transport which is used by many commuters in Kenya, we cannot leave it to rogue traders. It is totally unfair for you not to know what something costs.

Another thing that we should encourage the *matatu* associations to do is to ensure that every *matatu* provides a receipt. Once we come up with rules and regulations on pricing, then there has to be a receipt with the name of the *matatu*, so that you can bring charges against a *matatu* that does not comply with the pricing that the Government will recommend. As a Government, I feel that we cannot leave our people exposed to such abuse by the industry.

Having said that, I second the Motion.

Thank you, Hon. Temporary Deputy Speaker.

(Question proposed)

Hon. Deputy Speaker: I will give the first shot to Hon. Rindikiri Murwithania, Member for Buuri. We have his card but he is not here. We will go to Hon. Maanzo Kitonga.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Deputy Speaker, for giving me an opportunity to contribute to this very important Motion. I support it and agree with the Mover, Hon. Didmus Barasa. I thank him for coming up with a very important Motion.

Six million people utilise public transport every morning and evening in Nairobi. Many people live below a dollar a day or have a budget of their fare. When it rains in the afternoon, the fare doubles from what they paid in the morning and they have no choice. They are forced to pay that fare. It amounts to robbery without violence and sometimes with violence. If you look at the transport network in the country from Makueni Constituency, Makueni County, Mombasa County, Kisumu County, Garissa County and every part of this country, there is a transport operator in action who charges fare every single minute of the day. For that matter, it is very important to have regulations from the NTSA Act which has had very many issues in the past Parliaments. We hope that amendments will originate from the ministry in charge or individual Members, so that we can streamline this Act. Regulations emanate from the Act. This is about the people of Kenya.

As it has been stated, the work of Parliament is to represent the people and resolve issues that affect them. Every time fares are hiked either over Christmas, high season or when there is change of weather, Kenyans are affected in a big way.

(Hon. (Dr.) Chris Wamalwa consulted Hon. (Ms.) Esther Passaris)

Hon. Deputy Speaker: Order, Hon. Wamalwa. Proceed, Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Deputy Speaker. We, as Members of Parliament, owe Kenyans a duty to make sure that this particular issue is resolved in a proper way and we protect them.

As Hon. Passaris, Member for Nairobi, has said, women, children and the elderly are the most affected in this case. They cannot fight for their rights. The conductors of *matatus* announce a certain amount of fare and some people board them. However, the moment they are inside, the fares change and it becomes a fight between the operator and the public.

Every Member of this House who may have private transport, I am sure, is connected to constituents or relatives who use public means of transport. Therefore, very many Kenyans are affected by this issue. According to the Michuki Rules, all transporters were to be in a limited company, or a public company, or a SACCO. We know SACCOs have been organised. In fact, when the SACCO Regulations were made, *Matatu* SACCOs registered. At that time, I was serving at the Ministry of Co-operatives as a secretary. I was very much involved with the formation of SACCOs. I can state here that SACCOs are organised. They have systems of checks. In fact, they are very easy to communicate to. Transport co-operatives are very easy to deal with because they are under a ministry which has a department of co-operatives that deals with them.

They can easily be communicated to. So, you can easily regulate the SACCOs. It is not so with private companies. I am sure some Members of this House are in this business. It is also not so with any other operator. Nowadays, there are Probox vans in the transport industry. There are *matatus* that are regularised. Even individuals who carry out business when fares are hiked and people find themselves stranded, they are at the mercy of whoever can provide transport.

The regulations are very important. They specifically regulate different routes, ensure there are fixed fares and protect the public from unnecessary exploitation unless there is a serious reason why fares must be hiked. Fares should be prescribed according to routes and by scientific calculations. In fact, measures should be taken to make sure that *matatu* operators do not suffer a loss and at the same time, Kenyans who use *matatu* transport do not suffer prejudice. There ought to be a balance. Although fares are supposed to be dictated by demand and supply in the market, they have to be fair to everyone such that both the operator and the user are safeguarded. Even if fares were to be hiked for any reason, there should be a limit that should not be exceeded and a notice be given thereof.

When it comes to implementation of the National Transport and Safety Authority Act, the Ministry originates regulations. They are then brought before the Committee on Delegated Legislation where they are discussed in the presence of the ministry officials. It has to be made sure that the Act complies with the Constitution. The regulations must flow from the Act to make sure that there is conformity and that they are not *ultra vires*. As a House, we must protect Kenyans and represent them sufficiently.

Thank you, Hon. Deputy Speaker. I support.

Hon. Deputy Speaker: Hon. Cheruiyot Jesire.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Thank you, Hon. Deputy Speaker. I want to congratulate Hon. Didmus Barasa for moving the Motion in the House today. It is like he heard what I was discussing today in my house with my son and daughter. They asked me for fare and I asked them what happened to the money I had given them. They told me that in the previous day, fares had been hiked.

It is true that the most affected people as a result of unregulated fares are the youth and women. Our youth use public transport a lot when going to look for jobs and some when going to school or college. By extension, this affects parents and guardians. So, every morning, you have to chuck out some money which you do not know if it will be enough because fares are unpredictable. This has affected the development of the country in terms of Small and Medium Enterprises (SMEs). Women who do small businesses are not able to travel.

(Loud consultations)

There are a lot of interruptions in the House.

Hon. Deputy Speaker: Order, Hon. Members.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Thank you, Hon. Deputy Speaker.

Regulation of fares in the country is paramount. We really need it. Most people travel in the morning with an estimated amount of money but, in the evening, fares are hiked. So, they do not have enough money for fare back home. It becomes hectic to the public. As many Members have said, this country, as much as we want to give people liberty to do business, we should also protect the public because it is our duty as representatives of the people to see to it that the public is comfortable.

As we look into regulating or controlling transport and fares in the country, it is also important to note that among other businesses that affect the public are the basic needs. We have issues to do with rent. Rent is a real issue because somebody wakes up one morning and hikes rent and tenants are not able to pay. That is one of the things we need to consider if we regulate transport. We have to think of regulating house rents, food such as sugar, cooking oil, maize flour and other basics. We also have hospital, electricity and even water bills. These are basic things to everyone. Anything above them is a luxury. If we regulate transport, we should also look to regulate prices of basic goods so that the lives of people can become manageable.

I support this Motion by Hon. Didmus Barasa. Let us not only concentrate on transport, but also look at other sectors that affect the public.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The next one is Hon. Nyikal Wambura, Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker. This is an extremely important topic we are discussing, although going by the loud consultations in the House, it seems we are not listening to the debate. There is total lack of order in the road transport subsector. There is absolutely no regulation in spite of the existence of the NTSA Act.

Hon. Deputy Speaker: Order. Hon. Prof. Oduol, kindly press the intervention slot and let it remain there because you have been removed from the position you were in before. Please, do that so that you are not disadvantaged at all.

Proceed.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Deputy Speaker, there is absolutely no regulation in this sector. It has gone completely private. The private sector is profit-driven, and that is as it should be. It is the responsibility of the Government to regulate the private sector to protect the interest of the citizens. In the transport sector, we have left it to SACCOs to regulate themselves. SACCOs are under a different law. I do not see how they can regulate the transport sector. Self-regulation must be accompanied by serious law.

In this sector, there is no proper routing, whether it is within the cities or outside. Bus and *matatu* owners just wake up in the morning and decide the routes to take. There is no proper fare regime. People wake up and decide that because it has rained, the fare will be this much, or there is a threat in Parliament that VAT is going to go up and, therefore, we are putting our fares up without any consideration of how they have been affected. We do not have designated embarking and disembarking points. These days, *matatus* and even buses stop anywhere, take people anywhere and drop off people anywhere. We cannot live like that. It is important to have designated points of alighting and boarding. That is the only way you can regulate the fares. If people stop, get in and get out anywhere, how are you going to regulate the fares? It is important that those disembarking points are structured: structures, platforms and sheds should be put in place. It is important for the safety of the people.

Recently, we were discussing the issue of Persons with Disabilities (PWDs). The places where buses drop off people and take them up do not take into consideration the law that protects people with disability. Even if you look at the PSVs, there are no guidelines on the structures of what the PSV should be. People import a van; transform it into a PSV without taking into consideration safety and security. We cannot go on like that.

Even if you look at the private sector on its own, the people who own buses, *matatus* and even at individual level have no management structures. What stops a bus owner or a *matatu* owner from hiring conductors and drivers so as to have specific people assigned to a specific bus or a specific *matatu* so that, if there is a problem later, you can track and say it was this *matatu* at this time and this bus at this time? It is total chaos. The situation is even worse in the cities.

In this city - some of my colleagues will know and others may not - all these *matatu* numbers we have, for example, Nos.11, 12, 28 were things that were put before Independence. Since Independence, nobody in this city has sat down to draw the routes that buses and *matatus* should follow in relation to estates that come up. There is no difference between distribution of water, electricity and transport that people need. We must look at how we organise the transport sector. In most countries, even in the rural areas, public transport is either run by public entities or properly regulated with structures in getting what vehicle can be used for transport, what route they take, where they disembark and what time they leave. There is simply no timing.

Some of us here may remember that there were times when a bus left Nairobi going to Kisumu and it would be clear that at a certain time, it would be in Naivasha, Nakuru and so on. You did not have to keep policemen on the road to say they are over-speeding because if they get to Nakuru before the time, obviously they were over-speeding. Those were self-regulating arrangements. All the NTSA does, the last time I saw them, is to wave down vehicles on the road, taking the place of traffic police. What we expect them to do is to sit down, look at the city and tell us the structures we need in Nairobi to move the people around. This is mass transport of people. You have to move people in a city and across the country. If they put in place those regulations and structures, the traffic police will help them to adhere to that. But we are not seeing that.

Just recently, we rejected a Bill on Nairobi Urban Transport Authority. Although issues were raised on its constitutionality in relation to the counties around Nairobi, we need somebody who will sit down and put up structures, regulations, timing and routing. It is only then that we will be able to control the fares. I congratulate my colleague for bringing this. Look at the NTSA Act and bring it to us here. If you can, we should have a Bill that will force these people to route vehicles, decide on where people come in, structures that will be used for vehicles and the timing for vehicles. It can be done.

As I end, I went to Brasilia and I was surprised that the transport system that existed in this town in the 70s and 60s was almost copied structure by structure in Brasilia, and it is working well. Brasilia came into being when Sao Paulo became totally ungovernable in terms of transport and everything. So, the president ordered the construction of new headquarters and Brasilia came into being. When I looked at what they have there, that is what we had here. We have to go back. The NTSA has to sit down and do the work it is supposed to do. Give us guidelines and then the fares will fall in place.

Thank you, I support.

Hon. Deputy Speaker: What surprises me, Hon. (Dr.) Nyikal, is that, nowadays, you are becoming a jack of all trades and a master of all. I thought this was not your area because this is transport. But you spoke as if it was a medical field. That is how Members of Parliament are supposed to behave. Speaking about disability which you spoke a great deal about, I should give an opportunity to Hon. (Dr.) Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Deputy Speaker. As you have rightly put it, this is a good Motion. I thank Hon. Didmus Barasa for bringing it to the attention of the House. Those who suffer most are PWDs. This House should be aware that if a PWD is on a wheelchair during rush hours and when it is raining, the *matatus* are in a rush. They see the snail speed of a PWD on a wheelchair entering a *matatu* as a deterrent to rush and make more profit. People living with disability can stand on those bus stops for hours being rained on while waiting to board a *matatu*. Once they have boarded that *matatu*, and they are on a wheelchair, they pay three times – their own fare, the fare of the wheelchair, and that of the assistant who pushes that wheelchair. It is high time this House regulated the *matatu* industry so that we can put in place policies and requirements as per our Constitution. It guarantees freedom of movement. Everybody has a right to move from point “A” to point “B”.

Hon. Deputy Speaker, we have the Persons with Disabilities Act, which was enacted in this House in 2003, through Sessional Paper No.14. It became operational in 2004. There was a grace period for everybody to adjust their building to be accessible by persons with disability, and adjust the transport sector to be accessible to persons with disability. The grace period was for five years. Up to date, the *matatu* industry is what is pulling Kenya backwards in terms of disability advocacy.

In terms of disability rights, Kenya has done or made some strides. The strides have put Kenya at the peak of disability rights in Africa and number five in the world. We are not number one on disability rights in the whole world due to the chaotic *matatu* industry. There are policies that this Government has put in place that are nowhere else in the world. There is access to Government procurement opportunities by persons with disability; tax exemption to persons with disability; importation of duty-free vehicles by persons with disability and the Kenyan Sign Language being the third official language in Kenya. There is even a unit in the university and in colleges in the training of architects and civil engineers that is specifically for accessibility and disability mainstreaming.

Hon. Deputy Speaker, one of the indicators of performance in all ministries, departments and agencies is disability mainstreaming. This country has made many strides in realising the United Nations Convention on the Rights of Persons with Disabilities. What is pulling us down is the chaotic *matatu* industry. We need to regulate it, so that it is in line with the Persons with Disabilities Act of 2003.

If the rest of the persons with disability are suffering the most, it is also pathetic that we have given authority to a collection of people, a gang, to regulate the industry – to know which prices to charge; to know which route is expensive; and, which road has potholes. Fare is nowadays increased depending on the increase of potholes. You can wake up and be told: “Potholes have increased in your route. So, the fare today has increased two or three times”. The fare from Narok to Nairobi is at times Kshs350. Sometimes you are told it is Kshs700. Why? It is because there are rains or because there is a graduation ceremony in the University of Nairobi (UoN) and so, there is a lot of traffic towards Nairobi. We cannot allow a certain category of people who are there to make profits at the expense of our citizens. It is the citizens who elected Members of this House which is supposed to make laws and policies which protect all persons in this country, including those with disability.

Michuki tried. There was sanity in the industry during his time. If there was Michuki who brought sanity to the *matatu* industry as an individual, this House has 349 Members. If the 349 of us cannot bring sanity to the industry over which Michuki almost succeeded, we will have failed as a House.

This is a Motion around which this House should come together and support. That is so that it is implemented in time to make sure the *matatu* industry is regulated and put on line so that we do not have chaos. Even if we have to protect our citizens, we have also to protect the investors because they employ thousands of our youth. We should protect them and ensure they do not make exorbitant profits at the expense of commuters. This House must protect both of them, the investors as well as the commuters. Both are our electorates. They are looking upon this House to regulate things and make laws that will protect all of them.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. Let us have Hon. Tim Wanyonyi, Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Deputy Speaker. I also want to support this Motion.

For us to control public transport, the Government must be involved. All over the world, cities own public transport. Maybe, this is the only country in the world where the city does not own public transport.

(Loud consultations)

Protect me from these consultations around here.

There was order in public transport in the 1980s and 1990s when we had the Kenya Bus Service. I use public transport when I travel to other parts of the world, but it is almost a nightmare when you are using public transport here. I believe the Government must seriously be involved for us to put order in public transport; we must bring an alternative to the *matatus*. Order will not be possible as long as there is no alternative; it will not be possible to control the chaos that is there. The National Transport and Safety Authority was brought for that. I thought they would bring some order and regulation. They should come up with how public transport

will be managed. Then, the city county governments of Nairobi, Mombasa, Kisumu and others should have a stake in public transport. That is the only way we are going to bring order in public transport. We are crying about decongesting the city. How do we do it when the public transport is in chaos? That can be done when people have confidence in using public transport.

When we talk about people with disability, they do not have access to public transport. They incur a lot of cost using alternative means which disadvantage them. No *matatu* wants to take you when they see you in a wheelchair. I believe this Motion should now be taken a notch higher so that we bring a Bill or amend existing laws on transport to bring order in the public sector. If Hon. Michuki managed to bring sanity in public transport, I do not think it is impossible for us to do it now. I believe we can do it by implementing existing legislation.

The routes were defined when the Kenya Bus Service was there. The time schedule for the operation was also there. Transport was predictable. You could use one bus to the airport or the other part of the city. The route was very clear. Today, you can take a public transport means from here and not arrive at the destination you were told at the beginning. That is why we are having these bad manners on public transport.

Secondly, public transport is driven by profit-making. Most of those people take advantage when there is a situation like rush hour and such other times. When you go to other cities, you will see that they even display the legislation that controls or regulates public transport and how much they are supposed to charge. I believe this can be done even here if we mean business to bring some order in the public transport. I want to support this Motion but I believe that we can do better by bringing more sanity in the public transport sector.

Thank you.

Hon. Deputy Speaker: Hon. Wakhungu Wamalwa, the floor is yours.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD – K): Thank you, Hon. Deputy Speaker. I rise to support this Motion. Article 95 of the Constitution says that the National Assembly can deliberate and resolve any issue of concern to the People. Public transport in this country is a big concern. During rush hours, the *matatu* operators always double or triple the fares. This inconveniences people in terms of planning. For example, we know the fare from Town to Dandora is Kshs100 but in the evening, during peak hours, when the fare goes up to Kshs200, you will agree with me you may not have that money. Again, when it comes to getting your change when you pay, it becomes a problem. When you visit the big cities in USA and UK, public transport is organised. In other jurisdictions where public transport is organised, people do not use their private vehicles. This Motion should be given the support it requires, so that there is order in the public transport industry.

This Parliament cannot be passing Motions in vain. I know many times in our conclusion of Motions we have been urging but this Motion says we resolve. How I wish the Chairperson of the Committee on Implementation was here today. Wednesdays mornings are important days because it is private Members days. It is the time Members can exercise their responsibility to legislate. We know many Members of Parliament who have sponsored laws. For instance, in the debate of the Donde Bill, Joe Donde was in this house when the Bill was passed on a Wednesday morning during Private Members Time. That is why when the House Business Committee proposed to change this with a procedural Motion, some of us supported it reluctantly. I want to encourage the Hon. Members that Wednesday Morning sitting is meant for you to legislate. Njoki Ndungu, for instance, Hon. Deputy Speaker, is known for the Sexual Offences Bill. This is something that has come...

Hon. Deputy Speaker: Hon. Wakhungu Wamalwa, did you say Madam Speaker?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): I said, Hon. Deputy Speaker.

Hon. Deputy Speaker: Did I hear you well? Is there any confusion? Proceed.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): Thank you, Hon. Deputy Speaker. Wednesday morning sitting is a day that is critical. I am encouraging other on. Members to try their best to come up with their Motions. We also want the House Business Committee to prioritise the efforts of Members. If a Member has researched on Motion then it is queued forever, they get discouraged. I want to thank Hon. Didmus for such a wonderful Motion and to encourage others to come. When this Motion is passed...

(An hon. Member spoke off record)

You are entitled to oppose it. The minority will be herd and the majority will carry the day. You can oppose it. That is your democratic right but, we will handle you “*mundu khu mundu*” you do not have the monopoly of number in this House. The issue is that everybody is entitled to speak his mind about this Motion. To me, the hon. Member has done well. The Matatu Industry is chaotic. When it rains in this City, if the transport is Kshs100 it will be tripled. You can imagine what will happen if you only have Ksh100 in your pocket. This is corruption that we are talking about. Regulations must be put in place to check the unscrupulous people who want to reap where they never sowed. That is why Parliament and Article 95 of the Constitution are there.

So, once this Bill goes through, the doubting Thomases will see the light which will be okay. We are here and we will also make a determination. We are serious legislators and nobody has the monopoly of knowledge. As we move on, in this House all Members are equal. There is no Member who is more important than the other. When you come here, you are an equal Member like any other whether you are a first timer, second timer or third time Member. The important thing is that we must have respect for others.

Hon. Deputy Speaker: Hon. Wakhungu Wamalwa, I am struggling to follow you. As you wind up...

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): Hon. Deputy Speaker, my friend hon. Kaluma was disorienting me. He was telling me that I was opposing the Motion. So, if you give him an opportunity, he will oppose the Motion. He is entitled to his opinions.

Hon. Deputy Speaker: I will not give, Hon. Kaluma the floor now that you have said all members are equal. I will give, Hon. Kamuren because he is the youngest Member of this House. Finalise your contribution, Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): Thank you, Hon. Deputy Speaker, on a light touch, he is saying that because when he brought the Children Bill to this House I supported it but it was rejected. I do not want to go in to the details. He is my good friend.

I am encouraging Hon. Members to support this issue so that we can regulate the public transport industry because it will help to reduce traffic jams in the city. Once it is well regulated, many people will leave their private cars at home and will use public transport. We know very well that about 90 per cent of the middle lower level in this city use public transport. I want to thank Hon. Didmus for the efforts he has shown and put when it comes to matters of legislation.

I thank you and I support.

The Hon. Deputy Speaker: Hon. Charles Kamuren.

Hon. Charles Kamuren (Baringo South, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity. I rise to support this Motion. My concerns are that we have a Cabinet

Secretary in charge of this. Sometime back when the Cabinet Secretary, the late Hon. Michuki, was in charge of the transport sector, he used the rules to control the sector and bring things to order. Out of the regulations available, who is failing? We may blame the SACCOs and the investors for increasing fares, but who is supposed to be controlling them? There are Government systems in place. There is a Cabinet Secretary in charge who has to work towards the Big Four Agenda of the President. Right now, the common man is suffering and His Excellency the President wants to leave a legacy. Somebody is increasing fares anyhow and there is a Cabinet Secretary in charge. If the late Hon. Michuki was able to control the sector, what is not happening now? There is laxity in the Ministry. First of all, we need to ask the Cabinet Secretary to use the systems that are in place to bring order in the sector.

*[The Deputy Speaker
(Hon. Moses Cheboi) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. Patrick Mariru) took the Chair]*

Secondly, we have the issue of corruption. Owners of the vehicles make payments at roadblocks in the name of tips, so that they can be allowed to move on without any hindrance. This is resulting to corruption. There is a lot of mess in this industry. We have the capacity. I agree with the Member who has brought this Motion that there is need to regulate the fares so that Kenyans will not be exploited the way they are being exploited at the moment. There is a mess across including what is going on in terms of security. Perhaps, the Cabinet Secretary in charge does not control security organs especially the police officers who are manning the roadblocks. He may not have all the authority compared to the Cabinet Secretary in charge of Interior and Co-ordination of National Government. The other day, I lost five young people as a result of a gun just because of laxity. Up to now, there is no arrangement that the Government has in place about this. There is a bit of laziness across the Ministries. We want the Government to improve on service delivery so that things can go as expected by Kenyans. Otherwise, there is a lot of exploitation and somebody is failing. This will lead to the failure of the Big Four Agenda and we will fail the legacy of the President. The common man is being exploited and he is the one paying taxes.

I, therefore, support this Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Shall we have Hon. Oduol Adhiambo?

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. From the outset, I support this Motion and thank Hon. Didmus Barasa for bringing it.

As I support the Motion, I want to agree with the Members who have spoken before me that we are talking about the transport sector. Although the NTSA is the unit that would be providing policy directions and regulations as we see in other countries, there seems to be some capacity lapse. When we look at countries like Botswana and South Africa, you will see that in the public transport system, they have a wider array of buses and *matatus* like what we have here, but because there is a clear system, policies and Acts that the Government has put in place to regulate and manage transport in the public sector, the Government is able to regulate fares. We do not have situations in Botswana or South Africa where owners of *matatus* wake up and

just increase fares. As I support the Motion, I would like to call upon the NTSA to ensure that we think of transport, particularly public transport as a system. We would like to clearly define the needs. We need to know where the commuters are. We need to be defining when it is that they would need to be moving from one point to another. As was indicated earlier by Hon. (Dr.) Nyikal, we need to be clear on routes. We would not want to have a situation where any person can choose to run public transport deciding the route and the fare.

I also want to emphasise that when we are thinking about regulating fares and when we think about what is obtaining in the public transport sector, we want to remember that commuters' needs are of different categories. We have children, some of them school-going, others elderly, and others in a family way, who need some kind of special needs. Then there are persons with disability. As I indicated earlier, under the banner of national cohesion and equal opportunity, I had a chance to visit Dubai and the major conference issue that we were dealing with was persons with disabilities. A key factor that we noted, which would be useful for us in Kenya particularly the NTSA and other bodies looking at policy, are regulations that seek to ease the challenges that we face and to look at the interest and the needs of persons with disability. In Dubai, in order to ensure that there is a change of mind-set, they call them persons of determination.

How do you ensure that policy makers and regulators determine the needs, so that when we are thinking about the transport regulation and fares, when you are looking at persons with disabilities or persons with determination, you would not only be thinking of how it is that you can ensure the infrastructure of the buses is taken care of, but you would, as they do in Dubai, have special cards to allow persons that are determined to have special needs to access the transport at subsidised rates and at times free of charge?.

So, as I support this Motion, I would want to once again ensure that we look much more closely at what it is that already exists. If we have an Act in place and we feel that there are gaps, it is those gaps, with regard to policy and regulations, that we need to handle.

It is particularly necessary that we ensure that we do not allow confusion and free for all where companies, associations, SACCOs and individual *matatu* owners or public service vehicle owners take advantage and choose to become the ones that define, on their own, what policy they are going to implement, how they are going to do it and the kind of fees they charge. So, taking note that we would want to go beyond just regulating fares, we should remember that transport is a very key aspect and sector. I thank the Member for bringing the Motion and the House, as we resolve that we will, indeed, ensure that we have clear policy frameworks, there will be regulations and we will not leave our very important sector of transport open to whoever would want to make decisions.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I give the Floor to the next person, allow me to recognise some schools at the Public Gallery. We have Utugi Secondary School from Lari Constituency in Kiambu County; Limuru Girls High School from Limuru Constituency, Kiambu County; Patterson Memorial Secondary School, Kajiado West Constituency, Kajiado County, and Terige Boys High School, Emgwen Constituency, Nandi County. They are welcome. Let us have Hon. Dennitah.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity to support this Motion. Allow me thank the Member for Kimilili, Hon. Didmus Barasa, for this very important Motion. I am speaking as an accessibility ambassador for PWDs. I speak also on behalf of people with disabilities who are usually the first

culprits when it comes to the issue of transport. Transport continues to be a big mess and a challenge for Kenyans especially PWDs.

Hon. Temporary Deputy Speaker, for a long time, when PWDs want to get into a bus or a train such as is the current situation at the Standard Gauge Railway (SGR), it has completely not factored in the concerns of PWDs. This is a Motion that has come at the right time. Last week in this House, I brought my statement during the Zero Hour to discuss the challenges that PWDs face when it comes to accessing transport and especially on the concerns of PWDs in the Bus Rapid Transit System (BRTS) that this country is about to launch.

The issue of transport in this country is a Government project and it is the responsibility of the Government to ensure that its people access transport with a lot of dignity. The issue of accessibility especially for PWDs in all other sectors is something that is enshrined in the United Nations Convention on the Rights of Persons with Disabilities, the Sustainable Development Goals (SDGs) and everywhere. Accessibility is something that is seriously enshrined there. It is therefore, the responsibility of this country to ensure that PWDs access places with the dignity they deserve. Our transport sector is mostly managed by SACCOs. We have the Rembo SACCO and the Ongata Rongai-Kiserian (OROKISE) SACCO and I know many others that seem like they are organised to control transport in this country.

You will realise that sometimes especially during the festive seasons, touts, conductors and drivers just wake up one morning and set the fares depending on how they slept, how they woke up and whether it is raining or not. The fares are not regulated. They decide that from Athi River to Nairobi, they will charge Kshs200 and in the evening they will charge Kshs100 or Kshs500. That is wrong.

I have had the opportunity of living out of this country. I have lived in the New York City where I have studied and worked for quite some time. You realise that countries such as the USA have organised their own systems so well that members have the metro cards that we used to have here in this country. Those cards are what control the transport and fares of those developed nations. In this country for, example, when PWDs want to travel from Nairobi to Athi River, they are at the mercy of the driver or the conductor.

A PWD is not even taken in because they have a wheelchair and they want to access the bus, but the driver feels they are wasting his time. So, he will leave them on their wheelchairs and proceed because he wants to make money. Even as we discuss how we regulate fares, we need to capacity build the touts, conductors and drivers on how they need to handle Kenyans when it comes to accessibility to the transport system. The BRT system is coming to this country. How is the BRT concerned about parking and how Kenyans are going to be entering into the buses? The PWDs want to access the city. They want come to town, look at the city, just roam around and go back home. Those are the concerns that this Government has to put in place to ensure that SACCO are not exploiting our people. We are realising that *matatu* operators in Kenya for a while are taking advantage of the non-existent laws to exploit our people. If I travel from Nairobi to Migori or Isebania, where I come from, it must be known that transport from Nairobi by bus to Isebania border is Kshs1,000 or Kshs500 to Narok.

We need to ensure that awareness is created amongst our people because we want to sanitise the players in the transport sector to ensure that *matatus* are not hiking fares. We have laws and they have to be enforced. Basically, this is a Motion that has the best interest of Kenyans. It is a Motion that seeks to cushion Kenyans from all these harassments. We want to see that the workers in this sector are capacity built. It is not just about the fares since anyone

can afford them. It is about the treatment. How can we sanitise the transport sector, so that you get into a bus feeling a lot of dignity because you have paid to get the services from the *matatus*?

For me, this is a very important Motion. It speaks for my people, persons with disabilities and especially the challenges they encounter in the transport sector. So, allow me to thank the Member for bringing this Motion. I will quickly say that as we discuss this, we also need to look at how we can create designated drop-off points. How can Kenyans know the pick-up points? These should be areas which are clearly marked, showing where people are picked and dropped and where the buses will pass.

There are so many things that need to be done to bring sanity to the transport sector in this country. This is a rare opportunity which Hon. Members seated here should support so that for once, we can ensure that in the transport sector, accessibility for persons living with disabilities and Kenyans is guaranteed and handled with the dignity it deserves.

Hon. Temporary Deputy Speaker, I thank you for the opportunity.

The Temporary Deputy Speaker (Hon. Patrick Mariru): In the Speaker's Gallery, we have one more school that I would like to recognise, namely, Kathiani Girls High School, Kathiani Constituency, Machakos County. The girls from that school and the accompanying teachers are also welcome. Before we get to the Leader of the Minority Party, let us have Hon. Koyi Waluke.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker.

Hon. Babu Owino (Embakasi East, ODM): No! I came before him.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, I am completely guided by the request list here. I will follow it strictly as you will be seeing.

Hon. John Waluke (Sirisia, JP): You were not here before me. However, you are a junior. Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to speak. This is not a university where...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Waluke! Please, proceed.

(Hon. Babu Owino stood in his place)

Hon. John Waluke (Sirisia, JP): How foolish are you?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Waluke! You do not need to have a crossfire with Hon. Babu Owino. He will certainly get a chance. Order! Please, proceed.

Hon. John Waluke (Sirisia, JP): Are you mad?

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, Hon. ole Sankok?

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker. I know my good friend, Hon. Babu Owino, is agitated. He has been a student leader and he is very vocal. He was here earlier, but he is out of order by cross-exchanging words with Hon. Waluke. Hon. Members should learn to go through the Temporary Deputy Speaker who is in control.

The Temporary Deputy Speaker (Hon. Patrick Mariru): As I said clearly, Hon. Babu, who is raising an issue is No.4 on my list. He will get a chance like any other Member. I will strictly follow the list which I have here. Hon. Waluke, you have the Floor.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion brought by Hon. Didmus Barasa and I want to thank him. In this country, there has been a huge problem in the transport sector. So, we need to take control, as Parliament, because we are the ones who make laws in this country.

Matatu touts have taken control of the transport sector as if we do not have a Government. History speaks for itself. Many Members are referring to the late Hon. Michuki when he was the Minister for Transport. Indeed, he performed and did his work in every Ministry he went to. The Cabinet Secretary for Transport should learn from the Michuki rules. He brought the rules on wearing safety belts, but after he died, everything went haywire because there was no control of the transport sector.

Other Cabinet Secretaries took over from him like the present Cabinet Secretary. However, many mistakes are being committed by *matatu* owners and drivers. Sometimes, they change their routes as they wish. The PWDs are not taken care of in this country compared to other countries that we have visited. For example, I visited USA and when using public transport, after getting your ticket, the driver takes you to your designated destination without any disturbance. Therefore, we need to learn from other countries and copy certain things from the countries we have visited, so that we can make this country attractive.

The transport sector is very important to this country because we cannot all afford to buy or use private vehicles. With the infrastructure that we have in this country, some roads have not been improved since 1963. We have the example of the Central Business District where roads have not been improved because of buildings. The architects who were there thought maybe it would remain the same without considering increase in population.

So, we need to construct many by-passes to allow *matatus* to move smoothly in this country. The rules should also be changed and *matatus* should follow them and not decide their own rules. Some police officers own *matatus*. We have a lot of traffic jam because *matatus* stop anywhere they feel like because they know the owner of the vehicle is a policeman. They can do anything because if they are arrested, they will only be there for five minutes and their vehicle will be released back to the road.

Hon. Didmus has come up with this Motion, which I know will pass. After which we need to put strict rules to ensure that Kenyans do not suffer because of bad decisions made by *matatu* drivers and touts. We need to have proper control of the public transport sector so that even visitors can enjoy their stay in our country.

With those remarks, because there are others who want to contribute, I support this Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. While I support this Motion, I can correctly say that Hon. Didmus wants this House to concur with him and resolve that the Government develops policies and implement regulations on the amount of fare to be charged by public service vehicles, so that we can protect customers from exploitation.

I agree with my colleagues who have spoken and have indicated that there is disorder and clear chaos in the transport sector. My only concern is how we should go about it. By the way, I am very clear in my mind that the disorder and chaos that we witness in the public sector does not only touch on fares. There are a lot of issues that need to be addressed. There have been attempts to correct some of the issues, but we see immediate lapse after pronouncements on the steps that the Government is trying to take or put in place to correct the problems that we see in

the transport sector. We end up, again, in the same situation we were in before. The problem that we see in the public sector has a lot to do with failure by various arms of the Government which are tasked with the responsibility of enforcing the law. We have a lot of laws in place to control the transport sector, but those laws are flouted. The people who are given the responsibility to ensure that they are enforced are either compromised or out of negligence, just ignore the same.

So, even before you move to controlling fares or trying to make sure that people pay predictable fares, we can go straight to the amount paid. I think the problem here is predictability. In my view, I think the solution is not about the Government fixing fares. Any country in the world that does not invest properly in organised public transport will definitely have problems. By the way, the effects of a disorganised transport system are so severe on the economy that I think we need to take time and quantify how much we lose in this economy just because of disorganisation. There are simple enforceable regulations that are not being enforced, for example, having functional street lights and drivers respecting the same. Those do not require any other law to be put in place.

I remember when some of us came to Nairobi in the late 1980s. I came to Nairobi in 1991 and there was an organised transport system. I can see my friend wondering that I came to Nairobi in 1991. I came ahead of him. I thought he was wondering that I came later. Now I can see I am growing old. There was organised public transport in the city. We had the Kenya Bus Service which was so organised. If you want to control fares, you do not fix the amount of fares. The best way to do it is to enhance organised competition. The problem we have in this country is that almost all sectors of the economy are controlled by cartels. So, the transport sector is also captured by cartels. After the KBS exited, we should have had an organised public transport. What we need to debate, as a House, is how we should actualise the possibility of having an organised public transport, where you would board a bus and if you want to sleep, you sleep. Currently, you board a *matatu* and the moment you get in, it is like you are in a disco. The moment you get in, the seat belts are either not there or they are very dirty. When you get in, you see seats, but all of a sudden, a multitude of people crowd around you, some standing, some leaning and some sitting on you. I know many of us here do not experience what I have just said. I experienced it before I bought my personal car and I know it because I live with people who still use *matatus*.

In my view, the solution, and which I would advise Hon. Didmus Barasa to propose to this House... This is a good Motion, but if it was a Bill, I would have been reluctant to approve it. We need to seriously think of how we should have that organised public transport. You cannot start telling people that you are going to charge Kshs100 from this day to this day. Thinking that we can regulate all the sectors of the economy is something that also affects the economy. Look at the banking sector. Because of the cartels, we had to make a decision which, to me, was very radical and which does not make any economic sense, that now we have fixed interest rates. It does not make economic sense. If you are an economist or a finance person, you know it does not make economic sense to fix interest rates chargeable or payable. However, why did we have to do it? We did it out of frustration because the cartels had already captured the banking sector. Even if you pleaded and talked with them, it would not help. Actually, we were even threatening them, but they were not taking any action. In fact, the banking sector had reached a point that they were a law unto themselves and they never imagined that Parliament would rein in on them. Several attempts were made to control that sector. It was not possible, but we did something that does not make economic sense out of frustration. Now I see the same happening in this House.

We are again going to do the same thing through Hon. Didmus Barasa's Motion even though I think he has a genuine concern for the people of Kenya. Everybody is concerned about the fares.

Every December, bus companies just decide to hike fares sometimes by 300 per cent. You ask yourself why and yet the roads are still the same, the distance is the same and the price of fuel is also the same. Sometimes the price of fuel even goes down, but just because Kenyans are desperate to go to their rural areas, transporters decide to triple the fare. That is not justifiable. It is theft and we need to rein in on them. In fact, I think we need to rein in on the owners of buses and *matatus*. We need to ensure that only people with good record are employed as drivers and *matatu* touts. We cannot have criminals controlling an important sector like the public transport. You find that it is people who take hard drugs who are employed to manage the sector. Just the other day, someone was hit by a *matatu*. He was driving along Thika Road and he was hit by a *matatu* and instead of the *matatu* taking responsibility, the touts came out and killed him. It is inhuman and that is because we have criminals on the road controlling a very important sector where lives of Kenyans are at stake. That is why we have so many accidents on our roads.

So, as we pass this Motion, I want to tell Hon. Didmus Barasa something, because he is the one who has already engaged his mind in this thing and I congratulate him for that, many of us do a lot of politicking. I also see him a lot of times doing a lot of politicking at funerals, which is not bad because we are politicians. Since he has come up with a well-thought idea, I want him to engage his mind even further to come up with a Bill that would either mend some of the existing statutes or even come up with a fresh Bill on public transport. That way, we will have an opportunity to debate serious matters that will help us rein in on this sector and actually put in place an organised public transport.

There has been the issue of urban train transport. We have talked about it many times and it is the only route which will help Nairobi move towards the state that Dubai and other organised cities are in. That is a transport system that we must seriously think about.

With Kenyans still voting for *unga* instead of voting for brains to manage counties like it is in Nairobi County, we will continue to have problems. Kenyans also need to think seriously. When voting for a governor, you do not wait for *unga* to be distributed to your doorstep so as to cast your vote and you end up mortgaging your life for five years. If we had a functioning county government, a lot of these issues would have been addressed. Instead, you vote into office people who have no clue, whose only strength was how deep their pockets were and who do not even know how to run a government such that half of the cabinet resigns before the end of the first year.

What do you expect when you vote for someone who has no capacity and tomorrow you ask what happened to your governor? Garbage in, garbage out. Sometimes some people wonder why their Member of Parliament does not talk in Parliament. What did you see when you elected him? You elect someone who is not even able to communicate effectively, put him in Parliament and then you expect that later, a miracle will happen the moment the person goes to Parliament, so that he can start articulating your issues.

With those remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Let us now have Hon. Atandi Onunga. Order, Hon. Atandi. What is it, Hon. Tong'i Nyagaka?

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Speaker, thank you for the opportunity. I ask for your guidance. Is it in order for the Leader of the Minority Party to indicate that when you do not know how to speak very well, you are not qualified to be a

leader? Is leadership measured by the capacity to speak? We have great leaders in the world who do not know how to speak.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Leader of the Minority Party, you do not need to respond to that. My reading of the Constitution is that the people have a sovereign right to vote for whomever they want to vote for in Parliament.

Let us have Hon. Atandi.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Temporary Deputy Speaker. Before I contribute, I want to remind you that this House has youth, women and elders who have served several terms. When giving us an opportunity to talk, please, consider those factors.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Atandi, you have the Floor. Why not use the chance you have now?

Hon. Samuel Atandi (Alego-Usonga, ODM): I say this because we have just heard how Hon. Babu Owino is agitated because he has not spoken since he came. That is important.

I support the Motion. The Leader of the Minority Party has largely spoken for me. He has pointed out the issues that I wanted to raise. There are two things. This country has come a long way in the area of public transport, especially the *matatu* sector. When I came to Nairobi for the first time, there were categories of fares. There were fares for when the demand was high and when it was low. There were fares that were charged for standing in a *matatu*. Most of us who were then looking for jobs preferred to travel when the demand was low. Most of the time, we would stand in the *matatus* because we would pay less.

The transport sector has come a long way. The need to regulate the sector is very important. When you go to some of the cities in Africa that work such as Kigali, you find that they have one of the best organised transport systems. It is not rocket science. It is something that can be done. I hold the view that we do not need to regulate fares because it is a question of supply and demand. Remember, we operate in a free market economy. When we begin to define the cost of goods and services, we might confine our economy and make it unable to expand.

Parliament has tampered with certain sectors of the economy, one of which is the banking sector. You all know that our financial system is not working. The banking sector is likely to collapse in the very near future because we tampered with the cost of banking. As an Economist, I will not support regulations that are aimed at fixing prices of goods and services because I am very clear in my mind that if we do that, we would be tampering with the economy on a large scale.

It is true that the sector is affecting Kenyans negatively. If it rains, you are likely to pay more fare than if it did not rain. We must find a way of fixing some of the rogue behaviour of players in the sector. That we must do. We must not do it through fixing of prices. There should be no reason why the sector should charge us high fares. With the investments that have been made in the roads sector, where we have very good roads in this country, transport has become easier. Wear and tear has been largely reduced. As a House, Government and leadership, we must find a way of regulating the sector to make it more efficient and workable.

The biggest issue is how to instill discipline in the sector. That has been the issue. *Matatus* operate like they are a law unto themselves. Even if there is a stage where they are supposed to pick and drop passengers, they ignore it and stop wherever they want. They inconvenience other motorists and make life in the cities very difficult. It is important for us to address that issue and ensure that it is working.

Our counties are in charge of managing transport operations in the cities. Some of our county governments are failing us. For instance, here in Nairobi, I hold the view that we do not have a strong leadership. That is the reason why we are unable to fix some of the challenges in the county. Recently, there were attempts to illegalise the entry of *matatus* into the city. There was a crisis until leaders made noise and the proposal was dropped. The proposal was brought forth without proper consultation and thinking. There was not sufficient brain work applied on it.

As I summarise, let us be an open economy. Let us be a free market economy. If we will be a free market economy on one side and on the other side we try to tie up certain sectors, overall performance of the economy will suffer.

I support the Motion with those reservations.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Jaldesa Dida.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker for finally giving me this opportunity to contribute. From the outset, I would like to take this opportunity to thank my brother, Hon. Didmus Barasa, for bringing this very important Motion that is critical to the lives of the ordinary Kenyans.

I would like to join my colleagues who have said that we do not have shortages of laws and regulations in this country. The main problem is lack of enforcement. My prayers are that as I support this Motion by Hon. Didmus, he will follow it up to ensure that it is enforced to the letter. We have institutions like the NTSA, which is mandated to ensure that the transport sector is regulated. Kenyans are very emotional. Because of the many accidents that happen in this country, NTSA was diluted. The enforcement aspect was removed and taken back to traffic police officers. Since then, I am yet to see any improvement. Therefore, Kenyans are to blame.

Secondly, the main problem in this country is the issuance of roadside directives, which has found its way back into this country even after we voted for multiparty democracy that gave us some political space.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Jaldesa. What is it, Hon. Abdi? He had put an intervention and he removed it quickly. Hon. Jaldesa, please, proceed.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker. The other day, the Cabinet Secretary for Interior and Coordination of National Government came up with directives to remove *boda boda* riders and Probox vehicles from the roads. That has created more confusion in the transport sector. It did not help Kenyans in any way. It only enabled corruption to thrive. As we debate this very important Motion, we must ensure that it is enforced and we have sanity back in the transport sector.

I want to go back to the issue of fares. They are usually hiked by *matatu* operators and other players without due regard for the commuters. They have no option, but to conform or risk being stranded. The fares fluctuate. They are very irregular. The *matatu* operator can hike fares within an hour and without giving convincing reasons. Some of the reasons that are given for the hikes are that it is raining. When it rains, fares are hiked without any reason.

Other flimsy excuses they give to increase the fares are that there are traffic police officers or it is the Christmas season. So, the demand is high. The poor Kenyans suffer. It is like Christmas is something that comes from the blues. Another funny excuse is the speculation report, for example, that fuel is likely to go up. So, prices will definitely go up. We must come up with regulations. That is why I want to thank Hon. Didmus Barasa again for thinking outside the box.

All these issues that I have highlighted face Kenyans, but they are not compensated. We do not compensate our poor workers when prices go up. The increment of fares has some ripple effect. It is because of such things that we have an increase in gender-based violence against women. This is caused by frustrations. Men always go back to the house and start beating up their wives and children because they have nowhere else to release their frustrations. We have seen the rise of robbery with violence. All these can be attributed to the high cost of living that Kenyans are not prepared for.

Women are the ones who suffer the most. Besides the beating that I mentioned, if you go to bus stages, women are mishandled. Sometimes, they are dropped before reaching their destination because there is no order. I have received complaints that school-going children who use public service vehicles are robbed sometimes. When they give the money they have, they are usually not given their changes. Therefore, this sector needs holistic approach into how we will coordinate fares and other regulations.

As I conclude, what has happened? We had Hon. Michuki's rules which were discarded when he passed on. When you go to our roads nowadays, vehicles overspeed to even 120km per hour or 140km per hour and nothing is done. Some Members have talked about the BRT system and how it will change the lives of the people in this country. Did we think about it? As a country, have we prepared for it? Do we have the infrastructure in place? This is another way of increasing confusion in this country. I do not want to belabour this issue, but we are expecting the first batch of BRT buses by the end of this month. I used the Thika Road Superhighway over the weekend and the red marks have faded. That brings me to another question: Are we prepared or serious, as a country?

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Murugara, I will give you an opportunity to contribute. I have noticed that your microphone dropped. Let us have Hon. Bobby Babu Owino.

Hon. Babu Owino (Embakasi East, ODM): Thank you, Hon. Temporary Deputy Speaker. Transport is one of the most important things in the city. I am a Member of a constituency in Nairobi County. Let me switch off the other microphones.

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Clerks-at-the-Table will switch them off. Proceed. The intention is not for you to speak using the three microphones. Use one.

Hon. Babu Owino (Embakasi East, ODM): Hon. Temporary Deputy Speaker, learn to pronounce my name. My name is Hon. Babu Owino, but not Bobby. My friend from Uganda is called Hon. Bobby Wine.

(Laughter)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Member, I have seen a previous association, but the name is clear now.

Hon. Babu Owino (Embakasi East, ODM): Thank you, Hon. Temporary Deputy Speaker. When you increase fares in the transport industry, you literally increase anything that is capable of being transported like food and construction materials. When you increase the transport cost, food prices and rent go high since construction materials will also be charged high during the transportation period.

Nairobi is a very weird city where many factors influence the change in transport costs. When it rains or there is change of weather, fares are hiked. The time of the day also influences the cost of transport in Nairobi. In the morning, evening and the peak hours, transport cost goes up. During the day, it is normal. When the conditions of the roads are bad, *matatu* operators increase the transport cost. So, there are a lot of fluctuations in the transport cost that affect the common *mwananchi*.

As a Member of Parliament, I would like to support this Motion that there should be constant pricing so that there is no extortion. Most of the people in the *matatu* industry complain that they increase fare because they give money, probably, to some policeman or City Council guys.

Lastly, Hon. Temporary Deputy Speaker, I would like you to advise the academic dwarf, Hon. Waluke, to desist from abusing an intellectual like me. Saying no or aye, university must be respected. If you did not go there, it is none of my business. This is what it is, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Murugara.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. Hon. Babu is a little bit agitated. It is not a question of whether one went to university or not, but a question of the ability to present arguments and topics in the House for the benefit of the constituents who elected us.

I rise to support this Motion. It is now the right time we got regulations regarding the *matatu* sector. These regulations have to go to all the branches of the *matatu* industry such that it is not just the fare that we are complaining about, but there are other areas that need to be looked into including sanity in the industry.

Most of the time, we have said that the *matatu* industry borders on the absurd. In fact, it is not regulated in any way. It is left to the whims of *matatu* owners regarding what is to be done and not to be done.

I recall very well when I was studying economics in high school, we had three types of markets which we used to discuss in the economics class. There were the monopolies, and during that time, the best example of a monopoly that we used to give was the ruling party, KANU in the political arena. We would add other markets known as oligarchies, which we could not define well, but we had a perfect competitive market which we used to exemplify as the *matatu* industry. Those were years back when the *matatu* industry was not a perfect competitive market, but was near perfect competition. It is important to note that soon thereafter, the *matatu* industry fell into the hands of cartels; cartels that started forming groups some of which were illegal while others were criminal in nature in attempts to control the sector. The net effect was that the *matatu* industry became almost lawless, was not under any law or regulation and people could do whatever they could when running it.

It is important to note that as we talk today, we have myriads of problems regarding the *matatu* industry. This is why this Motion by Hon. Didmus Barasa is timely. It has come at a time when we need to relook into the *matatu* industry with a view to streamlining it and making it one of the best industries we have because it is vitally important to our economy. When it comes to the promoters of the Kenyan economy, you find that the *matatu* industry ranks quite high in terms of the income and employment it delivers. It is, therefore, important for us to look into this with a view of streamlining it and making it a near perfect competition market where parties can compete without interference.

There may be a hitch regarding control on pricing in the industry. A near perfect or perfect competition market would call for a free market. There should be no regulation whatsoever and let everybody sell whatever commodity they have at whatever price that is attractive to the market. If we do that and make regulations that are important to this industry, the market will control the prices.

The regulations will have to be made by the NTSA or whatever other sector including the Ministry of Transport, Infrastructure, Housing and Urban Development. We, including myself who sit in the Committee on Delegated Legislation, should look at the regulations, ensure they meet the requirements that benefit Kenyans, pass them and walk the industry through the regulation-making process with a view of coming up with the very best for the country.

This is a timely Motion and we need to support it. We need to amend where it is necessary to ensure that we have a *matatu* industry which is working to perfection.

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Korir Nixon.

Hon. Nixon Korir (Lang'ata, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the Motion by Hon. Didmus Barasa.

If we were to be truthful, we do not have a public transport system in this country. We have a confused system. While I support resolving to develop and implement regulations that control fares in the country, we need to start by organising our system. The new initiative by Government to bring the BRT System is welcome. The Standard Gauge Railway is also another initiative by the Government to control fares of long distances from Mombasa to Kisumu.

In Nairobi, we have a confused *matatu* system. It is not organised and is run by cartels. Controlling and regulating fares to different parts of the country should be secondary. The primary issue here is organising our transport system to ensure that we have proper designated stages and proper buses in good working conditions. We appreciate what the Government did in the past through the famous Michuki rules, seat belts, railway lines and speed governors but all these are focused on the hardware, namely, the vehicle. The rules focus on the uniforms of drivers and conductors, but the actual delivery service in the *matatu* industry has not been focused on. The amount you pay, for example, from Lang'ata to the CBD, is determined by time. In the morning, midday and in the evening, the fares are different. When it rains and when there is sunshine or wind, you pay differently. It should be predictable. In China, Europe and America, you know exactly how much you are going to pay. You can actually decide to pay for your fare for the whole month and only carry a chip or card and use it every day for the whole month.

As it is right now, we do not have a proper system and it has cost this country a lot of money. We have a disorganised system of transport. What we need to focus on, and I challenge Hon. Barasa because he has come up with this Motion, is to go an extra mile and look at the entire public service transport system in a larger perspective. We need to see how we designate stages, ensure the public is not taken advantage of by crooks who run the system and ensure that we have a proper regulated public transport system.

As it is right now, if we were to fix fares, there is no way we can control them because presently, someone can easily decide to convert his van into a *matatu* and he paints it. He would then get the required licences and get to the road. The BRT is coming just like my colleague has said. The lines that were drawn, for example, on Thika Road are no longer there. The picking stages are not even there. They are not designated properly. We need to relook at our transport system in a larger perspective. I support the idea of having regulations in terms of fares so that we do not pay Kshs50 in the morning, Kshs200 at midday and Kshs500 in the evening.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): To my left, Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. From the outset, I want to say kudos to Hon. Barasa for bringing this important Motion and also Hon. Passaris who affirmatively seconded it. This is a serious issue that we cannot afford to be whimsical about. It is an issue touching on the common *mwananchi*. I looked at the NTSA Act of 2012 and noted that there are many gaps that we should revisit. So, Hon. Barasa, that is the way to go. Just like in the medical setup, we start with band-aiding an oozing wound, but the main thing would be to review this Act and revamp it because this sector has gone bananas. We should not allow, at all, excuses that the *matatu* owners cite in increasing fares, say, the weather, riots, weekends, late hours, holidays and so on. This is an area that the Government has to regulate and do so swiftly. Most Kenyans travel with fixed fares in their pockets. The moment you increase fares on them, you throw them out of the balance economically.

There is what we can do later on, but this is immediate and I thank the honourable Member for bringing it. If you travel abroad, you will realise that fares are fixed. In fact, in the United Kingdom, they fix it even for four years and then they review it. So, there is no excuse that the economists will tell us something about supply and demand. This is an area that has to be regulated.

*[The Temporary Deputy Speaker
(Hon. Patrick Mariru) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) took the Chair]*

I think that is the first step to make. The second is about stages and routes. Routes were established in 1972. The common people in Eastlands, Jericho, Jerusalem, Makongeni, Kaloleni and other areas had Route 7 which was connecting them to hospitals in the city. Number 34 was going to either Kenyatta Hospital or the Jomo Kenyatta International Airport. So, the routes are there. What we need to redo is to extend them to the new estates that have come up. We cannot wait to deal with this chaos. People are suffering. In fact, commuters are travelling stressed. If you go to the medical circles, you will find them presenting themselves with diseases that are not medically recognised in terms of symptoms, for example, headaches and pains that you cannot even explain. When you give your money, first you are not sure whether your change will be given back to you. That means that anxiety levels go up. When you are asked to double the money which you have given as fare, that amounts to another stress. All that happens despite there being Government regulations. That is unacceptable. We have a problem in implementing policies. Even in our own Committee on Implementation, we always claim that these Motions are just shelved but I think enforcement of laws is only in the books. We have to be very serious on this one. Even if we import the metro buses, still the common man will not have any relief.

The reason these prices must be regulated as early as yesterday is that transportation is business but is more of an enabler of other businesses. Babu Owino got it right. If you increase food transportation, prices in the restaurants will go up. Let us treat this sector which is going bananas as an enabler to our economic development. If we want to grow the economy of this

country, we should control these prices. In other countries, fares to all the stages are posted. Some have been regulated by cards, which are paid for per month, per quarter and so on. We are over 55 years in terms of independence. There is no reason we cannot do that.

I support this Motion. Members, let us support this Motion. If implemented, it will protect our people from the frequent fare hikes.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very good contribution. Hon. Members, allow me to recognise the presence, in our Speaker's Gallery, of Rev. Richard Rohlin and Rev. Sid Fofana from USA; Bishop Jaipaul from India and Bishop Luke Lynn from USA. They are all from the Praise Fellowship International Sports Academy in Pennsylvania, USA. They are welcome to our country and we wish them success in their intentions.

Hon. Members, we shall have contribution from Ogutu Abel, Member for Bomachoge Borabu. Before Hon. Ogutu makes his presentation, I hope there is representation from the Departmental Committee on Transport, Public Works and Housing in the House because the contribution and the topic that we are dealing with today is a matter that is very important to the transport system in this country. I have heard Members make contributions about the BRT that the Ministry in charge of transport is trying to implement on Thika Road. We need a clear explanation on how it is going to function. The contributions here may be of help and may enrich that particular programme. So, it would be useful for the Committee Members to be present.

Hon. Ogutu, proceed.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very critical Motion. When we talk about regulation of public transport fares, we are talking about controlling the growth of our economy. We are talking about a sector that affects everyone. As an enabler, this sector affects the common man – it affects Wanjiku, Mama Mboga and everybody. What impression do we get in terms of empowering these people to contribute to our economy if their earnings cannot be managed well? What we have now is a sector that is moving backwards. There were better days when things were good in the transport sector. Currently, we have so many challenges in this sector and we do not seem to be making any headway in terms of changes.

There have been many reasons as to why the public transport sector always hikes fares. People have spoken about the weather in Nairobi but we also have increase in fuel prices which is not justified. We know that in this country fuel prices go up and come down but once fares of *matatus* go up, they never come down. For the last two months since Michuki rules were reactivated, vehicles operating between Kisii, Kilgoris and Kenya doubled their fares by 300 per cent. That is very unrealistic. We see this happening. There is a public outcry and nobody seems to be attending to these complaints. Police see these things happening on the roads yet they are not acting. As we embark on the Big Four Agenda, the transport sector needs to be thought of seriously and systematically because you cannot create barriers for people to move and expect the economy to grow. We should interrogate the Acts in place and identify the gaps. Other than the Acts, we need to think about the supervisory role of the various agencies in ensuring that certain practices that are authorised in this country, including the transport sector are well monitored, controlled and managed to ensure that our people have peace. When we talk about controlling and managing public transport fares, we are talking about taking the agony that people who travel daily undergo, in terms of their budgets and inconveniences. We want to see a country where travelling becomes leisure and enjoyable. But that cannot happen in a situation

where once you get into a *matatu*, you are told that fares have gone up in a forceful way. I want to say that I support this Motion, but I would also emphasise that we need to look at the gaps. We are not thinking about creating new regulations but filling the gaps.

With those few remarks I support. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Member for Nyando, Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Temporary Deputy Speaker. I also join in commending the efforts of Hon. Didmus Barasa for coming up with this. As my very able Leader of the Minority Party alluded to, listening to my brother Barasa in public *barazas* and funerals, you would be at pains to believe that he can come up with such an incisive Motion. I commend him, nevertheless.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Okelo, you are out of order. I think it will be important for you to withdraw the aspersions you have cast on the very good Hon. Member that has brought this Motion.

Hon. Jared Okelo (Nyando, ODM): Well, based on my cordial relationship with him not just in this House but even before, I withdraw.

Hon. Temporary Deputy Speaker, the fare system in this country is almost impossible to understand. The changes in a complex system of *matatu* fares bring about anger and hostility. The regular claims that increasing cost of travelling using *matatus* is an incentive to use rail transport is difficult to understand. That begs the question whether it is high time we invested more on trains and rail transport in this country.

We acknowledge that operating costs for running services are high and perhaps profit margins for the operators have remained stable and maybe relatively low. But that cannot be an excuse to arbitrary hiking of fares for the people of this country. The index of *matatu* fares have outstripped the consumer price index partly because of the built in fare rises caused by their own self price regulated systems. This is an industry where we do not have specific regulations that encompass issues of pricing. Therefore, this Motion is a wake-up call to the country to look into this.

Lately, we have had interventions on enforcement of Michuki rules. We used to have 18 people sitting in a *matatu*. The Michuki rules prescribed 14. When there was laxity and a lull in enforcement of the prices the number of passengers moved to 18. When these laws were being followed by the traffic commandants and traffic officers, the prices doubled but the number of officers moved down by only four, hence giving *matatu* owners more than 100 per cent in terms of the profits that they make. This is utterly unacceptable.

A lot has been said about bearing the brunt by commuters during rainy season. Rain is an occurrence of nature. We wonder why we have to pay more just because God has opened the skies. I think by way of regulations, this will arrest this kind of wayward behaviour in the *matatu* industry.

The absence of regulations commonly triggers strikes by *matatu* operators. They wake up one morning and say that they shall be off the road tomorrow, even when the *Matatu* Owners Association, together with other regulators are opposed to those kinds of strikes. So, we are being subjected to immense suffering in the hands of a people who have very little respect to our loss.

A lot has been talked about festivities, or festive seasons. During Christmas and now soon Easter holidays, the prices will be so giganomous that many will not be able to afford. We ask ourselves whether it is criminal to go home and enjoy festive seasons. These regulations will

come up with certainties on what should be charged to a passenger irrespective of season and occurrences of nature that will come about and irrespective of the distances travelled.

Therefore I rise to support this Motion by my brother and friend, Hon. Didmus Barasa. I thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kimani Kuria, Member for Molo.

Hon. Kuria Kimani (Molo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to contribute to this very good Motion on the issue of regulation of fares. At the outset, I would like to appreciate the importance of transport in an economy. I would relate it to mobility of factors of production. When you are talking about mobility of labour from one place to the other, and therefore, the cost that you pay for this mobility it is very crucial and cannot be overemphasised.

Every time at the beginning and at the end of our school terms, school-going children move from one county to the other. There is need to be sure that if your child leaves home at time “X”, they will arrive at school at time “Y” and they will pay price “X” for that particular journey. You also want to be sure that if you have a sick patient and you want to take them to hospital, you are able to spend this amount of time and that amount of money to make sure they get to the hospital and they get the treatment that they deserve.

The issue of pricing has been raised by many economists. Price control has been discouraged by many economists because it destabilises the economy. What I would urge this House to discuss is: How do we make sure that the market is so competitive that no *matatu* or bus is allowed to increase their fares? The reason these *matatus* increase their prices is because of the disorganisation in this particular system. What if our transport sector was as organised as our airlines that you are sure if you want to go from Nairobi to Mombasa on Flight “X” you pay amount “Y” and you take a specific amount of time.

Who are the investors in this *matatu* industry? How many of us are willing to put their coin and invest their hard earned money into the *matatu* sector? We were having a conversation with the Member from Naivasha and she was telling me of someone who having invested in the *matatu* had to sit in the *matatu* throughout so that they could count the number of passengers that were getting into the *matatu*. The cartels and lack of order in this sector makes it very difficult for one to invest in it. So, it gives room for all these chaos.

We are talking about price control. What is the role of Government in this? We have invested in the Integrated Intelligent Traffic System. Over the years almost every roundabout in Nairobi has traffic lights but the irony is we also have traffic policemen there. Instead of us being directed by the traffic lights, we are directed by these police officers. This traffic jam is one of the reasons why fares increase during peak hours. So, can we have an elaborate traffic system that can be used and respected so that the role of this traffic police officer is not to tell the vehicles to move but to check who it is that is disobeying the traffic rules.

The cost of transport is also the basis for the costs that *matatus* incur in their line of business. When you are pricing, you look at how much money you are spending in terms of offering that service. What is the state of our roads? On the Floor of this House, I have raised the issue of the Molo-Njoro Road which has many pot holes. Therefore, the cost of maintaining *matatus* on that road has increased. You therefore do not expect those *matatus* to charge the same fare as they would had the road been smooth.

So, the Government and the relevant Ministry has to come in and ensure that our roads are in good condition so that the vehicle depreciation and maintenance cost is so low that *matatus* will charge that fee that we think will be reasonable. We have a railways system that is

working from Mombasa to Nairobi and now we are taking another one to Naivasha and all the way to Kisumu. What happened to the old railway system? We have an existing railway line connecting Nairobi, Naivasha, Nakuru, Njoro, Molo and all the way to Londiani. What happened to that particular railway line? The lines are still there. Why would we not invest money and ensure that, that system works so that the competition that we would create in this industry is not just with the *matatus* alone but we have other players in this market.

As we speak, the people who are here setting these laws are using our own vehicles. How many of us would use a *matatu*? So, before we start setting the prices that we charge on these *matatus*, can we ensure that there is order that I can wake up in the morning and say I will take a *matatu* or bus to Parliament. Only after that can we come as a House and start telling these people that this is the amount of money that they should charge for this particular service. When we sit here, we do not know the challenges they go through.

You commute from one place to another and find a road closed yet there was no warning that, that place would be closed. As a result you spend two more hours going from point "A" to "B". Where will that investor recover the investment they made in purchasing that *matatu*? Where will he get reimbursement for the extra fuel they used? I was in university very recently. From Kenyatta University, I once boarded a *matatu* to town and they said *mbao* only for me to pay Kshs 20 and I was told no, he had said *mbao tano* which was supposed to be Kshs 100. They have to lure you to get into that *matatu* because once you get there you will pay the fare that they want. There is so much disorganisation in this sector. The moment we get it right and get our roads right such that even our *boda boda* riders have a place that they can drive on, we can tell them charge prize "X" because as a Government we would have been accountable enough to make roads that are passable and make a sector that is orderly.

With that I thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very good contribution. I now see Hon. Pkosing in the House, the Chair of the Departmental Committee on Transport, Public Works and Housing. This is the way it should be that Members' comments are taken by the Chairs of various departments so that the Motions may be dealt with. Hon. Pkosing we are grateful that you are in the House and you will ensure that you will take relevant note.

Let us have Hon. Chepkoech Joyce, Member for Bomet.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this Motion that has been brought by Hon. Didmus, who is my great friend. I want to echo the sentiments that have been said by Members on this Floor. Indeed, this is one of the Motions that touch on the lives of Kenyans. It affects Kenyans all the way to the grassroots.

Though there is the issue that has been raised by Hon. Barasa in terms of making the regulations, I applaud the Member who has just sat because he has raised a number of issues like regulations to govern the hiking of prices. I say this because in a number of instances there are reasons that make these organisations unable to run their day to day activities. One of them could have been caused by the Government. For example, the issue that was recently raised by the relevant Ministry of transport in terms of the *boda bodas* and Toyota Probox vehicles which were stopped from transporting people yet they did not have any data on them.

Secondly, availability of means of public transport in this country is wanting.

Third, remember the *boda boda* and Probox owners are just Kenyans from the grassroots who are really struggling with their day to day life. When you wake up one morning and stop them without going through a number of issues that you are supposed to put in place for you to

make a conclusion as a Government, then it becomes a total mess. That is why before I agree on the matter of regulations there are a number of issues we need to consider. We must look the transport system in this country, be it infrastructure, availability of transport or anything touching on transport. It is really a big mess. As we speak, a number of them have been forced to sell their land to pay the loans that they used to purchase the *boda bodas* and Probox just because they cannot be given free and fair hearing.

It is always good for the relevant Ministry to be consulted. I thank you, Hon. Temporary Deputy Speaker, for making the relevant Departmental Committee Chair to be here to hear the cries of our people from Members because they get it directly from the grassroots.

The matter of roadblocks has created conflict between transporters, members of the public and the police. The number of roadblocks you find on the way interfere with daily operations of these people. I can testify of one incident that happened in Bomet where I saw a *boda boda* rider evading a roadblock. Because the guy wanted to make Kshs50, he waited for the police officer to address two other transporters and he ran-off trying to evade the roadblock. Unfortunately, the policeman threw roadblock rails towards him and he almost caused an accident. I had to stop to find out whether the passenger got hurt. On questioning his action, the *boda boda* guy told me that indeed, it is a total mess, because they look for Kshs50 the whole day yet, they are chased by policemen every day. Without proper regulations and infrastructure put in place, the sector cannot be controlled.

We also have the *mama mbogas* who get Kshs.100 at the end of the day. They hardly get anything because of the hiked prices. That is where the country is now. The other day, I saw in the social media and newspapers, that 97 per cent of Kenyans hardly have Kshs1 million in their bank accounts. This shows the state of the country as at now. Despite the fact that I support the Motion on the Floor of the House today, it should be looked into critically. We need to regulate fares of public service vehicles in this country. Some of you are aware that when you travel abroad, you find that they have machines where you press a button and receive your ticket for your destination. It does not show whether you are black, brown or white. If we introduce this kind of system, it will assist us but I know that is still a dream in this country because of corruption which is also politicised.

I support the Motion and say that it should be critically looked into so that we make regulations that cover the whole country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nangabo Janet, Member for Trans Nzoia.

Hon. (Ms.) Janet Nangabo (Trans Nzoia CWR, JP) : Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii nichangie mjadala huu ambao umeletwa na Mhe. Didmus, Mbunge wa Kimilili.

Ningetaka kushirikiana na wenzangu ambao wanaunga mkono mjadala huu kuhusu nauli zinazolipishwa watu kwenye barabara zetu, hasa sekta ya uchukuzi katika nchi yetu ya Kenya. Vile Mhe. Dennitah Ghati ameongea hapa, kuhusu walemavu kutumia usafiri huu hapa nchini Kenya ni kweli kabisa. Baadhi ya hawa watu, hupata shida sana. Hii ni kwa sababu hawana nafasi ya kusimama ama kuongea na manamba wa *matatu*, na kusema wangependa nauli iteremshwe ama wanatoka pahali fulani wakielekea pahali pengine.

Inakuwa ni huzuni kuona walemavu katika nchi hii wakiumia sana. Hasa ofisini zetu na wakisafiri kwenda mashinani kwenye kaunti zetu, huwa wanapata shida sana. Wenzangu hapa wameongea kuhusu washikadau katika sekta hii. Ndiposa mimi nakushukuru kwa kusema

kwamba Mwenyekiti wa Kamati ya Uchukuzi katika Bunge hili akae hapa ili tuone pengo ambalo tunaweza kuziba katika kuhakikisha kwamba tumekuwa na usafiri bora nchini mwetu Kenya. Katika eneo la huko kwangu Trans Nzoia, utaona kwamba watu wenye *matatu* hawana nafasi hata ya kuegesha magari yao. Kaunti zetu hazijakuwa na mikakati mwafaka au jopokazi la kuhakikisha kwamba watu wa *matatu* wamepata nafasi zao licha ya kusema kwamba wanaweza kuwabeba wasafiri kutoka eneo moja kueleka maeneo mengine.

Ndiposa mimi ninazisihi serikali zetu za kaunti na serikali kuu zihakikishe kwamba tumeweka mikakati mwafaka kuhakikisha kwamba wasafiri wamepata nafuu katika nchi yetu ya Kenya. Naweza kumnukuu Rais akisema kule Bomas of Kenya kwamba mambo ya ufasidi katika nchi yetu ya Kenya yamekita mizizi. Ndiposa unaona hata wahudumu na wenye *matatu* wana vyeo vikubwa serikalini na wengine ni askari. Uamuzi wa kusema nauli itakuwa namna gani ni wa mwenye *matatu*. Iwapo mwenye *matatu* ni askari, mwananchi wa kawaida atapata namna gani nafuu ya kuhakikisha kwamba anaweza kusimama mahali na aongee mambo ya nauli katika nchi yetu ya Kenya.

Sisi kama viongozi katika Bunge hili hatujakuja hapa ili kuzozana kama nilivyowaona wenzangu wakifanya. Baada ya mmoja kuongea, mwingine anamrushia matusi. Sisi sote tulikuja hapa sio kwa sababu tunafaa bali ni kwa mambo yake Mwenyezi Mungu kupitia kwa wapigakura kule mashinani kuhakikisha kwamba tuko hapa tukifanyia kazi wananchi waliotutuma katika Bunge hili. Mimi humpa kongole Rais mstaafu Moi ambaye alikuwa rais wetu kwa miaka 24 kwa sababu hawakusema alikuwa amehitimu kiwango fulani. Uongozi unamfaa mtu mwenye hekima zake za kuhakikisha kwamba anakuwa rais, kiongozi au katibu katika nchi yetu ya Kenya. Tukiwa katika Bunge hili tumetumwa na Hoja hii ambayo imeletwa na Mhe. Didmus ni jukumu letu sisi kwa sababu tunapotoka mashinani, tunaona watu wakiumia sana. Ukija katika eneo la Trans Nzoia, kwa sababu ya uchumi na umaskini wa watu wa Trans Nzoia, utawaona wengi wakitumia pikipiki. Saa hii ninapoongea, wiki iliyopita mwalimu pamoja na wanafunzi wake waliokuwa wakisafiri kutumia pikipiki waligongwa na gari la serikali. Ndiposa ninasema lazima tuwe na mikakati mwafaka na hata jopokazi la kuhakikisha kwamba usalama na usafiri katika nchi yetu ya Kenya uko sambamba.

Watoto wetu hutaka kusafiri kwenda shule au wanapofunga shule zao. Uliona hivi juzi kule Bungoma watoto wetu wakitumia *matatu* moja kutoka Bungoma kuelekea shuleni baada ya kutoka nyumbani na wakapata ajali katika barabara zetu na kupoteza maisha yao. Ndio tunasema huenda ikawa nauli iliteremka au ilipanda ndiposa watoto hao wakaamua kutumia gari moja. Ndio maana ninasema wacha tuwe na mikakati mwafaka ya kuhakikisha kwamba uchukuzi katika nchi yetu ya Kenya umeimarishwa.

Naunga mkono wenzangu walioongea kuhusu barabara zetu. Hiyo ni kweli kwa sababu tunapoenda huko nje, tunapata kwamba barabara zao zimetengenezwa sambamba. Ziko sawa. Lakini ukija katika nchi yetu ya Kenya, wale ambao wamepewa nafasi ya kuhakikisha kwamba barabara zetu ni nzuri hawatunii nafasi hiyo vilivyo. Ndiposa unaona Wabunge wenzangu wakipigana katika Bunge hili wakisema hata Hazina ya Maendeleo ya Maeneo Bunge ipewe hawa kwa sababu wanajua ni barabara zipi zina shida katika sehemu wanazotoka. Ndiposa nashukuru na kusihhi magavana wanaochaguliwa katika serikali za kaunti wahakikishe kwamba wanaelewa masilahi ya watu wanaowashughulikia katika sehemu hizo.

Namuunga mwenzangu aliyesema kwamba Mheshimiwa Didmus aje na Mswada katika Bunge hili. Akija na Mswada huo, itakuwa rahisi sana kwa sababu Mwenyekiti wa Kamati ya Uchukuzi yuko hapa. Itakuwa rahisi sana kuangalia mapengo hayo ili tuhakikishe kwamba usafiri uko sambamba.

Mheshimiwa mwenzangu ameongea kuhusu matapeli. Hapakosi matapeli katika kila sekta. Sio sekta hii peke yake ndiyo ina matapeli. Wanapatikana kila mahali katika nchi yetu ya Kenya. Lazima tuwe na mikakati ya kuzuia watu kama hawa katika nchi yetu ya Kenya kwa sababu tunataka kuendelea mbele.

Namshukuru Mheshimiwa Didmus. Nampongeza sana kwa kuleta mjadala huu katika Bunge hili ndiposa tuuchangie. Naunga mkono Hoja hii.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I wish to recognise the presence of students from Foothills School from Kipipiri Constituency in Nyandarua County who are in the Public Gallery to witness the proceedings of this Assembly. They are welcome to witness the proceedings.

This particular Motion has been debated for three hours now. According to our procedures and votes, it is now time for us to call on the Mover to reply. Hon. Didmus, it is now your turn to reply.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker. I seek your approval that before...

(Loud consultations)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, we all acceded to the procedural requirement that a Motion of this nature takes three hours.

(Loud consultations)

The Chair of the Departmental Committee on Transport, Public Works and Housing has just walked in. He should have been here to second. You can speak to Hon. Didmus before he begins. If he wishes to donate any time to any Member that he desires to, he can do that. But he cannot do so after he has replied. He can do it before he begins. Hon. Didmus, if it is your desire to do so, you may proceed.

Hon. Didmus Barasa (Kimilili, JP): Hon. Temporary Deputy Speaker, I want to give Hon. Pkosing, two minutes; Hon. Mwambu Mabongah, two minutes; this lady, the County Member of Parliament from Bungoma another two minutes and the MP for Laisamis, two minutes.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Didmus, the first one you are giving two minutes to is the Chair, Hon. Pkosing. The second one is Hon. Mabonga. Then you are giving one minute to Hon. Catherine Wambilianga.

Hon. Didmus Barasa (Kimilili, JP): I am giving one minute to Hon. Malimo Arbelle then two minutes to Hon. Bishop.

The Temporary Deputy Speaker (Hon. Christopher Omulele): You have given two minutes to Bishop Kawira. So, you have nothing for yourself?

Hon. Didmus Barasa (Kimilili, JP): I will take one minute, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Hon. Pkosing, we will start with you.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker. I also thank my brother from another mother, Hon. Didmus Barasa. Let me also add my voice as

the Chair of the Departmental Committee on Transport, Public Works and Housing. I came back because I wanted to listen to the contribution by other Members. This is critical.

I want to tell Hon. Didmus that this is a very important Motion. Hon. Temporary Deputy Speaker it can be more important when it becomes a Bill. I want to ask Hon. Didmus, through the Speaker, to come up with a Bill. We were also discussing this issue in our Committee. We cannot debate issues of fares because it is a serious matter. There is no law that regulates fares. It is left to the private sector. So, we are leaving Kenyans to hyenas. Public transport in this country is private. We have been thinking of making it public. We can do this through Hon. Didmus Barasa.

As I conclude, the Ministry has seen very good proposals about commuter railway which is the future of this country, because it is 100 per cent public. We will do a lot of things that will promote this. Hon. Didmus, I am with you. Bring a Bill and I will support you.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mabongah.

Hon. Mwambu Mabongah (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me time to contribute to this important Motion. First, I want to thank my brother, Hon. Didmus Barasa.

Public transport is very essential. Millions of people are in the hands of very confused fellows because of our making. We have a responsibility. This country is ailing in almost every sector. I have three words. People who were born in royal families may not understand what we are talking about. However, for some of us who have been in this kind of life, we know what people go through. That system is very confused, chaotic and barbaric. People are mishandled in the public sector. You can walk around and see this. There is no specific picking and dropping points of passengers. The Chair has suggested that Hon. Didmus should come up with a Bill. Come up with a Bill and let us put these things in law, so that people may know what they are entitled for. Kenyans suffer in the hands of these confused fellows who are along our streets and towns. We need to do something. I am happy for what my brother has done. We must begin somewhere.

Lastly, we are talking about the fight against corruption. This is one level of corruption that must be identified and dealt with immediate effect. Thank you, Hon. Barasa, for giving me two minutes to contribute on this important Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Arbelle.

Hon. Marselino Arbelle (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion.

Public transport is one sector that is widely used by Kenyans at large. Majority of Kenyans who use this means of transport are the children, elderly and people living with disabilities. It is very unfortunate for people to walk to *matatu* termini and then they are told that fares have been hiked. I do not know if you remember that Kenyans are termed as a walking nation. It is not out of their own will that they prefer walking to using *matatus*. They do this because fares have made it impossible for them to board a *matatu* to and from their destinations. For that reason, it is very important to bring sanity to our roads, so that public transport is made available.

Last but not least, if public transport is becoming hard for Kenyans to afford, I will actually lobby and persuade all my colleagues from North Eastern and Eastern regions to provide camels to be used in providing transport from all parts of Nairobi like Eastlands or elsewhere to

the town centre. We will offer the service free of charge. Maybe that will bring sanity and competition to the *matatus*.

Thank you for giving me this opportunity, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Arbelle, that would be an interesting one. I urge you to be the first one to take that ride on the camel to Parliament so that you send the message out. You can do that probably tomorrow, hopefully.

(Laughter)

Hon. Wambilianga.

Hon. (Ms.) Catherine Wambilianga (Bungoma CWR, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for this chance, at least to balance gender in extra time.

First, I congratulate my brother for bringing this Motion at this timely hour. It has come at a time when the common Kenyan is actually suffering. It is the lowest cadre of *wananchi* that use transport of this nature: Teachers, doctors, nurses, hawkers, and the women in the village who hawk. This Motion is timely.

I want to give my hand in the sense that as we restructure public transport, let us work hand in hand even as Members of Parliament with the Ministry and Departmental Committee on Transport, Public Works and Housing to make sure that there is restructuring of NTSA; there is introduction of competitive tendering for public transport as it will bring sanity. As it is now, perhaps they charge fares according to the need. For instance the need for the *boda bodas* is that they are under pressure to pay their masters. So you find a *boda boda* rider rushing to make as many trips as possible and hiking the fares so that they are able to pay their masters. The *matatu* operators do the same. Let me refer to one video clip that has been in circulation and I am sure Members have seen it. It shows a *matatu* driver who literally ran out of it when he was stopped by the police. I am sure he was speeding so that he does as many trips as possible so that he pays his master. At this level, if as a House we do not curb this menace, it is going to be a problem.

Defined fares will also help in the sense that as anybody or our children leave the House in the morning going...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wambilianga, you only had two minutes, but apparently, you had a lot to say. Finally, we shall have Hon. Khamala.

Hon. Titus Khamala (Lurambi, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I thank my brother, Hon. Barasa. I stand to support the Motion on development and implementation of regulations for management of fares charged by public service vehicles. I represent a constituency that has Kakamega Town.

All my life, I have used public transport, like buses and *matatus*. It is very important that the House makes sure that the chaos in the *matatu* industry is brought to an end.

Hon. Temporary Deputy Speaker, I also want you to know that I used to be a preacher in buses. I am still a preacher. I used to preach in buses. I would go from Kariobangi all the way to Kibera and I would see the many times fares were altered.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Khamala, coming from where you come from, that is probably why you did not notice it at the time because you had all the time to ride from Kariobangi to Kibera. But, you should continue with the service within the precincts of Parliament. We need it here.

Hon. Members, let us have the Mover one minute.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker. I appreciate and thank Members who have supported this Motion. Its approval is going to give meaning to our national anthem and increase of fares will be dictated by the rule of law or regulations and not the express whims of the cartels that control the *matatu* sector.

Hon. Temporary Deputy Speaker, I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that the necessary vote on this be taken when the matter is listed for consideration again in the Order Paper.

Next Order!

INSTITUTIONALISATION OF DIAGNOSTIC TESTING FOR DIABETES IN WORK PLACES AND COMMUNITY SETTINGS

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, aware that the prevalence of diabetes in the country has been on the increase with approximately 458,900 cases reported in Kenya according to the International Diabetes Federation Report of 2017, representing two per cent of the total adult population; deeply concerned that many people with diabetes continue to lose their lives each year due to lack of awareness of the disease, inability to afford management of the condition and the expensive medication; noting that people living with diabetes can live longer and lead comfortable life if they receive the right medical care and support to help them manage the disease; further noting that there remains inadequate funding for the implementation of the effective strategy for the prevention, detection and management of diabetes thus hindering Kenya's achievement of the Sustainable Development Goal 3 and Vision 2030; recognising the importance of early diagnosis of diabetes, aiding treatment, monitoring treatment progress, monitoring recovery and preventing life threatening and expensive complication, this House urges the Government to institutionalise diagnostic testing for diabetes in work places and community settings, provide for education, prevention and subsidised routine diabetes screening and treatment and put in place and put in place measures to ensure an effective diabetes care system at all levels of health care.

This Motion is close to my heart. I am presenting it on behalf of every diabetic person who woke up very early in the morning to vote for me, the families who have lost their loved

ones because they could not afford management of diabetes and for every single person out there who is suffering from this disease.

The prevalence of diabetes in Kenya has been on increase. The International Diabetes Federation (IDF) reported that there are approximately 458,900 cases in Kenya, which represents 2 per cent of the adult population. The Kenya Diabetes Management and Information Centre (DMI) also reports that one in two people currently living with diabetes is undiagnosed meaning about 4 per cent of the adult population are living with diabetes. If you compare with HIV and AIDS that receives a lot of funding and attention, as at 2017, about 4.8 per cent or 1.5 million people in Kenya are living with HIV and AIDS against 916,000 Kenyans living with diabetes.

I am deeply concerned that many people with diabetes continue to lose their lives each year due to lack of awareness of disease, inability to afford management of the condition and expensive medication. If people living with diabetes receive the right medication and support to help them manage the disease, they are likely to live longer and lead comfortable lives. However, we know that currently this is not happening because of inadequate funding for effective strategy for the prevention, detection and management of diabetes.

Lack of funding for effective strategy to prevent, detect and manage diabetes is hindering this country from achieving the Sustainable Development Goal 3. The call for access to quality essential health care service and access to safe, effective, quality and affordable medicines for all is not met. This also hinders the country from achieving Vision 2030's pillar on health. Early detection and diagnosis of diabetes treatment helps in monitoring the treatment progress, recovery and even prevent life threatening and expensive complications. However, this not being done because the country lacks clear clinical guidelines for the management of diabetes that will standardise the care of diabetes in Kenya. That means, someone living with diabetes in Lamu does not receive the same support in managing their diabetes as someone living with diabetes in Nairobi. You are therefore likely to die of complication arising from diabetes in Lamu than in Kiambu. The country lacks training on diabetes management and prevention. There is not enough resource for diabetes screening, monitoring blood glucose, blood pressure, weight and body mass index (BMI). While I am presenting this Motion, the two hospitals in Lamu both lack glucometer.

Diabetes is a family disease. When one Member of the family is affected, the whole family is affected. They are involved in management of the disease and care of the patient. However, less than one in four family members has access to education on diabetes. I had discussion with Esther Wanjiku Kinoko, a 65 year old woman from Mpeketoni, Bahari Ward in Lamu County who is living with diabetes. She has been living with diabetes since 2014 but has had High Blood Pressure since 1982. She first noticed the symptoms during the attack that rocked Lamu in 2014 through her sister who had noticed that she was low on energy. Her sister who was living with diabetes then decided to measure her blood sugar level using a glucometer and realised that she was unwell. Imagine how long Esther would have suffered due to late diagnosis. Imagine what would have happened to Esther if the sister did not own a glucometer. Since her diagnosis in 2014, Esther has not been able to farm again. She cannot go to her farm to plant her favourite *njahi*, *njugu* and maize. She now has to depend on her struggling children to pay people to do that for her. But that is not all that Esther goes through. Esther now travels to Nairobi every three months.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ruweida, you will have 10 minutes to complete moving this Motion, the next time it is set up for consideration. The whole Motion will have a remainder of 2 hours and 50 minutes when it is set up for consideration.

Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.