

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – FIFTH SESSION – 2017

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

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REPORT ON THE PETITION BY RESIDENTS OF BUSIA COUNTY REGARDING  
DECONGESTION OF BUSIA AND MALABA TOWNS PRESENTED BY THE HON.  
GEOFFREY MAKOKHA ODANGA, MP.

DIRECTORATE OF COMMITTEE SERVICES,  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

MARCH, 2017

**ANNEXES**

Minutes

Adoption List

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## **CHAIRPERSON'S FOREWORD**

The petition was presented before the House by the Hon. Geoffrey Odanga, MP on behalf of the petitioners. This is in accordance with the provisions of Standing Order 225 (2) (a). The petition requested the Departmental Committee on Transport, Public Works and Housing to recommend that the Ministry of Transport, Infrastructure, Housing and Urban Development ensures that the Ministry of Transport and Infrastructure establishes several By-Passes around Busia and Malaba Towns among other prayers.

The petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and report within sixty days as per the requirements of S.O. 227.

In considering the petition, the Committee held meetings with the Hon. Geoffrey Odanga, MP, who appeared on behalf of the petitioners, officials from the Kenya Revenue Authority, as well Kenya National Highways Authority on behalf of the Cabinet Secretary, Ministry of Transport, Public Works, Housing and Urban Development. The meetings were aimed at inquiring into the issues raised in the petition.

The Committee observed that both Busia and Malaba Towns are heavily congested by transit trailers that crisscross the border. Decongestion of both towns was multifaceted; it required expansion of the roads leading to the border posts to dual-carriage ways; construction of by-passes; opening up of additional border posts; and full operationalization of the OSBP at the two border towns so as to speed up clearance and reduce congestion; The OSBP system was already operational at Busia town, albeit being faced with various systemic challenges. These include unsynchronized operations by the multiple agencies involved in the system and strained infrastructure.

The Committee appreciates the assistance provided by the Offices of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my duty to table on the Floor of the House the Report of the Committee on the petition.

**Hon. Maina Kamanda, EGH, M.P.**

## **EXECUTIVE SUMMARY**

The report entails presentations by the Hon. Geoffrey Odanga, M.P, on behalf of residents of Matayos Constituency, officials from the Kenya National Highways Authority on behalf of the Cabinet Secretary from the Ministry of Transport, Infrastructure, Housing and Urban Development and Kenya Revenue Authority.

In this report the Committee has considered and responded to the prayers sought by residents of Busia County, regarding decongestion of Busia and Malaba Towns. The Committee found out that the prayers pursued by the petitioners were reasonable owing to the strategic importance that Busia and Malaba Border Points hold in regional economy.

After presentations and deliberations, the Committee recommends that the Ministry of Transport, Infrastructure, Housing and Urban Development in conjunction with the the County Government of Busia, identifies viable routes for construction of by-passes around Busia and Malaba Towns, and fast-tracks acquisition of land for construction of the by-passes and trailer parks, so as to ease congestion in the two towns;



## 2.0 MANDATE OF THE COMMITTEE

The Committee is established in accordance with the provisions of Standing Order No. 216, with the following terms of reference: -

- (i) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (ii) To study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iii) To study and review all legislation referred to it;
- (iv) To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister;
- (vi) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
- (vii) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Further, whenever a Petition is committed to the Committee, Standing Order 227 obligates the Committee to respond to the petitioner(s) by way of a report addressed to the petitioner or petitioners and laid on the floor of the House.

Broadly, the Committee is also mandated to consider matters of, Transport, Roads, Public works, Construction, Maintenance of roads, rails and buildings, air, seaports and housing and oversee the Ministry of Transport, Infrastructure, Housing and Urban Development.

## 2.1 MEMBERS OF THE COMMITTEE

1. The Hon. Maina Kamanda, M.P. – **Chairperson**
2. The Hon. Eng. Mahamud Maalim, M.P. – **Vice-Chairperson**
3. The Hon. Eng. Stephen Ngare, M.P.
4. The Hon. Ali Wario, M.P.
5. The Hon. Arch. David Kiaraho, M.P.
6. The Hon. Cecily Mbarire, M.P.
7. The Hon. Capt. Clement Wambugu, M.P.
8. The Hon. Eng. John Kiragu, M.P.
9. The Hon. Gideon Konchella, M.P.
10. The Hon. Barchilei Kipruto, M.P.
11. The Hon. Mark Lomunokol, M.P.
12. The Hon. Grace Kipchoim, M.P.
13. The Hon. Mathias Robi, M.P.
14. The Hon. Joseph Lomwa, M.P.
15. The Hon. Peter Shehe, M.P.
16. The Hon. Stephen Manoti, M.P.
17. The Hon. Emmanuel Wangwe, M.P.
18. The Hon. K.K. Stephen Kinyanjui Mburu, M.P.
19. The Hon. Suleiman Dori, M.P.
20. The Hon. Edick Omondi Anyanga, M.P.
21. The Hon. Simon Nyaundi Ogari, M.P.
22. The Hon. Johnson Many Naicca, M.P.
23. The Hon. Mishi Juma, M.P.
24. The Hon. Aduma Owuor, M.P.
25. The Rashid Juma Bedzimba, M.P.



26. The Hon. Omar Mwinyi, M.P.
27. The Hon. Ahmed Abbas Ibrahim, M.P.
28. The Hon. Omulele Christopher, M.P.
29. The Hon. Mukwe James Lusweti, M.P.

## 2.2 COMMITTEE SECRETARIAT

The operations of the Committee are facilitated by a Secretariat composed of the following officers:

- |                             |                         |
|-----------------------------|-------------------------|
| (i) Mr. Samuel Kalama       | First Clerk Assistant   |
| (ii) Ms. Christine Ndiritu  | Third Clerk Assistant   |
| (iii) Mr. Abdifatah M. Bule | Third Clerk Assistant   |
| (iv) Mr. James Chacha       | Fiscal Analyst III      |
| (v) Mr. Ringera Humphrey    | Research Officer III    |
| (vi) Mr. Salem Lorot        | Legal Counsel II        |
| (vii) Ms. Deborah Mupusi    | Media Relations Officer |

### 2.3 LIST OF RECOMMENDATIONS

To address the prayers sought by the Petitioners, the Committee recommends that –

1. The Ministry of Transport, Infrastructure, Housing and Urban Development in conjunction with the County Government of Busia, identifies viable routes for construction of by-passes around Busia and Malaba Towns, and fast-tracks acquisition of land for construction of the by-passes and trailer parks, so as to ease congestion in the two towns;
2. The National Government, through the Ministries of East African Affairs engages the government of the Republic of Uganda to explore possibilities for opening new Border Posts, possibly at Mulwanda, Lwakhakha, Kapesuru and Buteba, so as to spread the clearance of transit goods across the multiple Customs Offices thereby reducing congestion at the existing two Posts of Busia and Malaba;
3. The Ministry of Transport, Infrastructure, Housing and Urban Development, in conjunction with the County Government of Busia should identify an alternative bus station and fast-track the relocation of the bus terminal from the entry point to Busia border post as a measure to ease congestion at the border point.
4. Considering the strategic importance that Busia and Malaba Border Points hold in regional economy, the Commission on Revenue Allocation (CRA) should consider making provisions for *special allocation* of funds to Busia County Government to undertake major infrastructure expansion projects in Busia and Malaba towns so as to ease congestion and make the two border points competitive in the region.

### 3.0 INTRODUCTION

3.1 On 27<sup>th</sup> July 2016 and in accordance with the provisions of Standing Order 225(2)(a), the Member for Matayos Constituency (Hon. Geoffrey Makokha Odanga, MP), presented to the House a Petition on behalf of residents of Busia County regarding decongestion of Busia and Malaba Towns.

3.3 In the Petition, the Petitioners drew the attention of the House to the following issues, that:-

- (i) Rapid growth in commerce and business at the Busia and Malaba Border Towns has resulted in over three decades of constant traffic jams and congestion along the busy Northern Corridor;
- (ii) The congestion is occasioned by increase in movement of trailers to and from Uganda, Rwanda, Burundi, South Sudan, the Democratic Republic of Congo and other countries;
- (iii) The trailers cause inconveniences to both pedestrians and motorists since the daily trailer queues stretch distances of over 10 kilometers from the Border Point, a situation further worsened by the fact that the trailers tend to occupy an entire lane of the busy road;
- (iv) The long non-ending queues have in the recent past become a major source of concern on account of the security risks posed by both cargo carried and human traffic from neighbouring countries crisscrossing the border towns on a daily basis;
- (v) There are no adequate security checks in place, making the congestion of trailers and people a constant recipe for disaster in view of escalating global terrorism;
- (vi) The slow rate of clearance of trailers, other vehicles and cargo by customs officials is a major contributor of the traffic gridlock;
- (vii) Efforts to obtain lasting solutions to the impasse have so far not borne fruit;
- (viii) The issues in respect of which this Petition was made were not pending before any court of law, constitutional or statutory body.

The Petitioners then prayed to the National Assembly, through the Committee to:

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NA: Report on the Petition by residents of Busia County regarding the decongestion of Busia and Malaba towns

- (i) Ensure that the Ministry of Transport and Infrastructure establishes several By-Passes around Busia and Malaba Towns;
- (ii) Allocates adequate funding for construction of Trailer Parks by the National Government so as to ensure that hazardous goods such as petroleum and explosives are separately monitored in a segregated area;
- (iii) Recommends and ensure the establishment of Customs Offices at Mulwanda Centre to assist in decongestion and provide additional space for clearing and forwarding;
- (iv) Makes any other order and/or direction that it deems fit in the circumstances of the case.

3.2 Pursuant to the House rules, the petition was referred to the Committee for consideration and preparation of a report thereto within 60 days. Accordingly, the Committee considered the petition pursuant to the provisions of Standing Order 227



#### 4.0 EVIDENCE

Upon referral of the Petition to the Committee, the Committee held that the matters raised therein and prayers sought by the Petitioners were fundamental and deserving the Committee's urgent intervention. Consequently, the Committee undertook to conduct a fact-finding visit to Busia and Malaba Border Towns with a view to establish the actual state of affairs on the ground, as the basis for arriving at recommendations to address the prayers sought by the Petitioners.

On 15<sup>th</sup> September 2016, a sub-Committee comprising the following members visited Busia and Malaba Border Towns:

- (i) The Hon. Emmanuel Wangwe, MP - Leader of Delegation;
- (ii) The Hon. Aduma Owuor, MP;
- (iii) The Hon. Christopher Omulele, MP;
- (iv) The Hon. James Lusweti, MP; and
- (v) The Hon. Johnson Naicca, MP.

#### 4.1 Courtesy call and Briefing with the County Commissioner – Busia County.

The Busia County Commissioner (Mr. M. M. Chimwanga) made the following presentation to the Committee:

- (i) That, traffic congestion in Busia and Malaba Towns has become so endemic that it is not only slowing up economic activities in the towns but also increasingly becoming a security threat, considering that some of the cargo on trailers that get locked in the jam for hours is highly inflammable petroleum products;
- (ii) That, both the national government and the county government of Busia acknowledge that the traffic snarl up is a time bomb whose explosion would result in inestimable loss of life and property;
- (iii) That the national government had partnered with the British government to fund upgrading of the road to dual carriageway as part of the measures to ease congestion, which sometimes span over ten (10) kilometers from the border point at an undisclosed amount;

- (iv) That, the national government, through the Kenya National Highways Authority (KeNHA) finalized the designs for the upgrade, though it remained unclear why the expansion had not yet commenced;
- (v) That, several informal Border Points that are currently unmanned had been identified for possible formalization so as to ease congestion at the two Border Points that serve Busia and Malaba Towns. These are; Teso Ndogo, Moding, Bukeba, Lwakhakha, Mundika and Mulwanda;
- (vi) That, if some of these points are formalized, they may ease congestion on Busia and Malaba Border Points;
- (vii) That a Joint Committee consisting of officers from Kenya and Uganda had been constituted to explore possibilities of opening up additional border points along the Kenya Uganda Border;
- (viii) That, the construction of Trailer Parks out of the two towns was necessary to serve as a holding point for trailers on transit. This would ensure that trailers traversing through town do not stop thereby causing traffic jam as they await clearance, since they would only leave the park once cleared and proceed straight to cross the border;
- (ix) That, the County Government of Busia had indicated its willingness to acquire land for construction of trailer parks at Busia and Malaba;
- (x) That, efforts should be explored to construct by-passes that would reconnect at the Border Post so as to decongest the main entry road to the two border towns.

#### **4.2 Presentation by the County Government of Busia**

The Governor Hon. Sospeter Ojamoong and his team informed the Committee that:-

- (i) with growth of both Busia and Malaba Towns, the only highways to those towns, are Busia Border Post-Mundika in Busia and Malaba-Kapolok in Malaba gets totally busy ,hence causing traffic snarl up, accidents and inconveniencing commercial activities
- (ii) the traffic jams in Busia and Malaba Towns are costing the County economically and exposing it to possible dangers, especially fire outbreaks from petroleum tankers which would be an easy target for terror attacks;



- (iii) the county government had identified a ten-acre parcel of land near Mundika for construction of a trailer park near Busia Town to serve as a holding bay for trailers as they undergo clearance, so as to minimize congestion on queues as they undergo clearance;
- (iv) the county government was also in the process of acquiring land in Malaba for construction of trailer park;
- (v) additional border posts that are currently used for illegal trade between Kenya and Uganda be formalized and customs offices established there with a view of diverting part of clearance exercise to those new posts. These include Mulwanda, Kapesuru and Buteba Border Posts;
- (vi) construction of by-passes to decongest the only entry roads to Busia and Malaba towns is a viable option for decongesting the two towns. Possible routes are:

**In Busia**

- Mundika-Budukomi-Sitekho-Mayenje Market-Bulanda Primary School-Stadium-Kasarani Market-Social Hall-Border;

**In Malaba**

- Ikapolok-Kosirai-Equity sign Post-Osasame-Posta-Malaba town; and
  - Amagoro-Aleles-Okuleu-Jairos-Equity Sign Post-Posta-Malaba town.
- (vii) plans were underway to expand a ten-kilometer stretch of the Busia road to dual carriageway from Busia Border to Korinda under funding by the DFID;
  - (viii) Designs for the projects were done by KeNHA and Kenya Urban Roads Authority (KURA) but the project was reduced to three kilometers due to increased cost; and
  - (ix) the County was committed to decongesting the two towns but was experiencing difficulties in mobilization of funds for the said project.

**4.3 Presentation by the Kenya Revenue Authority (KRA)**

Mr. John Gathatwa, the Regional Coordinator for KRA and Mr. Kiprop of KRA informed the Committee that –

- (i) Operationalization of a One-Stop-Border-Point (OSBP) system of clearance of transit goods by KRA had immensely eased congestion at both Busia and Malaba Borders;
- (ii) The OSBP was introduced before putting in place proper infrastructure for the system, thereby exposing it to system challenges such as inadequate feeder roads. Nonetheless, these challenges would be overcome over time;
- (iii) Transporters and clearing and forwarding agents are yet to clearly understand the principle of OSBP, thereby slowing up the process of clearance;
- (iv) That, the OSBP is a multi-agency system that is yet to be properly synchronized for efficiency. Efforts should be made to familiarize all agencies involved in the OSBP to understand how it works so as to make the process seamless;
- (v) That the concept of 24-hours border point operations has not been well understood by transporters, who park along the road then set out for the border all at once, thereby causing congestion;
- (vi) That construction of trailer parks at Busia and Malaba Borders was necessary to serve as holding bay for trailers as the KRA officers clear them;
- (vii) That, KRA had partnered with KeNHA to speed up completion of the OSBP at Malaba so as to open it up and speed up clearance of goods on transit;
- (viii) That additional Border posts are not necessarily needed if the 24-hour system and OSBP is fully operationalized by both the Kenyan and Uganda authorities, since this would reduce clearance time for heavy inflow of transit goods;
- (ix) That relocation of the market and bus station at the entrance of the Border point should be explored as a measure for decongesting traffic at the entrance to the border point.

#### **4.4 Presentation from Kenya National Highways Authority (KeNHA)**

Official from the Kenya National highways Authority (KeNHA) informed the Committee that –

- (i) The authority had devised both short term and long term solutions to traffic jams in Busia and Malaba towns;
- (ii) Construction of dual carriage ways in both towns so as to allow two trucks to move to the border point for clearance concurrently was being worked on;



- (iii) In Malaba, the authority was constructing a 1.2km long 3.5m wide extra lane into Malaba town to ease traffic flow of heavy trucks bound for Uganda;
- (iv) A OSBP was under construction in Malaba Town to facilitate faster clearance of goods, hence allowing faster movement of traffic through the border. This would be completed by mid of October 2016;
- (v) A new dual carriageway bridge will be constructed across Malaba River including pedestrian walkways on the Kenya/Uganda border so as to leave the old border road for non-motorized traffic, thereby relieving the main carriageway from congestion at the border;
- (vi) the authority was in plans for engaging consultants to help in identifying viable by-passes around Malaba border post for construction at a later time;
- (vii) about 8 acres of land had been identified for construction of a trailer park at Malaba to serve as a trailer holding bay before clearance.

#### **4.5 Presentations by members of the public**

Mr. Harrison Obinda, a male representative of the Petitioners informed the Committee that –

- (i) Busia and Malaba towns were strategic entry and exist points for Kenya sharing the road with other motorists and cyclists was causing heavy traffic snarl up that results in accidents;
- (ii) The traffic jams were becoming a security hazard, especially in the event of fire outbreak that would gut down the entire Busia Town due to the numerous petroleum laden tankers;
- (iii) The jam had also caused inordinate delays for residents to access essential social amenities and services, like hospitals, especially at times of emergencies, thereby increasing casualties that would have been saved were the road clear of trucks;
- (iv) Creation of diversions for trailers at Mundika in Busia was long overdue as a measure to decongest Busia town of the heavy trucks carrying goods in transit;
- (v) Additional border posts be considered at border points that are currently used by low volume traders and those engaged in illegal smuggling of goods across the Kenya-Uganda border, so as to serve part of the traffic that decongests the single Busia Birder Post;

Mr. Moses Ochieng', a representative of Clearing and Forwarding Agents in Busia Town informed the Committee that –

- (i) Busia town was part of the great Northern corridor and it is characterized by long queues that have resulted in economic slowdown;
- (ii) The heavy traffic along the road leading to the Busia Border has made clearing agents susceptible to corruption since KRA officials demand bribes from agents so as to fast track clearance of their trucks;
- (iii) Police officers manning the road contribute to congestion by failing to properly guide and regulate traffic flow. Sometimes, they demand for bribes to allow trailers to proceed to the border for clearance;
- (iv) The heavy traffic has also become a time bomb in terms of possible fire outbreak that would be catastrophic, considering that many petrol tankers queue along the road in heavy gridlock;

## **5.0 COMMITTEE'S OBSERVATIONS**

Arising from the views by various stakeholders and the fact-finding visit to Busia and Malaba Towns, the Committee made the following observations, that:-


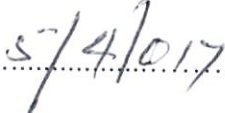
1. Both Busia and Malaba Towns are heavily congested by transit trailers that crisscross the border;
2. Decongestion of both towns was multifaceted; it required expansion of the roads leading to the border posts to dual-carriage ways; construction of by-passes; opening up of additional border posts; and fully operationalizing the OSBP at the two border towns so as to speed up clearance and reduce congestion;
3. The OSBP system was already operational at Busia town, albeit being faced with various systemic challenges. These include unsynchronized operations by the multiple agencies involved in the system and strained infrastructure;
4. At Malaba, the facility for OSBP system was under construction. The Kenyan section was nearly complete while the Uganda section would be completed in about four months from the time the Committee visited the town;
5. Both the county government of Busia and relevant agencies of the national government did not have requisite funds for carrying out expansion of the roads and construction of by-passes;



## 6.0 COMMITTEE'S RECOMMENDATIONS

In response to the prayers by the petitioners, the Committee recommends as follows:-

1. The Ministry of Transport and Infrastructure, in conjunction with the County Government of Busia, identifies viable routes for construction of by-passes around Busia and Malaba Towns, and fast-tracks acquisition of land for construction of the by-passes and trailer parks so as to ease congestion in the two towns;
2. The National Government, through the Ministries of East African Affairs engages the government of the Republic of Uganda to explore possibilities for opening new Border Posts, possibly at Mulwanda, Lwakhakha, Kapesuru and Buteba, so as to spread the clearance of transit goods across the multiple Customs Offices thereby reducing congestion at the existing two Posts of Busia and Malaba;
3. The Ministry of Transport, Infrastructure, Housing and Urban Development, in conjunction with the County Government of Busia should identify an alternative bus station and fast-track the relocation of the bus terminal from the entry point to Busia border post as a measure to ease congestion at the border point.
4. Considering the strategic importance that Busia and Malaba Border Points hold in regional economy, the Commission on Revenue Allocation (CRA) should consider making provisions for *special allocation* of funds to Busia County Government to undertake major infrastructure expansion projects in Busia and Malaba towns so as to ease congestion and make the two border points competitive in the region.

Signed..........Date..........

**Hon. Maina Kamanda, EGH, M.P.**

**Chairperson, Departmental Committee on Transport, Public Works and Housing**

**MINUTES OF THE 56<sup>TH</sup> SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON SATURDAY 10<sup>TH</sup> DECEMBER, 2016 IN BOMA HOTEL, NAIROBI AT 9:00 AM**

**PRESENT**

1. Hon. (Eng.) Mahamud Maalim, M.P. – **Vice Chairman**
2. Hon. Simon Nyaundi Ogari, M.P.
3. Hon. K.K. Stephen Kinyanjui Mburu, M.P
4. Hon. Aduma Owuor, M.P.
5. Hon. Ahmed Abbas Ibrahim, M.P
6. Hon. Mark Lomunokol, M.P.
7. Hon. (Arch.) David Kiaraho, M.P.
8. Hon. Barchilei Kipruto, M.P
9. Hon. Stephen Manoti, M.P.
10. Hon. Omar Mwinyi, M.P
11. Hon. Mathias Robi, M.P.
12. Hon. (Eng.) Stephen Ngare, M.P.
13. Hon. Johnson Many Naicca, M.P
14. Hon. Joseph Lomwa, M.P.
15. Hon. Peter Shehe, M.P.

**ABSENT WITH APOLOGY**

1. Hon. Maina Kamanda, M.P. – Chairperson
2. Hon. Ali Wario, M.P.
3. Hon. Chachu Ganya, M.P.
4. Hon. Rashid Juma, MP
5. Hon. Gideon Konchella, M.P.
6. Hon. Omulele Christopher, M.P
7. Hon. Suleiman Dori, M.P.
8. Hon. Mukwe James Lusweti, M.P.
9. Hon. (Eng.) John Kiragu, M.P
10. Hon. (Capt.) Clement Wambugu, M.P.
11. Hon. Grace Kipchoim, M.P
12. Hon. Emmanuel Wangwe, M.P.
13. Hon. Mishi Juma, M.P.
14. Hon. Cecily Mbarire, M.P.



**IN ATTENDANCE**

**- NATIONAL ASSEMBLY**

- |                          |                       |
|--------------------------|-----------------------|
| 1. Mr. Samuel Kalama     | First Clerk Assistant |
| 2. Mr. Abdifatah M. Bule | Third Clerk Assistant |
| 3. Ms. Christine Ndiritu | Third Clerk Assistant |
| 4. Mr. Salem Lorot       | Legal Counsel         |
| 5. Mr. James Chacha      | Budget Officer        |

**MIN/DC-TPWH/2016/222 Preliminaries**

The Chairperson called the meeting to order at 9:10 am with a word of prayer. He then presented the agenda as follows:-

1. Prayer
2. **Consideration and adoption of the following reports**
  - a) **Report on a petition by residents of Nyeri Town Constituency on the use of Asbestos as a roofing material;**
  - b) **Report on the petition by residents of Busia County regarding decongestion of Busia and Malaba towns;**
  - c) **Petition by the residents of Kakamega County regarding delayed rehabilitation of Kakamega Airstrip;**
  - d) **Petition by the residents of South Imenti Constituency regarding the status of Nkubu-Mikimbune road, and ;**
  - e) **Petition by the residents of Kathiani Constituency regarding non-completion of the Mumbuni-Kathiani road.**
3. Any Other Business

**MIN/DC-TPWH/2016/223**

**(a) Consideration and adoption of the Report on a petition by residents of Nyeri Town Constituency on the use of Asbestos as a roofing material;**

The Committee considered and adopted the report on the petition by residents of Nyeri Town Constituency on the use of Asbestos as a roofing material. The adoption of the report was proposed and seconded by the Hon. Mathias Robi, M.P and the Hon. Omar Mwinyi, M.P respectively with the following observations and recommendations:-

**Observations**

The Committee made the following observations, that:-

1. The use of Asbestos as a roofing material was widespread in Nyeri Town Constituency and in other parts of the country;
2. Exposure to Asbestos is hazardous to human health and can cause Mesothelioma Cancer which affects the membrane lining of the lungs and abdomen and presents symptoms similar to those of respiratory illnesses;
3. The National Government no longer uses Asbestos as a roofing material and in cases where Asbestos was used as a roof finish; the houses have been systematically replaced with other roofing materials;
4. There has been a low budgetary allocation for the refurbishment of housing units across the country. As a result, the Ministry has not been able to sufficiently revamp Government houses countrywide;

## **RECOMMENDATIONS**

In response to the prayers by the petitioners, the Committee recommends that:-

1. The Ministry of Transport, Infrastructure, Housing and Urban Development should urgently conduct a site visit to Nyeri Town Constituency to survey and give a conclusive way forward on the Houses that are still roofed using Asbestos;
2. The Ministry, while preparing the budget for the Financial Year 2017/18 should include estimates for re-roofing works on Government owned houses that are still roofed with Asbestos in Nyeri Town Constituency and also in other parts of the country.
3. The Ministry of Health should conduct an assessment on all residents who have been exposed to Asbestos to determine the extent to which their health has been affected.

### **b) Consideration and adoption of the Report on the petition by residents of Busia County regarding decongestion of Busia and Malaba towns**

The Committee considered and adopted the report on the petition by residents of Busia County regarding decongestion of Busia and Malaba towns. The adoption of the report was proposed and seconded by the Hon. Simon Nyaundi Ogari, M.P and the Hon. (Arch.) David Kiaraho, MP respectively with the following observations and recommendations:-

#### **Observations**

The Committee made the following observations, that:-

1. Both Busia and Malaba Towns are heavily congested by transit trailers that crisscross the border;
2. Decongestion of both towns was multifaceted; it required expansion of the roads leading to the border posts to dual-carriage ways; construction of by-passes; opening up of additional border posts; and fully operationalizing the OSBP at the two border towns so as to speed up clearance and reduce congestion;
3. The OSBP system was already operational at Busia town, albeit being faced with various systemic challenges. These include unsynchronized operations by the multiple agencies involved in the system and strained infrastructure;
4. At Malaba, the facility for OSBP system was under construction. The Kenyan section was nearly complete while the Uganda section would be completed in about four months from the time the Committee visited the town;
5. Both the county government of Busia and relevant agencies of the national government did not have requisite funds for carrying out expansion of the roads and construction of by-passes;

#### **COMMITTEE'S RECOMMENDATIONS**

In response to the prayers by the petitioners, the Committee recommends as follows:-

1. The Ministry of Transport and Infrastructure, in conjunction with the County Government of Busia, identifies viable routes for construction of by-passes around Busia and Malaba Towns, and fast-tracks acquisition of land for construction of the by-passes and trailer parks so as to ease congestion in the two towns;
2. The national government, through the Ministries of East African Affairs engages the government of the Republic of Uganda to explore possibilities for opening new Border Posts, possibly at Mulwanda, Lwakhakha, Kapesuru and Buteba, so as to spread the clearance of transit goods across the multiple Customs Offices thereby reducing congestion at the existing two Posts of Busia and Malaba;
3. The Ministry of Transport, Infrastructure, Housing and Urban Development, in conjunction with the County Government of Busia should identify an alternative bus station and fast-track the relocation of the bus terminal from the entry point to Busia border post as a measure to ease congestion at the border point.
4. Considering the strategic importance that Busia and Malaba Border Points hold in regional economy, the Commission on Revenue Allocation (CRA) should consider making provisions for *special allocation* of funds to Busia County Government to



undertake major infrastructure expansion projects in Busia and Malaba towns so as to ease congestion and make the two border points competitive in the region.

**(c) Consideration and adoption of the report on petition by the residents of Kakamega County regarding delayed rehabilitation of Kakamega Airstrip;**

The Committee considered and adopted the report on the petition by the residents of Kakamega County regarding the delayed rehabilitation of Kakamega Airstrip. The adoption of the report was proposed and seconded by the Hon. Barchilei Kipruto, MP and the Hon. K.K. Stephen Kinyanjui Mburu, M.P respectively with the following observations and recommendations:-

**Observations**

The Committee made the following observations, that:-

1. Operations at the Kakamega Airstrip were terminated due to runway surface failure. However, the airstrip has immense economic viability due to its strategic location to serve travelers and business people from the county, neighbouring counties and Uganda. Investing in its expansion was therefore worthwhile since flights to the route reportedly had sufficient passengers and cargo prior to termination;
2. Compensation for some families as promised during acquisition of land to pave the way for establishment of the airstrip in 1981 had not been effected to date, raising feelings of historical injustice among residents.
3. The current acreage of the airstrip's land was too small and prohibitive to present and future expansion to accommodate an extended runway and modern facilities requisite for large domestic carriers as demand for air transport to the destination increases.
4. In recognition of the economic importance of the airstrip, the Kakamega County Government identified land around the airstrip with a view to increase the total acreage to 56 acres. The government was liaising with the National Land Commission to negotiate and formulate an agreeable compensation framework for owners of the land earmarked for acquisition.
5. The county government had made budgetary provisions in the 2016/2017 FY to cater for compensation for land and property. It was also in the process of acquiring 113 acres of land in Likuyani Sub-County for resettlement of families whose land would be acquired for the project. However, the process of acquiring the said land was not yet complete.
6. The residents within the area of the proposed expansion of the airstrip were willing to relinquish their land subject to reasonable compensation for their land and developments thereto. However, fears that the injustices of 1981, viz in commensurate compensation,

delayed payments or failure to be compensated, may be replicated in the proposed acquisition of land for the airstrip's expansion.

7. The county government had taken care of environmental safety considerations and commenced the process of acquiring 15 acres of land at Mung'ang'a for setting up a waste treatment plants outside a radius of 13km from an airport/airstrip in accordance with ICAO requirements.
8. The rehabilitated runway was uneven and dilapidated to the extent that deep depressions had developed, mainly along the path used by rear wheels of the aircraft during taxing, take-off and landing. This casts doubts to the quality of works done by the contractor who undertook the resurfacing of the runway.
9. The actual runway PCN value for the runway rehabilitated in 2011 was rated as 7 but was reported as 10 by the Aeronautical Information Publication. However, the source of information and motive behind the grave misreporting by AIP was unclear.
10. Survey and designs for the new runway and facilities were done by the KAA and KCAA. However, it was unknown when construction would commence since it was established that the national government had not factored the Kshs. 500 million estimated for the project in its 2016/2017FY.

### **Recommendations**

In response to the prayers by the petitioners, the Committee recommends as follows:-

1. On the first prayer with regard to investigations into the quality of the resurfacing works done on the Airstrip's pavements in 2011 with a view to ascertain whether the reported pavement failures was occasioned by poor workmanship by the contractor; the Committee recommends that: The KAA/KCAA officers responsible for the alleged misreporting of the runway's PCN as 10 instead of 7 by AIP, be held personally liable for the damages caused on the newly rehabilitated but barely used runway, since by misrepresenting facts, aircrafts with ACN above the pavement's surface strength of PCN 7 were allowed to operate on the weak airstrip.
2. On the second prayer with regard to the rehabilitation and extension of the airstrip's pavements to International Civil Aviation Organization (ICAO) standards by the ministry the Committee recommends that the Ministry through Kenya Airports Authority should immediately allocate sufficient funds for extension of the runway and construction of suitable facilities for the envisioned modern airstrip in the 2017/2018 Financial year
3. The Ministry of Lands and NLC intervenes to:
  - i. Establish claims of historical injustices arising from non-compensation for land Acquired in 1981 and causes completion of all pending compensation claims; and



- ii. Support Kakamega county government by fast tracking the process of acquisition of land, resettlement and compensation of families whose land is earmarked for acquisition for expansion of the airstrip

**(d) Consideration and adoption of the report on petition by the residents of South Imenti Constituency regarding the status of Nkubu-Mikimbune road,**

The Committee considered and adopted the report on the petition by the residents of South Imenti Constituency regarding the status of Nkubu-Mikimbune road. The adoption of the report was proposed and seconded by the Hon. Aduma Owuor, M.P. and the Hon. Ahmed Abbas Ibrahim, M.P respectively with the following observations and recommendations:-

**Observations**

The Committee made the following observations, that:-

1. The Nkubu-Mikimbune road had received some funding from KeRRA to the tune of Ksh. 10 million and therefore the Authority should endeavor to get additional finding for the completion of the road.
2. During the classification exercise done by the Ministry of Transport, Infrastructure, Housing and Urban Development, a number of errors were made on various roads across the country. This saw some roads, including the Nkubu-Mikimbune road, being erroneously classified as County Roads yet they fall under the National Government.

**Recommendations**

In response to the prayers by the petitioners, the Committee recommends that:-

The Ministry of Transport, Infrastructure, Housing and Urban Development should allocate adequate funds from the Emergency Kitty which is under the Cabinet Secretary to ensure completion of the Nkubu-Mikimbune road.

**(e) Consideration and adoption of the report on petition by the residents of Kathiani Constituency regarding non-completion of the Mumbuni-Kathiani road.**

The Committee considered and adopted the report on the petition by the residents of Kathiani Constituency regarding non-completion of the Mumbuni-Kathiani road. The adoption of the report was proposed and seconded by the Hon. Johnson Manya Naicca, M.P. and the Hon. Joseph Lomwa, M.P respectively with the following observations and recommendations:-



## **Observations**

The Committee made the following observations, that:-

1. The project road is 22km long and lies in Kathiani Sub- County of Machakos County. The road starts at Mumbuni, some 3km North of Machakos town on the Machakos – Kangundo road (C99). It takes a generally North Easterly course as road E484 up to Kathiani where it changes to a southerly direction and ends at Thwake river.
2. The contract for the project was awarded to Nyoro Construction Company Ltd at a contract sum of Kshs.637,194,171.20.
3. The initial contract period was 24 months and the expected completion date was supposed to be 22nd October, 2013; before an additional extension of time (EOT) of 16 months. Work done now stands at 78.63% against 146.25% time elapsed;
4. The access road to Mbee Market and secondary school was added to the initial contract. Initial estimates for these works were issued to the contractor for his concurrence after which the contractor was issued with instructions to commence works.


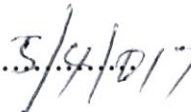
## **Recommendations**

**In response to the prayers by the petitioners, the Committee recommends that:-**

The Ministry of Transport, Infrastructure, Housing and Urban Development should fast track and complete the Mumbuni-Kathiani Road by April 2017.

## **MIN/DC-TPWH/2016/224 Adjournment**

The Chairperson adjourned the meeting at 1.00 pm to be convened at a later date to be communicated.

SIGNED.......... DATE ......

**Hon. Maina Kamanda, EGH, M.P. (Chairperson)**

# THE NATIONAL ASSEMBLY




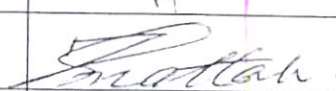


## ELEVENTH PARLIAMENT – 4<sup>TH</sup> SESSION

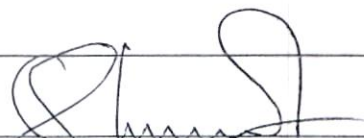

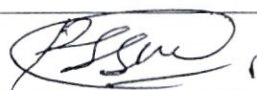
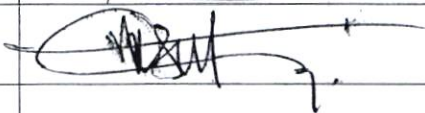




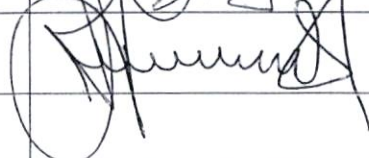
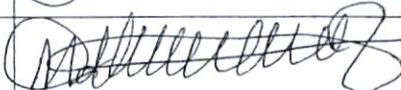
### DEPARTMENTAL COMMITTEE – TPWH: TRANSPORT, PUBLIC WORKS AND HOUSING

Adoption list for the Reports on the following Petitions

Saturday 10<sup>th</sup> December, 2016

- a. Petition by the Member for Nyeri Town Constituency, the Hon. Esther Murugi, M.P. on behalf of residents of Nyeri Town on the use of Asbestos as a roofing material;
- b. Petition by the Member for Matayos Constituency, the Hon. Geoffrey Odanga, M.P. regarding decongestion of Busia and Malaba Towns;
- c. Petition by the Member for Ikolomani, the Hon. Bernard Shinali regarding delayed rehabilitation of Kakamega Airstrip;
- d. Petition by the Member for South Imenti Constituency, the Hon. Kathuri Murungi, M.P. regarding the Status of Nkubu-Mikimbune road, and;
- e. Petition by the Member for Kathiani Constituency, the Hon. Robert Mbui regarding non-completion of the Mumbuni-Kathiani road.

NO.	MEMBER	SIGNATURE
1.	Hon. Maina Kamanda (Chairperson), MP	
2.	Hon. (Eng.) Mohamed Maalim (Vice Chairperson), MP	
3.	Hon. KK Stephen Kinyanjui Mburu, MP	
4.	Hon. Christopher Omulele, MP	
5.	Hon. (Eng.) Stephen Ngare, MP	
6.	Hon. Johnson M. Naicca, MP	
7.	Hon. (Eng.) John Kiragu, MP	

8.	Hon. Stephen K. Manoti, MP	
9.	Hon. Joseph Lomwa, MP	
10.	Hon. (Capt.) Clement M. Wambugu, MP	
11.	Hon. Emmanuel Wangwe, MP	
12.	Hon. Grace J. Kipchoim, MP	
13.	Hon. Cecily M. Mbarire, MP	
14.	Hon. Mishi Juma Khamis, MP	
15.	Hon. Peter Shehe, MP	
16.	Hon. Omar Mwinyi, MP	
17.	Hon. Suleiman Dori, MP	
18.	Hon. Rashid Juma Bedzimba, M.P	
19.	Hon. Aduma Owuor, MP	
20.	Hon. Gideon Konchella, MP	
21.	Hon. Abass Ahmed Ibrahim, MP	
22.	Hon. Ali Wario, MP	
23.	Hon. David Kiaraho, MP	
24.	Hon. Barchilei Kipruto, MP	
25.	Hon. Simon Nyaundi Ogari, MP	
26.	Hon. Edick Omondi Anyanga , MP	
27.	Hon. Mathias N. Robi , MP	
28.	Hon. Mukwe James Lusweti, MP	
29.	Hon. Mark Lomunokol, MP	