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ELEVENTH PARLIAMENT - FOURTH SESSION - 2016



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

REPORT ON THE PETITION REGARDING THE DELAYED RE-CONSTRUCTION OF KATHIANI-

KANGUNDO BRIDGE ALONG THWAKE RIVER

Paper laid by chairperson
DC - transport, Public Works &
Housing on 17/8/2016
R. Muriuki

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

AUGUST, 2016

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1.0 PREFACE

On behalf of the Departmental Committee on Transport, Public Works and Housing and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report on the Petition regarding the delayed re-construction of Kathiani-Kangundo Bridge along Thwake River.

The petition was tabled before the House pursuant to Standing Order 225 (2)(a) by the Member for Kathiani Constituency, Hon. Robert Mbui, MP, on behalf of Kathiani residents regarding the delayed reconstruction of the Kathiani-Kangundo Bridge along River Thwake.

Pursuant to Standing Order 227 (1), the petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days.

1.1 Mandate of the Committee

The Committee on Transport, Public Works and Housing is one of the Committees of the National Assembly established under Standing Order 216 and mandated to:-

- (a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;
- (b) Study the programme and policy objectives of Ministries and Departments and effectiveness of implementation;
- (c) Study and review all legislation referred to it;
- (d) Study, assess, and analyze the relative success of the Ministries and Departments as measured by the results obtained compared with the stated objectives;
- (e) Make reports and recommendations to the House as often as possible including recommendation of proposed legislation

The Committee is mandated to consider matters of transport, roads, public works, construction, maintenance of roads, rails and buildings, air, seaports and housing and oversees the Ministry of Transport and Infrastructure, the Department of Housing and Directorate of Public Works in the Ministry of Lands, Housing and Urban Development.

1.2 Committee Membership

The Committee comprises the following members:-

1. The Hon. Maina Kamanda, M.P. – (**Chairperson**)
2. The Hon. Eng. Mahamud M. Mohamed, 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. Rashid Juma Bedzimba, 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 Hon. Chachu Ganya, 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.

1.3 Committal and Consideration of the Petition

Pursuant to the provisions of Standing Orders 227 (1), the petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the Standard Orders 227 (1) and (2).

The Committee proceeded with the consideration of the petition by holding meetings to set up terms of reference and scheduling meetings.

In considering the petition, the Committee invited and held meetings with the Hon. Robert Mbui, MP, the petitioners and officials from the Ministry of Transport and Infrastructure. The meetings were aimed at responding to issues raised by the petitioners.

1.4 Committee Observations

Having held meetings and considered the submissions presented on the petitions, the Committee observed that:-

- 1. The Thwake Bridge, which links Kathiani and Kangundo regions, was swept away by the El-Nino rains which pounded various parts of the country in 2015. As a result, economic activities in the two regions have been disrupted since residents have been compelled to incur higher transportation costs by using longer alternative routes to access markets, places of works, schools and other services that sustain their socio-economic livelihoods.
- 2. The Kenya Rural Roads Authority undertook to launch a Bailey bridge across the gap between Thwake Bridge and the approach road from Kangundo Constituency. The gap was as a result of a washout on the backfill to the bridge on the Kangundo side.
3. The Bailey bridge is aimed at supporting vehicular and pedestrian movement between Kathiani and Kangundo Constituencies as a short term measure before investigations were carried out to guide on a long term solution to the wash out.
4. The delay by the Authority to rebuild the Kathiani-Kangundo bridge was occasioned by an initial indication that the river appeared to have changed its course, causing the Authority to undertake a geo-technical investigation to inform on the type of permanent bridge to be constructed.

1.5 Response to the Prayers in the Petition

The petitioners prayed that the National Assembly through the Committee on Transport, Public Works and Housing:-

- a) Investigate reasons for the inordinate delay by the Kenya Rural Roads Authority (KeRRA) to rebuild the Kathiani-Kangundo bridge, yet emergency funds had set aside to mitigate El-Nino-related disasters such as destruction of roads and bridges; and
- b) Recommend immediate re-construction of the bridge with a view of restoring economic activities and interactions between the two regions back to normalcy.

In response to the above prayers, the Committee recommends that:-

The Bailey bridge be installed as a temporary solution pending investigations that are key to inform the Authority on the type of bridge to be constructed in future.

1.6 Adoption of the Report

We the members of the Departmental Committee on Transport, Public Works and Housing have pursuant to Standing Order 199 adopted this Report on the Petition regarding the delayed re-construction of Kathiani-Kangundo Bridge along Thwake River and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity on Thursday, 21st April 2016.


1.7 Acknowledgment

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.

Being the Chairperson of the Committee, I take this opportunity to thank all the Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks within the stipulated period.

The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Transport, Public Works and Housing, to present this report to the House pursuant to the provisions of Standing Orders 227(2) of the National Assembly.

SIGNED:.....DATE:16/8/016.....

The Hon. Maina Kamanda MP, EGH, (Chairperson)

Departmental Committee on Transport, Public Works and Housing

2.0 BACKGROUND INFORMATION

- 2.1 The Petition by the residents of Kathiani Constituency in Machakos County was presented to the House by the Hon. Robert Mbui, MP, Member for Kathiani Constituency on Thursday 25th February, 2016 pursuant to Standing Order 225 (2)(a).
- 2.2 Pursuant to House rules, the petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227.
- 2.3 The petitioners wished to draw the attention of the House on the following:-
- i) **THAT**, construction and maintenance of an elaborate road network, including bridges is an essential catalyst for economic development and investment in any region;
 - ii) **THAT**, Thwake bridge, a key bridge that links Kathiani and Kangundo regions was swept away by the El-Nino rains which pounded various parts of the country in 2015;
 - iii) **THAT**, economic activities in Kathiani and Kangundo regions have been disrupted since business residents have been compelled to incur costs of transport via longer alternative routes to access markets, places of work, schools and other services that sustain their socio-economic livelihood;
 - iv) **THAT** on 4th December, 2015, Engineers from the Kenya Rural Roads Authority (KeRRA) inspected the bridge and undertook to restore it within seven days;
 - v) **THAT**, despite the fact that the Government had set aside funds to mitigate any disaster caused by the El-Nino rains, almost three months later the bridge, which qualifies to benefit from such funding, is yet to be re-built;
 - vi) **THAT**, the economic well-being and social interactions of the residents has been experiencing adverse disruption since the bridge was swept away;
 - vii) **THAT**, almost three months down the lane, efforts to have KeRRA reconstruct the bridge as promised have been met with futility and frustration;
 - viii) **THAT**, the matter in respect of which this petition is made is not pending before any court of law or constitutional body.
 - ix) The petitioners prayed that the National Assembly through the Committee Transport, Public Works and Housing:-
 - a) Investigate reasons for the inordinate delay by the KeRRA to rebuild the Kathiani-

Kangundo bridge, yet emergency funds had set aside to mitigate El-Nino-related disasters such as destruction of roads and bridges; and

- b) Recommend immediate re-construction of the bridge with a view of restoring economic activities and interactions between the two regions back to normalcy.

3.0 SUBMISSIONS AND EVIDENCE

Having been seized of the Petition, the Committee commenced its consideration by inviting the Hon. Robert Mbui, MP, the petitioners and officials from the Ministry of Transport and Infrastructure for a meeting on the same date. During the meeting, written and oral evidence was adduced as recorded hereunder:-

Meeting with the Petitioners

On Tuesday 15th March, 2016 the Committee held a meeting with the Hon. Robert Mbui, MP, Member for Kathiani Constituency. He was accompanied by the representatives of the petitioners. On behalf of the petitioners, he informed the meeting, that:-

The Thwake Bridge, which links Kathiani and Kangundo regions, was swept away by the El-Nino rains which pounded various parts of the country in 2015. As a result, economic activities in the two regions have been disrupted since residents have been compelled to incur higher transportation costs via longer alternative routes to access markets, places of works, schools and other services that sustain their socio-economic livelihoods.

There was official communication between the County Government and the National Government with regards to the re-construction of the Bridge, but both levels of Government were in contact in a bid to restore a temporary solution to the matter.

3.2 Meeting with the Director General, Kenya Rural Roads Authority (KERRA)

On Tuesday 15th March, 2016, the Committee met with the Director General, Eng. John O. Ogango and made his presentation as follows, that:-

During a public meeting held at the bridge on 4th December, 2015, the Authority undertook to launch a Bailey bridge across the gap between Thwake Bridge and the approach road from Kangundo Constituency. The gap was as a result of a washout on the backfill to the bridge on the Kangundo side.

The Bailey bridge is aimed at supporting vehicular and pedestrian movement between Kathiani and Kangundo Constituencies as a short term measure before investigations are carried out to guide on a long term solution to the wash out.

Due to the recent Court Order prohibiting the Authority from proceeding further with the procurement for maintenance, rehabilitation and improvement of roads in Class D, E and all other unclassified roads falling within the mandate of County Governments, the construction works for the Bailey Bridge will be done by technical officers from the Ministry. The installation was scheduled to take 3 weeks.

4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATION

4.1 Observations

The Committee made the following observations, that:-

1. The Thwake Bridge, which links Kathiani and Kangundo regions, was swept away by the El-Nino rains which pounded various parts of the country in 2015. As a result, economic activities in the two regions have been disrupted since residents have been compelled to incur higher transportation costs by using longer alternative routes to access markets, places of works, schools and other services that sustain their socio-economic livelihoods.
2. The Kenya Rural Roads Authority undertook to launch a Bailey bridge across the gap between Thwake Bridge and the approach road from Kangundo Constituency. The gap was as a result of a washout on the backfill to the bridge on the Kangundo side.
3. The Bailey bridge is aimed at supporting vehicular and pedestrian movement between Kathiani and Kangundo Constituencies as a short term measure before investigations were carried out to guide on a long term solution to the wash out.
4. The delay by the Authority to rebuild the Kathiani-Kangundo Bridge was occasioned by an initial indication that the river appeared to have changed its course, causing the Authority to undertake a geo-technical investigation to determine the type of permanent bridge to be constructed.

4.2 Recommendation

The Committee having heard from the petitioners and ministry officials makes the following recommendation, that:-

A Bailey bridge be installed as a temporary solution pending Geo-technical investigations that are key to inform the Authority on the type of bridge to be constructed in future.

THE NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – 4TH SESSION

DEPARTMENTAL COMMITTEE – TPWH: TRANSPORT, PUBLIC WORKS AND HOUSING

Adoption register for the report on the Petition regarding the delayed re-construction of Kathiani-Kangundo Bridge along Thwake River: Thursday 21st April, 2016 – 10.00 a.m.

NO.	MEMBER	SIGNATURE
1.	Hon. Maina Kamanda (Chairperson), MP	
2.	Hon. (Eng.) Mohamud M. Mohamed (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. Edick O. Anyanga, MP	
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. Chachu Ganya, MP	
27.	Hon. Mathias N. Robi, MP	
28.	Hon. Mukwe James Lusweti, MP	
29.	Hon. Mark Lomunokol, MP	

**MINUTES OF THE 10TH SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING
COMMITTEE HELD ON TUESDAY 15TH MARCH, 2016 IN THE BOARDROOM ON 4TH FLOOR,
PROTECTION HOUSE AT 10:20 AM**

PRESENT

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) Mahamud Maalim, M.P. –**Vice Chairman**
3. Hon. Omar Mwinyi, M.P
4. Hon. (Eng.) Stephen Ngare, M.P.
5. Hon. Cecily Mbarire, M.P.
6. Hon. Suleiman Dori, M.P.
7. Hon. Mishi Juma, M.P.
8. Hon. Emmanuel Wangwe, M.P.
9. Hon. Chachu Ganya, M.P.
10. Hon. Omulele Christopher, M.P.
11. Hon. Grace Kipchoim, M.P.
12. Hon. Ali Wario, M.P.
13. Hon. K.K. Stephen Kinyanjui Mburu, M.P
14. Hon. (Arch.) David Kiaraho, M.P.

ABSENT WITH APOLOGY

1. Hon. Joseph Lomwa, M.P.
2. Hon. Mathias Robi, M.P.
3. Hon. (Capt.) Clement Wambugu, M.P.
4. Hon. Gideon Konchella, M.P.
5. Hon. Barchilei Kipruto, M.P.
6. Hon. Johnson Many Naicca, M.P.
7. Hon. Peter Shehe, M.P.
8. Hon. Stephen Manoti, M.P
9. Hon. Ahmed Abbas Ibrahim, M.P.
10. Hon. Edick Omondi Anyanga, M.P.
11. Hon. Mukwe James Lusweti, M.P.
12. Hon. Aduma Owuor, M.P.
13. Hon. Mark Lomunokol, M.P.
14. Hon. Simon Nyaundi Ogari, M.P.
15. Hon. (Eng.) John Kiragu, M.P.

IN ATTENDANCE - NATIONAL ASSEMBLY

1. Hon. Robert Mbui, 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. Humphrey Ringera | Research Officer |
| 5. Mr. Salem Lorot | Legal Counsel |

IN ATTENDANCE - MINISTRY OF TRANSPORT & INFRASTRUCTURE

- | | |
|------------------------|-------------------------------|
| 1. Eng. John O. Ogango | Director General (DG), KeRRA |
| 2. Mr. M.Y Tarus | Parliamentary Liaison Officer |

MIN/DC-TPWH/2016/047 Preliminaries

The Chairperson called the meeting to order at 10:20 am with a word of prayer by the Hon. (Eng.) Stephen Ngare, MP. He then presented the agenda as follows:-

1. Prayer
2. Communication from the Chairperson
3. Confirmation of Minutes
4. Matters Arising
5. **Meeting with the Cabinet Secretary for the Ministry of Transport and Infrastructure on a petition regarding the delayed re-construction of Kathiani-Kangundo bridge along Thwake river**
6. Any Other Business

MIN/DC-TPWH/2016/048 Confirmation of minutes

Confirmation of Minutes of the 9th Sitting was deferred to the next meeting.

**MIN/DC-TPWH/2016/049 Consideration of the petition by Hon. Robert Mbui, M.P.
regarding the delayed re-construction of Kathiani-Kangundo Bridge along
Thwake River**

The Chairperson invited the Director General (DG) for Kenya Rural Roads Authority (KERRA) to give a presentation on the petition.

The Committee heard that the Thwake Bridge, which links Kathiani and Kangundo regions, was swept away by the El-nino rains which pounded various parts of the country in 2015. As a result, economic activities in the two regions have been disrupted since residents have been compelled to incur higher transportation costs via longer alternative routes to access markets, places of works, schools and other services that sustain their socio-economic livelihoods.

In his response, the DG noted that during a public meeting held at the bridge on 4th December, 2015, the Authority undertook to launch a Bailey bridge across the gap between Thwake Bridge and the approach road from Kangundo Constituency. The gap was as a result of a washout on the backfill to the bridge on the Kangundo side.

The Bailey bridge is aimed at supporting vehicular and pedestrian movement between Kathiani and Kangundo Constituencies as a short term measure before investigations were carried out to guide on a long term solution to the wash out.

Committee noted that this was an adequate temporary move by the Authority, given that geo-technical investigations are needed to inform on the kind of bridge to be constructed since the river appears to be changing its course.

The Committee was also informed that due to the recent Court order prohibiting the Authority from proceeding further with the procurement for maintenance, rehabilitation and improvement of roads in Class D, E and all other unclassified roads falling within the mandate of County Governments, the construction works for the Bailey Bridge will be done by technical officers from the Ministry. The installation is scheduled to take 3 weeks.

On behalf of the petitioners, the Hon. Robert Mbui, M.P. sought to know whether there was official communication between the County Government and the National Government with regards to the re-construction of the Bridge.

In his response, the DG noted that there was no official communication but both levels of Government were in contact in a bid to restore a temporary solution to the matter.

MIN/DC-TPWH/2016/049 Any Other Business

The Committee noted with concern the numerous stalled roads construction works across the country following the High Court Judgment on the transfer of road functions to Counties. It was resolved that there be a request for a Speaker's *Kamukunji* to be held tentatively on Tuesday, 22nd March, 2016 to address the matter.

Members of the Committee also noted with concern the dilapidated status of various important roads in the country. Consequently, it was resolved that the Cabinet Secretary be invited for a meeting with


the Committee to provide a status report and measures that the Government has put in place to upgrade the following roads to bitumen standards:-

1. Garissa-Mombasa Road (B8)
2. Garissa-Mandera Road (B9)
3. Lurambi-Navakholo-Kanduyi Road (C41)
4. Karandi-Mochongoi-Marigat Road (C51)
5. St. Stephen Scope Road (1.4 km linking Changamwe & Jomvu Constituencies)

Members of the Committee further resolved to hold Committee meetings on Mondays and Fridays when need arises.

MIN/DC-TPWH/2016/050 Adjournment

The Chairperson adjourned the meeting at 12.10 pm to be convened at a later date.

SIGNED.....

DATE26/2/2016.....

Hon. Maina Kamanda, EGH, M.P.

(Chairperson)

MINUTES OF THE 18TH SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON THURSDAY 21ST APRIL, 2016 IN THE SMALL DINING AREA, MAIN PARLIAMENT BUILDINGS AT 10:30 AM

PRESENT

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) MahamudMaalim, M.P. –**Vice Chairman**
3. Hon. (Eng.) Stephen Ngare, M.P.
4. Hon. Johnson ManyNaicca, M.P.
5. Hon. (Eng.) John Kiragu, M.P.
6. Hon. (Capt.) Clement Wambugu, M.P.
7. Hon. Suleiman Dori, M.P.
8. Hon. MishiJuma, M.P.
9. Hon. Peter Shehe, M.P.
10. Hon. Emmanuel Wangwe, M.P.
11. Hon. EdickOmondiAnyanga, M.P.
12. Hon. AdumaOwuor, M.P.
13. Hon. ChachuGanya, M.P.
14. Hon. Ahmed Abbas Ibrahim, M.P.
15. Hon. Omulele Christopher, M.P.
16. Hon. Grace Kipchoim, M.P.
17. Hon. Simon NyaundiOgari, M.P.
18. Hon. BarchileiKipruto, M.P.
19. Hon. Ali Wario, M.P.
20. Hon. (Arch.) David Kiaraho, M.P.
21. Hon. Mukwe James Lusweti, M.P.
22. Hon. Mark Lomunokol, M.P.

ABSENT WITH APOLOGY

1. Hon. KK Stephen Kinyanjui Mburu, M.P
2. Hon. Joseph Lomwa, M.P.
3. Hon. Mathias Robi, M.P.
4. Hon. Cecily Mbarire, M.P.
5. Hon. Omar Mwinyi, M.P
6. Hon. Gideon Konchella, M.P.
7. Hon. Stephen Manoti, M.P

IN ATTENDANCE

1. The Hon. Samuel Gichigi, M.P.
2. The Hon. LatiLelelit, M.P.

IN ATTENDANCE

- NATIONAL ASSEMBLY

- | | |
|--------------------------|-----------------------|
| 1. Mr. Abdifatah M. Bule | Third Clerk Assistant |
| 2. Ms. Christine Ndiritu | Third Clerk Assistant |
| 3. Mr. Humphrey Ringera | Research Officer III |
| 4. Mr. Salem Lorot | Legal Counsel II |

MIN/DC-TPWH/2016/076 Preliminaries

The Chairperson called the meeting to order at 10:30 am with a word of prayer.

MIN/DC-TPWH/2016/077

Confirmation of Minutes

Confirmation of Minutes of the 17th Sitting was deferred to the next meeting.

MIN/DC-TPWH/2016/078 Consideration of the Reports on the Motor Vehicle and Motor Cycle Tracking Device Bill, 2015 and the Traffic (Amendment) Bill, 2015

The Committee considered and adopted the report on the Motor Vehicle and Motor Cycle Tracking Device Bill, 2015 and the Traffic (Amendment) Bill, 2015, having been proposed by the Hon. Simon Nyaundi Ogari, MP and seconded by the Hon. Emmanuel Wangwe, MP; with the recommendation that the Bills should not be published.

MIN/DC-TPWH/2016/079 Consideration of the Report on the Petition regarding the delayed reconstruction of Kathiani-Kangundo Bridge along Thwake River

The Committee considered and adopted the report on the petition regarding the delayed reconstruction of the Kathiani-Kangundo Bridge, having been proposed by the Hon. Mishi Juma, MP and seconded by the Hon. Chachu Ganya, MP; with the recommendation that the Bailey bridge be installed as a temporary solution pending investigations that are key to inform the Authority on the type of bridge to be constructed in future.

MIN/DC-TPWH/2016/080 Consideration of the Maritime Service Providers Bill, 2016

The Vice-Chairperson invited the sponsor of the Legislative Proposal, the Hon. Samuel Gichigi, M.P. to make his presentation with regards to the proposed law.

The Committee was informed that the principal object of the Bill is to provide a legal framework for the regulation of maritime service providers in Kenya. The Bill in particular establishes a framework for the licensing of maritime service providers by the Authority and sets out the qualifications that maritime service providers should possess prior to making applications for licensing.

Further, the Committee heard that the Bill seeks to ensure efficient standards of service delivery by maritime service providers, by outlining the professional conduct that such providers should adhere to in performing their functions.

The legal framework that presently regulates the maritime service providers sector is the Merchant Shipping (Maritime Service Providers) Regulations, 2011.

The Committee was also informed that the Ministry of Transport and Infrastructure had also given their response with regards to the Bill, noting that it did not address the whole range of issues and challenges in the commercial maritime sector, the focus being only on licensing of maritime service providers.

The Ministry further proposed an addition to the title of the Bill, "to promote provision of high standards of training and competency in maritime training institutions; to identify and promote commercial investment in maritime service providers and for connected purposes."

Committee Concerns

Members raised concern over the inclusion of definition of all Maritime Service Providers in the Bill. This would be prudent due to the various players in the Maritime Service Providers sector to avoid conflict upon passage of the Bill into law. This way, the Bill would cover all the players in the sector.

In response, the sponsor of the Bill noted that definitions had been captured in Clause 2 and the First schedule of the Bill. It was however resolved that all other players in the sector would be included in the Bill.

The Committee recognized that the Bill would be prudent but it needed more input in a bid to have it govern the entire Maritime Service Providers sector. It was resolved that the Committee holds a meeting with the Cabinet Secretary for the Ministry of Transport and Infrastructure to further enrich the Bill.

MIN/DC-TPWH/2016/081 Consideration of the Quantity Surveyors Bill

The Vice-Chairperson invited the sponsor of the Legislative Proposal, the Hon. Lati Lelelit, M.P. to make his presentation with regards to the proposed law, noting that the Committee had invited him severally to make a presentation to no avail.

In response, the Hon. Lati Lelelit apologized for not honoring the invitations, saying that this had been occasioned by matters beyond his control.

The Committee heard that the principal object of the Bill is to amend the Architects and Quantity Surveyors Act (Cap 525) so as to provide for the separate registration and regulation of quantity surveyors as is the practice in other commonwealth jurisdictions.

The Committee was however concerned that it had already made steps in relation to the Bill, having met Quantity Surveyors and received their submissions. It was therefore not clear on how the Bill's sponsorship shifted to the Hon. Lati Lelelit.

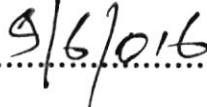
In his response, the Hon. Lati Lelelit noted that he was not aware of the progress that had been made by the Committee and that he was approached by Quantity Surveyors to draft the Bill, which he did as he was convinced on the necessity of such legislation in the professional field. He further requested the Committee to allow him push forward with the Bill as it had already been drafted in his name and officially committed to the Committee.

It was resolved that the Bill be published given that there was a common goal to separate the professions of architecture and quantity surveying in order to allow for the efficient growth and monitoring of the profession of quantity surveying.

MIN/DC-TPWH/2016/082 Adjournment

The Chairperson adjourned the meeting at 11.40 am to be convened at a later date.

SIGNED..........

DATE..........

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