

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 30th June, 2004

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.380*

#### REHABILITATION OF MARSABIT POLICE LINES

**Mr. Sasura** asked the Minister of State, Office of the President:-

- (a) whether he is aware that Marsabit Police lines are in a state of disrepair; and,
- (b) what plans he has to rehabilitate the houses.

**The Assistant Minister, Office of the President** (Mr. Tarus): Mr. Speaker, Sir, I beg to reply.

- (a) Yes, I am aware.
- (b) The houses will be renovated when funds become available.

**Mr. Sasura:** Mr. Speaker, Sir, the police lines I am talking about are within my location. It is a pity that since they were built, they have never been rehabilitated or renovated. Only two years ago, a policeman's gun was stolen because the walls of those houses are broken. Could the Assistant Minister tell this House, considering the fact that we vote a lot of money for the Office of the President, when these funds will be available? He says the houses will be renovated when funds are available. When is this "when"?

**Mr. Tarus:** Mr. Speaker, Sir, we have a strategic plan for the Kenya Police Force which is supposed to run from the year 2004 to 2007. We envisage that under this same programme, we shall be able to consider the rehabilitation of a good number of police stations.

**Mr. Sasura:** Mr. Speaker, Sir, how then could the Assistant Minister convince the House that we are part of this plan when he says, in his reply, that he is not even aware that the houses are in a state of disrepair?

**Mr. Tarus:** Mr. Speaker, Sir, as I said, I am aware the police station is in a state of disrepair. It was constructed between 1955 and 1959. Therefore, we know the urgency and need to renovate it in order for it to serve the purpose it was intended for.

**Capt. Nakitare:** Mr. Speaker, Sir, you heard the answer given by the Assistant Minister about the need for rehabilitation of police stations in this country. Is he aware that a gun is a second wife of a soldier? This is because a policeman keeps his gun close to his body. Could he tell this House why Endebess and Saboti police stations which are at the border are in a disarray? The policemen have to buy water---

*(Laughter)*

**Mr. Speaker:** Order, Capt. Nakitare! That is a speech!

Could you respond, Mr. Tarus?

**Mr. Tarus:** Mr. Speaker, Sir, first of all, I am not aware that a gun is a second wife to a policeman. It is not also true that those two police stations are in a disarray unless he has facts to substantiate his allegations. I can confirm that those two police stations are okay unless the hon. Member is talking about the issue of dilapidated houses which, as I said, need to be considered for rehabilitation.

*Question No.338*

TARMACKING OF EBUYANGU-EKERO ROAD

**Mr. Oparanya** asked the Minister for Roads, Public Works and Housing:-

- (a) whether he is aware that the Ebuyangu-Ekero Road in Butere/Mumias District becomes impassable during the rainy season;
- (b) when the road will be tarmacked; and,
- (c) how much money he has set aside for this purpose and how much is required to complete the work.

**The Minister for Roads, Public Works and Housing** (Mr. Raila): Mr. Speaker, Sir, I beg to reply.

(a) The Ebuyangu-Ekero Road is classified as C33. The road is 30.8 kilometres long, of which 19.3 kilometres is gravelled and the remaining 11.5 kilometres is earth road. It is a fact that during the rainy season, most sections of this road are impassable.

(b) A consultancy contract is being procured for the road design to bitumen standards, using the Ministry's internal financial resources.

(c) There is no budget set aside for tarmacking this road for now. So, it is not possible to say how much money will be needed to tarmac this road. When the road has been designed and cost estimates made, the Ministry will propose it to a number of development partners for funding to upgrade it to bitumen standards. Meanwhile, the road has been put in the programme for gravelling to make it passable.

**Mr. Oparanya:** Mr. Speaker, Sir, I would like to thank the Minister for the answer he has given to this House. When the President came to western Kenya, he promised that Ebuyangu-Ekero Road will be included in the next financial year, which starts tomorrow, for tarmacking. Since the Minister has talked about the financial year which ends today, could he tell this House whether the road has been included in the next financial year as the President said?

**Mr. Raila:** Mr. Speaker, Sir, I have told the hon. Member and the House that, that road has not been included in the current financial year for tarmacking because of budgetary constraints. We put that road in our programme but because of budgetary constraints, it was not possible to include it in the Printed Estimates. However, we are using the funds which are available, namely, the fuel levy funds, to ensure that the road is designed so that we can propose it for funding by our development partners.

**Mr. Bifwoli:** Mr. Speaker, Sir, you have heard that the President promised---

**Mr. Speaker:** Order, Mr. Bifwoli! For your benefit, there is a Standing Order glaring in your senses that apart from a Minister, no hon. Member shall use the name of the President as authority on what he says. That is what the law says and you must follow it.

**Mr. Bifwoli:** Mr. Speaker, Sir, I would like to ask my question. It is true that, the highest

authority promised that, that road will be included in the next financial year.

*(Laughter)*

Was he misled?

**Mr. Raila:** Mr. Speaker, Sir, as I have said before, it is true that on a tour to western Kenya, the President was asked, and made a commitment that the road was going to be tarmacked. The Government is not pulling out of that promise. Personally, I am very committed to ensure that, that road is tarmacked. But I want the hon. Member to appreciate the fact that we need money to do that road, and we will ensure that the President's promise is fulfilled.

**Mr. Oparanya:** Mr. Speaker, Sir, the road is currently impassable. The Minister has promised that the road will be gravelled. When will it start? I am asking this question because the promise has been there for the last ten months.

**Mr. Raila:** Mr. Speaker, Sir, I have said that a section of this road has already been gravelled. There is a portion which is just for gravelling. We have money which we will begin using almost immediately to ensure that the road is passable most of the year.

*Question No.350*

REPAIR OF BUNGOMA-MUMIAS ROAD

**Mr. Wamunyinyi** asked the Minister for Roads, Public Works and Housing:-

- (a) whether he is aware that Bungoma/Mumias Road has been rendered impassable as a result of the heavy rains; and,
- (b) what action he is taking to ensure that the road is urgently repaired.

**The Minister for Roads, Public Works and Housing** (Mr. Raila): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the recent heavy rains destroyed the Bungoma/Mumias Road (C33), rendering it almost impassable. This was more so around Bungoma and Mumias Towns.

(b) Assessment of the damage was carried out and Kshs9.7 million issued to the District Works Officer, Bungoma, to rehabilitate the damaged sections to motorable condition. The work is going on now.

**Mr. Wamunyinyi:** Mr. Speaker, Sir, I appreciate the Minister's answer. From his answer, the most impassable areas are around Bungoma and Mumias Towns in Western Province. The rehabilitation works being undertaken involve filling the potholes with some soil. Considering that this road serves the towns and it is a main highway, could the Minister consider having it tarmacked as opposed to having the potholes filled with soil?

**Mr. Raila:** Mr. Speaker, Sir, I am sure that the hon. Member is talking about the temporary work which was being done by my officers to make the road passable. I would like to inform him that, that is not the kind of repair I am talking about. The amount of money we have given out is meant to patch up and reseal the road. This will be done using tarmac and not soil.

**Mr. Karaba:** Thank you very much, Mr. Speaker, Sir. We are all aware that some of the roads which were started as early as the 1980s have not been completed. The Ministry of Roads, Public Works and Housing has, maybe, embarked on new projects. What is the position? Will we complete the stalled projects first or start new projects?

**Mr. Raila:** Mr. Speaker, Sir, we have learnt to scale the stairs and chew gum at the same time. In other words, as we complete the stalled projects, we cannot put new projects on hold.

What we are doing within the limited budgetary provisions we have is to complete the stalled projects, as well as start new ones.

**Mr. Manoti:** Thank you, Mr. Speaker, Sir. We know that everyday, an answer is given to any Questioner who asks about the state of a road. In most cases, we get very positive answers. I would like to refer to my road, Kisii/Kilgoris, which I asked a Question about and I was promised that Kshs50 million would be disbursed to do it six months ago. Could the Minister tell us why they give promises which they do not fulfil? This is the case, especially on that road which he promised that Kshs50 million would be disbursed to do it. The road has not been reflected in the Budget.

*(Applause)*

**Mr. Raila:** Mr. Speaker, Sir, the hon. Member, in his last sentence, has talked about money. He will appreciate that we need a lot of money to do roads. We try to spread out the resources we have so that every part of this country gets a fair treatment. I would like the hon. Member to appreciate this constraint. I know the Kisii/Kilgoris Road. It is not in the Printed Estimate, but I want the hon. Member to understand that, there is a lump-sum figure of fuel levy funds within which there is provision for that road as well.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Would I be in order if I ask Ministers not to mislead the President and the House on promises, otherwise, we will censure them in this House?

**Mr. Speaker:** You are totally out of order!

*(Laughter)*

**Mr. Wamunyinyi:** Mr. Speaker, Sir, the state of roads in this country continues to deteriorate. Many roads are in very bad state, for example, the Nakuru/Eldoret Road, and hon. Members can attest to this fact, while many Government Ministers are busy politicking. Even the Assistant Minister for Roads, Public Works and Housing is involved in organising the rally to be held at Kamukunji, while the Minister is involved in organising the rally to be held at Uhuru Park. What will happen?

*(Applause)*

**Mr. Speaker:** Order, Mr. Wamunyinyi!

**The Assistant Minister for Roads, Public Works and Housing** (Eng. Toro): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to say that I am organising a *kamukunji*, when he knows very well that I have not gone on record to say that I am organising one? Could he withdraw and apologise?

*(Mr. Wamunyinyi stood up in his place)*

**Mr. Speaker:** Order, Mr. Wamunyinyi! The Chair does not care one bit about which of the various *kamukunjis* you will go to. The only *kamukunji* that is recognised is the Speaker's *Kamukunji*. So, take them out of this House. Let us conduct our business.

*(Applause)*

**Mr. Raila:** Mr. Speaker, Sir, the hon. Member will appreciate the fact that, for once, there is a lot of work that is going on all over the country. In fact, if you go to the rural areas, you will find that a number of projects are going on. There are also quite a number of projects which are being planned. Just last week, we signed an agreement with the World Bank amounting to Kshs16 billion, to do the road that the hon. Member is talking about. We call the road the Northern Corridor. It is meant to improve that road, right from Miritini, all the way to Malaba and Busia. That will free the funds that we are using in maintaining that road to do other feeder roads.

Mr. Speaker, Sir, there are other roads which fall under the purview of the District Roads Committees (DRCs). Hon. Members themselves are members of those committees. We will ensure that those funds are properly used.

Finally, I wish to inform the hon. Member that I am not vying for the position of a Prime Minister. I want him to be properly informed! I am very comfortable remaining as a Cabinet Minister.

**Mr. Bifwoli:** On a point of order, Mr. Speaker, Sir. Mr. Wamunyinyi did not say anything about the Prime Minister! Is the Minister in order to bring the issue of the Prime Minister here?

*(Applause)*

**Mr. Speaker:** Order, hon. Members! Mr. Raila, what road is called "Prime Minister"?

*(Laughter)*

**Mr. Raila:** Mr. Speaker, Sir, there is no road called "Prime Minister". However, the hon. Member is on record as saying that Mr. Raila Odinga is trying to wreck the constitutional review process because he is over-ambitious and wants to become the Prime Minister of this country. That is the information I was talking about.

Mr. Speaker, Sir, Kenyans are free to go to Kamukunji Grounds or Uhuru Park.

*(Applause)*

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. If you remember, there was an invitation by the "political gynaecologist" to see whether the *katiba* baby is dead or alive, so that it could be baptised on Saturday. Should that be part of our debate here?

**Mr. Speaker:** No! Firmly not! I think hon. Members must do the business of the House here. Go and do your politicking outside! I do not give a hoot what you do there! But I do give a hoot what happens here. If it is a road, it is a road! It is not a *kamukunji* or a Prime Minister! Mr. Wamunyinyi, you should also stick to your Question!

**Mr. Wanjala:** On a point of order, Mr. Speaker, Sir. Outside this House, in the country today, the situation is very delicate and tense. I am surprised that this House has been used to invite people to attend both rallies. Would I be in order to ask you to rule and order the Minister to withdraw his invitation to Kenyans to go and fight? Those who will attend the rally at Uhuru Park and those who will attend the one at Kamukunji Grounds will fight!

*(Applause)*

**Mr. Speaker:** Order, hon. Members! I have said in the past and I will repeat; let us do the business of the House as prescribed in the Order Paper, and as set out by the rules of the House! I

think the only thing that I can say here is that, as hon. Members and leaders of this great country, you owe it to Kenyans! You owe it to every Kenyan, including the unborn, that we exercise our freedom of expression and association in such a manner as we will not imperil the security and wellbeing of Kenyans. That is the only thing I can say, and I say it without blinking an eye!

*(Applause)*

Next Question!

Dr. Kibunguchy, I understand that you and the Minister have agreed to defer this Question to tomorrow?

**Dr. Kibunguchy:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. So done!

*Question No.323*

POOR STATE OF LUGARI PRIMARY SCHOOLS

*(Question deferred)*

**Mr. Speaker:** Next Question, Mr. Leshore!

*Question No.334*

SHORTAGE OF TEACHERS IN  
SAMBURU EAST CONSTITUENCY

**Mr. Leshore** asked the Minister for Education Science and Technology:-

(a) whether he is aware that there is an acute shortage of teachers in Samburu East Constituency; and,

(b) when he will recruit and post teachers to those needy schools in the area.

**The Assistant Minister for Education, Science and Technology** (Mrs. Mugo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Samburu District is under-staffed by 71 teachers in primary schools and 15 teachers in secondary schools.

(b) The Ministry has not set a definite timeframe as to when the next recruitment exercise will be conducted due to budgetary constraints.

**Mr. Leshore:** Mr. Speaker, Sir, I think the Assistant Minister is not serious with the situation in Samburu District, and especially in pastoral areas. That is because, currently, we are discussing the Budget and this House has passed a large amount of money for the Ministry of Education, Science and Technology. Could the Assistant Minister tell us why she is complaining about budgetary constraints, when we have given them more money than they require in this year's Budget?

**Mrs. Mugo:** Mr. Speaker, Sir, it is true that the Ministry has a very large budget. It is also true that most of that money, over 80 per cent, goes to Recurrent Expenditure. That is why the Ministry has set in motion a mapping exercise to make sure that teachers are re-distributed. That is because Kenyans pay a lot of taxes and have agreed to support education. We know that most of taxpayers' money goes towards education. But, recently, we increased salaries for teachers and

university dons, and more than Kshs7 billion will go into that. We appreciate that there is a shortage and we are working on it. It is our hope that very soon, we will be able to come up with the exact numbers of teachers needed.

**Mr. Marende:** Mr. Speaker, Sir, it is a matter of concern that, whereas the Assistant Minister is talking about the shortage of teachers in schools, there are thousands of trained teachers who are unemployed. What is the Ministry doing to rectify the continuous existence of that irony?

**Mrs. Mugo:** Mr. Speaker, Sir, that is true. We have some teachers who are still not yet employed. We hope that some of them will soon be employed once we get the monies to do so. Also, we need to, first of all, find out exactly how many teachers need to be employed and where. You will agree with me that we need money for Development Expenditure Vote as opposed to all the money going to Recurrent Expenditure Vote. We are, however, not blind to the existence of unemployed teachers. Very soon, we might export some of them to needy countries.

**Mr. Ngoyoni:** Mr. Speaker, Sir, the shortage of teachers is being experienced countrywide. Every time a Question on shortage of teachers is asked, the answer given is that there is no money. We know very well that we used Kshs100 million to bring in Mr. Lema Ayanu; Kshs34 million to pay for a house for the late former Vice-President; Kshs50 million to put up a house for the incumbent Vice-President; and, every Ministry has been allocated Kshs30 million to renovate offices. Is this not an indication that we have our priorities very wrong?

**Mrs. Mugo:** Mr. Speaker, Sir, I think that question is directed to the wrong Ministry. We do not prepare the Budget. It is the Ministry of Finance which does that. However, I do not think there is any money put anywhere wrongly. We certainly need a house for the Vice-President. I leave that question to be answered by the relevant Minister.

**Mr. Leshore:** Mr. Speaker, Sir, some areas in Kenya, for example, Kajiado North and Dagorreti, have never complained of shortage of teachers. Could the Assistant Minister consider giving us those surplus teachers so that they are posted to Samburu?

**Mrs. Mugo:** Mr. Speaker, Sir, I think the hon. Member is actually misinformed because in Dagorreti Constituency, I have a very big shortage of teachers as well. We are working out on the formality aspects in all constituencies. I am also sure that the same is the case in Kajiado North Constituency. Indeed, I do have a shortage.

*Question No.362*

IRREGULAR EMPLOYMENT OF  
FOREIGNERS IN MALINDI

**Mr. L. Maitha** asked the Minister for Labour and Human Resource Development:-

- (a) whether he is aware that a sizeable number of foreigners in Malindi are doing ordinary tourism jobs that Kenyans can do; and,
- (b) what he is doing to secure these jobs for Kenyans.

**The Minister for Labour and Human Resource Development (Mr. Mwakwere):** Mr. Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) The foreigners working in Malindi have valid work permits. Therefore, they justify their presence.

**Mr. Speaker:** What Question are you answering? If you are answering part (b) of the Question and you are unaware of part (a) of the Question, then, how do the two questions relate?

**Mr. Mwakwere:** Mr. Speaker, Sir, the difference here is that the hon. Member talked of a

"sizeable" number and yet I am not aware of that "sizeable" number. I am only aware of one or two foreigners. Therefore, "sizeable" does not make much sense. Secondly, the hon. Member talks of "ordinary tourism jobs". I am not aware of such jobs.

**Mr. L. Maitha:** Mr. Speaker, Sir, you can realise that the Minister is just trying to lie because he is fumbling around with the answer.

**Mr. Speaker:** Order, Mr. L. Maitha! Order! You do not use the word "lying" in this House. Will you, please, withdraw that remark?

**Mr. L. Maitha:** Mr. Speaker, Sir, I withdraw that remark. The Minister was trying to mislead the House.

There are many foreigners in the coast region and I am shocked to learn that the Minister for Labour and Human Resource Development who comes from the region, is giving a contradictory answer. In part (a) of his answer he said that he is not aware, and in part (b) he shifts the responsibility to the Department of Immigration. That department belongs to the Government and he is a Government Minister. I have filed this Question for more than three months and yet there has never been any liaison between the two. Could the Minister now tell us, between the Department of Immigration and his Ministry, who is responsible for spot-checking workers in this country?

**Mr. Mwakwere:** Mr. Speaker, Sir, thank you, for protecting me from those abusive words.

**Mr. Speaker:** Order, Mr. Mwakwere! You know when the Speaker has taken action and the hon. Member has complied, that matter is closed. You cannot revive it. He has apologised. How can you follow somebody who has apologised unless you are a thorough coward?

**Mr. Mwakwere:** Mr. Speaker, Sir, the hon. Member should know that the responsibility of issuing work permits is vested with the Department of Immigration in the Office of the Vice-President and Ministry of Home Affairs. He knows that the process involves other people in other sectors of the Government. For example, the Office of the President, the Ministry of Labour and Human Resource Development and others are all involved. This is meant to make sure that those who are given work permits---

**Mr. Sudi:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. Sudi?

**Mr. Sudi:** Mr. Speaker, Sir, is the Minister in order to mislead this House by directing the answer to this Question to the Questioner alone? This Question belongs to this House and we all need to be informed.

**Mr. Speaker:** Mr. Mwakwere, let us make it easy. The hon. Member is saying that there are many foreigners in Malindi doing small tourism jobs which ordinary Kenyans would otherwise be doing. The question, then, is, are they or are they not there?

**Mr. Mwakwere:** Mr. Speaker, Sir, I know that there are foreigners who work in Malindi, but I do not agree with the terminology that they are very many or sizeable. It does not make sense.

*(Loud consultations)*

**Mr. Speaker:** Order, Members! How many are they?

**Mr. Mwakwere:** Mr. Speaker, Sir, if the number is required, I can quantify. However, the decision---

**Mr. Speaker:** Order, Members! Order, Mr. Mwakwere! You must be very serious, Mr. Mwakwere. You are the Minister for Labour and Human Resource Development, and the Questioner is asking you in that capacity whether there are foreigners in Malindi doing small-time tourism jobs which Kenyans would otherwise be doing. That is your responsibility, and when you admit that they are there, you must say how many they are. You must be serious because you are not



being serious to the House now.

**Mr. Mwakwere:** Mr. Speaker, Sir, there are people working in Malindi, but not doing what is called the small-scale jobs. What we have, and I can give details, is that the people working there are either directors or financial controllers of the investments where they have put money. As an example, my Ministry visited four establishments in Malindi to verify whether or not there are small-scale or low level operators in the tourism industry as put by the hon. Member. We visited the Italian Shoe Factory; Baracuda Inn---

**Mr. Muiruri:** On a point of order, Mr. Speaker, Sir. It is evidently clear that the Minister is not able to answer this Question. Is he aware that he has been reshuffled?

*(Laughter)*

**Mr. Speaker:** Order! Order!

**Mr. Mwakwere:** Mr. Speaker, Sir, what the hon. Member has said does not make sense to me because reshuffling means nothing. You can even reshuffle a pack of cards or you can reshuffle the order of arranging books; you can reshuffle people. So, what does he mean?

That aside, may I continue with my answer---

**Mr. Sasura:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! What is it, Mr. Sasura?

**Mr. Sasura:** I rise to question the legitimacy of the answer given by the Minister. He has accepted it is true that a number of tourists are doing jobs in Malindi. But is it in order for the Minister to avoid the second part of the Question regarding what he is doing about it? He keeps on repeating himself about the numbers. **Mr. Mwakwere:** Mr. Speaker, Sir, there are no tourist doing tourism jobs in Malindi. As I said earlier, investors are allowed to bring in manpower for certain categories of jobs. For example, we allow them to bring in financial controllers and directors of their enterprises. But we do not have low-level jobs which have been taken up by tourists. That does not prevail.

However, Mr. Speaker, Sir, I will be able to give details if the hon. Member can give specific instances. But considering the Question as put forward, there are no Kenyans who have been denied jobs in Malindi because they have been taken by tourists.

*(Loud consultations)*

**Cap. Nakitare:** May I ask your indulgence for the House to be calm so that I can put this very important question to the Minister?

We are all aware that some foreigners come here in their positions and then they are understudied by Kenyans. Is the Minister telling us a fact by saying that, when investors come here, they bring in their own personnel to displace Kenyan employees and yet he is the Minister for Labour and Human Resource Development?

**Mr. Mwakwere:** Mr. Speaker, Sir, foreigners who invest in any country make a request to have a control of their enterprises. We, as Kenyans, do allow the investors to bring in directors who will manage their enterprises with confidence, including at the level of a financial controller. But all the other jobs are taken by locals. In fact, we are encouraging foreigners to invest in Kenya so that we can get more jobs for Kenyans out of their investments.

**Mr. Speaker:** Last question, Mr. L. Maitha!

**Dr. Galgallo:** On a point of Order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Dr. Galgallo?

**Dr. Galgallo:** We seem to be having two sessions in the House involved in debate. I can see one corner of the House where hon. Members are not listening because they are having their own *Kamukunji* about a reshuffle. Can we have one session? They are having a meeting in the corner there.

**Mr. Speaker:** What is happening?

**Dr. Galgallo:** We are having a meeting going on in one of the corners of the House.

**Mr. Speaker:** Order, that corner over there! Order! Order! Dr. Galgallo, I have been observing that corner; the hon. Members are consulting, but they are not disrupting the House!

*(Applause)*

So, why are you bothered? Please, do not look at them at all!

Proceed, Mr. L. Maitha!

**Mr. L. Maitha:** Mr. Speaker, Sir, this Question is very serious and seemingly, the Minister does not have the right information. Let me give the Minister some homework. Could he come and tell this House at a later stage why, for example, the head of maintenance in Scorpio Villas is a white; we have five whites in Coral Key, one being a bar maintenance, while another one is---

**Mr. Speaker:** Order, Mr. L. Maitha! The Constitution of Kenya is colour-blind. Are you talking about whites or foreigners?

**Mr. L. Maitha:** I am talking about foreigners, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. They might be green and foreigners, but they are foreigners nevertheless. So, talk about foreigners, not "white" or "black".

**Mr. L. Maitha:** I am sorry about the colour. But these people are foreigners. So, could the Minister come and verify before this House whether their permits allow them to do the type of jobs they are doing in these two hotels?

**Mr. Mwakwere:** Mr. Speaker, Sir, without engaging in polemics, now that the hon. Member has mentioned a specific institution, we shall investigate and give details to the House.

**Mr. Speaker:** All right. In two weeks' time.

Next Question!

**Prof. Olweny:** On a point of order, Mr. Speaker, Sir. As far as I know, hon. Mwenje is a born-again Christian, but he is wearing a magician's cap. Is he in order?

*(Laughter)*

**Mr. Speaker:** Order! Order! Prof. Olweny, the Speaker has never seen a magician. So, I really do not know how they look like.

Next Question by Ms. Mwau!

*Question No.453*

IMPLEMENTATION OF DAKAR/  
BEIJING PLATFORMS OF ACTION

**Ms. Mwau** asked the Minister for Gender, Sports, Culture and Social Services what action the Ministry has taken so far to implement the Dakar and Beijing Platforms of Action in which the Government committed itself to give half-yearly reports to the National Assembly on the implementation status of the platforms.

**The Assistant Minister for Gender, Sports, Culture and Social Services** (Mrs. Chelaite): Mr. Speaker, Sir, I beg to reply.

The Ministry has not submitted any report to the National Assembly on the implementation of the Dakar and Beijing Platforms of Action, on a half-yearly basis due to the lack of information of such a requirement. The implementation of the Dakar and Beijing Platforms for Action which are geared towards the advancement of women, has been a collaborative effort between the Government, civil society and the development partners.

Since the signing of the Beijing Declaration and Platform for Action by the Government in 1995, the Ministry has submitted annual reports on its implementation to the United Nations Commission on the Status of Women. The Commission requires member states to constantly review, upraise, progress and identify new challenge on the---

**Ms. Ndung'u:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to say that she has been unable to submit reports to this House because she has no information on the status of women in this country?

**Mr. Speaker:** But what, if that is the point?

**Ms. Ndung'u:** Then what is the role of the Ministry if it has no information on gender?

**Mr. Speaker:** Order! Order! Order! Order, Members! Hon. Njoki Ndung'u may have very strong views about women issues, but that does not make it disorderly for an hon. Member who has no information to state a fact.

*(Laughter)*

**Mrs. Chelaite:** Thank you, Mr. Speaker, Sir. I would urge the hon. Member to just listen until I finish, then she can interrupt.

Regarding the implementation of the commitments relating to gender equality development and peace, the Ministry liaises with Members of Parliament who comprise the KSW. The Kenyan delegation in February this year is willing to submit a report on the implementation status of the Beijing Platform for Action if so required.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon Members. Could we listen?

**Ms. Mwau:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. A Motion was brought to this House in July 1999, asking the Government---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! Could we listen?

**Ms. Mwau:** A Motion was brought to this House by hon. Mrs Mugo in July, 1999, asking the Government to deliver half-yearly reports to the National Assembly. The Motion did not urge the Government to give a report on the status of women. I want the Assistant Minister---

**hon. Members:** Ongea, ongea.

**Ms. Mwau:** Mr. Deputy Speaker, Sir, could you save me from this harassment? I am being

harassed.

**Mr. Deputy Speaker:** Hon. Members, could you let the gracious lady ask her question?

**Ms. Mwau:** Mr. Speaker, Sir, the answer from the Assistant Minister says that 49 per cent of girls have been enrolled in schools. I would like to know from her what percentage of those girls complete primary school and secondary school education respectively.

**Mrs. Chelaite:** Mr. Deputy Speaker, Sir, as I had said earlier, the Ministry is preparing a report that it will table in this House. I would like to urge the hon. Member to wait for the report to come to this House. She has asked for the percentage of the number of girls who complete primary and secondary school education. However, that was not the original Question. The original Question was if the Ministry has brought a report to this House. That is the Question she should deal with.

**Ms. Abdalla:** Mr. Deputy Speaker, Sir, some of the criticism by the previous Opposition of the former KANU Government was that it signed international conventions and did not report back to Parliament about them. The NARC Government promised to give more emphasis to issues of women. Apart from creating the Ministry of Gender, Sports, Culture and Social Services, it has not upgraded the Gender Unit to a higher level. Could the Assistant Minister confirm that failure to upgrade the Gender Unit is one of the reasons it is unable to present this report?

**Mrs. Chelaite:** Mr. Deputy Speaker, Sir, the upgrading of the Gender Unit is underway. We have been waiting for the new Budget. In a month's time or so, the unit will be upgraded.

**Ms. Ndung'u:** Mr. Deputy Speaker, Sir, this country signed the Dakar/Beijing Platforms for Action in 1995. Every year after that, the Government was supposed to bring half-yearly reports to this House. That means that this House is owed 19 reports on the status of women. Could the Assistant Minister tell us how soon she will table the 19 reports in this House?

**Mrs. Chelaite:** I had said earlier that I am ready to table the report and it is ready. We will table it as soon as we have created a Gender Unit. It should be understood that we have not been having enough capacity to table those reports. Now that we are going to have a budget, we shall table the reports as soon as possible.

**Mrs. Mwendwa:** Thank you, Mr. Deputy Speaker, Sir. We have been told that the report has been sent to the Commission on the Status of Women (CSW) in New York. That is what the written answer says. I find this answer misleading. How can the Government send a report to the United Nations (UN) when it has not been delivered to this National Assembly? How is that possible?

**Mrs. Chelaite:** Mr. Deputy Speaker, Sir, I said that we did not have any information due to lack of capacity. We sent the report to the CSW because it is a requirement for the State to submit it.

**Mrs. Mwendwa:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister not misleading this House by saying that the Ministry had no information, hence no reports would have been brought to this House? According to the answer, there was information that was sent to the UN! Which is which?

**Mr. Deputy Speaker:** Madam Assistant Minister, this is a very simple Question. The House is asking for a report. You have already sent it to New York. Hon. Members want to know why you did not bring it to this House first.

**Mrs. Chelaite:** Mr. Deputy Speaker, Sir, that was an oversight. We are going to submit that report as soon as possible. The truth of the matter is that we have already submitted it to the UN, and it will also be brought to this House immediately.

*Question No.529*

CONSTRUCTION COMPANIES WHICH SUED

## THE GOVERNMENT IN 2000/2003

**Mr. Khamasi** asked the Attorney-General:

- (a) whether he could table the names of road construction companies which filed court cases against the Government between the years 2000 and 2003; and,
- (b) whether he could provide a list of the cases which were settled out of court and the amounts paid.

**Mr. Deputy Speaker:** Is the Attorney-General not here? I am informed that the Attorney-General is out of the country. Therefore, this Question will be deferred.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, has the Attorney-General advised the Clerk of the National Assembly when he will be back so that the Question can be slotted in for that date that he will be available?

**Mr. Deputy Speaker:** Well, he said that he would be back after 3rd of next month. Therefore, Tuesday next week would be appropriate for the Question to be slotted in.

*(Question deferred)*

**QUESTIONS BY PRIVATE NOTICE**

## DEATH OF MEJUMA KAMBI

**Mr. Rai:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

- (a) Under what circumstances did Mejuma Kambi of Chibuga Village, Kibandaongo Sub-Location in Kinango Division of Kwale District meet her death on 15th February, 2004?
- b) What action has the Minister taken to bring the perpetrators of this ghastly crime to book?

**The Assistant Minister, Office of the President** (Prof. Kibwana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The deceased went missing on 15th February, 2004. On 19th February, 2004 the Assistant Chief for Kibandaongo Sub-Location reported to a police station that the body of the deceased, Mejuma Kambi, was found floating in a dam at Kibuga Village, 15 kilometres from the police station. Postmortem results indicated that the deceased died due to drowning.

(b) No suspects have been arrested in connection with the death of Mejuma Kambi despite the post mortem results. The case is still pending under investigation. Any information on the cause of death contrary to the postmortem results would be welcome.

**Mr. Rai:** Mr. Deputy Speaker, Sir, that answer is quite misleading. The truth of the matter is that when Mejuma was found floating at the dam, she had been knifed. What actually happened was that Mejuma left her home for the trading centre to buy flour at 9.00 a.m., only for somebody to take to her home the flour which Mejuma had bought at 3.00 p.m. It was reported to the police that somebody who last saw Mejuma alive also got the flour from her but nobody has been interrogated about this issue. Could the Assistant Minister tell this House why the man who took the flour home and last saw Mejuma alive has not been interrogated by the police?

**Prof. Kibwana:** Mr. Deputy Speaker, Sir, under normal circumstances if somebody has harmed another, they will not identify themselves to the relatives by bringing home what the deceased bought from a shopping centre. The postmortem, which was done in the presence of the relatives of the deceased; that is, Mbatu Mbui, Mdoe Kolo and the area assistant chief, revealed that

the deceased had died from drowning. If there is any evidence to the contrary, we will be happy to use it in pursuing this particular case.

**Mr. Abdirahman:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to draw conclusions and exonerate those people who took home the flour instead of asking police officers to continue investigating the matter? He is drawing conclusions here! Is he in order to do that?

**Prof. Kibwana:** Mr. Deputy Speaker, Sir, I have indicated that a postmortem was conducted when the relatives of the deceased were present. These were Mbatu Mbui and Mdoe Kolo, and it was found that there was no sign of injury on the body or poisoning. The doctor formed the opinion that the deceased had died due to drowning. But we are saying that if there is any evidence of something to the contrary, we would be happy to receive it and pursue this matter and see that justice is done. The postmortem, which was done in the presence of the relatives of the deceased, indicated that death was caused by drowning.

**Mr. Sugow:** Mr. Deputy Speaker, Sir, were the last people who took her shopping home questioned? Death from drowning does not mean that she drowned by herself. Something could have happened that caused her drowning. Were those people who took her shopping home questioned?

**Prof. Kibwana:** Mr. Deputy Speaker, Sir, I am aware that after the report by the assistant chief, other people, who were with the deceased before her death, could have been questioned. Since we want to get to the bottom of this matter, if there are people who should have been questioned but have not given information to the police, I would be delighted to have their names, so that I can make them provide information to the police.

**Mr. Rai:** Mr. Deputy Speaker, Sir, the Assistant Minister is not serious about the loss of human life. Mr. Tsuma Chihogo is the man who took the flour to the deceased's house. Up to now nothing has been done to Mr. Chihogo. Could the Assistant Minister tell this House when this postmortem was done and in whose presence? The husband of the deceased woman is not aware of the postmortem which is alleged to have been done.

**Prof. Kibwana:** The postmortem was done on 23rd February, 2004 in the presence of relatives Mbatu Mbui, Mdoe Kolo as well as the Assistant Chief, Mr. Amani Belewa. As I have said, if the hon. Member has information which contradicts what I have stated, we would be very happy to access it and use it to get to the bottom of this matter.

**Mr. Deputy Speaker:** Next Question!

#### EVICITION OF NCC TENANTS

**Mr. Kamanda:** Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that hundreds of tenants of Nairobi City Council (NCC) have been served with eviction orders, as a result of obeying the Minister's order not to pay the 100 per cent increase on rent until the houses are painted?

(b) What action is the Minister taking to ensure that the eviction is not carried out?

(c) Could the Minister consider reducing the 100 per cent increase to 50 per cent without the arrears since the Council is unable to paint the houses?

**The Assistant Minister for Local Government (Mrs. Tett):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The tenants of the NCC have not been served with eviction orders.

(b) No tenants have been evicted.

(c) The Minister has directed that the NCC defers any proposed rent increases until further notice.

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, I have no quarrel with part "c" of the answer, but the Assistant Minister is misleading the House on parts "a" and "b" of the answer. It is true that these people have not been given written notices. However, they have been given verbal notices. When they go to pay the current rent, they are told to pay arrears. Could the Assistant Minister communicate to the council and tell it not to ask for arrears of rent?

**Mrs. Tett:** Mr. Deputy Speaker, Sir, the council is asking that those people who have not paid for many months to pay the arrears of rent and not the new rents. I think the hon. Member does not know that. Those tenants who have not paid rent for many months are told to pay the arrears before they pay the current rent.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, I have a plot near Woodley, and know that City Council *askaris* normally break into houses in the absence of the occupants and throw out their goods for the reason given here. Could the Assistant Minister stop this hooliganistic behaviour by *askaris* who throw out people's property in their absence?

**Mrs. Tett:** Point taken, Mr. Deputy Speaker, Sir.

**Mr. Ndolo:** Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House---

**Hon. Members:** She is your mother-in-law!

*(Laughter)*

**Mr. Ndolo:** This issue came up in February this year and the Assistant Minister promised Nairobians who stay in City Council houses that this matter of rent payment would not be taken lightly. Late last month the same issue came up again. Could the Assistant Minister address this matter and make sure that the City Council gives its undertaking to the Ministry in writing?

**Mrs. Tett:** Yes, Mr. Speaker, Sir, I am his mother-in-law, but he never paid dowry!

*(Laughter)*

The Minister has directed that the Nairobi City Council (NCC) withholds any proposed increases until further notice.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, some of these arrears that you have heard the Assistant Minister talk about were also accrued from a previous increment. The NCC did not allow the tenants to make arrangements on how to pay. So, what happened is that the money accrued. It continued accruing because the tenants could not afford it. Could the Assistant Minister now confirm to this House that they will make arrangements for people to pay this money in instalments because the NCC demands for payments at once, which is not possible?

**Mrs. Tett:** Mr. Deputy Speaker, Sir, that is not true. The NCC is encouraging those who are in arrears to pay in instalments for the new increases. Mr. Mwenje is not informed.

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, the Assistant Minister says that she had directed the NCC to withhold any proposed increases until further notice. Is this directive verbal or written? If it is written, could I have a copy of that directive?

**Mrs. Tett:** Mr. Deputy Speaker, Sir, I will give him a copy of the directive.

**Mr. Deputy Speaker:** Very well.

Next Question, Mr. Munya!

## MUTHARA YOUTH POLYTECHNIC

**Mr. Munya:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour and Human Resource Development the following Question by Private Notice.

(a) Is the Minister aware that Muthara Youth Polytechnic is about to close down due to mismanagement?

(b) Why has the Minister not taken any action?

(c) What material and financial assistance is the Minister prepared to extend to this polytechnic to enable it to revive its programmes?

**The Minister for Labour and Human Resource Development (Mr. Makwere):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Muthara Youth Polytechnic is about to close down due to mismanagement. What I know is that the former manager, Mr. Gilbert Ikinuya went on voluntary early retirement on 10th May, 2004, but the Board of Governors appointed Mr. Jeremiah Keremba to take over, and that was done on 19th May, 2004.

(b) In addition to what I have just said, I wish to point out that the Board of Governors is fully operational, so there is no need for me to intervene.

(c) My Ministry has, and will continue to support Muthara Youth Polytechnic with a grant of Kshs215,400, for the instructors.

**Mr. Munya:** Mr. Deputy Speaker, Sir, could the Minister also consider giving some money to the polytechnic to buy the necessary equipment to increase enrolment? At the moment, enrolment to this polytechnic is going down because of lack of equipment.

**Mr. Makwere:** Mr. Deputy Speaker, Sir, I do agree with the hon. Member that enrolment is going down. Unfortunately, so far, we only have four students at the polytechnic. However, it is not possible for us to provide equipment based on the prevailing arrangements. As I said, in response to another Question sometime back, youth polytechnics are managed by local communities and the Government only gives a grant of Kshs2,000 per teacher in each youth polytechnic. This is not enough really to sustain the management of an institution, but I promised that before the end of the year, we will present a Sessional Paper for discussion, so that we put our heads together and come up with a viable solution.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, it seems that the Ministry of Labour and Human Resource Development has not taken note that polytechnics play a very important role in developing countries, such as Kenya. What measures is the Ministry taking to carry out inter-Ministerial structural adjustments to borrow some technical teachers in secondary schools to be taken to polytechnics so that they can waive this problem of shortage of teachers?

**Mr. Makwere:** Mr. Deputy Speaker, Sir, that is a very good suggestion and the idea will be developed along side other ideas that we are putting in place for the Sessional Paper.

**Mr. Munya:** Mr. Deputy Speaker, one of the problems of this polytechnic is the fact that students have to go to another constituency to sit for exams. Could the Minister make this polytechnic an examinations centre to save the students the trouble of travelling 45 kilometres to another polytechnic to sit for exams?

**Mr. Makwere:** Mr. Deputy Speaker, Sir, that problem has been already captured by the Ministry. Muthara Youth Polytechnic will be an examination centre for the trade tests that are conducted by our Ministry.

**Mr. Deputy Speaker:** Next Question, Mr. Kembi-Gitura!



## DEBTS TO CO-OPERATIVE BANK

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Co-operative Development and Marketing the following Question by Private Notice.

(a) Could the Minister confirm whether the Kshs5.8 billion owed by coffee farmers country-wide to the Co-operative Bank of Kenya Limited and other financial institutions have been waived as he had promised the farmers?

(b) Could he further confirm when the Kshs641 million that has been withheld illegally by the Coffee Board of Kenya will be released to the farmers as promised?

**The Minister for Co-operative Development and Marketing** (Mr. Ndwiga): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The actual amount of money that the coffee farmers owe the Co-operative Bank of Kenya and other financial institutions is estimated to be Kshs5.8 billion. However, to ascertain the exact amount, an inter-Ministerial Committee consisting of officers from my Ministry and the Ministries of Agriculture, Finance, the Office of the President and the Office of the Inspectorate of State Corporations has been formed and mandated to verify the figures. This exercise is on-going at the moment. The report of the Committee shall be presented to me on 8th July, 2004. I will, therefore, study the report and take appropriate actions as per its recommendations.

(b) The Coffee Board of Kenya falls under the Ministry of Agriculture. However, in the spirit of collective responsibility, I am aware that the Ministry of Agriculture is working towards getting the total amount of Kshs641 million due to farmers released to them in due course.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is it, Mr. Mwenje?

**Mr. Mwenje:** If the Chair remembers, the Assistant Minister in the same Ministry read to us a Ministerial Statement stating that this money had been waived. Now, the Minister says that he is in the process of ascertaining the correct figures and yet, the same figure was read by the Assistant Minister. Is the Minister in order to give a contradicting response?

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I am perfectly in order. I would like to clarify that it is true the figure we were given last year as debts owed by coffee farmers was Kshs5.8 billion. This year again the figure seems not to change. That is why it was found necessary to conduct this audit. That is the reason why the committee was formed. We could not waive figures which did not exist. Farmers have been repaying some of these loans. That is why it is necessary to know exactly how much farmers owed.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Mwenje! You rose on a point of order and I gave you an opportunity. It is not going to be an argument between you and the Minister. Mr. Kembi-Gitura, could you ask your question!

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, with a lot of respect to the Minister, his answer completely misses the point, and my Question has not been answered in the least. I asked this Question by Private Notice because of the frustrations that I underwent after I sought a Ministerial Statement, which has not come to date. That is why I have asked this Question. My Question is very simple. The Minister for Co-operative Development and Marketing has gone around constituencies--- He visited Kiharu, Maragwa and Nyeri and told farmers two things: First, they should work on their coffee farms because we have waived the debt of Kshs5.8 billion. We have worked very hard to tell our farmers to rejuvenate their coffee farms, because the debt has been waived. They would not pay any instalments in future. We asked the farmers to do that and they worked very hard, relying on what the Minister had told them in public meetings.

**Mr. Deputy Speaker:** What is your Question?

**Mr. Kembi-Gitura:** My question is--- I would rather not be pushed because this is a very important Question for my people. The question is: Have the debts been waived or not? If not, what is the reason? It is not sufficient now to be told that the Minister is working on other papers and he is waiting for a report to be given at the end of July.

**Mr. Deputy Speaker:** Let the Minister answer!

**Mr. Kembi-Gitura:** The question is: Have the debts been waived? That is part one only. The second part is on the Kshs641 million. The Minister says that, that is for another Ministry. I only know of one Government and there is collective responsibility. The promises that have been made have come from this specific Minister. What is the position on the ground? What is he doing about it?

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I have been very clear. You cannot go out there and waive debts which have not been verified. It is true that the Government has that intention. But when it came to the actual waiving of the debt, we did not have the actual figures. That is why it was necessary to have a committee to go round. It has been to Kiharu and everywhere else, to verify the actual figures that farmers owe Co-operative Bank of Kenya. I would like to add that this year, the Co-operative Bank of Kenya has not been deducting the total amount from the farmers. We have an understanding with them that they should only deduct tokens, just to keep the accounts right, until we verify how much it is before the Government takes action. The 8th of July is seven days from today.

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, could the Minister consider waiving the same for other co-operative societies and not only for coffee? We all understand that there are so many other co-operative societies that have been unable to function as a result of the fact that, they have been not been able to service their loans with the Co-operative Bank of Kenya. **Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I am sure the House will recall, especially those who were here at that time, that the process of waiving those debts started in 1996. At that time, this House did not approve the writing off of loans owed to the Agricultural Finance Corporation (AFC). At that time, waiving of loans owed by coffee farmers was also discussed in this House. But, for the same reason, this House was unable to fund the waiving of coffee debts because the actual figures were not given. Even the AFC loans were revisited in the last Parliament because of the same problem. The reason why coffee debts are being waived is because there has been a lot of misfortunes in the coffee sector. There was a loan that was given to the coffee farmers called "SCIP" by the World Bank. That programme impoverished coffee societies because when the loans were given, and electricity was not fixed at the appropriate time, coffee societies continued to repay that loan and, therefore, those who were not able to pay the loans were forced to run the societies on diesel. That is how those loans were developed.

**Mr. O.K. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. The Minister knows that the Ministry of Agriculture is looking for money to pay farmers Kshs641 million. But the amount of Kshs641 million is farmers' money that accrued from the sale of coffee. So, if the Ministry of Agriculture is looking for that money, where has that money been? That money has been talked about for the last two years. Was that money kept somewhere in a bank? If so, is the Minister going to pay that money together with accrued interest over that period?

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I did not say that the Kshs641 million is the responsibility of the Ministry of Agriculture. But I happen to know. I am, indeed, as frustrated as the hon. Questioner. The bulk of that money belongs to co-operative societies. That is why I said that the Ministry of Agriculture, jointly with my Ministry, are looking into ways of raising that money, so that it could be paid to farmers.

**Mr. Deputy Speaker:** I am sorry. It is now going to 4.00 p.m. I will have the last question from Mr. Kembi-Gitura.

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, I take the view that a man must be held by his promise. The Minister has not denied that he made that promise to farmers. It appears to me that the money owed is less than actually Kshs5.8 billion. Since the major creditor is the Co-operative Bank of Kenya, could the Minister negotiate for a waiver as he works out his figures? It appears to me that, in principle, he has agreed that there is going to be a waiver. He has said, and I quote:-

"The Co-operative Bank of Kenya has been deducting 20 per cent of what is owed to it by farmers in the last coffee payments."

Some farmers have received nothing and some have even refused to accept that money because of the promise that he made---

**Mr. Deputy Speaker:** Order, now---

**Mr. Kembi-Gitura:** In principle, he appears to suggest that there will be a waiver. Could he hasten the waiver and assure the farmers?

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, we want to hasten the process, but we need to know how much it is. I would like to repeat that the Co-operative Bank of Kenya did not deduct the 20 per cent. There have been some instances where they have deducted as low as 5 per cent, just to keep their accounts alive, while awaiting the waiver.

**Mr. Deputy Speaker:** Hon. Members, that is the end of Question Time. The attention of hon. Members is drawn to the Supplementary Order Paper, which has been circulated. That is the one we are following this afternoon. Before we come to the next Order, the Vice-President, Minister for Home Affairs and Leader of Government Business has a Ministerial Statement.

## MINISTERIAL STATEMENT

### NOMINATION OF MEMBERS TO PARLIAMENTARY SELECT COMMITTEE ON CONSTITUTIONAL REVIEW

**The Vice-President and Minister for Home Affairs (Mr. Awori):** Mr. Deputy Speaker, Sir, pursuant to Section 10 of the Constitution of the Kenya Review Act, Cap.3A, Laws of Kenya, the following Members have been nominated as Members of the Parliamentary Select Committee on Constitutional Review:-

Hon. Musikari Kombo, MP  
Hon. Kipruto arap Kirwa, MP  
Hon. Moses Wetangula, MP  
Hon. Kiraitu Murungi, MP  
Hon. Dr. Christopher Murungaru, MP  
Hon. Prof. Kivutha Kibwana, MP  
Hon. Njoki Ndung'u, MP  
Hon. Raila Odinga, MP  
Hon. Kalonzo Musyoka, MP  
Hon. Joe Khamisi, MP  
Hon. J.J. Kamotho, MP  
Hon. Oloo-Aringo, MP  
Hon. Kenneth Marende, MP  
Hon. Otieno Kajwang, MP

Hon. Najib Balala, MP  
Hon. John Munyes, MP  
Hon. Uhuru Kenyatta, MP  
Hon. Dr. Bonaya Godana, MP  
Hon. Major (Rtd) Marsden Madoka, MP  
Hon. Henry Kosgey, MP  
Hon. Mohammed Yussuf Haji, MP  
Hon. William S. Ruto, MP  
Hon. Moses Cheboi, MP  
Hon. Mutula Kilonzo, MP  
Hon. Simeon Nyachae, MP  
Hon. Kipkalya Kones, MP  
Hon. Gonzi Rai, MP  
Thank you.

**Mr. Deputy Speaker:** That Statement by His Excellency the Vice-President was made under the provisions of Standing Order No.154. Next Order!

## BILLS

### *First Readings*

THE FINANCE BILL  
THE BANKING (AMENDMENT) BILL  
THE STANDARDS (AMENDMENT) BILL  
THE CENTRAL BANK OF KENYA  
(AMENDMENT) BILL

*(Orders for First Readings read -  
Read the First Time - Ordered  
to be referred to the relevant  
Departmental Committees)*

## MOTION

ADOPTION OF SESSIONAL PAPER NO.3  
ON NATIONAL HOUSING POLICY

THAT, this House adopts Sessional Paper No.3 on the National Housing Policy laid on the Table of the House on Tuesday 8th June, 2004.

*(The Minister for Roads, Public Works  
and Housing on 9.6.2004)*

*(Resumption of Debate  
interrupted on 9.6.2004)*

**Mr. Deputy Speaker:** Hon. Members, last time, when debate on this Sessional Paper No.4

on the National Housing Policy was interrupted, the hon. Prof. Maathai was on the Floor and she still has 20 minutes to go. Prof. Maathai, do you want to continue?

**The Assistant Minister for Environment, Natural Resources and Wildlife** (Prof. Maathai): Thank you, very much, Mr. Deputy Speaker, Sir.

I would like to make a contribution to this Sessional Paper. I did congratulate the Minister for the excellent presentation and concern that he has shown in the Paper. I would like to address myself to the issue of housing for the poor. I would like to say that, sometimes, it is very difficult to recognise that we are in Africa when you come into this country because we have not incorporated out traditional architecture into our buildings. I think this is something that the Minister should look into, not only in terms of structures, but also in terms of the actual architecture. Architecture is a very important aspect of a people's way of expressing themselves. It is a very important aspect of their heritage and wisdom which they have accumulated in the course of their evolution within the environment in which they find themselves. So, when people do not incorporate their own architecture in their housing policy, then it is a reflection that is typical of the people in this part of the world where we have forgotten our heritage constantly ignore it.

Mr. Deputy Speaker, Sir, if you went to a country like Japan or China or even the Middle East, you can clearly recognise that you are in that part of the world because you see a reflection of their culture in their architecture. Therefore, I would like to encourage the Minister to bring into our housing policy our architecture. This would also include the materials that we use. Sometimes, it is amazing that we have now come to accept cartons and plastic as materials for shelter in the cities. When you go into the slums, you find people living in shelters that are actually made of carton boards or plastic and they look horrible as compared to mud houses and grass-thatched houses that our people build in the rural areas. So, it seems like you live in better shelter when you are in the rural areas than in the slums in our cities. This is partly because our by-laws have not recognised the value of incorporating the building materials that we use in our traditional architecture. I believe that a mud house or a grass-thatched house would provide much better shelter for many of our poor people than these shanties created out of card boards and plastic.

Mr. Deputy Speaker, Sir, it is also true that many of the plastics that are used in these buildings are non-degradable and they destroy our environment. We have spoken many times about plastics in this House and I hope we will come to a point when we shall control the production and utilisation of plastic in this country, so that it is not used in a way that it degrades our environment.

Mr. Deputy Speaker, Sir, the other thing that I would like to mention is the fact that the use of biological materials such as grass is very acceptable. Grass is an acceptable building material, much better in many ways than the corrugated iron sheets that we use, especially, when they are cheap materials. When you go to the rural areas you will find these corrugated iron sheets which have been sitting there for many years and have rusted. As you know, many families collect drinking water from the roof and it is a shame that they drink it yet it is from these corrugated iron sheets that have already rusted. This is a health hazard that has continued to plague our people because we have treated grass as something that is not progressive; something that is not acceptable. We know that there are ways in which grass can be treated and used in a way that it can last for a long time. This can create an environment that is much better than the use of corrugated iron sheets.

People who live in cold areas, are extremely cold at night because of these corrugated iron sheets. During the hot season, they are very hot. These are very uncomfortable shelters. I am mentioning this to emphasise the need for the Minister to give space for traditional building materials and architecture in our housing policy.

Many of our people still use wood to build their homes and firewood in many of their houses. We would also want to see the Minister look into how the architecture of these houses can

be improved so that smoke is removed from houses. This will ensure that people do not suffer from the smoke.

Mr. Deputy Speaker, Sir, it is also important that our farmers are guided when they plant their trees. They should be guided to sell wood for the building industry in a way that they can add value. A lot of our farmers are exploited by the building industry which buys trees very cheaply. The business people then go and process this timber and make a lot of money while farmers make virtually nothing. This is because farmers are not encouraged to add value to their timber before they sell it to the timber industry.

I would also, at this point, want to encourage our people in this country to become farmers of trees. We have become used to being farmers of coffee, sugar-cane and tea but have not yet learnt to be farmers of trees. It is for this reason that our country continues to put a lot of pressure on forests. As we know, a lot of our mountainous areas have been utilised by the Government to produce exotic species of trees such as the Pine, Eucalyptus or the Black Wattle. Such exotic trees are used to supply timber, a lot of which then goes to the housing industry. This pressure is destroying our forests and sometime ago when we were discussing the Forest Bill, a lot of people were saying that they would like us to continue the *shamba* system because we need timber for the timber industry. I would say that if our people were encouraged to become tree farmers, even farmers of those exotic species, they would be able to supply trees to the timber industry. There would then be no need to convert our mountainous areas into plantations.

Many people have not yet differentiated between a typical indigenous forest and a plantation. A plantation is a mono-culture of one type of a tree like the pines or the Eucalyptus. When we plant these trees in areas where we have cleared indigenous forests, I am sorry to say that after some years, we kill all the local fauna and flora; all the local biological diversity is killed. Even when we stop planting those trees and allow the land to become fallow, we will recognise that only weed and grass comes back. The original forest is lost forever. The importance of this is that many of these mountainous areas are also sources of our water. All our rivers come from these areas. Therefore, when we convert these mountainous areas into plantations, we reduce the capacity of those forests to conserve rain water, the underground water level goes down and many of our rivers dry up.

I would like to appeal to the Ministry of Roads, Public Works and Housing to be part and parcel of the campaign to remove plantations of exotic species from our forested mountainous areas and encourage our people to become tree farmers. That way, the industry would be supplied and at the same time, we would be able to conserve our forests; the habitat that gives us water and is also home to many animals. This is an extremely important issue. It is an issue that is central to the Ministry of Environment, Natural Resources and Wildlife. However, as we can see, it relates very closely to the Ministry of Roads, Public Works and Housing. Without having synergy, liaison and consultation between these two Ministries, it is quite possible for us to just focus on the need to provide timber for the timber industry and put pressure on our forested mountain areas to convert them into plantations so that we can supply wood for the building industry. We could, therefore, completely lose sight of the fact that this is also the source of our water. As we know, our country is already considered a water shortage country. Some people say that in another 20 years or so, this country will have no water. I, therefore, shrink when I hear people say that we should allow people to have exotic plantations in the forested mountains in order to supply the timber industry. This, in fact, is the essence of the *shamba* system. We could use the *shamba* system but in our mountainous areas, and I know a lot of people are very interested in that, allow our communities to grow indigenous trees and sell them to the Ministry of Environment, Natural Resources and Wildlife. This is what the hon. Minister for Finance was referring to a little earlier this morning. The

Ministry would then rehabilitate many of our degraded former forested areas. If that happened, a lot of money would move from the Ministry of Environment, Natural Resources and Wildlife into the hands of many of our communities.

I know that many farmers, especially women, would be very happy to supply tree seedlings to the Ministry of Environment, Natural Resources and Wildlife.

**Maj-Gen. Nkaiserry:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to keep on talking about the Forest Bill when we are discussing the Sessional Paper on the National Housing Policy?

**Mr. Deputy Speaker:** I do not think her contribution is irrelevant to the Motion before the House. She is talking about the environment, timber and housing.

Continue, Professor!

**The Assistant for Environment, Natural Resource and Wildlife** (Prof. Maathai): Mr. Deputy Speaker, Sir, one of the reasons why I am emphasising this issue is because I recognise the fact that many hon. Members see these Ministries as if they are not related. The Ministry of Environment, Natural Resources and Wildlife is very relevant to many other Ministries. The housing industry uses wood. Imagine the number of trees that were cut down in order to supply the wood that make this Chamber so beautiful. Imagine how wonderful it will be if our future generations will be able to do this. This Chamber was built by the Ministry of Roads, Public Works and Housing, but a lot of this beautiful material was supplied by the Ministry of Environment, Natural Resources and Wildlife. Therefore, the Ministry is very important in this area.

I am trying to emphasise the fact that, for many years, growing of trees in this country has been undertaken in our forested mountains. We have five major mountains in this country, which are also the major sources of our water. If we destroy these mountainous forests because of the pressure to supply wood to the timber industry to build houses, then we will also destroy our capacity to give ourselves water. This is particularly very important in the future. It is, therefore, very important for the Ministry Roads, Public Works and Housing to liaise closely with the Ministry of Environment, Natural Resources and Wildlife in order to make sure that we retain our capacity to supply ourselves with wood.

At the moment, we import a lot of wood for our timber industry. A lot of that wood could easily be produced right in this country by our farmers if we encourage them to become tree farmers. This is something which is done in many other parts of the world, and there is no reason why so many of our people cannot be converted into tree farmers. A lot of our land is either arid or semi-arid, and it will serve very well for the growing of trees. In fact, we could use tree planting as a way of rehabilitating many of the degraded areas in this country and make them extremely productive. So, contrary to what many people think, this issue is very relevant. Therefore, I want to encourage the Minister to pay attention to this area by including our traditional architects and encouraging our people to become tree farmers, so that Kenya can become independent as far as wood supply is concerned.

With those remarks, I support.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I want to support the contents, philosophy and policy being set out in this Sessional Paper on housing.

For a long time, this country has not had any defined policy on housing. We have had urban centres mushrooming and slums swelling by the day without any legal framework. As a country with just under 20 per cent of arable land, we need a very clear policy on housing and land use.

You cannot talk about housing without talking about environment and land use. Something is not clearly spelt out in this Sessional Paper; we need a deliberate and very clear policy on training

of manpower. We need to train sufficient and affordable personnel in planning, surveying, drafting, masonry, carpentry and other professionals involved in the construction and maintenance of houses.

*(Mr. Deputy Speaker left the Chair)*

*[The Temporary Deputy Speaker  
(Mr. Khamasi) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the biggest headache starts with urban planning. With ever increasing rural-urban migration in this country, we need an enabling legal regime that will govern the development of real estate and houses in urban centres. In the past, we used to have the National Housing Corporation (NHC), whose responsibility was to develop houses for low income Kenyans and affordable houses in urban centres. We have estates like Madaraka, Kaloleni, Shauri Moyo, among others, which provide affordable housing for the residents of Nairobi. Somewhere along the way, the collaboration between the Nairobi City Council (NCC) and the NHC just collapsed. Consequently, housing development was left to the vagaries of the ugly face of capitalism. Landlords, holding daggers and looking for their pound of flesh, took over the provision of housing in this country. People in our urban centres live under what one writer described as "a terrible combination of the fear of God and the terror of the devil from landlords."

We have had cases where landlords determine, without any regard to the law or public morality, the rents payable. Nobody can no longer afford to rent a decent structure to live in, in our urban centres, given the constraints we have in the economy and the low salaries that Kenyans earn. We want the State and the local authorities, which are the mini-states, to take their residual responsibility of providing affordable housing the way it used to be done in the past. We must take away the monopoly of these faceless landlords, who do not care who you are as long as they can milk you dry in payment of rent for their houses.

Mr. Temporary Deputy Speaker, Sir, the NHC started a policy of spreading out into other urban areas by developing infrastructure and basic structures where purchasers of cheap mortgages would develop houses designed by the Corporation to fit the needs of the tenants in the pilot schemes. That, again, has collapsed.

Mr. Temporary Deputy Speaker, Sir, I see very ambitious programmes being set out here. The Minister says we have a need to develop our houses at the rate of Kshs150,00 per annum. That, of course, I believe, he is talking about houses in urban centres. What about rural areas? In the urban centres, we need to be told where we are going to get the resources for these ambitious programmes.

Mr. Temporary Deputy Speaker, Sir, we also have the issue of urban slum upgrading. I have been repeatedly visited by the dean of diplomats who represents diplomats accredited to the UNEP and Habitat and they have complained of the inhumane and lack of proper co-ordination in the manner in which tenants and residents of slum areas, especially Kibera, have been handled under the guise of slum upgrading. We need a clear policy. If you want to upgrade Kibera, which the Minister for Roads, Public works and Housing represents, Mathare, Kibagare, Mukuru kwa Njenga and all those slums, you must provide a proper valve and safety net for the people who live there. It is not enough to come with sweet words and tell those people that you want to build storied buildings for them with no guarantee that when you build them, they will either afford them or they will be allocated those houses. We need a policy that guarantees that where Kibera slums stand, they can be upgraded to provide the necessary sanitation, water and electricity. In fact, the only people who must be given priority to occupy those upgraded structures must be the people who live in that area. We should not have a situation where upgrading of slums means causing great hardship



to people who already live in hardship or creating a problem by throwing out people from already uninhabitable structures to nowhere. That will need to be clearly defined as we evolve this Sessional Paper.

Mr. Temporary Deputy Speaker, Sir, I want to invite the Minister responsible for this docket to take a moment and visit the city of Johannesburg and go to a slum called Alexander which is equivalent to our Kibera and Mathare slums and he will have an opportunity to see what slum upgrading means. The structures do not look good but all the pathways and roads are paved. Electricity is provided. As a social responsibility, water is provided. There are police posts at every corner to battle crime. There are telephone booths everywhere for communication, so that the people who live in those areas can have a taste of decent life. Slum upgrading does not mean building highrise structures in those areas but providing basic facilities that will enable people who live in those areas to lead decent lives. Give them schools and dispensaries. Let us have sufficient policemen battling with criminal gangs that terrorise and rape women in those areas. That is the only way we can be able to say that we have assisted slum dwellers and given them facilities that will help them live well.

Mr. Temporary Deputy Speaker, Sir, the provision of water in those areas should be provided at the communal level. We may not be able to take a tap of water into everybody's house but there must be a communal tap at every corner for people to draw water from, provided for and paid for by the public. You must tax these rich people here to subsidise the lives of the poor people in the slums. That is what positive policy in housing and provision of services for our people means.

Mr. Temporary Deputy Speaker, Sir, if you go to the slums today, they remind you of the movies we used to watch called *The Wild West* where bands of marauding thugs move like bees terrorising everybody in sight. We want the policing that goes on in areas where all these honourable Members live, to be extended where ordinary people live so that they can live free of harassment from criminals.

Mr. Temporary Deputy Speaker, Sir, talking of housing, we must also speak of the materials used for construction of houses. The cost of construction in this country is just too expensive. Whether you are talking of buying nails, iron sheets or cement, it is damn too expensive. Apart from general statements about affordable material, I do not see any clear defined policy on how we are going to avail to our people cheap and affordable construction materials. In Bungoma, where I come from, a bag of cement is now Kshs580. It requires a lot of money, just to put a cement screed even in a semi-permanent structure and yet it is basic that if you want to have some decent sanitation in a house, you should put a cement screed to avoid the old ways where we used to use cow dung to keep dust out of our floors. I do not know whether the Minister intends to assist rural areas by subsidising the cost of materials so that we can make them truly cheap and affordable or whether we are in the process of inventing and creating new construction materials that can be able to build decent houses.

Mr. Temporary Deputy Speaker, Sir, equally, you cannot build any house that you call decent without money and nobody accumulates enough money to build a house all at once. We must avail some credit to the people in the rural areas and in urban areas to be able to build decent houses. There is dire need in this country of a Housing Development Fund that will be availed as credit to the ordinary person at very low interest rates of probably 2 to 3 per cent and as a long-term credit. Even if it is a coffee farmer earning some income at the end of every year like they do, there should be an arrangement for him or her to access such credit, build a decent house and be paying the loan on an annual basis as opposed to monthly payments the way we normally we do. We need this Housing Development Fund not to be restricted to urban centres, for example, Nairobi, Mombasa and Kisumu. We need it to be decentralised and spread around the country. The point of

focus should either be the divisions or constituencies, so that people who want to build decent houses in the rural areas can afford and access credit.

Equally, a decent house is meaningless without clean water. Hand in hand with the provision of good houses, we must also provide water. A majority of people in this country have no access to clean drinking water and for sanitation. The Minister for Roads, Public Works and Housing in evolving a policy and formulating enabling legislation, should work hand in hand with the Ministry of Water Resource Management and Development to make sure that if we are going to have controlled and structured real estate development in every urban centre, including the small mushrooming markets along highways and so on, it becomes a public duty for the Ministry or the local authority to provide the necessary infrastructure, like roads accessing the dwelling areas, water, street lighting and all those facilities that go with decent living. It is only that way that, at the end of the day, we will talk of providing an environment good enough for our people to live happily. Useless is a house that may cost you millions, but stuck in a place where you have no road to get there. If you have a car you have to leave it a kilometre away and walk home. A house where you have no electricity and you cannot access water is meaningless. That way, we would not be talking of evolving these policies of improving the lifestyles of our people. We must provide them with water.

In the enabling legislation, the Minister should also look at what the professor of trees has been talking about. Prof. Maathai, has soldiered on across this country speaking for and defending trees. That is why I call her the professor of trees. I am very proud of her because she is very hardworking. We must make it mandatory that people who build houses, especially in less crowded rural areas must also plant trees. Trees provide very good aesthetics around. They also improve the environment and clean the air. They also provide us with shade. They eventually provide us with timber, money and conserve water catchment areas. This country is choking with the destruction of the environment.

Mr. Temporary Deputy Speaker, Sir, I know you come from the area where I come from and once in a while you fly across---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Wetangula! The Chair does not come from anywhere!

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I know that the man sitting on the Chair, does not come from anywhere, but comes from the direction where I come from. If you fly across Lake Naivasha to Western and Nyanza provinces and look down at the Mau Escarpment, you cannot help, but start thinking that we are at war with ourselves and the environment. We are on a path of self-destruction. People are cutting and destroying trees in such a reckless manner that you wonder whether we want to live tomorrow or we are just living for the day. We need a harmony between the law that the Minister intends to bring on housing and the law for the management of the environment. It is a shame that recently we shot down a very progressive Bill on forests on very flimsy and irrelevant grounds; posturing for politics and forgetting that we are destroying our own country. It will take us another six months---

**Mr. Kipchumba**: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the hon. Member say that we shot down the Bill because of flimsy and political reasons. Is he in order to allude that we shot down the Bill for those reasons when some of us did so, because of very credible reasons?

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, the hon. Member may care to know that he was one of the hon. Members who were pursuing a reckless and narrow agenda against that Bill. Avenues for the betterment of that Bill were never exhausted to pluck out and pluck in what we wanted in order to improve it. It is a shame

to this House that seeing what we have done to our forests, we still stood here unashamedly posturing in politics and destroying a legislation that would have helped this country. The hon. Member here, privately told me that he loved that Bill, but he shot it down because of politics.

**Mr. Kipchumba:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that I, indeed, told him I shot down the Bill because of political reasons when, in fact, I did tell him that the Bill was very unfortunate in the sense that, women who were to be found collecting firewood in the forests were to be fined quite a lot of money or imprisoned for five years? This was unacceptable to me!

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I had, in fact, in my contribution already given notice that I was going to amend the Bill to pluck out that draconian clause. Anyway---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, both of you! Let us get down to our business and not go back to the Forest Bill. Mr. Wetangula, could you address yourself to the Sessional Paper now?

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir. You will have to restrain Mr. Kipchumba from making unhelpful interjections.

I was talking about the environment. I am supporting what Prof. Maathai said. We need to have trees because timber is a critical component of any housing structures that we may build. We need to plant trees in form of both commercial and indigenous plantations for the protection of water catchment areas. The more we plant trees, the more timber we shall have and the cheaper they will be. Therefore, the process and cost of construction of houses will be cheaper.

The Minister, in his Paper, has also not clearly defined the process of maintenance of houses. It is not enough to build a house, or an estate, and forget that you have to maintain it. In fact, I would wish that we harmonise the law, so that the Minister responsible for housing actually oversees and manages the law relating to houses, including urban areas. If you go to estates in Mombasa and Nairobi, it is an eyesore. Once people build houses, they forget that a house needs a coat of paint once in a while. A house also needs the pavement around it to be looked at and repaired. If we need to cut down on costs of repair, we need to have a strict law on maintenance of houses. Similarly, I will urge the Minister when he brings the Bill here, to copy what I see in countries like the United Kingdom (UK). An estate like Buru Buru is designed uniformly, and you cannot even change the position of a window on your house without the approval from the relevant authority.

Mr. Temporary Deputy Speaker, Sir, if you want to be amused on how Kenyans can recklessly destroy their environment, go to some small estates in Eastlands. Is that estate called Kayole? I am talking about an estate along Outer Ring Road. It is Umoja Estate. That estate was developed by the CDC as a low class decent estate. If you go there now, you will find that people have built storey buildings which look like chimneys. Those storey buildings rise precariously and if there is a strong wind, some of them might tumble. This is the case, and yet the Nairobi City Council (NCC) planners and engineers are watching. We pay those officers salaries to ensure that proper standards are kept. I would like the housing programmes of cities to be taken from local authorities and placed under the management of a responsible Ministry so that we can have sanity.

*(Applause)*

We also have the infrastructure problem which I have already alluded to. The Ministry of Roads, Public Works and Housing should be given the legal mandate to be responsible for roads, whether they are in urban or rural centres. This is because it has been proven beyond reasonable

doubt that our local authorities are good for nothing. They simply do nothing! All they do is bickering about sharing plots and many things which are totally unhelpful. I do not believe that in the process of devolution of power, we should hand over the power of governance to reckless characters who have destroyed our towns and cities. There must be a responsible authority up there to look at what they do.

On the whole, I believe that this is a very good Sessional Paper which requires improvement on the issues all of us are raising. Extension officers should be available to wananchi. A school teacher in my village who wants to build a house with a loan borrowed from a SACCO should have access to an architect, even if it is just a draughtsman to draw a plan of a house for him and tell him where he can put a tank for harvesting rain water, an internal bathroom without creating a stench in his room and a dining room. Those are the kind of things we can evolve to give decent living standards to our people.

Finally, I hope that by passing this Paper, it will not be an additional load in the Minister's cabinet to stay there and gather dust. We want when we pass the Motion on this Paper, the Minister, in replying, to tell us the timeframe within which he will organise a seminar for us to discuss it deeper and a timeframe within which he will bring legislation to the House.

Last but not least, we can talk about development and houses but if we, as leaders, do not lower the political temperature in this country, nobody will invest his money, even in the romantic housing structures that we are talking about. Nobody will also invest in a country where politicians abuse each other from morning to evening, call each other names when it is not necessary and so on and so forth. I call upon my colleagues to speak with one voice.

Mr. Temporary Deputy Speaker, Sir, I support the Motion.

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, I would like to contribute to this Sessional Paper. I would like to state at the outset that this is, indeed, a very welcome Paper and it should have been done earlier.

Shelter is a basic human right. That is why I would have wanted to see the Government take care of its employees first before even pretending to care for the rest of Kenyans. I would like to say that many of our employees in the public sector and especially, the police, the National Youth Service (NYS) and prison officers live in very pathetic situations. I once visited a prison officer who is my friend at the Industrial Area Remand Prison and found that the officers' houses are partitioned by bedsheets. A mere bedsheet separates one family from another. This is the case, and yet, those families have children and the fellows have wives. You wonder how those human beings do their business. How do they get those children in the first place? You cannot help to wonder that probably, they do that in turns. One family would go for a holiday and another one would come in after sometime. This is because you cannot imagine what happens. Why can the Government not take care of its employees first, before bringing a Sessional Paper here which talks about providing shelter to Kenyans?

We have many houses in this country which have been built half way. If you go to Industrial Area Remand Prisons and NYS, Ruaraka, you will find so many units which are 80 to 90 per cent complete. I do not understand why the Government would undertake a project, develop it up to 80 or 90 per cent and leave it for destruction. The Ministry concerned should first ensure the completion of those houses. The Ministry should provide funds to complete houses in NYS, Ruaraka, South B and Nyayo Highrise. If that is done, the Government would have an additional 300 to 400 houses for use by its employees. Therefore, before we even think of doing something else, I would like to request the Minister to complete those houses as soon as possible. I hope he has factored that into the Budget because I have not had a chance to look at it.

Mr. Temporary Deputy Speaker, Sir, I want to support what my colleague has said about

maintenance of houses because if you read through this Sessional Paper, it does not mention maintenance which is very important. If you travel all over the country, and especially, in towns like Mombasa, you will find that some houses were built, developed and maintained up to the time the Portuguese were in Mombasa. You wonder why we would like to entertain a local authority which cannot even ensure that the houses it owns and collects rent from are maintained. I would like to agree more that, indeed, the Ministry of Roads, Public Works and Housing should be in charge of all houses and roads irrespective of where they are. I would like to support that. I am saying this because local authorities all over this country have been known to mismanage anything that they are given.

In Eldoret, which is my home town, the local authority was told to develop houses and collected rent but it has even been unable to pay the National Housing Corporation (NHC). That is because they want to collect money and use it to pay salaries and for their own selfish interests. Now, they want that amount of money to be waived, so that they can continue collecting the money and using it for their selfish gains.

Mr. Temporary Deputy Speaker, Sir, while we would not like those houses to be sold as yet, they could be maintained under the Ministry of Roads, Public Works and Housing, to ensure that they are no longer under the Ministry of Local Government. I think it is important to address the shortage of housing. My little economics tells me that I cannot support a situation where the Government comes in to control rent payable by tenants. That should be left to the forces of supply and demand. You cannot tell somebody, who has used a lot of resources to build a house, to charge Kshs5,000 instead of Kshs10,000. What is your basis for telling him so? How do you arrive at Kshs5,000 when, in his own calculation, analysis and pay-back return period, he is convinced that he should charge Kshs10,000? It is time the Government moved out of business! Let it provide the enabling environment. It should not be an impediment to the development of more houses.

Mr. Temporary Deputy Speaker, Sir, if we had enough houses, rent would automatically go down. It is unfortunate to imagine that the Government and the private sector do nothing but, at the end of the day, the Government wants to tell the landlords: "Charge Kshs10,000 instead of Kshs20,000". On what basis are we going to do that? If the Government wants rent charges to go down, then it must be proactive and ensure that the 150,000 housing units that they talk about is a reality. The Government has talked about 150,000 housing units in urban centres and 300,000 units in rural areas. From that Sessional Paper, I do not know how the Minister is going to ensure that 300,000 units are constructed in the rural areas. Even before you think of constructing those houses, the kind of houses that exist in rural areas are suspect. The kind of shelters that people live in are meant for mere survival. People have used grass and cartons. You do not refer to those houses. Therefore, if you calculate the number of houses that we have in this country, you will be shocked that talking about 300,000 houses is a mockery of the whole system. There are no houses in the rural areas. Good houses only exist in urban centres.

Mr. Temporary Deputy Speaker, Sir, it is very interesting when we talk about promoting the private sector, Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) to develop housing in both urban and rural areas. I wish this Government, or any other Government, could be talking to each other. About seven months ago, Barclays Bank of Kenya issued a corporate bond. Why did they do so? They wanted to ensure that Kenyans get cheap funds. They wanted to finance houses for Kenyans at a cheaper rate. But, what has happened? The Capital Markets Authority (CMA), despite receiving the application, forwarded the same to the Treasury and the Central Bank of Kenya (CBK). Since then, nothing has come out either from the Treasury nor the CBK. They have kept silent. I do not understand that. If you want to develop something, you have to be sincere with yourself, have a policy and know what you are doing. We cannot frustrate

investors in this country while, at the same time, we write Sessional and policy Papers requesting them to come and assist us.

Mr. Temporary Deputy Speaker, Sir, when you talk to the CMA, they will tell you: "We did our part. We are waiting for the Treasury!" What is the rationale of the Treasury to delay the approval of the Barclays Bank corporate bond? Is it that we have a lot of money and we do not need investors? Is it that we have our own vested interests and we want kick-backs? I do not understand! The Treasury must come out very clearly and tell us why they have not allowed Barclays Bank of Kenya to issue that corporate bond. Barclays Bank is not a *Jua kali* bank! We are talking of an international investor in this country.

Mr. Temporary Deputy Speaker, Sir, I would like to laud Standard Chartered Bank for bringing a similar bond. They borrowed money from overseas and are investing in this country at a uniform low interest rate for a very long time. I think that is commendable. We would like to encourage such investors. Let us not frustrate the few that we have in this country.

Mr. Temporary Deputy Speaker, Sir, when an estate like Buru Buru was being built, it was meant for middle income earners in this country. When many of us finished school and got employment, that was the first place we thought of staying. But, what has happened in this country is that the levels of poverty have continually risen and those who have been staying in Buru Buru have now been pushed to Umoja and Kayole estates. They are now almost in Machakos. Why? The cost of living has gone up. The poverty levels have continued to rise. Like I said earlier, the cost of housing is dependent, not only on the cost of construction, but also on the factors of demand and supply. The fact that very many Kenyans have come to live in urban centres has forced the amount payable as rent to go up. Therefore, in order for us to address that problem, we must address the root cause. The root cause is that we have neglected the rural areas. How have we neglected the rural areas? First, we have not supported farming and activities that can enable people to survive in rural areas. That is why I am saying that the people in the Government must talk to each other. Some people run away from the rural areas because there is no water, toilets, roads and electricity. It is natural that if you cannot survive in a rural setting where there is no infrastructure, you run to an urban setting.

Some farmers live in Nairobi and yet, their area of operation is in the rural areas. That is because of the basic infrastructural development that has not been done.

Therefore, before we even talk of addressing that problem, let us find out the root cause and address it first. The Government must ensure that infrastructure in the rural areas is developed well. That alone, will ensure that the rural-urban migration problem is reversed.

Mr. Temporary Deputy Speaker, Sir, instead of the 150,000 houses per year demand; that in itself will drop to about 100,000 or 120,000. That is also positive. Therefore, my request is that we do not just focus on the urban centres only. There are complaints all over the country. People are asking why taxes are being collected and only used to develop infrastructure in the urban centres. Why can we not use a portion of the tax collected to develop infrastructure in the rural areas? While I know there could be a budgetary allocation for the 150,000 houses in urban centres, we must also provide for houses in the rural areas.

Mr. Temporary Deputy Speaker, Sir, we all know it is a nightmare. Everybody wants to own a house. Who does not want to own a house? In as much as all of us want to own houses, it has always remained a dream for all Kenyans and that is why I want to thank some of the agencies that have assisted many Kenyans to acquire, at least, basic units to live in. Despite the corruption in the National Social Security Fund (NSSF) over many years, they have done a very good job. National Housing Corporation (NHC) has done a very good job because they have not only developed houses in Nairobi and other urban centres, but have also developed houses in the periphery of

towns. Therefore, my humble appeal is that funds must be set aside every financial year to assist NHC. Construction of shelter is a long-term investment. Its returns cannot come in two or three years. In fact, I realised that the returns could be achieved even up to a period of 20 years. Given that kind of scenario, and if really we are serious that we want Kenyans to have decent shelter, we must provide funding to NHC and in addition, ensure that they do not charge Kenyans a lot of interest when they sell houses to them.

The biggest problem we have in this country is the fact that we do not have agencies that can develop low cost houses. Most of the organisations, financiers and developers would go for big, high-return houses. Therefore, what we are missing here are organisations and agencies that can go for cheap and simple structures. We have the Mathare 4A as a good project that has picked up so well. That tells you that the private sector and Government can work very well. They can do a wonderful job. However, we must ensure that the same houses do not go to the rich people. We must put mechanisms in place to ensure that the houses are, thereafter, returned to the rightful owners who are people with very low income. We should not displace the very poor in Mathare to go further, probably, to Machakos.

Mr. Temporary Deputy Speaker, Sir, I want to request the Minister that in as much as we support the clearance of road reserves, it does not make a lot of sense to destroy very expensive houses overnight. I know it is good for politics to be seen that you have destroyed houses on a road reserve. You would easily be called a hero. However, what are the consequences? I would not be surprised that probably the road reserves may never be utilised in our life time. Some may be built after 20 years. Where were we when the houses were being constructed? Who is responsible and where were the planners? I think it is unfortunate that you allow somebody to build a structure and then three or four years down the line you go ahead to destroy the same in the name of creating a bypass. We should have sense within ourselves. If there is a chance of ensuring that the road passes elsewhere for as long as you can achieve the same objective, we should be reasonable instead of bringing bulldozers and destroying houses all in the name of being a political hero.

We appreciate that the land was grabbed, but so what? Where were you when construction was taking place?

**An hon. Member:** In the Opposition!

**Mr. Kipchumba:** It does not matter! The same guy who has demolished houses is the same guy who was in Government and is now in Government. People change positions. They are the same fellows. If you travel round the country, they have earmarked very many structures along the roads for destruction. If that can be avoided, please, let us do it because it does not pay at all. In my own layman's view, some of the houses are very far from the road and yet they have been marked 'X' for demolition. Some of them are very small shops and probably the road may never be built. History will judge us very harshly for destroying things simply for the sake of it and not because we want to build something else. I have seen even trees far from the road being destroyed by the same Ministry of Roads, Public Works and Housing in the name of enabling motorists to see very far. We have been seeing very far for so many years. We can drive well on our roads. So, destruction is everywhere and it is my opinion that this Ministry should be renamed the "Ministry of Destruction", because that is exactly what it is doing.

Mr. Temporary Deputy Speaker, Sir, the time for politicking is over. It is now time to become sober. We must tell that to politicians now. Indeed, we must co-ordinate with the Ministries concerned. You ask the Ministry of Environment, Natural Resources and Wildlife and they will tell you that they are not aware. They will tell you that they cannot give out permits for the collection of the felled trees because the whole exercise is illegal and yet the two Ministries are in the same Government. It is high time this Government got to business because the roads are really in a bad

shape.

When we talk of research, we should develop an arm of research. Why can we not make use of the polytechnics that we have in this country? The polytechnics were established to provide that kind of knowledge. I would like to inform the Minister that, that kind of research can be got cheaply from our local polytechnics if only we made use of them. They have enough manpower. What the Ministry ought to do is to put in a few resources and train Kenyans so that whatever technology is developed, there will be manpower that understands the use of the same.

Mr. Temporary Deputy Speaker, Sir, I want to say what Prof. Maathai said a while ago. I will, however, put it in a different way. The cost of construction in some rural areas has gone up because the cost of timber is unaffordable to many people in the rural areas. Why is that the case? Some of the biggest companies that we have in this country, for example, Pan African Paper Mills and others have been given permits to perpetually cut trees in this country while the rural folk cannot be allowed to cut even one tree. Pan African Paper Mills could easily cut 100 acres of trees in a day. For the last one year, therefore, the cost of timber has, therefore, skyrocketed. So, all this cutting of trees is done at the expense of the very poor in the rural areas. Now we are saying that we want to provide very cheap construction material. We allow Pan African Paper Mills to cut down our forests at the expense of Kenyans who have taken care of the trees. We restrict them from getting timber to build their very simple structures and then we come here to say that we have developed a Sessional Paper on National Housing Policy. How is that going to assist us when the Government cannot facilitate that poor fellow in getting very cheap materials to construct his very simple grass-thatched house somewhere, using mud and other things to survive?

Therefore, Mr. Temporary Deputy Speaker, Sir, let us address some of the problems to ensure that the cost of construction does not go up. I would really like to urge Prof. Maathai to travel to western Kenya and see the destruction being caused by this very big company that ensures that we lose Kshs300 million every year. We sell to them very cheap timber, and they in turn do a lot of transfer to India. Yet we have them here and yet no Kenyan is allowed to cut even one tree! Not even the tree that he grew himself! He has to get a permit to cut that tree. What a shame that we live in such a country!

Mr. Temporary Deputy Speaker, Sir, local technology is very easy, but how do we reach there? Just as my colleague said, we can only reach there if we are provided with people who can assist our rural folk to build houses. I want to request the Ministry to look for an alternative to ensure that there is an availability of lease financing in this country. Of course, I am not talking of the Anglo Leasing Finance Company aspect, but I am talking of lease finance where companies are allowed to build houses, and then the Government should assist people to acquire the same through very cheap finance. That must start with the public servant. The Government of the Republic of Kenya must ensure that there is a deliberate policy to ensure that every civil servant in this country has access to a house somewhere through the assistance of the Government. That is the starting point, because the Government has a very big workforce.

Very many companies in the private sector have deliberate policies to ensure that their employees get shelter. This will ensure that our own employees in the public sector are not overlooked as if they are very poor people. This can be done through what I call a revolving fund. The Government must ensure that there is a revolving fund, especially for the public servants. This will ensure that whatever is paid back by the beneficiaries of the fund can be used to finance others. We are not saying that we should factor the same in the Budget year. A revolving fund of "x" amount of money should be sufficient to ensure that in ten to 20 years, our civil servants would all be having some simple housing somewhere in this country.

Mr. Temporary Deputy Speaker, Sir, we must be proactive. Various Ministries must be



proactive, because I have seen very many houses being destroyed by fire and other calamities because when you call the local authorities for help, they will tell you that there were no roads. Where were they when Kenyans constructed houses in places where there were no roads? The biggest problem that we have in this country is that the planners have been the cause of embarrassment in this country and elsewhere. They either do not co-ordinate, or they deliberately take kick-backs. In the developed world, even very rich people live in very simple structures. Those who have travelled will attest to this fact. In Kenya, you can imagine somebody and his wife living in a 20-roomed house! In the developed world, that is probably meant for animals. So, the kind of money that we put in our structures is, indeed, very high.

Mr. Temporary Deputy Speaker, Sir, I, therefore, want to ask the Ministry that, this Sessional Paper must be developed and developed very quickly. We do not want seminars in Mombasa or in other far off areas. We want them to be held here in Nairobi, where the stakeholders can---

With those few remarks, I beg to support.

**Mr. M. Kariuki:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to ventilate my views on this Sessional Paper.

The importance of shelter cannot be gainsaid. Indeed, the most basic things that a human being must have so that he can enjoy his dignity is food, clothing and shelter. Shelter is so fundamental that in many jurisdictions in the world today, it is considered a fundamental human right; because you cannot really live and enjoy the right and respect that is accorded to the human person when you have no shelter where you can resort to at the end of the day. A nation is also judged by the way it is able to feed, clothe and to give shelter to its people, because these are the three basic parameters.

Mr. Temporary Deputy Speaker, Sir, if you look around our country today; and I would like to say that I have had occasion to visit parts of Turkana in the recent past, you will realize that what they call their housing, the *manyatta*, is not a place where they sleep, because most of the time they sleep outside maybe because of the weather or other reasons. But, basically, what they call a *manyatta* is really a storage facility for their milk. These people generally live outside and only take shelter in that small *manyatta* when the rainy season starts. So, this is the kind of life that our people are leading; in those *manyattas*; mud-built houses or grass-thatched houses. What kind of quality of life do these kinds of houses reflect? What kind of respect are we giving our people when they have to lead a life that is only a step away from the animal life? Even animals and birds require shelter, and that is why they have nests. So, shelter is really fundamental. It is important that we should have a clear policy on housing, and to realize that the Government has the fundamental responsibility, actually a social responsibility; to ensure that every citizen has a form of housing or the other.

Mr. Temporary Deputy Speaker, Sir, this Policy Paper is coming almost 41 years after Independence. I would really like to pose this question: Has there been a Government in the last 41 years because such a fundamental aspect of our development has not been addressed? I would like to commend the Minister for coming up with this particular policy as it was long overdue. It is important that we do our best to improve on this particular Policy Paper in terms of the way forward.

Mr. Temporary Deputy Speaker, Sir, we have embraced a strategy of poverty eradication, and one of the basic things in fighting poverty is to ensure there is shelter. There are, of course, other problems of health and education, but I really consider shelter to be more fundamental, because before you can enjoy education and to be able to protect yourself from the hazards of life so that your health is not at risk, you really need housing. One of the greatest things we can do for our people, is to ensure that at the end of its five-year term, this Government is able to leave behind a

legacy for the people of Kenya; so that when they look back, they can say: "At least we are living in better housing than we were found by this particular Government."

Mr. Temporary Deputy Speaker, Sir, for a long time, timber has been the source of materials for our housing sector. We have been told by many of our colleagues who have addressed this subject that, in fact, today we do not have any forest to talk about. If there is any single expensive input in the construction of houses today it is timber. But some years back, it was the cheapest means of putting up a house. But today, it is much cheaper to put up a house using stone curved out from a quarry, than to put up a house made strictly from timber. It would probably cost three times more. We must begin to look around for alternative sources of building materials for the construction industry.

We are aware that there have been so many quarries in our rural areas. Some of them are left without being covered. They have been a health hazard to our people. People have fallen into the abandoned quarries. The quarries have also destroyed our farming areas, which is now restricted.

Regarding alternative building materials, I was impressed recently when the USA Ambassador came to open our voluntary counselling and testing (VCT) centre in Nakuru. We were informed that the VCT centre was constructed from locally-reinforced plastics, devised by a local architect. While the estimates by the Public Works Department had been put at Kshs10 million, the VCT centre was constructed at Kshs1.7 million. That means that there is a possibility of getting cheaper construction materials. I think that reinforced plastic is the way forward. First, it is portable and you can move your house from one place to another, if it is made of it. Secondly, plastic is weather-friendly. It does not get too hot like the iron sheets that we use. We need to put a lot of money into research work and get cheaper and affordable construction materials, so as to afford shelter for our people. There is room for that. We need to focus on possible research into material that can be put together within a short time and be moved when necessary.

The majority of our people are pastoralists. They require portable plastic houses which they can move with instead of living in *manyattas*. By the way, *manyattas* are not cheap to construct. They are expensive in terms of having to collect cow dung and doing a lot of other work. At the end of the day, they are not healthy places to live in compared to reinforced plastic houses. I, therefore, submit that there is need to do more research work and look for more affordable sources of building material.

There has been a lot of talk about upgrading urban slums. Not much has been done. Urban slums have come up because we have not applied to the letter the provisions of our Physical Planning Act. We wait until the boundaries of urban areas are expanded to take over neighbouring villages, then we start to plan. In my constituency, Nakuru Town, there are many slums which are on former farming areas. Some of these are Kwa Rhoda and Mwari Slums. They are on areas that had farms. However, no-one took the initiative early enough to say that since the town was going to expand in the coming years, physical planning provisions should be adhered to. Doing this would have helped in creating conformity in whatever constructions that were put up. Officers, who are charged with the responsibility of implementing the provisions of the Physical Planning Act of 1996, have not really risen to the occasion, and ensured that even in the rural areas, these provisions are applied.

The question has always been, once a rural village has been taken over and put within urban boundaries, what happens to the existing structures on it? The structures had no approval or urban by-laws put in place to regulate their construction. The local authority is put in a dilemma: It wonders if it should destroy the structures to create roads, provide schools and trading centres. It is not easy. You cannot destroy people's property without adequate compensation. They are protected by Section 75 of the Constitution.

So, the challenges raised by upgrading of slums are enormous. We have to be very ingenious in the manner we approach this subject. I do not think that we can upgrade slums and retain the people living in them. We have to look for alternative land where we can move the slum, and make sure that if we are giving a landlord in Kayole or Kibera alternative land to put up structures, then we also regulate the cost of the structures. We must ensure that before demolishing the structures, the owner of the land has alternative accommodation, or gets another piece of land. If we think that we can use a bulldozer to pull down structures without taking into account the fact that those affected are human beings entitled to be treated in a dignified manner, then we are causing a lot of injustice to our people. We need to focus on the issue of slums. There has to be a systematic process before we move people from their land.

One of the challenges of the Physical Planning Act is more visible in the rural areas. If you look at our major highways today, you will see that everybody who borders them thinks that the best way to make money is to put up a shop next to the road. The county councils are the ones which issue licences. You will find shops, all the way, on either side of a highway. I think that we have a problem in the sense that the licensing of business premises is left to the county councils. That is the Ministry of Local Government. The issue of implementation of the Physical Planning Act is under the Ministry of Lands and Settlement. The issue of housing falls under the Ministry of Roads, Public Works and Housing. There is need to ensure that housing and the issue of licences and physical planning are put under one Ministry to ensure that there is proper planning. I think that all farmers think that they can convert their farming land, which is next to a road, into business premises. A problem is going to arise when we are to have dual carriage ways.

The capacity of our roads must be expanded at some point because of the increased number of vehicles and goods that we must transport from one part of the country to another. We will have to acquire land that neighbours highways. Given that we only have a small area as a road reserve, it will become necessary to acquire land next to the roads. That will increase the cost of land acquisition. Somebody has already put up structures in the form of a supermarket by the roadside. So, to expand our road network system and have dual carriage ways will cost a lot because we must compensate those who will be affected. The best way forward is to discourage people from putting up shops next to the road. First, it is not safe, because accidents do occur. We, sometimes, have vehicles which ram into the shops. Secondly, these shops deprive those who operate in shopping centres business. In terms of planning, we have to discourage a situation where everyone is putting up a shop wherever they are and get licences.

The price of pieces of land has to be controlled. I welcome the Statement by the Minister for Lands and Settlement in this House; that Government land is not for speculation. In fact, we should use Government land to enhance urban development by ensuring that we have quality houses. During the era of land grabbing, people would get land in the morning from the Government, get a letter of allotment, and in the afternoon the land would be transferred to a parastatal like the NSSF and someone would get away with Kshs1 billion.

That has really made the price of urban land rise so high. I think the position that was stated by the Minister for Lands and Settlement here is the correct one. We should try and discourage speculation. We should only give Government land to deserving persons. If somebody is an estate developer, let us give him land so that he can make use of that land. If we do this the **[Mr. M. Kariuki]**

price of houses will go down. As things stand now, to acquire even one acre of land in any part of Nairobi, you require not less than Kshs10 million. The price of houses is in many ways affected by the price of land. If we can contain land speculation, we will be able to put up affordable houses and give Government land, if any, or land belonging to the county councils, to persons who are prepared

to give our people cheap housing.

Mr. Temporary Deputy Speaker, Sir, I know that there are problems in the local authorities, and this has already been mentioned. There are serious problems between the National Housing Corporation (NHC) and, for example, Nakuru Municipal Council and Nairobi City Council. These problems, where the NHC is asking for a lot of money from these local authorities, relate to money that was lent to the local authorities for purposes of improving the drainage system, tarmacking roads in the estates and expanding toilet facilities. This was the case in Nakuru and it happened about 25 years ago. That money was misappropriated by certain individuals, and now the burden to pay up those debts has been passed over to the local authority. In my view, this is not fair. If we are going to have our local authorities back on their feet, we have to waive these debts.

I think we have to understand that we are coming from a dark past, where there has been corruption and misappropriation of public funds. As long as we think we can continue to place this burden on the local authorities, they will not be able to even pay their workers, a problem that is already there in all local authorities. I would appeal to the Ministry of Local Government and the Ministry of Roads, Public Works and Housing to sit down and come up with a solution regarding the dispute between the NHC and the local authorities.

Mr. Temporary Deputy Speaker, Sir, I recall that, yesterday, the Assistant Minister for Local Government tried to express her frustration about these debts that have been passed over to the local authorities. This is a Ministry of the Government while the NHC is another entity of the Government, and I wonder why they cannot sit down and resolve this problem. The notion that housing has been a source of revenue for many local authorities is misguided thinking. The essence of providing urban housing should always be a social responsibility to ensure that our people, who live in urban areas, get shelter.

If you look at Nakuru Town, you will see that we have houses that were built in 1930. These are municipal houses. I believe the cost of a one-roomed unit at that particular time may have been about Kshs300, Kshs400, or probably much less. The returns have already been realised over a period of time, yet the council has made houses a source of revenue over all these years. I would prefer a situation, which I observed in the City of London, where a municipal or city council puts up houses. If you stay in those houses for 13 years, they will tell you that they are converting whatever rent you have paid in the last 13 years into a mortgage and 80 per cent of the purchase price is already paid. You are then given a mortgage of the 20 per cent and the resulting fund is used to expand the housing.

Our local authorities think that housing is a source of revenue to pay workers and do other things. I think that has been a wrong policy. That is why, in the recent past, you have not found any new housing in any urban area. There should be a special fund, where we keep money for development of houses so that those who take up those houses are able to contribute to that fund, and an expansion programme ensures that other residents within that urban area benefit from the next housing estate.

I think the Ministry of Roads, Public Works and Housing should borrow a leaf from the Ministry of Water Resources Management and Development. We need management boards in estates, particularly for urban houses. I can understand the conflict between the local authorities and the Ministry. Local authorities manage their housing estates and perhaps the Ministry does not have much say. Even for local authorities, the direction our management of water is taking today, where we have management boards within rural areas, is one that housing authorities in urban areas should take. We should have a management board which is run professionally, and which ensures that rents are retained within it. We should also ensure that funds that are already realised from housing in urban areas are invested into another urban estate. The people who occupy previously developed

houses should be given titles for the houses. By dealing with poverty eradication in urban areas in this way, we shall ensure that the majority of our people are able to get housing. As things stand now, local authorities cannot manage houses or water. We must think of an alternative. An alternative is to have a management board for housing, which will run housing facilities professionally and do proper investment for the future of our people.

Mr. Temporary Deputy Speaker, Sir, there has been hue and cry about the sale of Government houses. I listened very carefully to statements made by Ministers, but they have not come out clearly on whether the Government intends to dispose of its houses or not, or whether it intends to recover the houses that were unlawfully sold to certain persons. Every other time you read here and there about local authorities trying to recover houses that were unlawfully sold.

**Mr. Osundwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Having listened to the views of hon. Members on this Sessional Paper both on June 9th and today, I feel we have exhausted all material on this subject and it is high time we called upon the Mover to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Minister for Roads, Public Works and Housing** (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to begin by thanking all the hon. Members who have had opportunity to contribute to the debate on this policy Paper. All hon. Members who have made contributions here have raised very fundamental issues which our Ministry will consider. Housing is fundamental. As I said when I was moving this Motion, the right to shelter is now recognised as one of the fundamental human rights, ranking equal to the rights to food, good health and quality education. That is the reason why my Ministry is very concerned and committed to provision of adequate shelter for our people.

The rapid rural-urban migration has compounded the problem. Over the last 20 years there has been very little development of new housing. These are the causes of this problem. We do have a housing development programme, which I will be bringing to the House after this policy document has been approved. The programme addresses the following issues: The Kenya Slum Upgrading Programme, urban renewal and development, site and service schemes, rental housing schemes, tenant purchase schemes and mortgage housing schemes. In rural areas, as most of those who have spoken have rightly said, the major problem is the poor quality of houses and inadequate infrastructural facilities and services. This policy aims at improving quality and increasing the housing stock to rural housing programmes that will facilitate access to affordable housing finance, training and dissemination of the use of research, appropriate low cost building materials and technology and co-ordination of efforts of various organisations, for example, the NGOs and CBOs.

Mr. Temporary Deputy Speaker, Sir, other hon. Members who have spoken here, have raised the issue of land. Land is very crucial to housing provision because you cannot put up houses on air. In the past, there have been a lot of speculation on land; people have acquired land, sometimes corruptly, for the purposes of speculation. This, therefore, has had the effect of increasing the cost of housing in the country. The high price of land in our urban areas has scared away potential investors, because the question always asked is: Why should I put up so much money in purchasing land; money which should actually go into housing development? That is the reason why we are addressing the issues related to land use, development and control, including the land tenure system particularly in the informal sectors. My Ministry is working very closely with the Ministry of Lands and Settlement, and various local authorities to be able to set aside land in

order to foster public-private and local authorities partnership in housing development.

Mr. Temporary Deputy Speaker, Sir, other issues that were raised by some other hon. Members here are; one, the high cost of building materials and, two, lack of appropriate building materials in particular areas. This is an issue which is of concern not only in our country, but actually in most other countries. That is the reason why many countries which have very progressive housing development programmes, have addressed this issue of research in building materials. It is important that the---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Members! Please, consult quietly so that we can hear the Minister!

Mr. Raila, Proceed!

**The Minister for Roads, Public Works and Housing** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I was saying that research in appropriate building materials is very important. That is the reason why my Ministry, together with the Housing and Building Research Institute (HBRI) at the University of Nairobi, continue to undertake research on building materials and technology in order to continuously improve on their properties. We are also carrying out this research regionally. We know that there are some building materials which are available in large quantities in certain parts of the country, but are unavailable in other parts of the country. We want to have this information available so that, when somebody is going to carry out construction, for example, in Garissa, he or she will know what appropriate materials are available locally. We will do this with all parts of the country.

Mr. Temporary Deputy Speaker, Sir, let me now address the issues which were raised with regard to slum upgrading. Slum upgrading is a very important component of our housing policy. This is because the shortage of houses in the country has translated into mushrooming of slums in virtually all our urban centres; all our urban centres are littered with slums. It is estimated that 60 per cent of Nairobi's population live in slums. This is a very unacceptable situation which we want to reverse. We have looked at slum upgrading programmes in other countries and we have tried to revise this to make them more appropriate or responsive to our specific needs which are different from other countries. You cannot have a blanket policy and just copy what other countries are doing blindly. I listened very carefully to Mr. Wetangula's talk about Alexandra Slums in Johannesburg. I have had occasion to visit these slums and, of course, I agree with the hon. Member about what he talked about them. However, I want him to appreciate the fact that there are differences between us and Johannesburg.

The issue of space, which is usually very crucial, determines whether you will construct a single storey building, bungalow or whether there is need to go higher up. If you take, for example, a place like Majengo Slums, where we launched phase two programme just a week ago, the place is fairly confined and, therefore, there is need to go up to be able to cater for more people. Likewise, Kibera Slum, which is the largest slum in Africa South of Sahara, with over 750,000 people living in a very small space of land, to do a successful upgrading there, we have to construct houses with more storeys. We are not just doing this without proper planning. The planning phase has taken us one year, and we are now moving to the stage of constructing a decanting site. Any slum upgrading programme must be preceded with the phase of constructing a decanting site, where the residents who will be displaced will be accommodated. So, we have acquired a site next to Langata Womens' Prison and we will break ground very soon. This is where we will house the people who will be moved from Soweto Slum in Kibera to stay as we demolish and construct new houses.

Mr. Temporary Deputy Speaker, Sir, there is the issue of guarantees to these slum dwellers; that they will not be displaced. I appreciate this concern, but there are issues that we have already addressed. We are working into this programme jointly with the UN HABITAT. One of the conditions that were placed by the UN HABITAT for being involved in this programme, was that the tenants were not going to be displaced; that the same tenants will be resettled once the slums have been upgraded. Secondly, that the rent that will be charged will not be unaffordable to these people. We have given guarantees that we will not charge any more than what these people are paying currently so that we do not need to have a repeat of Nyayo Highrise where the previous tenants were displaced once the new houses were constructed.

The slum upgrading programme is also tied with the programme of poverty alleviation. That is the reason why, as we go up, we will create facilities there, where the residents will be gainfully employed in wealth generation activities. So, there will be workshops, shopping complexes where people will be able to put up their businesses, nursery and primary schools and health centres that will be constructed in those areas. Therefore, the concerns of the hon. Members have already been addressed in the programme which we are beginning to implement here.

Mr. Temporary Deputy Speaker, Sir, on the issue of building by-laws and planning regulations, the policy proposes to operationalize the Building By-laws and Review Board to review and update the housing standards and regulations on a continuous basis. There is need for us to bring some of those by-laws in line with our situation in this country. There are a number of them which were copied directly from by-laws from the United Kingdom, which are not responsive to our needs here. That is why we are engaged in a review. That is why we are proposing to set up a board to review those by-laws. There is also a proposal to amend the Housing Act Cap.117; to give legal authority to the Ministry in charge of housing to enable it to manage and regulate housing.

One hon. Member talked about highrise buildings coming up in estates like Umoja, Buru Buru, Kariobangi South and so on. That is not because of absence of laws. It is sheer negligence. I do not intend to criticise the local authorities but, sometimes, it is important to own up when there is a problem. We have a serious problem there. The City Council of Nairobi has not been effective in enforcing the by-laws. We have situations where houses are coming up in the city without plans being approved as required in the by-laws. Those houses are being constructed without inspections being done and certificates issued, as it is required. That is why I gave instructions to all owners of structures in those areas to come and show their certificates of approval for the construction of those houses. Some of them are going to be condemned.

Mr. Temporary Deputy Speaker, Sir, we have also made provisions to enable the housing industry to benefit from pension funds such as the National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF). The funds will be lent directly to local housing developers against collateral security. Mr. Temporary Deputy Speaker, Sir, one hon. Member talked about the National Housing Corporation (NHC). I am happy to say that the Government is determined to make the NHC the vehicle for intervention in the housing sector. In the past, due to some negligence, the NHC has incurred a debt totalling to Kshs5.32 billion. We found out that the NHC was financially insolvent. In order to redress that situation, the Government decided to convert the total debt owed of Kshs5.32 billion - that is arrears and principal - which is owed by the NHC to equity. Apart from that, there is over Kshs3 billion which is owed to the NHC by various local authorities, including Nairobi, Mombasa, Nakuru, Kisumu, Eldoret, Nyeri and so on. That arose out of an arrangement that was arrived at, and where the NHC was to construct houses and hand them over to the local authorities. The local authorities were supposed to collect rent and repay the loans. But that arrangement never worked. The local authorities collected rent but they were not remitting it to the NHC. That resulted in that huge debt. That is the reason why the NHC used a provision in

their agreement with the local authorities to go to court and apply to be allowed to directly intervene and collect rent from the tenants. The courts, of course, were fairly considerate to the situation of the NHC and granted the application. So the NHC has been compelled, against its wish, to move in and collect rent. The NHC is supposed to be developing housing. It cannot do that when its money is tied in already developed houses. Again, the local authorities are also supposed to be developing houses according to population growth, rather than just collecting rent and using for consumption to meet recurrent expenditure. That has not been happening. You find that the Nairobi City Council has not built any new houses for the last 40 years. No new estate has been built in the city. We only have the old ones like Kaloleni, Shauri Moyo, Makongeni, Mbotela and Ziwani. They were all built during the colonial time. I have informed the local authorities that they should be constructing houses and selling them to the population, and then release the money to construct more houses, rather than just becoming landlords levying rent from tenants.

Mr. Temporary Deputy Speaker, Sir, we have decided that, in order to be able to construct more housing estates, we should sell some of the houses that are in Madaraka and Kariakor. Very soon, we are going to begin the process of selling those houses to the existing tenants. We have also taken over some of the estates like Kaloleni and Ziwani. Those estates were built by the NHC. That is unknown to the local authorities. What we intend to do is to modernise those areas. When you look at the houses in Ziwani, Pangani and Shauri Moyo, were built long time ago, when the population of the city was very small. That is why they occupied much bigger space with bungalows. If you go to modern cities like Hong Kong, Singapore and Cairo, estates near the city like Ziwani, Kariakor, Pumwani and Kaloleni, need to have modern storeyed apartments. We intend have ten, 12 and 15 storeyed apartments with lifts. Those are areas where we could have middle class people working in the city living there. If we do that, the problem of transportation would be eased. That is because, instead of people living far away and having to drive into the city, they could be living near and some could even walk to their places of work. That is the programme that I want to start and, within this financial year, we are going to start with one of those estates.

Mr. Temporary Deputy Speaker, Sir, there is also what we call the Sectional Properties Act. This policy proposes the popularisation of this Act which governs ownership of shared property to enhance security of tenure and to facilitate investment in housing. This, in simple terms, basically means you can have a title deed in a flat. This policy has not been properly understood and popularised by our people. What we are trying to encourage is that we popularise it so that, as it develops, we are able to give people ownership of property high up in the flats, which we call the Sectional Properties Act.

Mr. Temporary Deputy Speaker, Sir, hon. Wetangula mentioned the issue of maintenance of the existing housing stock. I could not agree with him more. This is an area which is not always appreciated. When we were debating the Budget here, an hon. Member raised the issue of why we are providing so much money for maintenance of Jogoo House, Harambee House and others and why that money cannot be transferred to estates. That is the attitude which is responsible for the sorry state of most of our estates today. We build houses and after about three years, they become dilapidated because there is no maintenance. Madaraka Estate, for example, was very well designed and it is, by any standards, very much modern in terms of architectural plans. But if you go there today, even the compounds and the lawns are never prepared. They built the houses and that was it; period! Then, they have been left to deteriorate, toilet seats broken; you find children learning to write with charcoal on the wall and you find stair cases littered with human faeces. We must teach our people the culture of maintenance.

*(Applause)*



Mr. Temporary Deputy Speaker, Sir, I did not fully understand this problem until I began to have some discussions with some of our people. I have learnt to appreciate that we are in a transition. Most of this generation is coming from the rural areas. Most of them grew up in grass-thatched houses with mud walls and floors, where you can easily chew tobacco and spit it on the floor and there is no problem.

*(Laughter)*

We are in a transition. Therefore, somebody like that does not appreciate the need for maintenance. Even the proper use of public toilets becomes a problem. We need to carry out public education; just the way we are teaching our people about HIV/AIDS, we need to teach our people about the use of public facilities and maintenance of houses.

*(Applause)*

That is the reason you have noticed that since the National Housing Corporation took over, under new management, we have embarked on a process of carrying out repairs and maintenance. Madaraka Estate is currently being repaired, it is receiving a face-lift. We are changing it. We intend to do this with all housing stocks under the National Housing Corporation. We invite the Nairobi City Council to follow our *Nyayo*; to emulate our example.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, there is the issue of stalled Government houses. There are a number of housing projects that were started sometime back and stalled. They litter our countryside. They are very many and we have decided that we should complete most of them, either by making budgetary provisions to complete them or by inviting the private sector, where we cannot, to complete and sell them and we recover the money.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, this is the reason why---

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a stranger sitting next to Mr. M. Kariuki!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Who is the stranger sitting next to Mr. M. Kariuki? Could you stand up? Let us see you!

*(Mr. Kimeto stood up in his place)*

**Mr. M. Kariuki:** Mr. Temporary Deputy Speaker, Sir, it is Mr. Kimeto! He has just changed his hairstyle!

**The Temporary Deputy Speaker** (Mr. Khamasi): Is it really?

*(Laughter)*

Order! Mr. Wetangula, you should have noticed that, that is Mr. Kimeto! Mr. Raila, please

continue!

**The Minister for Roads, Public Works and Housing** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I am told that Mr. Kimeto has just come from Australia. Maybe there they taught him some good manners by their standards.

*(Laughter)*

As I was saying, these projects are many; you will find them in places like Makueni, Siakago, Vihiga, Nyanza and other places. In this current Financial Year, we have made a provision of Kshs1 billion to start completion of these projects. This is the amount of money that was being mistaken for an amount of money to be used for construction of the residence for the Vice-President.

We require, according to our Printed Estimates, about Kshs8 billion to complete all these projects. As you are aware, and as I have already said, in this year we have provided Kshs1 billion for Phase I.

At this stage, let me also say something about the sale of Government houses. Hon. Members will recall that we decided that the Government should dispose of some of its housing stock in order to raise money to construct more houses. We have a stock of 42,000 housing units. There are some of them which were irregularly allocated and we appointed a committee to carry out investigations into the acquisition of Government property. The Report is out and the Cabinet has approved it together with the recommendations. We have categorised this into three; there are places where houses were very irregularly acquired without any proper documentation and proper authorization. We have said that those ones should be recovered by the Government.

There are also cases where some people were allocated houses and they went out and sold them to other people. We have said that for these people, if the houses were not sold at the rate which was commensurate, they should be asked to top up the difference.

There are areas where houses are being occupied by civil servants and we have said that in selling them, the civil servants should be given the first option to buy those houses. So, we are very shortly going to embark on the exercise of disposing of these houses. We will also consider the income of the civil servants who are living in them. We have come up with what we consider to be a reasonable price for those houses.

**The Temporary Deputy Speaker** (Mr. Khamasi): Will you advertise their sale?

**The Minister for Roads, Public Works and Housing** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I have said that we will give the first priority to the civil servants, who are tenants.

*(Applause)*

In this regard, I want to say something about Woodley Estate, which is also tenanted by people who live in Nairobi. Some of them have lived there for a very long time. There has been an outcry in Woodley Estate, because of lack of a clear policy. At one time, the former Minister for Local Government, who is now the Leader of Official Opposition, had given a clear directive that those houses be sold to the then existing tenants. It would appear that this directive had been varied, but there has been no clear policy directive. As the Minister in charge of housing, I would like to say that, in terms of policy, those houses, including those of local authorities, be sold to the existing tenants. That way, there will be no outcry.

Mr. Temporary Deputy Speaker, Sir, there are people who have irregularly acquired those houses. A former Director of Housing at the Nairobi City Council, a Mr. Kuria wa Gathoni, nearly

acquired the whole of Woodley Estate. He even grabbed the children's playgrounds and fenced them. Therefore, all the public utility land that had been irregularly acquired should be repossessed and put back to public use.

Mr. Temporary Deputy Speaker, Sir, there was the issue of the Housing Department being in the Ministry of Lands and Settlement. I would like to say that my Ministry is working very closely with the Ministry of Lands and Settlement in as far as provision of housing is concerned. We are, in this policy, trying to create a partnership between the private and public sectors. We are encouraging players in the private sector to invest more in housing. That is why, together with the Treasury, the Ministry of Local Government and the Ministry of Lands and Settlement, we are working to create the incentives that are required to attract more investment in housing. We have a lot of foreigners who are interested in coming to invest in housing and because of this, we are working to create a secondary mortgage market through which investors can off-load the housing, so that they can re-invest money for more housing development. I am happy to mention that there are about five foreign companies which are already working in the country towards investment in housing. We would like to also see that the cost of building materials comes down. As an hon. Member pointed out, there are factors which need to be addressed. Those factors are being addressed, so that the cost of building materials such as cement, steel, paint and others, can come down.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to thank hon. Members for the very valuable contributions they have made in the course of debate on this Policy Paper. I want to assure them that my Ministry has noted the very valuable views they have expressed here. Those views will help us to improve our policy document.

With those remarks, I beg to move.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Next Order!

#### ADOPTION OF 1997/1998 PAC REPORT

**(Mr. Omingo)** to move:-

THAT, this House adopts the Report of the Public Accounts Committee for the year 1997/98 laid on the Table of the House on Thursday 3rd June, 2004.

**The Temporary Deputy Speaker** (Mr. Khamasi): Where is the Chairman of the Public Accounts Committee (PAC)? Is he not around? Okay.

*(Motion deferred)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, we have come to the end of our business today. The House is, therefore, adjourned until tomorrow, Thursday, 1st July, 2004 at 2.30 p.m.

The House rose at 6.26 p.m.