

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 19th July, 2006

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPER LAID

The following Paper was laid on the Table:-

The Report on the deliberations on the Nomination of the Commissioners to the Kenya National Commission on Human Rights.

*(By Ms. Abdalla)*

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON NOMINATION OF KNCHR COMMISSIONERS

**Ms. Abdalla:** Mr. Deputy Speaker, Sir, on behalf of the Departmental Committee on Administration of Justice and Legal Affairs, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the deliberations and the nomination of commissioners to the Kenya National Commission on Human Rights laid on the Table on Wednesday, 19th July, 2006.

### QUESTIONS BY PRIVATE NOTICE

#### INSECURITY IN RANGWE DIVISION

**Eng. Okundi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that on 26th May, 2006, armed thugs attacked and seriously injured about 15 people at Namba Nyokal, in Gem East Location, Rangwe Division of Homa Bay District?

(b) What steps has he taken to bring the culprits to book?

(c) When will police posts be put up at Namba Nyokal and Onyege Market Centre in Kagan East to beef up security?

**The Assistant Minister, Office of the President** (Mr. Kingi): Mr. Deputy Speaker, Sir, I beg to ask the Chair to allow me to answer this Question after the Ordinary Questions. There is

some information I am trying to sort out.

**Mr. Deputy Speaker:** Mr. Kingi, could you repeat that? I did not hear what you said!

**Mr. Kingi:** Mr. Deputy Speaker, Sir, I would like the House to allow me to answer this Question after the Ordinary Questions. There is some information I am trying to sort out.

**Mr. Deputy Speaker:** Later on this morning?

**Mr. Kingi:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** That is fine. I will just postpone it for a while.

Next Question, Mr. Kombe!

FINANCIAL SUPPORT FOR NATIONAL  
WOMEN FOOTBALL TEAM

**Mr. Kombe:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Gender, Sports, Culture and Social Services the following Question by Private Notice.

(a) Is the Minister aware that the National Women Football Team is experiencing financial constraints and was due to start residential training on 15th June, 2006, but has not yet started?

(b) In view of the fact that the team is due to travel to Cameroon on 28th July, 2006, what is the Minister doing to prepare the team for the match?

**Mr. Deputy Speaker:** Is the Minister here? Could any of the Ministers on the Front Bench tell us where the Minister for Gender, Sports, Culture and Social Services is?

**The Assistant Minister for Transport (Mr. Githae):** Mr. Deputy Speaker, Sir, I think he is on his way here.

**Hon. Members:** Where? Mayors' elections?

**The Assistant Minister for Transport (Mr. Githae):** Mr. Deputy Speaker, Sir, he is on his way here.

**Mr. Deputy Speaker:** But, Mr. Githae, you know very well that the House cannot wait for a Minister. Mr. Kombe, what will happen?

**Mr. Kombe:** Mr. Deputy Speaker, Sir, I have just been given a note from the Office of the Vice-President and Ministry of Home Affairs indicating that the Minister will not be available to answer this Question. The Ministry has an Assistant Minister who can answer this Question because it is on an urgent matter.

**Mr. Deputy Speaker:** Mr. Kombe, it is strange that you received a message from the Office of the Vice-President and Ministry of Home Affairs and not from the Chair or the Clerk of the National Assembly. However, be that as it may, we will defer the Question to tomorrow afternoon. Is that okay?

**Mr. Kombe:** Mr. Deputy Speaker, Sir, please, defer it to Tuesday, next week.

**Mr. Deputy Speaker:** Very well, Tuesday afternoon, if that is your request. This being a Question by Private Notice, I thought you would want it answered as quickly as possible.

**Mr. Kombe:** Mr. Deputy Speaker, Sir, maybe you could shelf it and when the Minister comes he can answer it today.

**Mr. Deputy Speaker:** Order! Is it okay if we defer it to tomorrow?

**Mr. Kombe:** Mr. Deputy Speaker, Sir, maybe, you can defer it to this afternoon.

**Mr. Deputy Speaker:** Mr. Kombe, that is not possible! The Order Paper for this afternoon is already prepared.

**Mr. Kombe:** Mr. Deputy Speaker, Sir, since tomorrow I will not be available, and given the importance of the Question, I would like to request Mr. K. Kilonzo to ask it on my behalf.

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, I oblige!

**Mr. Deputy Speaker:** Order! So, the Question is deferred to tomorrow afternoon. We have

agreed that Mr. K. Kilonzo will ask it on behalf of Mr. Kombe.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.081*

### RESETTLEMENT OF MITEITEI LAND CLASHES VICTIMS

**Mr. Mwanicha** asked the Minister of State for Administration and National Security when the over 300 persons displaced from Miteitei during the land classes will be resettled in their farms.

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

The Government appointed a task force whose main terms of reference were to ascertain the genuine number of displaced persons and loss of land occasioned by the tribal clashes. It was also supposed to recommend modalities of resettlement of the said persons. The work of the task force has taken longer than expected due to logistical challenges. However, it is expected that the report will be released soon to enable the settlement of all the people displaced during the clashes, including the ones displaced from Miteitei, if any.

**Mr. Mwanicha:** Mr. Deputy Speaker, Sir, the Assistant Minister said that the task force has taken longer than expected. Some of these people were displaced from their settlements as early as 1992 or even before. When the Assistant Minister says that the task force has taken longer, could he enlighten the House as to why it has taken so long? When hon. Members continue making inflammatory statements---

**An hon. Member:** They are resettled!

**Mr. Deputy Speaker:** Order, Mr. Mwanicha! You are asking the Assistant Minister a question. You have just done it! Why are you asking two questions? Could you let the Assistant Minister answer your question? I do not know which inflammatory statement you are referring to.

*(Loud consultations)*

Order, hon. Members! I want to caution hon. Members on the Front Bench to my left. There is this bad habit of trying to answer questions on behalf of Ministers; telling them what to say. Could you, please, wait for your turn to come to this side where you will be answering Questions?

*(Laughter)*

**Mr. Kingi:** Mr. Deputy Speaker, Sir, I think they are also on the Front Bench and maybe that is why they are doing so. The verification process was complicated by numerous claims that were presented to the task force. A number of cases were from mere land speculators who had no documentation.

Secondly the sale agreement took long to be verified since the co-operative societies or land

buying companies that bought the land had ceased to exist.

The incidences of double allocation took long to establish the genuine owners. However, we have provisions in the Budget to deal with the matter of resettlement of the internally displaced persons. So, these are some of the challenges that we have had but we are addressing them.

**Mr. ole Metito:** Mr. Deputy Speaker, Sir, in this year's Budget, the Government has set aside a lot of money for the resettlement of land clashes victims.

**An hon. Member:** Its not enough!

**Mr. ole Metito:** Mr. Deputy Speaker, Sir, I am being informed that the money is not enough. How is the Government planning to spend that money in resettling these victims of land clashes? Why is it taking so long for the Government to resettle these victims now that they have an allocation for that purpose?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, I have already said that one of the items that the committee is supposed to deal with is to come up with modalities of resettlement including how this money will be used to resettle the victims. So, it is something that we are working on.

**Mr. Owino:** Mr. Deputy Speaker, Sir, many Kenyans have been suffering since the early 1990s because of clashes and unnecessary evictions like what happened recently in the Rift Valley. What has the Government done to ensure that these Kenyans do not suffer unnecessarily? Have they given them any assistance at all?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, if the hon. Member is talking about the displaced persons, I have already answered that question.

**Mr. Owino:** On a point of order, Mr. Deputy Speaker, Sir. My question relates to what is happening to the people now. What has the Government done to assist them to live?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, I think we are working through the districts, and in conjunction with the Ministry of State for Special Programmes, we have been giving most of the displaced people relief food and some other personal assistance.

**Mr. Mwanicha:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that the report will be out soon. Could he give us a timeframe? How soon is that "soon"? When will the resettlement be finished? What is he going to do with people, like Mr. ole Ntimama, who keep on making inflammatory statements which make the situation worse?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, I think we would like to leave it at "as soon as possible". This thing is being worked on and we are just about to complete the process.

Mr. Deputy Speaker, Sir, as far as the other statement is concerned, I wish to appeal to hon. Members and other leaders to avoid making inflammatory statements that can cause havoc in our country.

## COMMUNICATION FROM THE CHAIR

QUESTION BY PRIVATE NOTICE  
CANNOT BE DELEGATED

**Mr. Deputy Speaker:** Before I go to the next Question, I want to revisit the Question by Private Notice by Mr. Kombe. Due to an oversight, I said that it can be asked by Mr. K. Kilonzo. However, realising that it is a Question by Private Notice, it cannot be delegated. Therefore, the Question will be deferred to Tuesday, when Mr. Kombe will be available and not tomorrow.

FINANCIAL SUPPORT FOR NATIONAL  
WOMEN FOOTBALL TEAM

**(Mr. Kombe)** to ask the Minister for Gender, Sports, Culture and Social Services:-

(a) Is the Minister aware that the National Women Football team is experiencing financial constraints and was due to start residential training on 15th June, 2006, but has not yet started?

(b) In view of the fact that the team is due to travel to Cameroon on 28th July, 2006, what is the Minister doing to prepare the team for the match?

*(Question deferred)*

*(Resumption of Oral Answers to Questions)*

*Question No.366*

#### REFUND OF MR. JOSEPH KIRUGI'S DEPOSIT

**Mr. Kagwima** asked the Minister for Agriculture whether he could consider refunding Mr. Joseph Mutegi Kirugi, deposits worth Kshs14,530, which he paid to Kaguru Farmers' Training College in Meru Central District for purchase of boarded goods advertised through Tender No.MOA/BS/3VOL.II/(149).

**The Assistant Minister for Agriculture** (Mr. Kembi-Gitura): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. Deputy Speaker, Sir, the Ministry will process the refund of Kshs14,530 to Mr. Joseph M. Kirugi, as soon as he produces the original miscellaneous receipts with which he paid the money.

Thank you.

**Mr. Kagwima:** Mr. Deputy Speaker, Sir, it has taken me two years to get this reply. I also talked to the man in charge in the Ministry of Agriculture in Meru and I talked to the Ministry I wrote several letters. This man travelled over ten times to Nairobi. Could the Assistant Minister ensure that the costs incurred by Mr. Joseph Mutegi Kirugi are refunded to him as this other money is refunded?

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, the Ministry will pay back the principal sum but will not pay any more money.

**Mr. Deputy Speaker:** But, Mr. Kagwima, the Assistant Minister is raising an issue of a receipt. Has the receipt been produced? The Assistant Minister has said that Mr. Kirugi will be paid his deposit as soon as the receipt is produced. During 100 times that he has been travelling, has been producing receipts?

**Mr. Kagwima:** Mr. Deputy Speaker, Sir, Mr. Joseph Mutegi has been carrying with him the original receipt to the Agricultural Officer in Meru and the Ministry Headquarters for the last two years until I had to bring this Question to Parliament. I have written to the Ministry twice. I have been to the Ministry Headquarters three times. This money is so little. It is Kshs14,530! Because of travelling, the man has already spent more money than what he is going to get. That is why I am asking the Assistant Minister to compensate Mt. Mutegi in terms of travelling expenses.

**Mr. Deputy Speaker:** Mr. Assistant Minister, what did you say? Can you repeat your answer to that question for the interest of the Chair? I did not hear it!

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, I am saying that the hon. Member knows that it is not possible to pay *ex-gratia* for any such expenses. In any event, he cannot establish or prove that he has incurred those expenses. However, I am giving him my assurance that if he has lost the receipt and he can swear an affidavit, we shall refund the money. If he can produce the receipt, I am giving him my word of honour that the money shall be refunded in total.

**Mr. Deputy Speaker:** Mr. Kagwima, it looks to me like it is better late than never.

*Question No.041*

MATERNITY FACILITIES FOR ARSIM  
LUTHERAN DISPENSARY

**Mr. Lesrima** asked the Minister for Health:-

- (a) whether she is aware that Arsim Lutheran Dispensary in Samburu West Constituency also serves residents of Marsabit; and,
- (b) whether he could consider providing maternity facilities for the dispensary.

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Arsim Lutheran Dispensary in Samburu West Constituency also serves residents of Marsabit.

(b) Arsim Dispensary is currently managed by Arsim Lutheran Church, thus the Ministry has no objection to the hon. Member using part of his CDF funds to construct a maternity unit. We shall then support the facility with drugs and equipment as specified in the standard list for health facilities.

*(Loud consultations)*

**Mr. Deputy Speaker:** May I ask hon. Members on my left to consult in low tones, please!

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for this good answer. But why should Laisamis Hospital refer patients to a dispensary in my constituency? It is usually the other way round; we refer patients from a dispensary to a hospital, and not from a hospital to a dispensary! Could he also consider supporting the hospital in Laisamis Constituency, so that it stops referring patients to the dispensary in my constituency?

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, I also find it odd that patients are referred from a hospital to a dispensary. The background information I have is that patients in this area are referred to Maralal District Hospital and Wamba Mission Hospital. I am not aware of what the hon. Member is talking about.

**Dr. Manduku:** Mr. Deputy Speaker, Sir, Arsim Lutheran Dispensary is a mission dispensary. I have heard the Assistant Minister say that the hon. Member can use part of his CDF money to develop that dispensary, which is a private health facility. Why should the Ministry not put up a Government dispensary or health centre, so that the hon. Member can use CDF money to construct a maternity unit as an additional facility? This is not a Government dispensary, but a private dispensary!

**Dr. Kibunguchy:** It is not correct to say that this is a private hospital. This is actually a faith-supported facility. The Ministry has a policy of assisting facilities throughout the country that are run by churches or faith-based organisations. This is one of the facilities we assist. We have posted two Kenya Registered Community Health Nurses, two Enroled Community Health Nurses and one laboratory technician to this facility. We also give this health facility drugs. So, it is not true to say that it is purely a private facility.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, we are being treated to a talk every morning and afternoon whenever there is a question about use of CDF money to do what the Government should be doing with 97 per cent of Government revenue. It is the responsibility of the Government to construct hospitals. Could the Assistant Minister tell us why his Ministry has not come up with a formula for supplying CDF-built health facilities with equipment and personnel? In my

constituency, I have four health facilities and the Ministry has refused to register them. The area Medical Officer of Health has said that there is a directive from the Ministry that has stopped them from discussing these projects.

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, I will take some time to explain this matter. First, my Ministry has not stopped supporting facilities built with CDF money. Instead, my Ministry is extremely appreciative of what Members of Parliament have done in supplementing what we are doing. Secondly, I would like to ask Members of Parliament to liaise with the District Medical Officer of Health and District Public Health Officers whenever they start construction of any health facility. Reports to us should also go through the District Development Committee, which is a body that is still being used. Once the DDC forwards to us such health facilities, we will register them. It is only after they are registered that we shall send personnel, equipment and drugs to them. Thirdly, I would like to tell this House, for general information, that the Ministry's records show that there are 800 health facilities throughout the country that have been built through the CDF. Six hundred of these have been completed and we have received documents on them. We will register them immediately we finish hiring health workers, which we are doing currently.

**Mr. Lesrima:** I am happy with this answer.

*Question No.439*

ESTABLISHMENT OF SODA ASH  
PROCESSING PLANT

**Mr. Deputy Speaker:** Mr. Kihara Mwangi. Is Mr. Kihara Mwangi here? Could someone tell Mr. Kihara Mwangi to ask his Question?

**An hon. Member:** Mr. Deputy Speaker, Sir, he is not here.

**Mr. Deputy Speaker:** I saw a head that looked like his somewhere over there! In the absence of Mr. Mwangi, this Question is dropped

*(Question dropped)*

*Question No.163*

DELAY IN PAYMENT OF BENEFITS  
TO MRS. JANE ODUOL

**Mr. Ndolo** asked the Minister for Information and Communications:-

(a) why Mrs. Jane Oduol (Personal File No.53219) has not been paid her benefits for the years she worked at the former Kenya Posts and Telecommunications Corporation;

(b) how much money is due to her, having worked for over 22 years; and,

(c) what measures he is taking to ensure that Mrs. Oduol is paid her benefits.

**The Assistant Minister for Information and Communications** (Mr. Were): Mr. Deputy Speaker, Sir, I beg to reply.

(a) According to the records held by the Postal Corporation of Kenya, Mrs. Jane Auma Oduol, who was officially known as Mrs. Jane Auma Ohato, was paid all her benefits upon retirement in the year 2003.

(b) The amounts due to the retiree, according to her terms and conditions of service were as follows:

(i) Entitlement from Postal Corporation of Kenya Staff Provident Fund - Kshs44,279.80

and,

(ii) Terminal leave benefits - Kshs4,940.00. Thus the total amount paid to the retiree was therefore, Kshs49,219.80

(c) As far as we are concerned, all retirement benefits due to Mrs. Jane Auma Oduol were fully paid and there are no outstanding payments to be made.

**Mr. Ndolo:** Mr. Deputy Speaker, this issue of workers being paid after we ask Questions has been a routine in this House. However, Mrs. Oduol worked for 22 years but she was paid less than Kshs50,000. Could the Assistant Minister tell this House what her salary was before she retired?

**Mr. Were:** Mr. Deputy Speaker, Sir, first, I would like to say that the payment to this retiree was made in 2003 and not after this Question was asked. This lady was employed in 1980 and got married in 1982. In 1990 she was refunded whatever she had contributed in 1990. On 24th October, 1990 the total amount that she had contributed was refunded to her. In 2000, the Provident Fund was reintroduced in the Kenya Postal Corporation, and she contributed to it between 2000 and 2003. So, the payment of Kshs44,279.80 was for the three years during which she made contributions.

**Mr. Deputy Speaker:** That is a very comprehensive answer. Mr. Ndolo, you may now ask your last question.

**Mr. Ndolo:** Mr. Deputy Speaker, Sir, for the benefit of the House, could the Assistant Minister lay on the Table of the House documents showing the amount of money which was paid to Mrs. Jane Oduol during that time?

**Mr. Were:** Mr. Deputy Speaker, Sir, I have the documents here signifying all the payments that were made to her. They are payment vouchers for her contributions between 2000 and 2003 and the previous payments between 1980 and 1990.

*Question No.222*

ALLOCATION OF MONEY TO MAKUENI  
FOR PURCHASE OF LIVESTOCK

**Mr. Deputy Speaker:** Mr. Ndambuki is not present. This Question is dropped!

**The Minister for Livestock and Fisheries Development (Mr. Munyao):** On a point of order, Mr. Deputy Speaker, Sir. The House might need some guidance from you. As you know, it is very expensive to prepare some of these answers. It costs the taxpayer a lot of money for us to prepare these answers. Our vehicles have to go to the areas in dispute and so on. What will we do when an hon. Member subjects the Government to such costly endeavours and then he or she does not appear in the House to ask the Question?

**Mr. Deputy Speaker:** Mr. Minister, the hon. Member has already been punished by his Question being dropped. That is punishment enough. In any case, this is just one side issue where a Member has missed to ask his Question. We have had occasions where Ministers have not turned up to answer Questions. In fact, this morning a Minister was not present in the House to answer a Question. The hon. Member who asked the Question, or the public for that matter, must have spent money towards that.

The Question is dropped, but I still want to urge hon. Members to be always present to ask their Questions.

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

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

**Mr. Maore:** Mr. Deputy Speaker, Sir, we wanted to plead for your indulgence so that we defer this Question until next time because Mr. Ndambuki is out of town. He actually left for



Moyale yesterday.

**Mr. Deputy Speaker:** Mr. Maore, out of town is not out of the country.

**Mr. Maore:** Mr. Deputy Speaker, Sir, he pleaded that we ask for it to be deferred.

**Mr. Deputy Speaker:** There is provision for that. He ought to have seen the Chair or made arrangements for somebody else to ask the Question for him. Therefore, the Question stands dropped!

*(Question dropped)*

*Question No.265*

FAILURE BY HEADTEACHERS/PTAS  
TO COMPLY WITH FEES GUIDELINES

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, can I ask the Question on behalf of Mr. Kajwang?

**Mr. Deputy Speaker:** No! You are standing up simply because the Question is Mr. Kajwang's. I am sure you were not requested by the hon. Member to ask the Question on his behalf. If, indeed, that was the case, you would have drawn my attention to that fact earlier.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, he actually told me that he would be late and so I could ask the Question on his behalf.

**Mr. Deputy Speaker:** You ought to have informed the Chair!

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I am sorry about that.

**Mr. Deputy Speaker:** Go ahead then!

**Mr. Midiwo,** on behalf of **Mr. Kajwang,** asked the Minister for Education:-

(a) if he is aware that certain Headteachers of secondary schools in cahoots with Parents Teachers Associations (PTAs) and District Education Boards (DEBs) conspired to beat the Ministry's guidelines on fees by:-

- (i) publishing two fee structures, one for public consumption and the other between the parent and the school administration;
- (ii) introducing numerous projects charged annually outside the prescribed fees;
- (b) if he is further aware that this is a conspiracy of the rich against the poor; and,
- (c) what steps the Government is taking to contain this mischief.

**The Assistant Minister for Education (Dr. Mwiria):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I have no evidence to suggest that some headteachers of secondary schools, in cahoots with PTAs and DEBs, conspired to beat the Ministry's guidelines on fees.

(b) I am further not aware that this is a conspiracy of the rich against the poor.

(c) The Government has taken a number of steps to ensure that parents are not exploited by school administrators.

The steps are:

(i) Issuing annual fee guidelines for various types of schools, that is, national schools to day schools.

(ii) Directing school headteachers in public institutions to observe the fees guidelines and avoid arbitrary increases by charging extra levies.

(iii) Issuing guidelines on how to charge extra levies and emphasising on the process through which that must go before it is approved, that is, through the DEBS and so on.

(iv) We have asked the BoGs to co-opt the PTA's chairperson, treasurer and a member of the school BoG to act as watchdogs on behalf of the parents.

Mr. Deputy Speaker, Sir, those are the measures that have been taken and we are all concerned about arbitrary increases.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I do not know where the Assistant Minister lives. I pay school fees for a few secondary school children and it is common knowledge that the school fees that are shown in the fee structures vary to the tune of Kshs5,000 a year. We know that the Ministry has taken measures, but they are not enough. Some of the headteachers have come from that corrupt past and they are not willing to change things. Could the Ministry compel the headteachers to advertise the school fee structures so that it is no longer a secret and is not changed? Could the Ministry also spell out clearly the punishment for any attempt to alter the school fee structure during the year?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, the hon. Member knows where I live. We experience the same conditions.

We have actually published the school fees guidelines. We have also insisted that when young people are admitted to secondary schools, the school fees guideline must go through the District Education Officers (DEOs) so that they can check the extent to which the fees have been increased.

Mr. Deputy Speaker, Sir, we also insist that any increase in school fees must be approved by the PTA and the DEB. That information should then be passed to the Ministry for approval. It is also up to Members of Parliament to insist that DEBS are established to ensure that no increases are approved because they only serve to prevent many poor children from attending school.

With regard to punishing school headteachers, if we find out that they have increased school fees arbitrarily, disciplinary action is taken against them. We, however, must have proper evidence which has been proven by the BoG, PTA and the DEB. However, if the hon. Member knows of any cases where there have been arbitrary increases, he should let us know and then we shall take appropriate action against that headteacher.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, could the Assistant Minister consider compelling the DEOs to publish periodical reports on those schools that have a habit of varying the school fees during the year? Members of Parliament cannot participate in those several meetings where these people connive to increase school fees thereby hurting the poor parents of this country.

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, I will be quite happy to ask DEOs to ensure that all parents know what the various school fees guidelines entail. What I meant by saying that hon. Members must be there is that at the DEB level, decisions are made as to whether or not to increase school fees. If we are there, we can always avoid a situation where there are increases that make it impossible for poor kids to attend secondary school. We agree that we should continually publish these guidelines so that all of us are aware of what should be paid in every school.

*Question No. 271*

TARMACKING OF CHABERA-CHEBILAT ROAD

**Mr. Masanya** asked the Minister for Roads and Public Works:-

- (a) when the Chabera-Chebilat Road will be tarmacked; and,
- (b) whether the designs have been completed.

**The Assistant Minister for Roads and Public Works (Eng.Toro):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The tarmacking of Chabera-Chebilat Road will begin once the design is completed. The design work was initially expected to be completed in March, 2007. My Ministry has allocated additional funds for the completion of the above works during the 2006/2007 Financial Year. As

soon as the design work is completed, the proposals for construction will be made.

(b) The design work on the Chabera-Chebilat Road are on-going. The work is programmed to be completed in March next year. The contract for consultancy services for both the preliminary and detailed engineering design was awarded in March, 2005. The design work commenced on 8th July, 2005.

**Mr. Masanya:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. But this same Question was brought before this House about two years ago. My question is: How long does a design for a road take to be completed?

**Eng. Toro:** Mr. Deputy Speaker, Sir, when the Question was asked two years ago, we were in the process of identifying a consultant to do the design, and Otieno Odongo Consulting Engineers were commissioned to do it. But, sometimes, the design engineers take longer time than anticipated. That is one of the engineers who is taking longer time to do the design of that particular road. But as I said, if you look at the district Estimates, it is part of the Sotik-Ikongé-Sondu Road that is provided for in the Estimates.

**Mr. Gitau:** Mr. Deputy Speaker, Sir, what plans do they have to repair roads in areas that are not represented by Ministers and Assistant Ministers? All the money in this Financial Year has been allocated to areas represented by Ministers and Assistant Ministers! For example, the money for Murang'a has been allocated to Kangema. The money for Maragwa has been allocated to Eng.Toro's Constituency. The money for Thika District has been allocated to Mr. Kenneth's constituency. How do they expect to construct roads if there is no money allocated to other constituencies?

**Eng. Toro:** Mr. Deputy Speaker, Sir, I do not know what question I am supposed to answer because he is just complaining!

**Hon. Members:** No! He is not complaining!

**Mr. Keter:** Mr. Deputy Speaker, Sir, the Assistant Minister has clearly said that, that road is called Sotik-Ikongé-Sondu. But in the current Estimates, that road is shown to be in Kericho District. That is why they are lying to us that Kericho District has been allocated Kshs3 million. Could he confirm that, that road is not in Kericho District?

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

**Mr. Deputy Speaker:** Mr. Gitau, the procedure is--- A question has been asked! What is your point of order?

**Mr. Gitau:** On a point of order, Mr. Deputy Speaker, Sir. You have heard the Assistant Minister say that I am complaining! I am not complaining! It is a matter of fact. I have asked him: How does he expect to construct roads in areas that are not represented by Ministers or Assistant Ministers?

**Eng. Toro:** Mr. Deputy Speaker, Sir, if you look at the Estimates, there are many roads that are going to be constructed in areas where Members of Parliament are not Ministers or Assistant Ministers. The road in question now - Sotik-Ikongé-Sondu Road - falls in an area where no Member of Parliament is a Minister or an Assistant Minister!

**Mr. Deputy Speaker:** What about Mr. Keter's question? Sorry, maybe, I would have asked you to answer the two questions. Could you now ask your question, Mr. Keter?

**Mr. Keter:** Mr. Deputy Speaker, Sir, the Assistant Minister has clearly said that, that road is called Sotik-Ikongé-Sondu. Why has that road been indicated as being in Kericho District? In fact, it does not pass through Kericho District at all!

**Eng. Toro:** Mr. Deputy Speaker, Sir, if it does not pass through Kericho District, maybe, that is a mistake. But the road itself is not a mistake. The road exists and it is C22. Maybe, there is a mistake in placing it under Kericho.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead Kenyans in the Printed Estimates for the districts? There are so many errors! Many roads that are in Nandi District have been placed in Uasin-Gishu District. There is a total mess all over the country. Is he in order? Could he withdraw that districts booklet and print it again, so that it could give us proper information? That way, we will not ask many questions.

**Mr. Deputy Speaker:** Mr. Sambu, I am aware that the debate on that Vote will commence in the afternoon. You could raise that matter then. But, be that as it may, I think there is a point of order. Could you respond to that point of order?

**Eng. Toro:** Mr. Deputy Speaker, Sir, the fact of the matter is that roads are not like hospitals or schools. Roads traverse districts and constituencies. Sometimes, we do not know where to put the roads in the districts. They have to be put in a certain district. But where a road does not traverse a district and it is put there, that is a mistake which could be rectified. But the road, itself, wherever it is placed, is not a mistake. It will be constructed.

**Mr. Muturi:** Mr. Deputy Speaker, Sir, the Assistant Minister, in his response to part (a) of the Question, has blamed the delay on the completion of design work. Is he satisfied that the Kshs3 million that has been allocated to that district in the current Printed Estimates is enough to even complete those designs?

**Eng. Toro:** Mr. Deputy Speaker, Sir, I said that the design is expected---

*(Loud consultations)*

Mr. Deputy Speaker, Sir, if the hon. Member could care to listen to my answer, I said that the design work will be completed in March, next year! By March next year, we shall have gone through the Supplementary Estimates and if---

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

**Mr. Deputy Speaker:** No! Order, Mr. Sambu! If you continue like that, you will be declared disorderly! Could you relax?

Continue, Mr. Assistant Minister!

**Eng. Toro:** Mr. Deputy Speaker, Sir, as I said, we have been having a problem with the consulting engineer who is doing that design. If he pulls up his socks and finishes by March next year, we will be able to allocate more funds in the Supplementary Estimates. So, that is not the problem. He is now continuing with the design work and once he is through, we will commence the tendering process.

**Mr. Deputy Speaker:** Last question, Mr. Masanya!

**Mr. Masanya:** Mr. Deputy Speaker, Sir, I think the Assistant Minister is conducting a public relations exercise with this Question. I feel he is not being fair to me because he is repeating the answer that he gave two years ago. That road is very important because it connects many regions in our country. It is being used by farmers---

**Mr. Deputy Speaker:** Mr. Masanya, ask your question!

**Mr. Masanya:** Mr. Deputy Speaker, Sir, could the Assistant Minister consider murraming that road for the sake of farmers who transport perishable goods? Could he consider murraming that road while we wait for those stories to materialise?

**Eng. Toro:** Mr. Deputy Speaker, Sir, we are designing that road to bitumen standards. There is no way we are going to put gravel on that road before we do the bitumenization. However, if the leaders in that area agree that they want the road to be gravelled, we will change the design and have it gravelled!

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

*Question No.478*LACK OF DUMPING SITE IN  
RUIRU MUNICIPALITY

**Mr. Gitau** asked the Minister for Local Government:-

- (a) whether he is aware that Ruiru Municipality has no dumping site and that residents dump garbage in open fields within residential areas in Murera, resulting in the spread of air-borne diseases and exposure of harmful materials to children; and,
- (b) what action he is taking to rectify this problem.

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

(a) I am not aware that the Municipal Council of Ruiru does not have a dumping site. But I am aware that the current dumping site, as it stands, is an environmental hazard and a health risk to the nearby residents.

(b) The council appointed a sub-committee on 9th June, 2005 to look for an alternative dumping site with an offer to purchase the land. Meanwhile, the council has resolved to rehabilitate the dumping site by putting in place mechanisms to make it less risky in terms of the health of the residents, and more environmentally-friendly by fencing the site and use of chemicals to reduce the smell.

**Mr. Gitau:** Mr. Deputy Speaker, Sir, the Assistant Minister agrees that this is an environmental hazard. He talks about the current dumping site, but there is none. People are dumping garbage in residential areas in Murera Estate. Could he confirm to this House that Ruiru Municipal Council had a site marked for garbage dumping which was sold to an Asian company?

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, that information is not available to me. If the hon. Member would furnish that information to the Ministry, we will be ready to help.

**Mr. Maore:** Mr. Deputy Speaker, Sir, in Ruiru Municipality, and many other local authorities in the country, what has the Ministry done to ensure that they use incineration or any other civilized methods of treating waste? In Maua Town, for example, there is no plan or any intention by the Ministry to do anything about waste management or even water and sewerage. What comprehensive plans are there to take care of this menace?

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, we have instructed all our local authorities to set aside land for solid waste disposal. For the case of Ruiru Municipal Council, we have set aside Kshs5 million this financial year for the purchase of land to be used for solid waste management.

**Mr. Deputy Speaker:** Last Question, Mr. Gitau!

**Mr. Gitau:** Mr. Deputy Speaker, Sir, this is a very serious matter. Ruiru Municipal Council is dumping garbage within residential areas, and not in a dumping site. If you go there in the morning, you will find children playing with used condoms and sanitary towels. This is a health hazard! Could the Assistant Minister undertake to have this stopped with immediate effect?

**Mr. Deputy Speaker:** Mr. Assistant Minister, that appears to be a serious matter!

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, as I said, we have instructed the Ruiru Municipal Council to fence off that area, so that it is not within the reach of children who play around that area. At the same time, the municipal council has set aside funds this financial year to purchase land for solid waste disposal.

**Mr. Deputy Speaker:** We will now go back to the Question by Private Notice by the

Member of Parliament for Rangwe Constituency!

### QUESTION BY PRIVATE NOTICE

#### INSECURITY IN RANGWE DIVISION

**Eng. Okundi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that on 26th May, 2006 armed thugs attacked and seriously injured about 15 people in Namba Nyokal, in Gem East Location, Rangwe Division of Homa Bay District?

(b) What steps has he taken to bring the culprits to book?

(c) When will police posts be put up at Namba Nyokal and Onyege Market Centre in Kagan East to beef up security?

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

(a) Yes, I am aware that on 26th May, 2006, armed thugs attacked and seriously injured people in Namba Nyokal in Gem Location.

(b) Reports were made and investigations carried out and a total of eight suspects were arrested. They were all charged with the offence of assault and causing actual bodily harm, in Migori Law Courts, vide Kamagambo CR617/121/06, Court file No.787/06 and 831/06. The hearing date is actually today, 19th July, 2006.

(c) There are no immediate plans to put up a police post in Namba Nyokal and Onyege Market Centre in Kagan East, since the areas are currently adequately served by Rangwe Police Post. However, plans are underway to post more security personnel to Rangwe Police Post immediately residential houses under construction at the post are complete.

**Eng. Okundi:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the reply to parts "a" and "b" of the Question. However, with regard to part "c" of the Question, there is no "Rangwe Police Post." This was approved to be built, but the land was just fenced off. It has been left lying idle for two and a half years. So, the answer by him that the two areas are being served by Rangwe Police Post officers is erroneous. Could he clarify quite clearly what he really means? Otherwise, I would invite him to visit the area and see for himself the extent of insecurity.

**Mr. Kingi:** Mr. Deputy Speaker, Sir, as far as I am concerned, there is a police post at Rangwe. The hon. Member, however, says there is none. This is a serious matter and there is no reason, for me, to doubt him. I undertake to verify this information by actually visiting the place to find out for myself whether the police post is there or not, so that we can take appropriate action.

**Mr. Deputy Speaker:** The hon. Member says that buildings are there, but there cannot be a police post if it is not manned. What is the position?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, as far as I am concerned, there is a police post. We are trying to upgrade it by constructing more houses. However, the hon. Member says that there is no police post. So, this is what I need to clearly get from him.

**Mr. Manoti:** Mr. Deputy Speaker, Sir, insecurity is very bad now. Most of the thugs have moved from urban centres to the rural areas, where they are not getting any resistance. Could the Assistant Minister consider sending more Administration Police officers to the rural areas to protect people? So many people have their lives lost because of the thugs who are not controlled.

**Mr. Kingi:** Mr. Deputy Speaker, Sir, there is already an arrangement that, where we can provide housing for the Administration Police officers in locations, we send them there immediately. If hon. Members could assist us to identify appropriate housing for the Administration Police officers and report to us, we will definitely send them there.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, there is no need of having a police post as a building without the personnel. The Assistant Minister should provide personnel at the police post. We are not asking for buildings, but for the police officers to be stationed at the Rangwe Police Post. Could he confirm or deny that majority of police officers who have overstayed in Homa Bay District are those who are colluding with the thugs within the district?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, whenever we get a request that a police post should be established at any point, we undertake to do so if there is adequate housing for the police officers. Of course, we have to work together. On the allegation that police officers are working with thugs, as we have always said, if there is any evidence to confirm this, then let us be told and we will take the necessary action. I cannot say it on a flat board that all police officers are working with us. Many of them are not doing so.

*(Several hon. Members stood up  
in their places)*

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

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

**Mr. Deputy Speaker:** No!

Last question, Eng. Okundi!

**Mr. Gitau:** On a point of order, Mr. Deputy Speaker, Sir. It is very important!

**Mr. Deputy Speaker:** Order! Order, Mr. Gitau! I have just given you time to raise numerous points of order and questions about Ruiru. Let Eng. Okundi finish asking his question!

**Eng. Okundi:** Thank you, Mr. Deputy Speaker, Sir. This Question is very explosive because the security situation in the area is very serious. Could the Assistant Minister visit the area? I will take him there. There is no police station there. It is just a small fence and there is nobody there. So, people are just killing one another. They say that there is security. There is no security, and I can confirm that!

**Mr. Kingi:** Mr. Deputy Speaker, Sir, I want us to get one thing clear; we are talking about a police post and not a police station. I am aware that there is no police station there, but there is a police post. That is the one we have undertaken to verify. He has said that there is no police post there and I know it is there. I undertake to verify whether there is a police post there including visiting the area to verify the position on the ground.

**Mr. Deputy Speaker:** I think that is reasonable. The hon. Member will liaise with the Assistant Minister and they will arrange to verify.

That is the end of Question Time!

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

**Mr. Deputy Speaker:** About what?

**Mr. Gitau:** Mr. Deputy Speaker, Sir, you heard the Assistant Minister tell the House that he does not know that policemen collude with thugs, yet two of their policemen, namely Margaryan and Sargasyan, who are Deputy Commissioners of Police, were doing dirty things in this country!

*(Laughter)*

**Mr. Kingi:** On a point of order, Mr. Deputy Speaker, Sir. As far as I am concerned, none of my police officers collude with thugs. I want to put it on record that the persons he is talking about

are not police officers. Let us not politicize this issue.

Thank you.

**Mr. Deputy Speaker:** Well, that is the end of Question Time!  
What is it, Mr. Mwanicha?

### POINT OF ORDER

#### STATUS OF *PROSOPIS JULIFLORA* AKA "MATHENGE"

**Mr. Mwanicha:** Thank you, Mr. Deputy Speaker, Sir. Last week on Wednesday, I stood on a point of order to request the Minister for Environment and Natural Resources to issue a Ministerial Statement regarding a plant called *Prosopis Juliflora*, that has caused blindness to my people and also caused their limbs to be amputated.

**Mr. Deputy Speaker:** Yes, Mr. Mwanicha raised that matter. Is the Minister for Environment and Natural Resources around?

**Mr. Mwanicha:** Mr. Deputy Speaker, Sir, neither the Minister nor the Assistant Minister were here last week when I raised the point of order. Could they be removed so that we can get people who want to work?

**Mr. Deputy Speaker:** Mr. Mwanicha, you know that is not the work of the Chair. I can only ask the Clerk of the National Assembly to remind the Minister for Environment and Natural Resources to issue the Ministerial Statement that was sought by you in connection with the plant that is causing problems to humans and animals. The Clerk of the National Assembly will do that.  
Next Order!

### MOTION

#### INTRODUCTION OF COMMUNITY HOUSING RE-INVESTMENT BILL

THAT, in view of the acute shortage of housing and high mortgage rates in the country; cognizant of the fact that shelter is a basic human right; aware that very few Kenyans can afford to pay for decent housing; this House calls upon the Government to introduce a Bill for an Act of Parliament entitled the Community Housing Re-Investment Bill to provide for the establishment of a Fund from which low income earners can acquire loans to develop houses of their own or purchase existing ones at low interest rates.

*(Mr. J.M. Mutiso on 12.7.2006)*

*(Resumption of Debate  
interrupted on 12.7.2006)*

**Mr. Deputy Speaker:** Who was on the Floor? Mr. Muturi, you have six minutes.

**Mr. Muturi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I think for us to appreciate the spirit of this Motion, we need to consider the part that says: "The Mover is asking the Government to introduce a Bill for an Act of Parliament entitled the Community Housing Re-Investment Bill". The catchword here is "Re-investment".



*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Order, hon. Members! We cannot hear hon. Muturi! Order, Maj-Gen. Nkaisserry! You should be disciplined, Maj-Gen. Nkaisserry! Those hon. Members who wish to withdraw may do so quietly, please!

**Mr. Muturi:** Hon. Munyao, who is expected to prepare an answer, should now listen!

Mr. Deputy Speaker, Sir, the idea of this fund is a most welcome one. The existing housing schemes and funds which are managed by commercial banks and organizations such as the Housing Finance Company of Kenya (HFCK) are too expensive for low income earners. It must be appreciated that hon. J.M. Mutiso is specific that this Fund should be for low income earners. I remember this point because we know for a fact that there exists a civil servants housing scheme, but it is only amenable to high income earners and senior civil servants. I think it is not fair that we should have discriminatory approaches to housing in this country. Even junior civil servants and other low income earners within the country should have access to a Fund that will enable them to put up or purchase houses at a cost that is affordable to them.

Mr. Deputy Speaker, Sir, I talked about the example of the Kibera Housing Scheme. I am aware that the Ministry is setting up a fund to help the residents of Kibera slums. But for over a decade now, there has been an ongoing plan to upgrade the houses within the Mathare slum area. To date, there is nothing tangible that can be said to have happened primarily because the approach has not been proper. The approach has not been to identify clear sources of cheap funds for the residents of Mathare slums and such like schemes. The spirit of this Motion is to request the Government to identify such sources of cheap funds to enable a majority of Kenyans who are low income earners, to access funding for purposes of putting up houses.

*[(Mr. Deputy Speaker left the Chair)]*

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

Mr. Temporary Deputy Speaker, Sir, I also said that it is high time the Government borrowed a leaf from Parliament. The Parliamentary Service Commission, through the Parliamentary Mortgage Scheme, has set an example.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Order, hon. Members! I am sure you would like to hear the hon. Member on the Floor!

**Mr. Muturi:** Indeed, Mr. Temporary Deputy Speaker, Sir, as I was saying, the Parliamentary Service Commission Housing Mortgage Scheme, which is amenable not only to hon. Members but also to all cadres of staff within the Parliamentary Service, is one such example. Within the scheme, the low income earners who are employees of the Commission, have access to cheap financing. Indeed, I think it is Parliament that is now leading by example. All that this Motion is doing is to ask the Government to follow suit since Parliament leads and others follow; like the Government.

Mr. Temporary Deputy Speaker, Sir, I would like to request the Government, particularly my good friend, the Minister, not to read any mischief in the proposal. It is a proposal that is well-intentioned, especially appreciating the fact that housing and shelter are secondary human rights. If

you recall, in the Draft Constitution that was rejected, there was a provision that shelter is a basic human right though a secondary human right. Therefore, we must pick up the bits from here and there and do some good to the majority of our people. We should not make it so difficult for people to access credit. We should look for money to lend to our people on easy terms. Even if we are to begin with little sums, we should build on it so that the majority of Kenyans can benefit from the scheme.

With those many remarks, I beg to second the Motion.

*(Question proposed)*

**Mr. ole Metito:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate. I rise to support the Motion, which addresses the issue of shortage of housing and high mortgage interest rates charged by financing institutions in the country. I would like to address myself to the issue of high mortgage interest rates.

Mr. Temporary Deputy Speaker, Sir, shelter is a basic human right, and not a secondary human right. In order for an individual to acquire a house in this country he or she must be a high income earner. No wonder one-third of our population does not have access to decent and affordable housing. This is because 56 per cent of our population live below the poverty line. Poverty and lack of housing are not the same, but there is correlation between the two.

We have three operational building societies in Kenya namely: The National Housing Finance Corporation, the East African Building Society and the Savings and Loan Mortgages. What is making it difficult for low income earners to access mortgage financing in this country is the lending criteria used by these institutions. All the three building societies operate in the same manner.

Mr. Temporary Deputy Speaker, Sir, in order for one to be considered for a housing loan, one is required to maintain a mortgage-related savings account with the institution and maintain a certain minimum balance prescribed by that institution. This requirement only favours high income earners. Another hindrance to getting housing finance in this country is a requirement to have a legal charge drawn on an applicant's title deed in favour of the lending institution. The loan will only be released to a successful applicant only after such a charge has been registered.

It is very difficult for low income earners to own land in this country, even after having a title deed charged in favour of a lending institution. Housing finance institutions also require that the loanee should have a particular minimum balance of money in his or her account in advance, in order to determine the borrower's ability to repay the loan. They insist that a loan should not exceed three times the annual disposable income of the borrower. This condition only favours people who earn a decent income.

Mr. Temporary Deputy Speaker, Sir, other institutions like the East African Building Society only advance housing loans to persons with decent income. They also expect borrowers to pay Stamp Duty, legal fees and other consolidated fees, bringing the cost to about 5 per cent of the sum being borrowed. Sometimes you may be asked to make a down payment, which you may not be able to.

The other requirement that makes housing finance inaccessible includes paying a deposit or contributing an equity of between 10 per cent and 30 per cent of the value of the property one intends to buy. If an applicant intends to use the loan to put up his own house, he must acquire the land and obtain a title deed. That makes the venture even more expensive. This means that more than 56 per cent of our people living below the poverty line cannot access decent housing.

Mr. Temporary Deputy Speaker, Sir, in urban areas especially, housing poverty, as I said, has a correlation with income poverty, considering that rents and mortgage repayments are high if

related to income ratios. So, housing finance institutions in this country have failed to reach their target group in their effort to provide housing through low interest loans. Once we pass this Motion and, subsequently, enact the Bill into law, the micro-financing being envisaged will enable low income earners to access subsidised financing to put up or buy their own houses. The funding that will follow will also accelerate construction of houses being undertaken by middle level income earners, who are the majority.

Mr. Temporary Deputy Speaker, Sir, existing housing finance institutions have innovations but they all need systematic scaling up. If that is done, it will be necessary to have a housing scheme that will make a real impact on availability of housing for low income earners in this country.

Mr. Temporary Deputy Speaker, Sir, we should bring down, to an affordable level, the deposit required by existing housing finance institutions from someone who wants to purchase a house. We should also get rid of the fact that one has to prove that they have a dependable income, so as to qualify for a loan. Most of the people targeted by the housing financial companies have no income at all. The requirement of a satisfactory collateral, as proof of owning property when acquiring a mortgage, is not good because most people do not own pieces of land, let alone having title deeds.

With those few remarks, I beg to support.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula); Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to contribute to this Motion. I do not know what the Minister for Housing intends to say regarding this Motion but it is intended to create policies which already exist. If you recall, last year, we passed a very comprehensive Sessional Paper which had all the good things that my colleague, Mr. J.M. Mutiso, is asking for. If you look at the National Housing Corporation and the Act establishing it, you will see that it was meant for the same purpose this Motion is intended. So, I do not know whether this is the right avenue to solve our housing problems.

Housing is definitely an issue which needs to be addressed. It is, as other hon. Members have said, a fundamental human right to have shelter. In this country, you only need to open a newspaper and see how many houses are auctioned everyday by mortgage undertakers. This is because we have not been able to control the rogue lenders in terms of interests and to what extent they should charge. If you borrowed a mortgage today, you would pay, but apart from you, your children and grandchildren would have to pay it because half the time you pay, you only cater for interest and the principal figure remains intact. It is important that as a country, we avail opportunities for housing. In most countries where welfare is taken seriously, you tax the rich to assist the poor. It is important that the National Housing Corporation, which falls under the Minister's docket, be re-energised to give interest-free loans to Kenyans to purchase low cost houses.

When we talk about housing, we are not only talking about provision of housing in Nairobi alone. Even people in Mbita need houses. They need houses and access to interest-free loan facilities to buy houses. Houses, water and other sanitation facilities must be available to Kenyans. We have seen through the Higher Education Loans Board Scheme that it is possible to have a fund, lend it out and have a payback which is interest-free and succeed in it. I am sure that if the Ministry of Housing placed a request for an approval from this Parliament, a fund would be set up. I do not believe that we need to proliferate the country with too many institutions. That fund can be run by the

National Housing Corporation and should have branches in every district so that persons who want to build affordable houses, even in rural areas, can access it. We are not talking about a lot of money. If you go to the countryside, with about Kshs150,000 to Kshs200,000, you can build a

decent house with corrugated iron sheets on top and a bathroom built in it. The fund could be spread to the whole country to assist *wananchi* in accessing good housing. It is absolutely important that the Ministry of Housing implements the provisions of the Sessional Paper that we passed here, which provisions replicate exactly what this Motion seeks to do.

With those few remarks, I wish to unconditionally support this Motion and say that even if we pass it, we should implement it using the already existing institutions and structures.

I support.

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Kajwang, proceed!

**The Minister for Housing** (Mr. Shitanda): On a point of order Mr. Temporary Deputy Speaker, Sir. I beg to move an amendment to the Motion, which I have already agreed upon with the Mover. The Motion seeks to ask Parliament to establish a housing re-investment deal---

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Minister, let me interrupt you by advising that since I had already given a chance to another hon. Member to speak, you will get your chance and move your amendment.

**Mr. Angwenyi**: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for another hon. Member to stand and contribute to a Motion which is supposed to be amended?

**The Temporary Deputy Speaker** (Mr. Poghio): The Motion still exists as it is. It has not been amended.

**Mr. Kajwang**: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to address this Motion as it is, although there is an amendment that the Minister wants to bring.

When the NARC Government took over in 2002, our promise was to create 500,000 units of houses per year. The only thing we did not tell this country is how we would implement it. I remember that the National Housing Corporation, which has the mandate that this Motion seeks to implement, came up with a very revolutionary idea. The revolutionary idea was that it would float housing bonds worth Kshs5 billion. The housing bonds would be traded in the Nairobi Stock Exchange to fetch Kshs5 billion for the National Housing Corporation to build housing units in this country. That proposal was given to the Treasury a year ago. The Treasury refused to accept it. So, there is no way we can fund affordable housing with taxpayers' money. There is not enough money to build enough housing units, redress the problems we have in our slums, build rural housing schemes and give money to the National Housing Corporation (NHC) to avail cheap loans to Kenyans. So, I thought that we must go back to where the NHC started, at the beginning of our term in the Government. We said that we must raise money from the public through housing bonds. That money would then revolve, like my good friend Mr. Wetangula said. If that money revolves, money realised from 500,000 units could build another 500,000 in a year, as we go along. Unless we go that route, I can tell you that the NHC will close down. They are now busy selling houses from which they have been collecting rent. They are not building any new houses. If they are building them, then it is for another market and not the cheap housing we are referring to. However small they build those houses, they will still cost Kshs4 million and above. So, I do not see how we can solve that problem with taxpayers' money and the little money that the Government gives to NHC.

The Nairobi City Council (NCC) used to build houses. Uhuru and Jericho estates are examples. The NCC stopped building houses in the 1960s. In all countries, it is the city councils which build city houses. But just go to the City Estates Department - which they call Housing Development Unit - and ask them to show you a single house that they have developed! They will tell you: "There is nil!" They are under-funded and they do not have any sources of revenue. So, unless we think of revamping the NHC, NCC and other municipalities by giving them money, we will not go anywhere!

Mr. Temporary Deputy Speaker, Sir, another terrible thing that is happening in Kenya is

that Kenyans are not facilitated to build houses. When the Government tried to do that in Kayole Estate and built roads and provided water and electricity, look at what Kenyans did! However bad Kayole is, at least, thousands of Kenyan workers can get a single room each. Kenyans can invest, if they are given facilities. Look at Kayole and Zimmerman estates. There are no roads or a sewerage system in Zimmerman. The people have done a tremendous job by putting up very decent houses there. If Kenyans can offer to develop, why do you not give them roads? Why do you not give them a sewerage system? Why do you not give them water? Unless the Government does that, nobody is going to be encouraged to invest in housing.

The third problem is: If NHC is still going to buy land to develop houses, then the cost of the house must reflect the cost of land. Why should Kenyans buy land when they want to develop, so that they can build houses? Why can the Government not give land to an investor? Why did the Government give land, especially in the last regime, to speculators? You give me land, I tell you I am going to develop a housing estate and then, I sell it before I develop it. The person who buys it also sells it before he develops. He sells it with the consent of the Commissioner of Lands. So, unless we are serious with our housing efforts--- Give free land! If there is no free land, the Government must buy that land, construct the roads, put up sewerage systems and supply water and electricity. It should also give Kenyans loans to build houses. You can get that loan from the same Kenyans by issuing housing development bonds. Unless we take those steps, we are not serious about housing. Why did the Treasury throw away the NHC proposal to raise Kshs5 billion? It is just because they did not like the face of the person who was running NHC. The Minister just looked at him and said: "How can a Luo give us a proposal of Kshs5 billion?" The Luo was a good architect and thinker. He was not doing it for himself. He was doing this country good by getting money from Kenyans and putting it into an investment that would help Kenyans. Let us stop thinking of who is doing what. Let us look at the proposals that can help Kenyans.

I know that the Minister is good and he is very focused. I also know that he wants this country to build some housing units, even if we do not get 500,000 units. I want to ask him to go back to the idea of housing bonds. Tell the Cabinet that we do not want to buy land. We want to develop houses and, therefore, we should be given a free land. I do not even know why we have to keep so many animals near the City here, and call it a national park. There are enough national parks in this country. We can develop that piece of land. I saw some houses near the national park. They have been there for the last 20 years. I do not know who was developing them. It might be the Kenya armed forces. We should put some money there and complete those houses. It is a shame to see some houses that have remained incomplete for the 10 to 15 years, when we only need, maybe, ten per cent of the value to finish them and get some people to occupy them. I have seen some houses near the War Memorial Hospital that look very bad. Those houses are almost complete. If you cannot complete them, please, give them to me for free. I will complete them and rent them out. I would become a millionaire very soon. Please, do something about it. It is not fair for a Third World country to watch that kind of money go to waste, when we need houses. That is especially when that project is next to Kibera, which is the biggest slum in Africa. May God bless you. Do something about that.

With those remarks, I beg to support.

**The Minister for Housing** (Mr. Shitanda): Mr. Temporary Deputy Speaker, Sir, as much as I want to support this Motion, I would like to move an amendment. Whereas this Motion seeks to have the House enact a Bill, most of the aspects that it is seeking have already been taken care of. We have discussed with the Mover of the Motion and agreed on the amendment that I am going to move.

Mr. Temporary Deputy Speaker, Sir, I would like to propose an amendment that---

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Shitanda, you are moving an

amendment! Just move it straightaway as it is!

**The Minister for Housing** (Mr. Shitanda): Mr. Temporary Deputy Speaker, Sir, I would like to move the amendment now!

I beg to move:-

THAT, the Motion be amended by deleting all the words appearing between the word "house" on the fourth line and "to" on the sixth line and substituting thereof, the words, "urges the Government".

So, that the Motion reads:-

THAT, in view of the acute shortage of housing and high mortgage rates in the country; cognizant of the fact that shelter is a basic human right; aware that very few Kenyans can afford to pay for decent housing; this House urges the Government to provide for the establishment of a fund from which low income earners can acquire loans to develop houses of their own or purchase existing ones at low interest rates.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula) seconded.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, I rise to support that amendment. We should have a fund from where ordinary Kenyans can access funds at low interest rates and develop their own houses.

This is very important because interest rates in financial institutions which finance housing are very high. These loans are not easily accessible to the ordinary mwananchi. The terms of the loans are quite stringent and, therefore, if the Government could establish a fund from which Kenyans can access loans at low interest rates, this will be of interest to this country.

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**Mr. Balala:** Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion which you have just read. It is timely to

bring such a Motion which seeks to create a fund from where Kenyans can access funds to build shelter. Shelter is a human right and a basic human need. A famous poet once said: "A nation can only become a real nation if it can provide education, health and shelter". So, shelter is paramount in the lives of Kenyans.

We have the largest slum in Africa. Some of us are ashamed to know that Kenya has the largest slum in Africa, namely, Kibera. I am glad my brother, hon. Shitanda, benefitted from the crisis of the Referendum and a political Ministry was established. I congratulate him.

**The Minister for Housing** (Mr. Shitanda): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to insinuate that I benefitted from the crisis of the Referendum when I belong to the side that lost during the Referendum?

**Mr. Balala:** Mr. Temporary Deputy Speaker, Sir, the Ministry of Housing was established after the Referendum and that is why I have said that he was a beneficiary of the Referendum. I congratulate him because I know he is a capable Minister.

However, I have some worries. In the last general elections, we, in NARC, promised that we would build thousands of houses. We promised to build 350,000 houses. We are used to always deceive our people. But nevertheless, has this Ministry built even a single house in the last three years? It was a department before, but I know that the Minister is putting a lot of efforts. However, nothing has happened so far.

I am aware of a proposal that was done to build low cost houses to replace Kibera, which is an embarrassment to this nation. Over US\$100 million was allocated to purchase land in Kitengela and Mlolongo, to build decent low cost houses. That money has disappeared and no land has been purchased. It is an obligation of the Government to provide land.

Mr. Temporary Deputy Speaker, Sir, we need to be serious in providing shelter for our people. Our people are living in abject poverty. The living conditions in the slums are pathetic. We have seen the transformation in South Africa. When you drive on their highways from the airport to their cities, you will find many low cost houses. No low income earner in Kenya can afford to buy an apartment worth Kshs4 million. Something has to be done. In the first world, this is called capitalism.

In the United Kingdom, if you are unemployed, you are paid a weekly allowance and if you do not have shelter, you are given shelter. These countries have now transformed themselves from capitalists to social democrats. We are believers of social democracy and we believe that we can deliver and balance issues for the sake of justice for our people. We should not allow the big fish to swallow the small fish. In this country, we have allowed this to happen. We have made banks to be even richer and I wonder what they give back to the community or to the nation. Some of these banks are foreign-owned and their profits go back to their mother countries. We have allowed businessmen who benefitted from the previous regime to own land which has been ditched out for political expediency. Today, these people have become millionaires because the development of houses has become a big business.

Mr. Temporary Deputy Speaker, Sir, this Ministry can work very well in conjunction with the UN Habitat, which is based in Kenya. It is unfortunate that the UN Habitat is based in Kenya and it does not have a local project in Kenya. This Ministry should be serious in providing shelter for our people. This fund should be created. All the housing proposals should be implemented, so that we can raise funds to provide shelter for our people. I do not believe that this Government does not have funds. This Government can have money to build a residence for the Vice-President, get involved in scandals and purchase military equipment as if we are going to war, and yet it cannot afford to build low cost houses for our people.

There can be incentives in the provision of shelter, for example, giving land for free, but why should we not create an Export Processing Zone (EPZ) model in this sector? The EPZ is

supplying clothing and apparels to the Americans while we in Africa wear *mitumba*. This is an embarrassment. Let us all be united and make sure that our people live in decent houses. If those houses are to be built, the Government is supposed to be a facilitator and not a barrier of development. It should provide sewerage systems, electricity, communication and roads.

Today, if we had a clear highway from Mombasa to Nairobi, some of us would not stay in Mombasa because it is congested. We can stay even in Voi and work in Mombasa, Athi River or work in Nairobi. If the highway was clear, Athi River, Voi and Mombasa would be a shorter distance. We spend two hours to drive from Kiambu to Nairobi. If the highway was clear, we can spend one hour to travel from Nairobi to even further than Athi River, and we should have decent housing for our people in those places.

I support the creation of this fund. Definitely, we should be pragmatic and realistic on interest-free loans. There is nothing for free, but if our people can access funds at a maximum interest rate of 3 per cent without political patronage, this will assist them. Political patronage and loyalty that is bought just with a wave of a note is what is killing this country. This is where the problem is.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion. First, I want to commend the Mover, hon. J.M. Mutiso, for bringing it. It now looks like this Parliament is trying to engage itself with matters that affect the poor.

Mr. Temporary Deputy Speaker, Sir, shelter is a necessity in life. Therefore, we must engage ourselves in providing proper and adequate housing for our people. All of us in this House should support the spirit of this Motion, if we are concerned about our people. Recently, the Government announced a policy of providing thousands of houses for our people, but they did not address the poor stratum of our society. If you go round the urban centres of this country, you will see shanties where people live in squalid conditions.

One of these days, I would like this House to hold one of its sittings in Kibera and see whether we can do it. In Kibera, you will find a family of eight people living in a single room with double-decker beds. That goes against African norms, where parents stay away from mature children. A normal person cannot eat in Kibera. I even wonder how those people live, yet they voted for this Government. Therefore, we must set up this fund and target specifically the low income earners. We could get money from the NSSF; money which is lying idle there and being misused by crooks. As you know, the construction of the NSSF building was supposed to cost Kshs1.2 billion, but it has now cost Kshs5 billion. The same applies to the NHIF Building, which was supposed to cost Kshs432 million, but it has escalated to Kshs6 billion. The funds in those two institutions are there readily available, but they cannot be accessed by the rightful owners, so it is available for crooks to misappropriate.

Mr. Temporary Deputy Speaker, Sir, if this Parliament put down its foot and said we must address the issues affecting our poor people, both in rural and urban areas, we would greatly assist our people. I am glad the Minister for Housing is a person who is humane; somebody who thinks about the poor people. He probably comes from a poor background and, therefore, if we pass this Motion, he will take it up and implement it. I know we have passed many Motions and Bills in this House, but they have never been implemented. But I am sure this Minister is a man who will implement what we shall pass.

Currently, even the middle income earners cannot access mortgage facilities. Even Members of Parliament cannot afford it. The Parliamentary Service Commission had to devise a special mortgage facility for Members of Parliament to access housing. That is why the current Members have been able to buy houses in Nairobi unlike the previous Members. I served in the last two Parliaments, but I could not access a mortgage facility, not even a one-bedroom property.

Therefore, let us pass this Motion and urge the Government to implement it so that our



poor people can benefit.

With those remarks, I beg to support.

**Prof. Oniang'o:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I have a flu, but I must contribute to this Motion. I remember bringing a Question here about the deplorable state of housing in Nairobi, and the Minister answered me by talking about street lights. Those of us who have families in the urban centres know about the deplorable conditions that many Kenyans live in. You see them come to work wearing *mitumba* suits, looking nice, putting up brave faces. If you went to where they live, you would be shocked. We should be ashamed of ourselves as leaders and as a Government. We have the same conditions in the rural areas, where people still live in one-roomed grass-thatched houses, yet they have enough land to put up decent housing. So, I want to commend the Mover of the Motion.

Mr. Temporary Deputy Speaker, Sir, the Minister has a very short time to show us what he is capable of doing in this sector. This fund should have been established yesterday. So, he should be on the run because Kenyans do not have decent housing. People vote with emotion because of the way they live and because of the environment they find themselves in.

I want to tell the Minister that this is a governance issue and he should move fast and ensure that we have a plan of establishing communal housing which is cheaper and provides amenities that are decent for those who live there. We want to see a plan that covers the whole country. I am sure, if he comes up with a fund, other donors can feed into that Fund, and other investors, both Kenyan and foreign, can also feed into it. I am aware there are initiatives to put up affordable housing and to provide cheap funding for that housing. However, the bureaucracy is such that you pass so many stages until it is more than a year before you actually get permission to put up such houses. I hope when the Minister replies, he will address this issue.

Mr. Temporary Deputy Speaker, Sir, it is completely unacceptable to have an African family living in an extended manner in one room in the urban areas. This happens because people have nowhere to go. We are not talking of just the lowest paid cadre, but also the middle-income cadre. We do not have a policy as a Government to make sure Kenyans own their houses. Owning property is something that everybody desires, whether it is in the urban or rural areas. People in other countries do it. So, the Minister should start by showing us how affordable and accessible such a fund will be. Especially in the era of the HIV/AIDS pandemic, we are having a situation where there is no choice but to spread this disease. We have no privacy to even enjoy the basics of life. The onus is on the Minister right now. He should come back next week and tell us that he has actually established a fund. I am sure all of us who are here are going to support this Motion.

With those few remarks, I wish to support.

**Mr. Raila:** Mr. Temporary Deputy Speaker, Sir, thank you for the opportunity. I rise to support the Motion as amended. I had the opportunity to be in charge of housing for some time during the life of this Parliament and, therefore, what I am going to say comes out of personal experience.

Mr. Temporary Deputy Speaker, Sir, when we took over Government, we made a promise to the people of Kenya that the Government was going to respond to the shortage of housing which has been occasioned by a poor housing policy for very many years. We talked of constructing 150,000 housing units per year. When we promised this, we did not mean that the Government itself was going to construct 150,000 houses, but that it was going to facilitate this process. I still believe that dream is actually realisable.

Mr. Temporary Deputy Speaker, Sir, you will see that most of our urban centres are littered with slums. If you take the example of Nairobi City, 60 per cent of its residents live in slums, and the situation is not different in Mombasa, Kisumu, Nakuru and so on. Why is this so? The reason is

because since Independence the Government stopped construction of new houses in our cities and towns. We have gone through a process of rural-urban migration. This is not something that is only confined to Kenya. It is a universal phenomenon that people move from the rural to the urban areas. Therefore, this is something that the Government should have been adequately prepared to respond to. Since the Government did not respond to it, the slums have continued to proliferate in our cities because of the shortage of houses, and unscrupulous businessmen have taken full advantage of this by charging extortionate rents in most of those estates.

Mr. Temporary Deputy Speaker, Sir, an example is Kibera Estate which is not far away from here. The rents in Kibera have continued to increase at an alarming rate. Over a short period of time, the rents have gone up by 300 per cent. They had reached a stage where the residents there could not afford to pay any more rents. That is the reason why we had violence and resistance to pay because these unscrupulous landlords came to evict the tenants and yet they had nowhere else to go. This is again something not new to this country. You remember we had a similar thing in Soweto in South Africa.

Mr. Temporary Deputy Speaker, Sir, I am surprised that this same Government can try to devise a scheme to evict the residents of an estate like Kibera. I said here last week that the Minister of State for Administration and National Security chaired a meeting where he gave directions that people should be evicted from their houses in Kibera, and also ordered policemen to go and acquire the only open space in that area, supposedly for construction of houses for the Administration Police (AP) officers. The Minister of State for Administration and National Security does not deal with housing.

We have a Minister who is fully in charge and I want him to confirm to the House if he has delegated his responsibility to the Minister of State for Administration and National Security because the latter does not have anything to do with it. Due to this directive, several people were wounded when the policemen went there and tried to construct the so-called low cost housing for the AP officers. This is the only open space in that slum where people can assemble over the weekend to pray. When people die, the residents assemble there to raise funds. They also hold meetings there. It is supposedly that this directive was issued because Raila Odinga all the time holds *barazas* there. Even in slums people are allowed to hold *barazas*.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I am confident that if this is realised--- I know that once we pass this Motion, nothing is going to happen. The Minister is going to be frustrated because he will not get the fund. But this will help the poor people to be able to construct their houses so that they do not have to depend on these shylocks who keep on continuing to exploit them.

Mr. Temporary Deputy Speaker, Sir, I want to talk about Madaraka Estate which was constructed over 30 years ago. The residents of the estate have paid rent for those structures for several years, and yet there is a scheme, and the Minister knows about it, to try to deny these people the right to purchase those houses. I want to urge the Minister, and I am saying this because I have written a letter to him, to take this matter in his own hands and be fully in charge and ensure that these houses are sold to the people at a price that is affordable to them. The Government should also ensure that these people access funds to be able to pay mortgage.

There is a plan to get some unscrupulous businessmen to come in supposedly to provide funding, but then basically to rob these people of their right and then go and make a kill by selling these houses at the so-called commercial prices. Some of the people there are supposed to be retiring, but the Minister should know that even retirees have a right to shelter because it is a fundamental human right that should not be denied somebody merely because he has reached retirement age. I urge the Minister to cancel the advertisement which was made in the media, giving certain deadlines, until proper negotiations are held between the Ministry and the other

stakeholders, including the elected representatives, so that we come up with an amicable solution to this matter.

Mr. Temporary Deputy Speaker, Sir, in Mr. Gumo's Westlands Constituency we have slums. We also have slums in Mathare, Kariobangi, Embakasi and Mukuru Kayaba. It is possible to improve the living conditions in those slums. The slum upgrading project that we started with the UN Habitat needs to be fast-tracked. Kibera was just supposed to be an experiment, yet the project has stalled there. The Ministry needs to move with speed to ensure that the slum upgrading programme in our country is implemented in order to alleviate the suffering of the people of our country.

With those few remarks, I beg to support.

**Prof. Mango:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. I would like to add my voice to Members who have spoken before me. Housing is a human right and Kenyans have a right to housing. Unfortunately, in this town, most Kenyans live in the slums, where they are not provided with basic amenities. They live below the average human accommodation level.

The Government owes Kenyans proper accommodation. Therefore, the mushrooming slums should not continue escalating everywhere. Kenyans living in those slums have no basic facilities like toilets and water. Life in the slums is worse than life in the rural areas. In the slums, you will find a parent sharing accommodation with his grown-up children, which is contrary to African culture.

Mr. Temporary Deputy Speaker, Sir, the Government needs to put up affordable accommodation, where a parent can live in an enabling environment. In some countries, the government has put up houses for its citizens. The houses are graded in such a way that there are those for the rich, the middle class, and the low income. Those living in the low income houses move in without paying rent deposits. Rent deposits have been a constraint to many people. Most Kenyans cannot afford to pay rent deposits before they occupy a house. We should have a policy whereby people can move into a house and pay the rent deposits in bits. Many Kenyans suffer in the hands of the landlords paying rent until they retire, and they leave the city without owning any house.

This situation should not continue because at the end of the day, a person has paid rent his whole life but he has nothing to show for it. We should have a housing policy where someone moves into a house and pays affordable mortgage, then 30 years down the line, that person owns that house. So, this Motion is very appropriate.

Mr. Temporary Deputy Speaker, Sir, we should not only concentrate on housing in urban areas. Kenyans living in rural areas also need good housing. Our forefathers lived in thatched houses. Forty years after Independence, Kenyans should not continue living in thatched houses. They need to improve their housing so that they can be seen to have moved from colonial times to Independent Kenya.

Mr. Temporary Deputy Speaker, Sir, housing in urban areas needs to increase as the population increases. At the moment, there are houses that were put up in the Eastlands area during colonial times that are still in place. Since then, we have not put up any new houses. We need to come up with imaginative schemes and, for example, find use for the money that is being held by the National Social Security Fund (NSSF). Anybody contributing to the NSSF should be entitled to some housing. That money should be used to put up houses and any contributor should automatically qualify to occupy a house. In so doing, many people will invest instead of just paying money to the landlords.

Mr. Temporary Deputy Speaker, Sir, mortgage schemes in this country are prohibitive. Many people who tried to buy houses have lost their houses because they cannot afford to pay the

mortgages. We need to have affordable mortgages where someone will continue paying according to his income.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! I am constrained for time and I think you had better finish up because I would like to give this time to the Official Government Responder. So, you should wind up.

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, as I wind up, I would like to support the Motion. Housing is a human right and, therefore, Kenyans are entitled to this human right.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghisio): I now call upon the Government Official Responder.

**The Minister for Housing** (Mr. Shitanda): Thank you, Mr. Temporary Deputy Speaker, Sir. First, I would like to thank the Mover of this Motion and state that as Government, we really appreciate the concerns that have been raised by the contributors to this Motion, which seeks to provide housing to most Kenyans.

The housing sector has been neglected for a very long time. We all realise that the National Housing Policy that guided the housing sector up to 2004 was crafted in 1966/67. This gave the housing sector very little attention. Since 2003, when this Government came to power, housing issues have been addressed in many ways. The first thing was the tabling of a Sessional Paper on housing in this House in 2004. That National Housing Policy Sessional Paper has captured most of the concerns that have been raised by the hon. Members who have contributed to this Motion. It has made several provisions which can be used in trying to provide affordable housing for Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is true that owning a house in urban areas is not affordable by most Kenyans, including the employed and those with middle level incomes. In some cases, the high income bracket earners are also unable to access affordable housing. We have a draft housing Bill which seeks to put into law what the National Housing Policy has recommended. One of the key areas that this Bill is focusing on is the area of how to provide affordable housing to Kenyans.

In that direction, we already have a Civil Servants' Housing fund within my Ministry. This fund enables civil servants acquire houses at affordable rates. The fund has enabled more than 1,000 civil servants to purchase houses in Nairobi at very affordable rates.

Mr. Temporary Deputy Speaker, Sir, the fund is also in the process of creating regulations to enable civil servants not just to acquire the houses they are living in, but also access loans from it and buy houses from the open market.

*(Mr. Moi consulted with Mr. Weya)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Your consultations are getting louder and louder. This has forced the Minister to raise his voice. Please, consult in low tones.

**The Minister for Housing** (Mr. Shitanda): Thank you, Mr. Temporary Deputy Speaker, Sir, for that protection, especially from Mr. Moi.

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! That is a job done by the Chair! I do not think you should follow it up.

**The Minister for Housing** (Mr. Shitanda): Thank you, Mr. Temporary Deputy Speaker,

Sir. The Civil Servants Housing Scheme is developing guidelines and regulations to enable civil servants acquire houses not just in Nairobi, but in all towns of Kenya, and even in the rural areas. The housing scheme is being developed alongside the Scheme for Members of Parliament and the staff of the National Assembly. We intend to give loans to civil servants, maybe, at an interest rate of not more than 5 per cent, so that they can own homes.

A lot has been said about slums. This is one of the major challenges that my Ministry is facing. As I speak here today, 60 per cent of the residents of Nairobi live in slum areas. While the National Housing Policy has tried to address the problem of slums, we have had major challenges in trying to combat it. The major challenge has not been the slum dwellers, but the slum developers. There are some people who were allocated Government land or who grabbed it and developed slums on it without providing services like roads, water, electricity and toilets. As a Ministry, we have been trying to come up with programmes to upgrade those slums, but we have had a lot of resistance, not from the slum dwellers but from the developers. Those people who are very rich have become a big problem to the control of slums in this country.

*(Applause)*

For instance, we have one of the biggest slums in Africa and the third biggest slum in the world in Mr. Raila's constituency. That slum is called "Kibera". Over 500,000 people live in the Kibera slums without basic facilities.

The Government has put in place a programme to address the issue of slums in this country. I agree with the hon. Member who has said that the Kibera Housing Programme was supposed to be a pilot project. Under that programme, 600 housing units are being constructed. We still get resistance from the slum developers in Kibera as we put up those houses. We carried out a survey recently and discovered that there is an area which is owned by some slum developers who collect about Kshs2.5 million per month in form of rent. Those are the people who resist any attempt by the Government to address the problem of slums. However, I assure hon. Members that we are committed to addressing the problems of slums.

I would like to inform the hon. Members who have said that the Government has not put up any houses that 600 housing units are being built right now. Those houses will be ready in the next 18 months. I would like to tell Prof. Oniang'o that I will have a lot to show at the end of this Parliament.

This week, I will launch the construction of 200 housing units under the Civil Servants Programme on Gichugu Road and Jogoo Road. Those houses will be sold to civil servants at friendly rates. We are thinking on how we can facilitate slum dwellers acquire houses at affordable terms.

The National Housing Corporation (NHC) has been putting up houses for the last 40 or so years. That corporation has programmes which are slum-friendly. There are 160 housing units which were completed last year in Majengo slums. Those houses were meant for the slum dwellers of

Majengo. When I was appointed the Minister for Housing, I discovered that about 34 houses had been grabbed by the well-to-do people who have no business living in Majengo slums. In that connection, we replaced the Managing Director. Those houses have reverted back to the Majengo slum dwellers.

*[The Temporary Deputy Speaker  
(Mr. Poghiso) left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. M'Mukindia) took the Chair]*

I assure hon. Members that the programme within the NHC to upgrade slums is a friendly one. Under this programme, a two-bedroomed house in Majengo slums goes for as little as Kshs1.1 million. The occupants are not required to deposit any money. They just move in and make monthly payments for a period of between 15 and 25 years. I think the concern of hon. Members is: Why do we not diversify that programme? Why do we not roll it out to other towns? We are doing this through the draft Bill that we want to bring to this House. We hope that hon. Members will pass that Bill so that apart from the Civil Servants Housing Fund, the Slums Housing Fund and the Disciplined Forces Housing Fund, we can also have another fund that can be accessed by those who are unemployed or the poor, not just in Nairobi but in other towns of this country.

I agree with the hon. Member for Mbita who has said that in order to make all these programmes succeed, we should have a housing bond to mobilise money from the money market which can be invested in housing programmes, not just for the rich but also for the poor.

Mr. Temporary Deputy Speaker, Sir, the absence of an elaborate Housing Act has had some impact on our performance in the Ministry. Currently, we find that some issues to do with housing are handled in other departments, because of the laws that exist today. Some of them are being handled under the Ministry of Local Government, the Ministry of Roads and Public Works, while others are handled by the Ministry of Lands. Sometimes, as Mr. Raila put it, we find that some of the issues are being executed in the Office of the President. So, the draft Housing Bill seeks to harmonise all issues to do with housing into one authority, so that whenever there are issues about housing in the police, the prisons, the army, the civil service and even in the private sector, they are handled by the Ministry of Housing. We have all professionals in housing. In the present situation, we find that even the army and the police are building houses. This way we end up with a situation like the one we had in Nairobi where a building collapsed and killed several Kenyans. When issues were raised, nobody wanted to take responsibility for that action because the law is not very clear about who should be doing what, and what should be done where.

**Mr. Raila:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is misleading this House. In as far as housing issues are concerned, there are only two Ministries concerned with this area. These are the Ministry of Housing and the Ministry of Roads and Public Works, which deals with public buildings such as housing for the military and the police. So, the Office of the President is interfering by trying to get involved in housing issues.

**The Minister for Housing** (Mr. Shitanda): Mr. Temporary Deputy Speaker, Sir, I said that housing issues are scattered. Let me remind the hon. Member that the Ministries of Local Government and Environment and Natural Resources are involved in housing issues. That is why we want to harmonise all these issues into one authority. We want housing issues to be dealt with in a more professional manner.

Mr. Temporary Deputy Speaker, Sir, there is another issue of land grabbing. As we try to implement Government programmes on housing, we find that almost all the public land in Nairobi had either been grabbed or was in the process of being grabbed. This vice is not only confined to the City of Nairobi alone; it is going on even in the other major towns of this country. Our programmes will not succeed and we shall not construct 150,000 houses if land grabbing issues are not addressed in one way or the other.

Currently, the housing shortage in this country stands at 150,000 units per year. The private sector is only able to provide 20,000 to 30,000 housing units in a year. In as much as the private sector is trying to provide housing, limited budgetary allocations to the Ministry of Housing is also hampering our ability to provide more housing units and to meet the goal of providing 150,000

housing units in a year. This is where I require the support of hon. Members and my Cabinet colleagues, to try and see if we can deliver to Kenyans what we promised during the electioneering period.

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

**The Temporary Deputy Speaker** (Mr. M'Mukindia): What is your point of order?

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, would I be in order to ask the Minister to tell the House what he is trying to do? Is there an inter-Ministerial Committee dealing with the issues of land grabbing? We all know that there are some hon. Members who own land the size of Nyanza Province.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Midiwo! You are out of order!

Proceed, Mr. Shitanda!

**The Minister for Housing** (Mr. Shitanda): Mr. Temporary Deputy Speaker, Sir, this is not Question Time!

I would like to thank hon. Members who have contributed to this Motion. I also wish to assure them that whatever comments and suggestions they have made, we are going to try and in-build those very valuable proposals into the proposed Housing Bill so that when we bring a Bill to this House, it is a law that will address the issues they have raised, mainly issues touching on the provision of housing to the poor and low income earners.

Finally, I want to say something about the Madaraka Housing Estate sale. This is a process that is being done above board. It is a very transparent transaction. I want to assure the hon. Member for Langata that I will do all within our ability to make sure that the occupants of those houses are the actual people who are going to be given the first opportunity to own them.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (M'Mukindia): Mr. J.M.Mutiso, you have 15 minutes to reply.

**Mr. J.M. Mutiso:** Mr. Temporary Deputy Speaker, Sir, I would like to donate three minutes to the hon. Member for Alego-Usonga. I will also donate three minutes to the hon. Member for Teso, Mr. Ojaamong.

**Mr. Weya:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to support this Motion. It is about time that we have this Motion in this House. Over the years since Independence the Government had stopped building houses. I think Jamhuri Estate was the last one they ever put up. It is also about time that we consider, as our colleagues said, providing finances that enable the poor to own houses.

If you go to some of these estates, you will find that somebody is living in his bedroom and his feet are outside the window. Those houses are constructed in ways that even human beings should not be living in them. If you go to countries around the world, even places like Burundi, governments are putting up houses and making them affordable over a period of 15 years, to enable citizens to own those houses.

Mr. Temporary Deputy Speaker, Sir, I do not know where we went wrong in this country because, at Independence, the Government was putting up houses as county councils or municipal councils all over the country. A time has come that we need, as African nations, to manage our resources well enough to be able to provide housing, which is a necessity for our people, so that they can live in habitable conditions.

Recently I visited South Africa. The Government of South Africa has enabled low income earners in Soweto to put up residential houses and also giving them periods of time to be able to pay for those houses. Even in the United Kingdom, where the people are not able to afford houses, the Government is putting up houses and giving them low rental incomes to enable them to stay in

those houses. Even if you stay for over a period of 15 years in those houses, the rent you are going to pay is subsidised in a manner that you are able to afford those houses. Those houses are for the low income earners.

Mr. Temporary Deputy Speaker, Sir, over the years, the rich have taken advantage to put up low income houses in some of the residential areas and they are earning huge incomes in a house that should not be collecting that kind of rent. You will find that in a building, there are about 300 apartments, and in the same building you find about 20 toilets and 20 showers. That man is collecting an income from a building that is costing about Kshs30 million; he is collecting Kshs300,000, every month tax-free. If you put up a house in Muthaiga today for Kshs50 million, you will not be able to collect that kind of rent. So, it has become a lucrative business for the rich people to go and strip slums and put up buildings that are hazardous to human consumption. If there is an earth tremor in Nairobi today, the number of people who will die will be overwhelming. Those structures are put up within three or four months and people start living in those houses, yet there are no proper plans for those houses.

Time has come for the Government to be responsible to its people. It should ensure that all its people live in habitable houses.

I think my three minutes are over; so, with those few remarks, I beg to support.

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I wish to register my support for the Motion as amended.

Shelter in our rural areas has become a very big problem. If you visit some areas in Western Province, where the Minister for Housing comes from, you will see the poor conditions in which our people live. The Minister should work very hard to prove to our people that he is doing a good job. Most of our people prefer to live in grass thatched houses; even well to do people do so. So, I urge the Minister to go out of his way to motivate people with money to invest in housing, which can in future be inherited by their children.

The Minister said that he has put up 600 housing units. But I do not know where they are because I have travelled across the country and seen no such housing units. I do not think that there are any new housing units in Western Province. He should try to push in Cabinet meetings for some money to come to our area, because in that way he will be remembered as a Minister who performed. He will not be like other Ministers from the province who held positions but did nothing for our people.

The Minister also said that he will appoint more professionals to positions. We need professionals to help in planning housing in our rural areas. If everybody is allowed to put up houses haphazardly, in future, if a real government that sticks to rules---

**An hon. Member:** What do you mean by "a real government"?

**Mr. Ojaamong:** I am talking about a real government, and not a camouflaged one like the one we have. If such a government comes to power, such unplanned structures will be pulled down and people will lose their investments.

Finally, I encourage the Minister to work hard because shelter is a basic right. It is necessary, just as food and water are in Ukambani and North Eastern respectively. So, I appeal to him to ensure that when he goes to Cabinet meetings, he pushes for more money for his Ministry.

**Mr. J.M. Mutiso:** I first wish to register my appreciation to hon. Members for the overwhelming support to this Motion on affordable housing for millions of Kenyans, who are either homeless or live in slums.

I just wish to make some comments, for the Minister take to note of, in relation to the implementation of the proposed fund. The National Housing Corporation (NHC), which is a premier institution in making policies on housing, is controlled by a cartel. The Treasury, the Kenya Revenue Authority (KRA) and other players in the housing market are the same bodies



which tend to make the NHC not to function properly. For millions of Kenyans to realise their dream of owning a house or shelter, the Minister should overhaul the NHC. In fact, if possible, he should dismantle the cartel that controls the NHC. The Majority of revenue collectors in the KRA are people who control the housing market in this city and in other cities in the country. It is not possible for the NHC to make recommendations to the Treasury to create bonds. As hon. Kajwang said, it is not possible for the Government to implement its policies, because it is too encumbered by its own bureaucracy. If the Minister has to really make a departure and make an impact as far as the housing policy is concerned, he should start by overhauling these two institutions. That way, he can avail housing services to our people.

We have enough resources in this country, but it is a big shame for the Government to allocate a meagre Kshs600 million for the purpose of housing. We know that 9 million Kenyans do not have houses. The Government should, therefore, reconsider reallocating more funds in the Supplementary Estimates to make the policy of housing in this country a reality.

Mr. Temporary Deputy Speaker, Sir, recently we had the Initial Public Offer (IPO) for KenGen and a majority of Kenyans subscribed to it. In fact, we had a very huge surplus of funds from the IPO. Therefore, the question of lack of funds should not arise at all. I believe that the Minister, who I think is able, will do his part so that he can provide Kenyans with the housing units as he has projected in his speech.

Mr. Temporary Deputy Speaker, Sir, I just revived this Motion. It was brought to this House in 1974 by the late hon. Matthew Mutiso. I think it will be wonderful for me to see that dream of majority of Kenyans being able to own houses come true. I challenge the Minister to take this Motion seriously and let us see action being taken.

Mr. Temporary Deputy Speaker, Sir, I beg to move.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:-*

THAT, in view of the acute shortage of housing and high mortgage rates in the country; cognizant of the fact that shelter is a basic human right; aware that very few Kenyans can afford to pay for decent housing; this House urges the Government to provide for the establishment of a Fund from which low income earners can acquire loans to develop houses of their own or purchase existing ones at low interest rates.

#### INTRODUCTION OF CONSUMER PROTECTION BILL

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in order to ensure comprehensive protection of the Kenyan consumer, this House do grant leave for the introduction of a Bill entitled The Consumer Protection Bill to establish the Consumer Protection Board that will contribute towards the improvement of consumer welfare and for matters incidental thereto and connected therewith.

Mr. Temporary Deputy Speaker, Sir, even though the reasons for bringing forth this Motion are many, they are very simple. Currently there are several statutes in this country that meekly deal with issues of consumer protection. It is because of that, that I feel we need some kind of authority

that will inform the issues of consumer protection and at the same time address matters that affect ordinary citizens. There are several instances that I can raise with regard to consumer protection.

We understand the role played by the Weights and Measures Department. However, Kenya Bureau of Standards (KEBS) does not have the capacity to handle all matters related to consumer protection. They are charged with the responsibility of testing products at the port of entry or point of manufacture. However, nobody protects consumers immediately these goods are traded in the market. In fact, nobody protects consumers when goods come into this country and harm our citizens without recourse.

Many unscrupulous traders are making a kill by selling counterfeit goods which are harmful to the citizens of this country. Therefore, there is need to bring into being a body that will protect our people. Such a body should also have the capacity to inform our people and deter those who want to make a quick buck any time they see an opportunity to do so.

Mr. Temporary Deputy Speaker, Sir, let me give an example. Recently, the Minister for Finance, in his wisdom, gave a revision of how absentee landlords should be forced to pay taxes in this country. There was a recommendation by the Minister that, 30 per cent of what is paid to landlords who are outside the country be withheld by the tenants. There was a further recommendation that each tenant in this country should report to the Kenya Revenue Authority (KRA) the amount of rent he pays to the landlord. In the market today, many tenants are threatened by unscrupulous landlords who are afraid to pay taxes. They are now threatening to load their income taxes on the tenants. Who is going to protect those tenants? It is supposed to be the Government. There must be a body to protect the tenants. We cannot have a country where, when the Government has good intentions, our own unscrupulous people, who are also citizens of this country, turn around and exploit others. That is one area where the Minister must re-think his strategies. I, personally, think that landlords must pay taxes in this country without loading that additional expense to the tenants. To them, it is an additional expense. People are supposed to pay taxes in order to get services. It has just been pointed here that some estates do not have roads. How are they going to have roads if the people themselves, who are landlords, are refusing to pay taxes? That is the only way the Government can raise enough revenue to provide the services.

Mr. Temporary Deputy Speaker, Sir, the other issue concerns fuel. The Minister, in his wisdom, thought that, since a motorist goes through an unnecessary process of trying to get a road licence, let that money be collected at the pump!" But because of that, the *matatus* have increased fares by an average of Kshs50 on local routes throughout the country. Who is supposed to protect the citizens when errant people who want to make a quick buck just cash in on well-intentioned motives by the Government? It is such kind of things that prompt me to urge this Parliament to introduce a body that can assess such adverse effects of an activity, whether by the Government or otherwise. That way, even legal experts, including lawyers, could institute legal actions against bodies such as *Matatu* Welfare Association, which are just there to make money. Those bodies do not protect citizens! They only care about the quick bucks that they are trying to make. There is an example of how a well-intentioned Government Ministerial Statement affected people adversely and, therefore, the need for the kind of body that I am calling for, which can, at least, give our people an opportunity to live free of exploitation.

This board we seek to create through this Motion will not be limited to trade issues. It will also deal with issues of the environment and health. Today, if ordinary citizens go to a hospital to seek treatment, the kind of response they get is not good. Most hospitals and other health institutions are not interested in treating people, but in making money. A couple of months ago, my sister was sick and needed an operation to remove a growth in her stomach. I paid Kshs230,000 to fly her from Kisumu to Nairobi Hospital to undergo a scan which could only be done there. She was operated on. However, the medical doctor who did the operation was called and he showed up

24 hours after she died. We need to control these processes and protect consumers. In any case, we still had to pay a hefty medical bill to Nairobi Hospital.

If you go to Kenyatta National Hospital now, you will find doctors out for lunch, and yet patients are waiting to be treated. They are dying in large numbers because no action is taken against those doctors. I strongly feel that we need to regulate the circumstances which, at the moment, are let loose for exploitation and nobody is speaking for our people.

Mr. Temporary Deputy Speaker, Sir, unless the Government takes charge of activities which involve cash - some of them are Government services - the attitude of the service providers cannot change. Unless we rein in on people who want to make quick money, we, as a country, will not go very far. If you go to a supermarket, for example, and purchase two kilogrammes of sugar, how do you know that the label on the packet showing two kilogrammes depicts the actual quantity of the sugar? At what point do Kenyans know that the two kilogrammes written on the label is not the actual quantity of the item? We need somebody to police on our behalf. We need a board to take charge of all those functions. We should not abolish the Kenya Bureau of Standards. Let them do their work, but the board will, at least, inform them that these things are happening. It will collect information on the misdeeds that are happening in our day-to-day activities.

When we walk to a chemist, for example, we need to know whether that packet of medicine is genuine panadol, or some fake medicine somebody has manufactured to make quick money. We know that the Kenya Bureau of Standards has the capacity to detect that, but what does it do after that? Unless we open up this kind of litigation and monitoring, we will not help. We want to tell the unscrupulous chemists that if they sell medicine that will kill or become ineffective, there will be some consequences which will hurt them and they will have to pay dearly.

The same applies to insurance companies. For example, when there is a road accident and an innocent Kenyan is killed, the insurance company will spend more money trying not to take up the liability than the amount of money which they would, otherwise, pay to the bereaved or affected families. We need to reign in on those people. We need them to know that they can be taken to court and charged. Therefore, we need to have some guidelines which can be used to charge them, and that should be known before hand.

With those few remarks, I beg to move, and ask hon. Angwenyi to second this Motion.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. Right from the outset, I would like to thank hon. Midiwo for coming up with this Motion. As he has said, this country needs a body that ensures that people get the good quality products and services that they purchase.

I realize that we have the Kenya Bureau of Standards (KEBS), which deals with those things, but those agencies are not consumer-oriented. They are Government agencies, but they have been compromised. They are staffed with bureaucrats who have been in the system for a long time and who have developed ways of siphoning money from the public. For example, some sub-standard poles were imported into this country and the KEBS gave a certificate saying that those poles were sub-standard. A week later, another bureaucrat at the KEBS gave a certificate saying that those poles were standard. Those were the same poles which were certified as sub-standard! If those poles were to be used, especially for long distance cable lines, they could cause electrical accidents. If we had a consumer body that takes care of the interests of consumers, that situation could not have arisen.

Mr. Temporary Deputy Speaker, Sir, we have problems in our health care system. Health services which are provided in most areas of this country are, most of the time, sub-standard. This Parliament passed a Bill or enacted a law which allows even unqualified doctors to operate clinics. All you need to do is to have a certificate of nursing or a certificate of a laboratory technician, and you are allowed to operate a clinic where you treat every disease. Some diseases cannot be treated in our main hospitals, but if you go to those clinics, they tell you that they will treat them. All they

need to do is to inject you with some substance, which is sometimes water. But because we do not have a proper body to inspect those services, our people are getting a raw deal and some of them are losing their lives.

Mr. Temporary Deputy Speaker, Sir, you have seen people purporting to be herbalists on the streets of Nairobi and in other towns selling medicine that cures even HIV/AIDS, which we know has no cure. I can give you an example to illustrate my point. At one time, one of my relatives went to Ukambani and he was told that there was somebody who could treat his HIV/AIDS condition. So, he came back to me and told me that he had exhausted the money he had come with from Kisii and he wanted me to give him money for transport and to buy medicine. So, that Saturday, I decided to drive him to that herbal doctor. We went there and this person brought something like mercury and he was tossing it about saying "I can see where the disease is". He then demanded Kshs15,000 and I told him that I cannot pay that amount. He said: "If you do not pay, this man will go and die because I will curse him". So, I had to part with my Kshs15,000 for no service. If that can be done to a person of my calibre, how about the average Kenyan?

Mr. Temporary Deputy Speaker, Sir, you must have noticed that some of our restaurants serve substandard food and services. There was an uncle of mine who had a *mkahawa*, where he used to sell tea. He would serve you with tea but he would not put enough sugar. So, you would refuse to take that tea after you have tasted it. He would come over, dip his finger into the tea, lick it and say: "Did you come here to buy sugar or did you come to buy tea?" If you refused to take the tea, he would demand that you pay. Once you paid, he would pour that tea back into the kettle, so that he could sell it to the next victim. This happened because we did not have a body to check such behaviour.

Mr. Temporary Deputy Speaker, Sir, you must have seen how our public transport system operates. If you travel in *matatus*, the service you get is substandard. The crew play loud music. Even if you are sick, they do not care. They can even throw you out. They carry your luggage and toss it onto the ground carelessly and yet you have paid for the service. You cannot have the Kenya Bureau of Standards (KEBS) or the KEPHIS to compel those people to give you good service.

As a result of this carelessness, many accidents have occurred. The Government has been trying to control the rate of accidents on our roads but since Mr. Michuki was moved from the Ministry of Transport, operators in the *matatu* sector drifted back to their old bad habits. The situation is now even worse because we do not have a body to carry on with Mr. Michuki's reforms before he also deteriorated where he went.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, Parliament wants to deal with matters that affect the average Kenyan. In most developed countries, there is a consumer body that inspects the services and products sold to consumers, so that you do not have a case similar to the one we had in this House the other day, where a company went to court to prohibit the KEBS from inspecting the goods they had imported into this country. That means the owners knew that those goods were substandard, but they did not want them inspected.

If we had a consumer body that knows its job is to make sure that consumers get high quality products and services, and that if it does not do so, it can be sued and be made to pay, the situation would improve.

With those few remarks, I beg to support.

*(Question proposed)*

**Mr. Raila:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion because consumer protection is something whose importance goes without question. The Kenya Bureau of Standards (KEBS) has a specific responsibility to formulate standards and specifications for quality

of goods. The Bureau has the power to ensure that the goods produced in the country comply with the standards which have been formulated. The consumer protection goes beyond the scope of the Kenya Bureau of Standards Act.

The KEBS needs to be checked to ensure that it does its work. We must create checks and balances in the system. The issue of consumer protection is of international importance. I know that a number of countries have consumer associations. For example, in Britain, we have the British Tenders Institution, but over and above that, we have the British Consumer Association. It works very closely with the British Standards Institution to ensure that standards are not only formulated and enforced, but also seen to be enforced.

A "standard" is an arbitrary term. It means fitness for use. So, if an object can serve the purpose for which it is intended, then it is of good standard. The KEBS has to be very consultative in formulation of standards. As has already been said by other contributors here, there is laxity in terms of formulation and implementation of standards. I am one of those people who were involved in the formation and establishment of the KEBS. I have serious concerns about the way the Bureau is being managed. The KEBS does not have to get into anyone's bedroom to know what is happening. It should be able to monitor goods at the point of production and sale. The KEBS has the power to go into the manufacturing lines to collect samples and test them, in order to monitor conformity of standards. It also has powers to go into a warehouse and pick samples for testing, to see if the goods being produced meet the required standards.

It is not the business of KEBS to go to the Port of Mombasa to test the standards of imported goods. However, it has a responsibility to make sure that whatever is being produced locally conforms with our standards. What is being produced outside, including in the COMESA market, can be checked using an accreditation arrangement. In countries where our goods are sold, there are institutions which do the testing. The KEBS can accredit laboratories to do testing on its behalf so that when goods land here, we only check that they bear the certificate of an accredited institution, instead of wasting time going to the Port of Mombasa to get samples for testing. That process is subject to abuse. Officers who go to the port do not check if imported goods comply with our standards. They go there to get kick-backs and allow the goods to come into the country. An accreditation system should have been started a long time ago. This was the intention of KEBS, yet it has not done anything. The KEBS is wasting time. It sometimes calls the Press to see goods that it has aggregated. The goods are not aggregated because they do not conform to our standards. They are aggregated when officers from KEBS do not get any kick-backs. Please, take note of that.

**The Assistant Minister for Trade and Industry** (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to mislead this House by saying that KEBS does not inspect goods in factories, but only goes to the Port of Mombasa to get kick-backs?

**Mr. Raila:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister will have his time to respond. The point I was making was that in areas where KEBS officials go for inspection, they do it not because they want to monitor compliance, but for their own selfish gains.

Mr. Temporary Deputy Speaker, Sir, the Minister must address the issue of corruption at Kenya Bureau of Standards (KEBS). Why else would he be making wild allegations against KEBS, if they are doing a good job? We would like to commend them for the good job they are doing. But I am saying that, at the moment, they have fallen far short of our expectations! The consumers in this country are being cheated. There used to be an association of consumers, which is now defunct. We need to have a strong movement of consumers in this country that will protect innocent people against consumption of sub-standard goods. We are talking about general standards of consumer goods. Those are goods like textiles, chemicals, drugs and food in general. Those goods affect the health of our people.

Mr. Temporary Deputy Speaker, Sir, our people also need to get value for their money. If

you buy something, it should serve the purpose for which it was intended. It should be durable. That has not been the case. The consumer has nowhere to complain. This Motion is calling for the establishment of an institution that will provide an ordinary consumer with an avenue to complain. That cannot be done by KEBS. It is not an institution where you can go and complain generally. We must have a backup institution. In Britain, that role is played by the British Consumer Association. We have similar institutions in the United States of America (USA), Japan, Germany and most of the developed countries. I do not see any reason why we should not have the same. This is an idea whose time has come. Consumerism is a strong movement. It is a movement that protects the society against exploitation by unscrupulous businessmen.

Mr. Temporary Deputy Speaker, Sir, businessmen will always want to make money. To them, there is nothing like ethics, so long as they can make money. They will sell whatever they want to sell. Sometimes, they even sell you rotten oranges. You will just be seeing the outer part of the orange. Once you find out that it is a rotten orange, the business person does not care. We need to have a way of dealing with that kind of situation.

Mr. Temporary Deputy Speaker, Sir, our motor vehicles are ending lives almost everyday. We have the issue of pollution in our society. There is too much emission of noxious gases in our air. Nairobi is a very polluted city. When you drive along Haile Sellasie Avenue and look down the city, you will see a lot of pollution. That translates into us having very high levels of pollutants in our blood streams. We have reached a stage where we need to have an institution that will monitor all those things. Otherwise, there are people who are dying because of environmental pollution without other people realising.

What they did in China is that big vehicles have mufflers just above the driver. So, if there is excessive smoke, the driver will inhale it first, before he emit it. But the ones we have here emits the smoke at the tail. They blow it against the vehicles behind them. That way, you inhale a lot of pollution. The drivers in China must ensure that they do not pollute the environment. Some of these things can be factored in at the design level, if you have a strong consumer movement in the country.

With those few remarks, I beg to strongly support this Motion.

**Prof. Maathai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on this Motion. I want to congratulate hon. Midiwo for bringing this Motion to the House. It is long overdue.

Perhaps, one reason why we have not brought a Motion like this one to the House before is the fact we have always perceived ourselves as consumers of goods that we do not produce. Therefore, we depend on other countries to control the quality of the goods that we consume. We are also beginning to manufacture goods and it is very important that we make sure that the consumer is protected.

Mr. Temporary Deputy Speaker, Sir, I often look at goods, especially drinks from Britain, which have the symbol of OHMS; On Her Majesty's Service, and I often think of the pain that the country must have gone through before they decided to control, for example, the consumption of alcohol to the extent that the producer of alcohol had to be appointed by the Queen or the King. When I think of that, I think of how many lives we have lost in this country, or the misery we have caused our people from the consumption of substandard alcoholic drinks like *chang'aa*. I wonder how long it will take us to get our own "OHMS" symbol. We should have a certain level of self-respect and pride, so that we deliberately and consciously protect our people.

Ordinary people cannot protect themselves. They will always look for alternatives. People in this country were denied the right to brew their own traditional alcoholic drinks and for many years, it was a criminal offence to brew local brews. This was done deliberately, so that people would consume beers from the Kenya Breweries Limited (KBL). Unfortunately, people started

brewing the traditional brews using illegal means. We should legalise the brewing of traditional brews, so that they can be produced properly and become cheaper for the poor people. If you force everybody to drink beer from the KBL or other expensive alcoholic drinks, you will be condemning the poor man to continue consuming the destructive alcoholic drinks, which have caused a lot of damage to our people.

Mr. Temporary Deputy Speaker, Sir, our young people have also started drinking these alcoholic drinks. When they fail to get employment, they literally destroy themselves by drinking these cheap unhygienic alcoholic drinks. It is very important for us to form a body that will not only have the legal mechanisms, but also the financial support to make sure that we get our own "OHMS".

We will not achieve this unless we get rid of corruption. It is amazing that very knowledgeable people, who ought to be protecting the less knowledgeable people, are the ones who are marketing sub-standard goods corruptly. These include the cheap alcoholic drinks. If we are not going to make sure that our people are protected, then we have no business calling ourselves governors. When you are in Government, one of the things that you really must do is to protect the weak and the vulnerable. This Consumer Protection Bill is necessarily for the vulnerable group, because most other people can check, read the labels, know what is bad and do not have to go and drink *chang'aa*. But it is the common people that we in Government are supposed to protect.

Recently, we threw away a very good idea that was brought here and I hope it will come back again. This was in connection with GMOs. Although GMOs are not necessarily pollutants, I think that a Consumer Protection Bill would ensure that this country is not made a guinea pig by companies who will come here and apply products that are produced in the laboratories.

Right now, to my amazement, we have allowed research on GMOs to be done in our research institutions, and yet this House has not passed a law to control that kind of research. That is the kind of negligence that we in Government should not be caught with. We are supposed to protect our people. If anybody does research on GMOs and takes the product and goes and does some application for experimentation down in the rural areas, one would have to have a very high moral ground to protect the people with whom he is working and to even inform the Government that they are doing this experimentation. But we all know that we have some researchers who do not have that kind of moral uprightness. So, we need a law. If anybody was doing that today, we would have no way of stopping such a person because we have no law.

This Consumer Protection Bill would ensure that when people do research such as with GMOs, they are not allowed to go out there and experiment with our people. When, for example, we get GMO foods, it should be labelled so that people can surely know that they are eating GMO foods. In this country, most of our people cannot read and write, let alone read and write English, yet most labels in this country are in English. Is it that we do not understand that our people cannot read these labels? Since we do not have a body like this, who then protects the people? Who ensures that the ordinary people are protected from inhaling pollutants?

Mr. Temporary Deputy Speaker, Sir, I hope that with the passing of this Bill, we shall, as a Government, take this matter very seriously and implement it as soon as possible, and have some kind of self respect. There are people who produce goods that sell themselves all over the world. I have not seen any German in our country trying to convince us that we should buy a Mercedes Benz. As a matter of fact, many people would say if it is made in Germany, it is likely to be excellent. I wish and hope that one day, we shall be in a position where we, Kenyans, can be so proud of ourselves and what we can produce, that we shall do anything that is needed in order to protect not only ourselves, but also to give ourselves the kind of name that we ought to have "*Made*

*in Kenya*". I pray for a day when the Kenya Bureau of Standards is so upright, so incorruptible.  
With those remarks, I beg to support.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is now time to interrupt the business of the House. This House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.