

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 21<sup>st</sup> February 2018

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Hon. Members, we are just short of the requisite quorum. The bell will be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order Members! You can now take your seats. We have the required quorum, therefore, business can begin.

PETITION

CHALLENGES IN IMPLEMENTATION OF SOCIAL ASSISTANCE PROGRAMME

**Hon. Deputy Speaker:** Hon. Lentoimaga, you have a petition, do you not?

**Hon. Lentoimaga:** Thank you so much, Hon. Deputy Speaker. I have a petition from my constituents.

I, the undersigned, on behalf of the residents of Samburu North Constituency draw the attention of the House to the following:

THAT, Article 43 (c) of the Constitution provides that every person has the right to social security;

THAT, Article 21 of the Constitution on implementation of the rights and fundamental freedoms provides that the State shall take legislative, policy and other measures including the setting of standards, to achieve the progressive realisation of the rights guaranteed under Article 43;

*(Loud consultations)*

Hon. Deputy Speaker, there are loud consultations.

THAT, the Social Assistance Act, the National Social Security Fund Act, the Pension Act, the Retirement Benefits Act and National Hospital Insurance Fund Act are in place and endeavour to deal with social assistance to the community;

THAT, beneficiaries' households face a number of service delivery challenges in accessing social security assistance/funds especially in registration process and disbursement of the funds;

THAT, the programme elements are not being implemented in a timely manner and service delivery to beneficiaries is inadequate;

THAT, delayed payments have a negative impact on the well-being and livelihood strategies of beneficiaries, threatening their achievements and undermining social safety net functions;

THAT, while the service level agreement stipulates that beneficiaries should be served within a six kilometre radius, some beneficiaries continue to travel inordinately long distances to pay points and are not compensated;

THAT, the Ministry of Labour and Social Protection, which is responsible for overseeing the implementation of the social assistance programme, has failed and as a result, there is duplication of roles by various Government agencies and non-governmental organisations;

NOTING THAT, the amount disbursed to these vulnerable persons is inadequate to cater for their basic needs; and

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body

THEREFORE, your humble petitioners pray that the National Assembly, through the Departmental Committee on Labour and Social Welfare:

- (i) Recommends that the Ministry of Labour and Social Protection puts in place measures to address the challenges experienced in disbursement of the social security assistance funds;
- (ii) Recommends an increment in social assistance disbursed to the vulnerable members of the society;
- (iii) Recommends for continuous engagement between county/sub-county levels and locational levels to identify changes required; and
- (iv) Makes any other order or direction that it deems fit in the circumstances of the matter.

And your petitioners will ever pray.

**Hon. Deputy Speaker:** Do I see some interest in this one? I will give an opportunity to two Members. Let us start with the Member for Ugunja. Any Member who wants to contribute to this should put their card in the intervention slot

**Hon. Wandayi:** Thank you very much, Hon. Deputy Speaker. The Petition that the Hon. Member has just presented, in my view, touches on nearly all constituencies. The matter of social security safeguards is of key interest to all of us as Members of Parliament. The Petition has raised fundamental issues which need to be addressed conclusively by the relevant Committee.

*(Loud consultations)*

In the last Parliament, I must admit... There are a lot of consultations going on here. Hon. Deputy Speaker, protect me so that I can communicate effectively.

**Hon. Deputy Speaker:** What is it Hon. Wandayi?

**Hon. Wandayi:** Hon. Deputy Speaker, I was being distracted by the loud consultations.

**Hon. Deputy Speaker:** Give Hon. Wandayi time to make his contribution.

**Hon. Wandayi:** Since it has subsided, I can continue.

The 11<sup>th</sup> Parliament did not do justice to this crucial matter of social security safeguards. I pray that the new Committee, headed by Hon. Ali Wario, does better. It is not just a matter of the funds not getting to the recipients on time. The bigger matter is that the funds are inadequate. Therefore many people who should be covered are left out. That is the elephant in the room. I have also heard the Hon. Member mention counties. I am not sure in what respect he was mentioning them. There needs to be clarity. Is this subject under the purview of the national Government or under the purview of the county governments? Or is it under both of them? That must be made very clear because I have seen county governments duplicating this programme. They are duplicating it but are not implementing it effectively.

**Hon. Deputy Speaker:** Hon. Wandayi, you are a senior Member of the House. You are debating when you are supposed to make a comment. So, you should be saying the words people utter when they are winding up.

**Hon. Wandayi:** Hon. Deputy Speaker, I am concluding. I am ably guided.

**Hon. Deputy Speaker:** Say, "In conclusion".

**Hon. Wandayi:** In conclusion, I urge the relevant Committee headed by the very capable Chairman, Hon. Ali Wario, to take up this matter and deal with it expeditiously with a view of coming up with solutions that will guide this country.

Thank you.

**Hon. Deputy Speaker:** Let us have Hon. Ganya Chachu.

**Hon. Ganya:** Thank you, Hon. Deputy Speaker. I commend Hon. Lentoimaga for this very timely and relevant Petition. The social assistance programmes are very useful. They target the poor of the poor and the most vulnerable in our societies. However, the mechanism of delivery of this service is a serious challenge. One needs a bank to access this service. In my constituency, North Horr, we do not have a single bank. People of Ileret Town have to travel 600 kilometres for a whole week in order to get Kshs2,000 or Kshs3,000.

This is a good intervention by Hon. Lentoimaga. The new Cabinet Secretary for Labour and Social Protection who happens to have been the former governor of Marsabit County saw this challenge first hand. When he started this programme at the county level, he tried to overcome these challenges. I hope by working with the Departmental Committee on Labour and Social Welfare he will get to the bottom of this problem.

Marginal counties and remote constituencies like mine have a great interest in this issue because this money is not reaching the poor of the poor simply because of the delivery mechanism that is being used by our Government.

I strongly support this Petition.

**Hon. Deputy Speaker:** I have changed my mind. I will give two more Members a chance to contribute because I see a lot of interest. Not all of you will speak though.

Let us have the Member of Emuhaya.

**Hon. Milemba:** Thank you, Hon. Deputy Speaker. I am a Member of the Departmental Committee on Labour and Social Welfare and we have noted with great concern the matter that has been raised by the Hon. Member. As a Committee, under the chairmanship of Hon. Wario, we are already putting in place certain things that will facilitate the operation of the National Social Security Fund (NSSF). The monies from the fund will be dispersed well and on time. We also noticed that concerning the monies that should go to our people in various parts there lacks regulation. We have been able to call the officers from the Ministry to ask them to set proper regulation and look for proper modalities of overseeing the disbursement of that money so that even the most remote part is able to access the money.

Moving forward, this is something I believe the Committee, under the chairmanship of Hon. Wario has the capacity to tackle. We shall report back to this House our progress.

Thank you.

**Hon. Deputy Speaker:** Hon. Bowen Kangogo.

**Hon. Bowen:** Thank you, Hon. Deputy Speaker for giving me this opportunity to give my input on the petition by Hon. Alois Lentoimaga.

The social assistance programme is very important especially to the vulnerable in our communities: the old, widows and orphans. Like Members who have spoken before me, I would like to say that the way the money is channelled is not beneficial to us who come from other parts of the country. We had suggested before that the money could be sent to the post offices or even to the chiefs' offices so that the elderly people access it near where they stay. There is no need for a man of 70 years to travel for over 100 kilometres to collect Kshs2,000.

Currently for one to qualify to get the money, they have to be 70 years old. There is need to reduce the age to 60 years. A person who is 60 years old deserves to get the money because they are very old.

I support the Petition.

**Hon. Deputy Speaker:** Next Order.

### PAPERS LAID

**Hon. Speaker:** Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House today, Wednesday 21<sup>st</sup> February 2018, morning sitting:

Annual Reports and Financial Statements in respect to the following institutions for the Financial Year 2016/2017:

- a) Capital Markets Authority.
- b) Council of Governors
- c) Ministry of Defence
- d) Teachers Service Commission.

The Report of the Auditor-General on the Financial Statements of the Nursing Council of Kenya for the year ended 30<sup>th</sup> June 2017 and the certificate therein.

The Report of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2016 and the certificates therein:

- a) Kipkelion West Constituency;
- b) Bomet Central Constituency;
- c) Fafi Constituency;
- d) Mogotio Constituency;
- e) Narok South Constituency;
- f) Kajiado North Constituency;
- g) Uriri Constituency;
- h) Kitutu Masaba Constituency;
- i) Bondo Constituency;
- j) Ruaraka Constituency;
- k) Kajiado West Constituency;
- l) Makadara Constituency; and
- m) Kasarani Constituency.

It is very important that Members look at their audited accounts from the Auditor-General of their respective constituencies so that they can liaise with their fund managers.

**Hon. Deputy Speaker:** Let us have Hon. Patrick Mariru.

**Hon. Mariru:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today Wednesday, 21<sup>st</sup> February 2018:

The Report of the 48<sup>th</sup> Session of the ACP Parliamentary Assembly and the 34<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held in Port-au-Prince, Haiti from 13<sup>th</sup> -20<sup>th</sup> December 2017.

**Hon. Deputy Speaker:** Next Order.

## NOTICES OF MOTIONS

### APPOINTMENT OF MEMBERS TO THE PARLIAMENTARY SERVICE COMMISSION

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the National Assembly appoints the following Members of the National Assembly and Senators to the Parliamentary Service Commission:

- a) Hon. Aden Keynan, MP.
- b) Hon. Naomi Shaban, MP.
- c) Hon. Sen. Beth Mugo, MP.
- d) Hon. Sen. Aaron Cheruiyot, MP.

The House awaits three names under Article 127(2)(c)(ii) of the Constitution. If these names are tabled before 1.00 p.m., I will seek your indulgence that I read them out at 12.30 p.m.

**Hon. Deputy Speaker:** If the names are brought at 12.30 p.m., you would want to place a notice. We wish it could be earlier than that because we did not want it to interfere with the Motion that will be in place starting from 12.00 p.m. If you can do it earlier, the better.

**Hon. Seroney:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Seroney?

**Hon. Seroney:** Thank you, Hon. Deputy Speaker. I stand to ask why the name of the Wiper Party nominee is not being tabled in the House. What is the problem?

**Hon. Deputy Speaker:** Hon. Seroney, I would not know the problem. The Leader of the Majority Party has indicated that if the names are brought before noon, he will place a notice. Let me ask the Leader of the Majority Party what the problem is.

**Hon. A.B. Duale:** Hon. Deputy Speaker, there is no problem. The House Business Committee (HBC) – my colleague, Hon. Mbadi, is here – sat last night to approve some names. Within the reading of Article 127(2)(c)(ii), the Wiper Party has complied. They have brought a name. The bigger brother within the National Super Alliance (NASA) coalition – Wiper is a smaller brother – had asked for a time to go and do consultation between last night and today 11 a.m. If they do not bring any good news in as far as the HBC is concerned, at least I can confirm the nominee for the Wiper Party. I will read it out before 12.30 p.m. We are magnanimous. When there is a problem in your brother's house, you do not increase the fire. We allowed NASA to go and consult. Some of their principals are out of the country. They have to look for senior partner...

**Hon. Deputy Speaker:** You are saying they need to do teleconferencing?

**Hon. A.B. Duale:** Yes, they have to do teleconference with Hon. Raila Odinga, who is in Harare, Zimbabwe; with Hon. Kalonzo Musyoka, who might be at his Yatta farm; with Hon. Wetangula, who might be in Bungoma; and with Hon. Musalia Mudavadi, who might be in Sabatia. That teleconference is what has made the three names from our colleagues to come. At least the HBC, chaired by the Speaker, confirmed last night that the Wiper Party, in its nomination of Ben Momanyi, complied with the Standing Orders and the Constitution but it does not harm anybody if the Leader of the Minority Party and the Minority Whip asked for a time-out. Their time is running out. It is now 10.00 a.m. They have only one hour to decide whether it is Ben Momanyi or Seroney or Chris Wamalwa, and tell us who is coming from the Senate.

We have serious welfare issues. We want the Parliamentary Service Commission (PSC) Members to take their seats. We have been holding a hot potato for the last two months. Personally, I am not ready. I have other important businesses. I have the Budget Policy Statement (BPS) and Bills. We cannot go round with the names.

**Hon. Deputy Speaker:** The Leader of the Majority Party, you will have your shot to debate.

**Hon. A.B. Duale:** I want to tell Hon. Seroney to hold his horses. If they bring contrary information before 11 a.m., well and good. We will go with that name. For now, the only party that has complied is Wiper.

**Hon. F.K. Wanyonyi:---(Inaudible)**

**Hon. A.B. Duale:** Hon. Deputy Speaker, you need to protect me from the Member for Kwanza. He has many years to be the Leader of the Majority Party. He has many years to reach where I am. He has to learn to listen, to be decent, to be loyal, to become the Leader of the Majority Party one day.

*(Laughter)*

You do not shout. I respect the Leader of the Minority Party. You have many years to reach where Mbadi is and even become a Chair. You have not even become a Chair of a Committee. He needs to respect us.

**Hon. Deputy Speaker:** Well I would not want to open this to debate. In all fairness, we could listen to the Leader of the Minority Party especially on the issue of whether he is able to bring the names before the time we have agreed and then the notice can be given.

**Hon. Ng'ongo:** Thank you, Hon. Deputy Speaker. I understand Hon. Seroney because he is pretty new in Parliament so he does not understand many of these things. The bottom line is, for any Motion to be brought to the House, that Motion must be cleared by the HBC. That is why we have representation in the HBC. He could have consulted Hon. Omboko Milemba who sits in the HBC, Makali Mulu, Hon. Junet Mohamed or me before he brought the matter to the Floor of the House. We had our names but the issue is that there are some controversies that have since arisen. We hope that by midday, we will have solved them.

I hope my coalition will not be infiltrated by the majority side. Actually, it is the infiltration that is causing this problem. We had agreed. Remember, we came out publicly with my deputy, one Robert Mbui and a very able honourable Member, Junet Mohamed. We had come up with names but after that, there has been a lot of interference and infiltration, which has now necessitated us to consult further. As a matter of fact, I was on top of things. We did not need any teleconferencing at all. We did not have to consult anybody. I did not need the services of Raila Odinga, Kalonzo Musyoka, Musalia Mudavadi or even Moses Wetangula. I was equal

to the task. I held a successful meeting with my deputy and the Minority Whip. Unfortunately, after that meeting some other people infiltrated my coalition, and have caused division which is such a big threat.

**Hon. Deputy Speaker:** You have repeated this thing “infiltration”. Are you suggesting that the Leader of the Majority Party has infiltrated your coalition?

**Hon. Ng’ongo:** Having said that, on a serious matter...

**Hon. Deputy Speaker:** I want you to address yourself as to whether you are able to iron out the differences you are speaking about before midday. You understand that this is a very important commitment.

**Hon. Ng’ongo:** If interference will not come from any another quarter, we are able.

**Hon. Deputy Speaker:** Would you like me to ask the Leader of the Majority Party not to interfere at all?

**Hon. Ng’ongo:** If he stopped interfering, we would be fine.

**Hon. Deputy Speaker:** Unfortunately, I do not have the power for now on that one. There was a point of order by the Leader of the Majority Party. What was it? That should be the end.

**Hon. A.B. Duale:** Hon. Deputy Speaker, this is a House of record. Twenty years from now, people will read. Can Hon. Mbadi tell the House who these infiltrators are? Are they the National Intelligence Service (NIS)? Is it infiltrators within his coalition? He should either name the people who are infiltrating his coalition or withdraw the allegation and apologise. You cannot give this House rumours and propaganda and what you see on the streets. Who are the infiltrators? If it is the NIS or the Departmental Committee on Administration and National Security, the matter must be investigated to establish why they infiltrated NASA. If it is any other Member, then he must have a name. He can just say that after he had complied and sent to the Speaker the name of the Wiper Party, some people infiltrated his coalition and caused confusion. That is a serious statement. It can make him lose his job as the Leader of the Minority Party because his party leaders will see that he is not up to the task. It is bad if you cannot deter infiltration or put your troops in order and deter infiltrators from infiltrating. It will be very difficult to infiltrate Jubilee as long as I am the Leader of the Majority Party.

*(Laughter)*

I will use all means to stop it.

**Hon. Deputy Speaker:** This is something that will be resolved in the next one or two hours, one way or the other. I, of course, saw Hon. Mbadi talking about infiltration and looking menacingly at the Leader of the Majority Party. I do not know whether the looks were the ones suggesting that person but, let us leave that issue. It will be resolved in due course. I see there is a lot of interest.

**Hon. Members** Yes!

**Hon. Deputy Speaker:** Why would there be interest on something which will be resolved shortly? What is it Member for Turkana South?

**Hon. Ekomwa:** Hon. Deputy Speaker....

**Hon. Deputy Speaker:** Did you really want to speak on this? I can see you....

**Hon. Ekomwa:** It was not a point of order. When you see me put an intervention, it is one way of catching your eye or raising a hand. I am ready to contribute in the next Motion.

**Hon. Deputy Speaker:** Okay. You have succeeded. As soon as there will be anything that....

**Hon. Ekomwa:** Since you have given me chance, the Leader of the Majority Party and the Leader of the Minority Party are here, we are tired. Every time, as Members of Parliament, one of the item that is deferred every time is this one of the Parliamentary Service Commission. Can the Leader of the Majority Party and the Leader of the Minority Party give us an explanation for this?

**Hon. Deputy Speaker:** They have explained. Let us leave it at that, Hon. Lomenen.

**Hon. Ekomwa:** I have heard there is infiltration. My brothers from the Opposition, I think you started the word “resist”. That word is eating you now. Everything is turning against you. We want to start something, you resist. We are tired of “resist”.

**Hon. Deputy Speaker:** Okay. Hon. Members, there will be debate on this matter tomorrow. Prepare your notes. I do not think we need to open up too much. You will have your opportunity tomorrow; you will have your opportunity. What is it Member for Kitui South Constituency? That will be the last. That is just to be alive to gender issues.

**Hon. (Ms.) Nyamai:** Thank you very much for giving me a chance, Hon. Deputy Speaker.

We are getting concerned, especially on our side as the Jubilee Party because, as our Leader of the Majority Party Hon. Duale has said, we are ready with the members to the PSC from our side. We are getting worried because the budget-making process has started. We are already doing the Budget Policy Statement (BPS). This is the institution that has been given the role to handle our Budget. I think it is not fair for the Leader of the Minority Party, just because they have a bigger brother and a smaller brother who I happen to have some relationship with, to start keeping the House in abeyance. Even if one brother is bigger and the other smaller, I think it is important for respect; to respect each other. For that one reason, let them give us the members today and bring this matter to rest.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** That is taken. Let us leave it at that. Hon. Wamalwa, this is something that we do not need to open up because you will speak and somebody will want to respond. This is something over which you will have the time to debate tomorrow. Hon. Wamalwa, I know

**Hon. Wakhungu** (*Off-record*)

**Hon. Deputy Speaker:** I have not even given you the Floor. But, what is it Hon. Wamalwa?

**Hon. Wakhungu:** Thank you, Hon. Deputy Speaker.

I agree with what Hon. Mbadi has said. Plans are at an advanced level to bring our all-inclusive list. I just wanted to clarify to Hon. Rachael in line with Article 127 of the Constitution, I do not think it is a crisis. I know the BPS was tabled. In line with Article 127, we already have existing Commissioners. Unless they are replaced, if there is function to be done, they will continue doing that. It is a point of information for Hon. Rachael to be aware of that.

**Hon. Deputy Speaker:** Well. If it is a point of information, you would have given me that opportunity to ask her whether she needs the information. Now, let us leave it at that.

**Hon. Wakhungu:** It is good information for her to know. Thank you.

**Hon. Deputy Speaker:** We will go to the next Order. Let us have Hon. Patrick Mariru. I think you have a notice of Motion to give.



## REPORT OF THE MEETINGS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY

**Hon. Mariru:** Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion:

THAT, this House notes the Reports of the Kenya delegation to the 48<sup>th</sup> Session of the ACP Parliamentary Assembly and the 34<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held in Port-au-Prince, Haiti from 13-20 December 2017, laid on the Table of the House on Wednesday, 21 February 2018.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay, very well. Let us have Hon. Omar Mohamed Maalim.

## PROVISION OF INCENTIVES TO POLICE OFFICERS DEPLOYED TO HARDSHIP AREAS

**Hon. Hassan Omar:** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, acknowledging that the Kenya Police play a very important role in providing assistance to the public when in need, maintenance of law and order, preservation of peace, protection of life and property, investigation of crimes, collection of criminal intelligence, prevention and deduction of crime, apprehension of offenders, enforcement of laws and regulations with which it is charged among other roles as provided for under Section 24 of the National Police Service Act; concerned that many police officers across the country especially those working in northern Kenya and other high risk and hardship areas continue to work under very difficult environment characterized by among others, inadequate and inhabitable, deplorable and congested living quarters, insufficient tools for work and poor salaries and allowances; further concerned that the difficult working environment for the police officers has often led to frustrations, demotivation and occupational stress among officers with many of them exiting the force in search of other jobs; this House urges the National Police Service Commission and the Salaries and Remuneration Commission to provide salary incentives and adequate decent housing for police officers who are deployed to serve in northern Kenya and other hardship areas.

Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Next. That is Hon. Simon King'ara.

**Hon. King'ara:** Thank you, Hon. Deputy Speaker. Before I give notice of the Motion, please, this issue of some names not being around is taking us behind. I wish Hon. Mbadi who is very able just brings these three names. Since we came here as first-timers, we have been hearing of names not coming. Please, let the names come.

Thank you, Hon. Deputy Speaker

**Hon. Deputy Speaker:** Hon. King'ara, you are completely out of order. I want you to proceed to do what you are supposed to do; give a notice. You are actually invading your colleague's notice which he has already given.

## DESIGNATION OF SPECIFIC AREAS FOR DEMONSTRATIONS AND PICKETING

**Hon. King'ara:** I beg to give notice of the following Motion:

THAT, aware that Article 37 of the Constitution guarantees every person the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities; noting that there is need to guarantee that the enjoyment of rights and fundamental freedoms by any individual should not prejudice the rights and fundamental freedoms of others; noting that demonstrations and picketing in cities and major towns in the country, particularly in Nairobi, Mombasa and Kisumu have on many occasions resulted in destructions, loss of lives and property, public disorder and creation of an unfavourable business environment; noting that the rights and freedoms are not unconditional because the Government has a duty and responsibility to ensure maintenance of peace and public order, and protection of the rights, life and property of all its citizens; this House resolves that the Government should designate and gazette specific areas and streets for demonstrations and picketing with a view to ensuring that individuals enjoy their rights and freedoms as enshrined in the Constitution without infringing on the freedoms and rights of others.

Thank you, Hon. Deputy Speaker.

#### DECLARATION OF CANCER A NATIONAL DISASTER

**Hon. (Ms.) Waruguru:** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that cancer causes more deaths than HIV/AIDS, TB and malaria combined; further aware that thirty per cent of cancers are curable if detected at an early stage and that thirty per cent of cancers are treatable with prolonged survival if detected early, thirty per cent of the cancer patients can be provided with adequate symptom management and care; deeply concerned that cancer is the third highest cause of morbidity in Kenya after infectious diseases and cardiovascular diseases in the country; noting that effective treatments require availability of specialists, chemotherapy services, essential drugs for pain management and adequate infrastructure in treatment and avoidance of distance referrals and delays in treatment administration; further that there is need for clear policies concerning terminal pain management, financial and human resource support, palliative care in cancer patients; this House urges the Government to declare cancer a national disaster and establish a cancer fund to cater for cancer treatment and care.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have the next one, Hon. Mohamed Ali Mohamed.

#### ESTABLISHMENT OF NATIONAL HEALTH REFERRAL HOSPITAL IN MOMBASA COUNTY

**Hon. Mohamed Ali:** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 43 of the Constitution provides that every person has a right to the highest attainable standards of health which includes the right to health care services including reproductive health care; further aware that in the post 2015 development agenda the world has committed

to Universal Health Coverage (UHC) and achievement of Sustainable Development Goal 3 to ensure healthy lives and promote well-being for all at all ages; acknowledging that investment in a strong health care system is necessary to ensuring that everyone, everywhere has access to basic health services, irrespective of their geographical location or economic status; recognising that over 80 per cent of Kenyans depend on the public sector for health care services yet they are only two national referral hospitals in the country namely Kenyatta National Hospital in Nairobi and Moi Teaching and Referral Hospital in Eldoret; appreciating that Section 25 as read with the first schedule of the Health Act 2017 provides that there shall be established in each county, a National Health Referral Hospital Level 6; this House urges the Government to fast-track the establishment of a national health referral hospital in Mombasa County with a view to having a facility to cater for sophisticated diagnostic, therapeutic and rehabilitative health care needs in the region, requiring more complex technology and highly skilled personnel as well as supporting training of health workers at both pre-service and in-service levels.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. Let us have the next one, Hon. Rashid Kassim Amin.

### NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33

#### INSECURITY IN WAJIR COUNTY

**Hon. Amin:** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to Standing Order No. 33(1), I seek leave of the House for the purpose of discussing the rampant insecurity incidences in Wajir County and other parts of northern Kenya. The recent killing and attack allegedly by the *Al Shabaab* on Friday 16<sup>th</sup> February 2018 in Qarsa in Wajir East Constituency led to loss of lives...

**Hon. Deputy Speaker:** Order, Hon. Amin! You gave notice of the Motion yesterday and you were given time to move it at 12.00 p.m.

**Hon. Amin:** No!

**Hon. Deputy Speaker:** Let us be very clear on that because as far as I can see, you already have been allocated time from 12.00 p.m. Did you give a notice of Motion yesterday?

**Hon. Amin:** No. I am to give the notice of Motion now for allotment at midday.

**Hon. Deputy Speaker:** Okay. Proceed.

**Hon. Amin:** Hon. Deputy Speaker, pursuant to Standing Order No.33(1), I seek leave of the House for the purpose of discussing the rampant insecurity incidences in Wajir County and other parts of northern Kenya. The recent killing and attack allegedly by the *Al Shabaab* on Friday 16<sup>th</sup> February 2018 in Qarsa in Wajir East Constituency led to the loss of lives of three persons among them three teachers and a spouse to one of the teachers. There was a further loss of lives of more than 18 people as a result of clan conflict. Up to now, the perpetrators of these heinous acts have not been apprehended by the Government. This has affected the public

institutions and mostly the learning institutions where schools are facing imminent closure. This is of great concern in that, it has been worsened by the declaration by the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) to withdraw and redeploy teachers who are non-locals from northern Kenya and affected areas.

It is for this reason that I seek leave of the House in order to deliberate on this matter and explore a lasting solution to insecurity in Wajir County of northern Kenya and other parts of the country.

**Hon. Deputy Speaker:** Let us see if you have the required support

*(Several Hon. Members stood in their places)*

That is confirmed, therefore, you will have an opportunity to move this at 12.00 noon. You should be ready because just in case we do not have sufficient business it could come a little bit earlier but 12.00 noon it is.

Next order!

### PROCEDURAL MOTION

#### EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, this House orders that the business appearing in the Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday morning, a day allocated for business not sponsored by the Majority or Minority Party or business sponsored by a Committee.

Standing Order No. 40(3) is the one that allocates Wednesday mornings for Private Members. My colleague, Hon. Mbadi, is here and can bear me witness. Last night, in the House Business Committee (HBC), we found out that the only Motions available were the ones that were given Notice of Motion this morning, and there was no way they could be given Notice of Motion and be discussed today. So, all those Motions of Private Members will begin next week on Wednesday morning. Because of that, we realised that the House cannot be sitting without any business. We decided to allocate part of the afternoon business for today and Thursday, that is why, procedurally, we need to seek leave of the House for us to discuss the other pending matter.

It is a very simple matter. I am sure from next week on Wednesday going forward we will be having enough Motions and Bills either from Committees or Private Members. But for today, there is nothing in the kitchen from Private Members business. It is a small Procedural Motion and I will ask my colleague Hon. Mbadi, a Member of the House Business Committee to second.

**Hon. Ng'ongo:** Thank you, Hon. Deputy Speaker. I am just rising to confirm that, indeed, during our deliberations at the HBC we realised that the Private Members Motions were not ready for processing this morning. There are quite a number of these Motions coming up from next week as the Leader of the Majority Party has said. So, we just want the House to indulge us and allow this Procedural Motion so that we discuss other matters not falling in the category of business not sponsored by the Majority or Minority Party or business sponsored by a Committee.

Thank you, Hon. Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Next Order.

**Hon. Murungi:** On a point of order.

**Hon. Deputy Speaker:** What is it, Hon. Kathuri?

**Hon. Murungi:** Hon. Deputy Speaker, I do not want to impute improper motive on you, but I stood very fast because I wanted to raise a point on that Motion before you put it to a vote. If you allow me, I can use one minute.

**Hon. Deputy Speaker:** No, that one is gone. Do not worry, Hon. Kathuri. If you did not catch the Speaker's eye, too bad. That is gone. You will have an opportunity. This one comes many times. So let us proceed.

## MOTIONS

### APPROVAL OF NOMINEES TO NG-CDF COMMITTEE

**Hon. Deputy Speaker:** Yes, Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraph 5 (9 & 10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the Kitutu Chache South Constituency Committee of the National Government Constituency Development Fund, laid on the Table of the House on Tuesday, February 20, 2018—

### KITUTU CHACHE SOUTH CONSTITUENCY

- |                                 |   |  |
|---------------------------------|---|--|
| (i) Matundura Geoffrey Mose     | - | Male Youth Representative                        |
| (ii) James Maobe Mokaya         | - | Male Adult Representative                        |
| (iii) Winfridah Kemunto Maisiba | - | Female Youth Representative                      |
| (iv) Mellen Nyomenda Kebati     | - | Female Adult representative                      |
| (v) John Ongeri Ondieki         | - | Representative of Persons living with Disability |
| (vi) James Orito Omonywa        | - | Nominee of the Constituency Office (Male)        |
| (vii) Pacifica Moraa Onyango    | - | Nominee of the Constituency Office (Female)      |

This is a constituency whose list came late. As I support, I am wondering why there is no representative from the Muslim community and there is a huge Muslim population in this constituency, in Kisii town. Hon. Onyonka is not here, but I will pick it up with him. He cannot marginalise a serious segment. I am sure the Muslim community in Kisii is watching me. They voted for him.

**Hon. Deputy Speaker:** But this is your Motion, Leader of the Majority Party.

**Hon. A.B. Duale:** It is my Motion, but I will talk to the Member. You know the office of the Leader of the Majority Party puts you between a rock and a hard place. But I will talk to Hon. Onyonka. He is a ranking Member; I served with him in the 10<sup>th</sup> Parliament.

Hon. Onyonka's constituency is one constituency in which elections were not held on 8<sup>th</sup> August 2017. When we were passing lists of the other 289 constituencies, he was still campaigning; he was still looking for the seat. I am sure this House will be very fair to him. If we pass this list and then the Board and the Ministry gazette it, he can have time to deal with the matters of his constituency.

Number two, the National Treasury has been releasing close to Kshs2 billion every week diligently to the Board, so there is enough money at the Board. I talked to the CEO of the Board yesterday, I do not know why the chair of the NG-CDF committee is not here, and the Board confirmed to me that over 80 constituencies have not submitted their project proposals. That is an indictment on us the leadership. If your constituency is one of the 80 that have not submitted their proposals, then I do not know how else you want to serve your people. The NG-CDF is very important, Hon. Deputy Speaker. You are a sitting Member of a constituency. So colleagues I want to urge that please let us submit. The rest that have submitted, the Board is approving the project proposals as they come. And I am sure in the next 10 days we must have at least 50 or 30 or 40 per cent of the funds for 2017/2018 Budget in our accounts.

Number three, which is very important, there was a certain amount of the NG-CDF allocation that was not factored in the Supplementary Estimates of 2017. We are telling both the NG-CDF committee of this House and the Budget and Appropriations Committee that when the CS for National Treasury appears before you, you must now regularise that item so that each constituency can get its Kshs105 million. So Members in those committees and all of us together because we are going to approve the Budget Policy Statement and the Budget in this House, let us make sure that through the current Estimates we bring back the money that we lost in the Supplementary Estimates.

The NG-CDF is great and I am sure all of us, now that we have a committee of this House dealing with those matters, they must up their game and make sure that they protect the interest of this fund for the benefit of our constituencies and voters.

Hon. Deputy Speaker, I beg to move and ask one of the few surgeons in this House, Hon. Pukose to second.

**Hon. Deputy Speaker:** They are actually three. We have this one and we have.... I am sorry I am referring to a gynaecologist instead. Proceed.

**Hon. (Dr.) Pukose:** Hon. Deputy Speaker, just for the record, I am the only surgeon in the Kenyan Parliament, both the Senate and the National Assembly. The other doctors are gynaecologists or paediatricians. We also have herbalists in the House.

*(Laughter)*

I stand to second the Motion by the Leader of the Majority Party.

**Hon. Deputy Speaker:** Well, it is good that you did not even talk about Hon. Rindikiri's business because that is completely different. That is a 'specialised' surgeon.

*(Laughter)*

**Hon. (Dr.) Pukose:** Hon. Deputy Speaker, I want to second this Motion on the appointment of the NG-CDFC members of the Kitutu Chache South Constituency, having elected their Member of Parliament after the other constituencies had done so. This will also enable them to operationalise their activities as soon as possible. The people of Kitutu Chache South need to be able to present their proposals for approval. They also need to be able to utilise their funds. They need development.

The NG-CDFC performs important functions. Just as the Leader of the Majority Party put it, the Kshs15 million per constituency that was omitted in the Supplementary Budget is key to us in terms of doing some projects in our constituencies. That is money that we had initially budgeted for before the NG-CDF Board even came up with some areas in the constituencies, where they wanted every constituency to establish four Information and Communication Technology centres. They also want us to come up with a master plan, which had not been factored. So, this Kshs15 million per constituency is very important.

Hon. Temporary Deputy Speaker, it would also be very important for the NG-CDF Committee to be very keen to ensure that all projects that we intend to do are national functions especially putting up of houses for regular police, Administration Police, chiefs, County Officers and in other areas. We are hoping that in this financial year there will be an increment because Kshs101 million per constituency is not adequate. We think our people need more projects and this NG-CDF has been very key and fundamental in terms of devolution. Devolution was actually borrowed from what NG-CDF has been able to achieve in all the corners of this country.

Hon. Deputy Speaker, I second the Motion and thank you.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Members, I would ordinarily put the Question because we really do not need to spend a lot of time on this because it is only the Members of Parliament from specific areas that would probably know some of these members. Therefore, seeing that we have the Member for Kitutu Chache South Constituency, he is the only one I am going to allow to have a shot on this. The rest of the Members cannot pretend that they know these particular people. This is a very specific issue. So, other issues of NG-CDF really can be canvassed in different forums. However, I might consider some few Members. So, let us have the Member for Kitutu Chache South Constituency, Hon. Onyonka take the Floor.

**Hon. Onyonka:** Hon. Deputy Speaker, First, I would like to thank all of you for allowing me to say one or two things about this list.

I want to mention that the reason why the names of Kitutu Chache South Constituency have been brought to the Floor of the House this late is because, as you are aware, I had to go for a by-election which was delayed because we lost one of the candidates, the Jubilee candidate who died. Therefore, as a result, the elections were postponed and they took place in November, 2017.

Two, I wanted to also respond in a very subtle manner to what the Leader of the Majority Party said. Even when the law does not require me as a patron to have nominees brought onto this list because of their religious affiliations, I would like to say that it was actually an oversight. I think the reason why Hon. Duale mentioned the issue is because he knows that Kitutu Chache South Constituency, which is basically in Kisii Town, is the area which has got all the three mosques. I promise that we will make sure that we follow up and bring a Muslim in order for us to have fairness and equity.

I also wanted to say that the individuals that we have put on this list are people of integrity and credibility. I have worked with them for the last 10 years. I can for sure tell you that the performance of Kitutu Chache South Constituency NG-CDF is actually what made the people of my constituency vote for me. We have done well. I believe that NG-CDF is a wonderful fund and that we must jealously protect it in this House. I believe that Members of Parliament will make sure that their funds work well and ensure that we deliver to the public. I do not have much to say but I wanted to ask Members of this House to actually approve these names because it would make it easy for me as a Member of Parliament to start my job of overseeing the utilisation of the funds which are available within my constituency.

With those very many words, I support and thank all of you.

**Hon. Deputy Speaker:** I will give opportunity to another Member who has been very persistent. Let us have the Member for Imenti South. However, it has to be on this specific matter.

**Hon. Murungi:** Thank you, Hon. Speaker for also giving me this opportunity to support this Motion. I had not gotten an opportunity before to congratulate my friend and colleague, the Member for Kitutu Chache South.

As much as this is happening now, this Committee needs to be gazetted as soon as possible so that they can also give their proposals for onward transmission to the Board. They need to get this money as soon as possible to develop the constituency. As the Hon. Leader of the Majority Party said, that these proposals have been approved by the Board, and noting that the National Treasury does not release this money in one batch, I would humbly request the NG-CDF to start remitting funds to the constituencies so that they can now start giving out bursaries.

In my constituency I am really in hot soup because of bursaries. We have so many children in schools and very many needy cases but from January we have not been able to remit the bursaries to the students. I think the Board and the Chairman of NG-CDF Committee will be able to expedite this matter so that we can really move forward.

Thank you, Hon. Deputy Speaker.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Next Order.

#### ADOPTION OF SESSIONAL PAPER ON THE NATIONAL HOUSING POLICY

**Hon. Washiali:** Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts Sessional Paper No.3 of 2016 on the National Housing Policy, laid on the Table of the House on Thursday, 15<sup>th</sup> February 2018.

Hon. Deputy Speaker, when I was asked by the Hon. Leader of the Majority Party to move this Motion, I remembered what I said when I was moving Procedural Motions that would help this House proceed with business; I asked Members to take these Sessional Papers seriously. To have time to look at them so that we can debate them and come up with a policy that is workable and that will be useful to Kenyans.

The Constitution of Kenya, in Article 43(1)(b), states that every person has the right to accessible and adequate housing and to reasonable standards of sanitation. Article 21(2) states the State shall take legislative, policy and other measures, including the setting of standards, to



achieve the progressive realisation of the rights guaranteed under Article 43. This is in line with the Universal Declaration of Human Rights (UDHR-1948), Article 25(1) which states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing and housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Hon. Deputy Speaker, we, Members, have noticed that developers are coming up with development settlements without making provision for schools. They do not leave space for playgrounds for both children and adults. I have seen adults jogging in places where that has been provided, and that has kept them in good condition.

Sometimes developers have never provided for hospitals and even special amenities such as churches and mosques. So, the Housing sector is a key driver of the national and local socio-economic development due to its forward and backward linkages, thus having a big multiplier effect in job creation. The proposed Housing Policy will guide the performance of this sector by clearly spelling out the role of key stakeholders, including county governments and the private sector. It will also form the foundation upon which the administrative and legislative framework will be enhanced in order to meet the housing demand for Kenyans.

Hon. Deputy Speaker, despite the important role played by the housing sector in Kenya, access to housing has continued to face numerous challenges with majority of Kenyans in urban areas not being in a position to access adequate housing and thus end up in slums and informal settlements. This is similar to what we have seen coming up in estates such as Kibera and Mathare, where we have no streets. In the event of a fire, any intervention would not access the areas required and so the need to plan is key. This is because most households comprise of low income earners. About 74.4 per cent of wage earners earn between Kshs0-50,000. Such people cannot afford rent or mortgage for housing delivered by the private sector. There is therefore an urgent need for the Government to facilitate housing for this population. In order to comply with the constitutional provisions and address the identifiable challenges, this policy has isolated the following as some of the key deficiencies in the housing sector:

1. Mismatch between household incomes and cost of housing.
2. Unfavourable land markets, particularly very limited developable land for affordable housing in zones close to the working areas of the low-income earners.
3. High cost of installing housing related infrastructure.
4. Limited access and high cost of housing finance.

Hon. Deputy Speaker, kindly allow me to elaborate a bit on this. Many of the financing institutions have been supporting developers. The interest rates have varied between 5 to beyond 25 per cent. That has been a very big challenge which has also contributed to deficiencies in this sector.

Limited research and uptake of appropriate and modern housing construction technologies have also contributed to deficiencies. Other contributors of deficiencies include lack of legal and all-encompassing coordinating mechanism, poor management of housing delivered by public agencies and lack of reliable data and information on the sector.

Hon. Deputy Speaker, the National Housing Policy has therefore outlined the following interventions to address the deficiencies:

1. Establishment of a National Social Housing Development Fund to provide a sustainable facilitating vehicle for efficient utilisation of the scarce technical and financial resources for housing development.

2. Enactment of all-encompassing housing Act to provide for a comprehensive framework for coordination and facilitation of the housing sector.
3. Development and sound management of social housing for identified target groups, particularly the low-income slum dwellers through budgetary allocation, county governments and priorities provision for social housing through provision of infrastructure and availing serviced land.
4. Increased delivery of affordable rental housing by county governments with facilitation from the National Social Housing Development Fund and where applicable through partnerships and the private sector.
5. The promotion of savings for housing as well as use of capital markets for mobilizing housing finance and investment.
6. The enactment of legislation to allow 10 per cent of statutory and pension funds, including those from the National Social Security Fund (NSSF) and other funds to be lent out directly for low cost housing developments against collateral security.
7. The institutional mechanisms for land banking and installation of infrastructure in peri-urban areas.
8. Provision for a housing infrastructure by county governments and streamlining of approvals to ensure provision of basic infrastructural services.
9. The establishment and operationalisation of housing technology centres in each constituency to increase access to decent housing by promoting location specific building materials and low-cost housing.
10. Establishment of a mechanism for tenants, developers and landlords to be involved in prudent management of residential quarters including the development of maintenance manual.
11. The enactment of Housing Bill, 2014, Environment Bill, 2012 and review of Rent Restriction Act.
12. Regularly undertaking data collection of both national and county governments.

Therefore, I beg to move, but before I ask my colleague to second, I just want to add that housing is one of the four pillars of the Jubilee Government. I am sure going by what I am privy to as part of the leadership in this House, in the coming Budget, enough funds will be allocated to the respective ministries and especially the Ministry of Transport, Infrastructure, Housing and Urban Development. That way, we will have adequate housing for Kenyans which has been a problem for many years. I am sure the Jubilee Government is out to solve this matter.

Therefore, I want to request Members who had enough time to look at this policy to support it. As Parliament, we have to multi-task. I am aware that a number of Committees are vetting Principal Secretaries. I am sure when they finish with this exercise they will come to contribute to this Motion so that the Housing Policy can be put in place.

I beg to move and ask Hon. Cecily Mbarire, a nominated Member of Parliament and the Deputy Majority Whip to second.

**Hon. Deputy Speaker:** Very well. Proceed, Hon. Mbarire.

**Hon. (Ms.) Mbarire:** Thank you, Hon. Deputy Speaker. I rise to second this Motion. I want to begin by reminding us that Kenya has one of the most progressive Bill of Rights. This is because it does not just talk about the human rights as we know them but also addresses the first-generation human rights which are: right to expression, association and various freedoms. Again, it goes further and identifies what we call the second-generation human rights which include the right to food, clothing, health care, education, housing and a clean environment among other rights.

This progressive Bill of Rights in Article 43 of the Constitution states:

“(1) Every person has the right –

(b) to accessible and adequate housing, and to reasonable standards of sanitation.”

The same Bill of Rights in Article 21 states:

“(2) The State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realisation of the rights guaranteed under Article 43.”

Today, we are going to deal with that particular provision in the Bill of Rights. I think this House has been given a chance to ensure the realisation of this particular right to housing. We are aware that the Jubilee Government, led by His Excellency the President, has come up with four pillars which it wants to run with in the next five years. They have come up with an ambitious pillar of building 500,000 affordable houses within the next five years, both in the main cities and other small towns across the country.

It is hoped that this particular pillar will afford the creation of 350,000 jobs within that period which is also seen as one way of ensuring that we take care of the many jobless young people we have in this country. In the last Parliament, I was lucky to have been in the Departmental Committee on Transport, Public Works and Housing. We got a chance to visit Brazil, where we learnt of a very important programme which the then president and government had initiated. The programme was called *Minha Casa Minha Vida*, which means, my house, my life. That project was started in 2009. At the time we visited them in 2015 they had been able to house 10.5 million low-income earners whom they had placed in 2.6 million housing units.

Therefore, as a nation, we have got to do the same in order to take care of the low-income earners. This Policy aims at ensuring that they spell out the roles of the various stakeholders in the housing sector namely; the national Government, the county governments and the private sector players so that they know the role of each of these stakeholders. This Policy has identified the major gaps which are bedeviling the low-income earners in so far as housing is concerned, one of them being the fact that low-income earners cannot afford mortgage. This is because in Kenya housing is very expensive as most Members have identified through our mortgage scheme. It is not possible for one with Kshs20 million to be able to get a house in certain areas. One has to go to their pockets to add onto that amount to be able to get the house they wish to have. We know that the cost of housing has almost gone up 10 times what it used to be 15 years ago, when I first came to this House.

*(Hon. Angwenyi walked into the Chamber)*

Allow me to welcome the Deputy Leader of the Majority Party and say that we congratulate him because he won the petition against him on his election. Therefore, it has been validated that he was elected legally and properly, and the Independent Electoral and Boundaries Commission (IEBC) did its job well. Congratulations!

Let me continue and say that because of the cost of housing, there is, therefore, need to come up with a policy that addresses this glaring gap such that very low-income earners cannot afford housing in Kenya. Let us find a way of ensuring that they can afford some housing. This same Policy identifies the fact that there is a gap in terms of availability of land close to the work places of low-income workers in order to build the envisaged houses. One of the things the Government will be doing is to make sure that they demarcate land that is closer to the work places of low-income earners so that they can be able to get to work without having to spend so much money on transport.

Of course, the other gap is the cost of building houses in this country. Our houses are very expensive. Building materials are very expensive. Labour is very expensive. Therefore, the Government has to find a way of lowering these costs by probably reducing certain taxes, like the ones that the President has identified, so that it becomes cheaper for the construction industry to build low cost houses. When houses are built at a lower cost, it becomes possible for low-income earners to access the houses because they will cost less.

Of course, there is the limited access to housing finance and the high cost of the same. Low-income earners cannot access financing for their houses and when they do so, it is too expensive for them. Therefore, the Government has to find a way of making it possible for low-income earners to access housing finance. There is a big gap in terms of us identifying and appreciating technology for construction of low-cost houses. We need to find a construction technology that is cheaper. We know that countries like Singapore, China, Malaysia and others are building houses using low cost technology that is faster and cheaper. That way, they are able to make sure that the low-income earners access houses.

The Policy also identifies the lack of a legal framework that will allow the smooth running of this whole sector that aims at taking care of the poor. The poor management of public housing is also identified as a major gap that really needs to be looked into.

Therefore, when we pass this particular Policy, we are giving room for the ministry and the Government to bring a national social housing fund that will come here for us to debate and pass it and even come up with a national housing Act that is friendlier towards the low income earners. So, I am asking this House to kindly pass this particular Policy because it opens doors for many other things that will need to be done and then we can begin to build the 500,000 houses. The only thing I would like to say is that as we do this, there will definitely be a need of coming up with a formula of identifying the beneficiaries of these houses. In the past, we have seen houses meant for the low income earners going to high income earners, the well positioned in Government and the high officers in Government. We hope that this time, for sure, if it is meant for low income earners it goes to low income earners and when we get to the point of low income earners, we want a percentage of these houses to be identified for women, especially single mothers who have families and need to have houses for their families.

With those many remarks, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Maanzo.

*(Hon. Gikaria pressed the intervention button)*

Order, Hon. Maanzo! What is it? Is it a point of order or intervention by Hon. Gikaria? You have pressed the intervention button.

Hon. Maanzo, you have the Floor.

**Hon. Maanzo:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute on this very important Sessional Paper. I wish to state that Sessional Papers inform policy and policy informs the House on the making of the law or the necessary legal amendments we need to make for the benefit of the country. The housing sector was boosted by the Constitution of 2010, whereby it becomes part of the rights of every citizen of Kenya to decent housing, water supply and sewerage system. All of them are combined.

I would like to concentrate on the part of the development policy which the Government has put in place in Vision 2030. In the regime of President Kibaki, there was a very active system of making sure that poor people in Kenya accessed housing. It still goes to the upgrading project in Kibera slums and many other low-income areas. Part of the challenges was to identify the people who were there and where they would be moved to, and even the land utilisation. One of the areas I would like to concentrate on in this contribution is the role of cooperatives in housing. It appears in this Report that most cooperatives are now known to provide land. There are many housing cooperatives which also deal with land, and are able to provide land which is the basic necessity for one to construct a house. These cooperatives have also made an improvement such that they developing the land they have acquired as a cooperative society. People come together and acquire land. There is now a very good development by the Kenya Union of Savings and Credit Co-operatives (KUSCCO) Limited, which is the umbrella body of the Savings and Credit Cooperative (SACCO) societies in Kenya. Several other SACCOs have housing projects for their members. If you go to the lower level housing cooperatives, we have quite a number in the country, and they are working to make sure that Kenyans have affordable housing.

A study was done in India and it was found that when people are upgraded, the challenge is that we also have to change the thinking of the people. You know, life in a lot of slums is easy in terms of socialization and people are closer to one another. People help one another. Therefore, even when they are upgraded and moved to new houses, most of them want to continue living as before. In the case of the study conducted in India, people preferred to let out their new houses and moved back to the slums. At the end of the day, you find that you have not really transformed that particular person.

Cooperatives could be a very big vehicle, if properly utilised. The subsector is now under the Ministry of Trade, Industry and Cooperatives. Cooperatives can be organised by people. People can come together and acquire land together or be granted land and the same land developed by putting their resources together without any Government input. This is also being practised in many parts of the world. It is part of the United Nations (UN) programmes on Housing. I believe it is one of the schemes Kenya could utilise.

You do not also deal with the issue of housing without talking about a clean environment. There is a challenge now from the Sessional Paper which we debated yesterday. We need a proper environment. Even in this new National Housing Policy, we have a tree planting project which is going on. The trees will purify the air around where people have settled and where the Government intends to settle its people. This needs to be financed properly to be well programmed. I am glad to report that the new Principal Secretary in charge of housing will be vetted so that he can handle all the matters properly. As a Government ministry, the Principal Secretary and the Cabinet Secretary will work with all stakeholders from the United Nations, cooperatives, the local people and organisations in housing, so that we can provide the people of Kenya with decent housing.

This has also been affected by devolution. The counties can also have their programme which has proper planning of our markets, towns and cities, so that it matches with our expectations. This will ensure that there is no wastage of land and that there is proper easement, so that people can access properties where they wish to develop. The most important thing is to focus on the people who are homeless, and look at the whole regime of law which deals with land. Before you construct a house, there must be land. We also need to look at any other laws which could be made together with environmental laws and housing laws through this Policy, so that Kenyans can be served better by the laws that we make in this law.

I beg to support the Motion. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Mariru): There is someone who is signalling the Speaker using the hand. You have to register in your machine, so that I can see you on the screen. Hon. Gikaria, Member for Nakuru Town East.

**Hon. Gikaria:** Thank you, Hon. Temporary Deputy Speaker. First, let me say it is good to see you seated there because of the good work that you did in Laikipia County. I know you will do a better job as a member of the Chairperson's Panel. I want to thank you for giving me this opportunity to contribute.

One of the issues that we need to look into in the Sessional Paper on the National Housing Policy is public participation. I hope Hon. Washiali is here. We keep on asking ourselves whether the sessional papers are subjected to public participation. That is the most crucial aspect of this. As we write these sessional papers, they need to be subjected to public participation so that people can give their input. We appreciate that the Government has taken this as one of the major four agendas in the coming five years. Unfortunately, there are issues that have been raised by the Members. We hope that the Government will implement this very important sector this time round.

There is also a second thing which is important. I hope that the President set aside housing as a ministry on its own. It was placed under the Ministry of Transport, Infrastructure, Housing and Urban Development. That Ministry is basically involved in matters to do with roads and other very important aspects. When you clamp two very important aspects in one ministry, it is not possible for them to give it a 100 per cent thought of what we anticipate. I wish that the President had made it a ministry on its own, with its CS, to handle housing matters. We should even have a Committee in Parliament to follow the implementation of the major four agendas. This will give some teeth and meaning to this very important sector.

I do not want to deliberate on the cost of building in this country. It is important for the Government to start thinking on how it can formulate a policy where funds can be available at very cheap rates to the *mwananchi*. If you look at the current trend, some private investors are making major kills by building some housing units and then selling them at very unaffordable prices. At some point, you find so many people at the end of the day are unable to pay, and these houses are repossessed. The Minority Whip has said: "My house my life". That is what we think of. That is the direction that we need to take. The National Housing Corporation (NHC) has been bestowed this responsibility. I was a member of Nakuru Municipality. The last time NHC ever built a house in Nakuru was in the 1940s. In fact, they came to collect the few shillings that they were... They have basically done nothing. It is high time we look at the NHC and their objectives to see whether they are articulated and implemented. It has been a very big let-down. It has not lived to the expectations of what they were meant to do.

The NHC should stop concentrating in Nairobi. It needs to move and come to other areas. Let us demystify this aspect of rural-urban migration. If we can build houses and create some jobs away from Nairobi, then we will be able to... They run to Nairobi and urban centres. We will present some petitions to the Committee to look into what the NHC has been doing.

There is also the National Construction Authority. People have gone to banks of late, got money and built some houses in the urban centres, but only for them to come down. It is very sad. The National Construction Authority has slept on the job. It just thinks of charging very high figures. If you want to have a company, they ask you to pay Kshs300,000 or Kshs200,000. They concentrate on collecting money and forget their core activity which is to have quality housing. Houses are collapsing because we have substandard building materials in the market. Whenever

you tell them, they always pass the buck to the Kenya Bureau of Standards (KBS) which looks at the standard and the substandard materials. The KBS allows business people to sell very substandard materials in the market at a high cost. So, KBS should take up this matter seriously. People have invested so much millions and at the end of the day, there is nothing to show.

We also need to look at the planning aspect in this Sessional Paper on the National Housing Policy. There is poor planning. Our urban areas are not connected with water, roads and sanitation facilities. At the end of the day, you find a very good house but the other infrastructures that are supposed to go by it are not there. I disagree totally with what the Majority Whip was saying that we should allow the county governments to have rental houses. That is the last thing that we should ever do. We should allow county governments to build houses on tenancy purchase, but not allow them to collect rent where they never come back to do any maintenance at all and charge very high fees. The county governments ought to build houses, get into partnership with other donors or other development agencies and build houses which they can give on a long term tenancy purchase.

Allowing county governments to put up rental houses will never help a young person or a young couple to own a house and pay for it at a reasonable rate. We need to look critically at this Sessional Paper on the National Housing Policy. Environmental and social impact assessment reports ought to be given whenever any investor is coming up with a housing scheme so that we do not end up affecting the environment. We have seen cases where people have built houses in very low places and the result is that sanitation and connecting the houses to sewage treatment plants becomes very difficult.

We also need to look at it very critically and scrutinise, more so, with regard to funding. What has been said about the NSSF is a very good idea. The 10 per cent of the NSSF should be given at a very cheap rate to people who want to build houses. It is something that we really need to look into.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Mariru): Let us have Hon. Martin Owino, Member for Ndhiwa.

**Hon. Martin Owino:** Thank you, Hon. Temporary Deputy Speaker. This is a very important Motion for me especially with my background on health. The so-called low-income earners are distributed across the country. I would like to see us cut down on the urbanisation of buildings and spread it to the rural areas. The low-income earners host the jobless. In fact, it is the opposite of the affluent community. They can stay with five or 10 people in their houses. I want to encourage the regulation of the houses. For example, you cannot put five or six people or a family in a ten by ten room. We need to also provide affordable and adequate housing for the low-income earners.

Most developed countries have developed another strategy that requires 30 per cent of low-income earners to go directly in repaying the rent. We need to adopt that. Once that is implemented, it may prevent the idea of renting out a house that has been allocated to you. It is working very well in developed countries and has become an issue of the past.

I would also like to advocate for the improvement of local materials. We still have a lot of quarries and locally manufactured materials, but we are not paying attention to them. It can drastically reduce the pricing of houses. I support the national housing fund with structures and policies so that we can implement them. Things like playgrounds have been mentioned here. The number of autistic children is going up because children have become very inactive and have nowhere to play. If there is poor housing, rest assured we will pay for it a lot in the health sector.

Lastly, because I want to yield more time to Members, in Ndhiwa Constituency, 16 per cent of houses still leak because they have thatched roofs. Unfortunately, they belong to widows who host orphans. In my private initiative, I am building a lot of houses for them and I know my friend, Hon. Otiende Amollo, is also building some in Rarieda. I would like a situation where those vulnerable members of the community are also considered as low-income earners because they also earn an income from the roadside while selling vegetables. Let us not define low-income earners only by payroll, but also household income. I would like this to be extended to the Ndhiwa community so that the 16 per cent widows who have leaking roofs can enjoy the so-called 500,000 houses that will be initiated. I do not think Ndhiwa is alone. This happens across the country. If we do it well - and a Member said it here - it would prevent migration from rural areas to urban in search of jobs and good housing. Let us move these goodies also to the rural areas. I yield the time.

**The Temporary Deputy Speaker** (Hon. Mariru): Because of gender, let us have Hon. Obo Mohammed, Member for Lamu.

**Hon. (Ms.) Obo:** Asante Bwana Spika. Ninashukuru umenipatia nafasi hii nami niweze kuchangia hii sera ya makazi. Kwa ruhusa yako, naomba nisome jinsi Katiba inavyosema kwa lugha ya Kiingereza. The Constitution states that every person has a right to access adequate housing and a reasonable standard of sanitation. Further, Article 21(2) states:

“The State shall take legislative, policy and other measures including the setting of standards, to achieve the progress realisation of the rights guaranteed under Article 43.”

Hii Sera ni muhimu sana. Saa hii katika Eneo Bunge la Lamu Mashariki kuna barabara inayojengwa. Barabara hiyo inatoka Mtangawanda ikielekea Kizingitini. Ni maendeleo mazuri ambayo tunafurahia. Lakini Katiba inasema kuwa watu wawe na nyumba. Kule, nyumba zinavunjwa. Sio kwamba nyumba zimefuata barabara ila barabara ndio imefuata nyumba. Pia, nyumba hizo zimechorwa alama ya “X”. Watu wametishika sana hata bodaboda ikipita wanaona ni kama trakta inakuja kuvunja nyumba. Ni muhimu sana sera hii ipitishwe kusikuwe na unyanyasaji wa watu na kuwe na haki za kibinadamu. Kama saa hii, inasemekana kuwa ni minazi peke yake ndio italipwa Kshs3000 kwa kila mnazi. Ardhi haihesabiwi. Wakikata mwembe, mkwaju au mkoroshu, hazihesabiwi. Watu wananyanyaswa sana.

Serikali inafanya bidii kuleta miradi na sisi tunaipenda lakini wale wanaokwenda kule mashinani ndio wanatuharibia. Wanatufanya sisi Wabunge wa Lamu kupata shida. Watu wanaona sisi pia tuko kwa Serikali na tunachangia mambo haya. Ukizungumza kuhusu vile ambavyo kontrakta na wahandisi wanafanya unaonekana pengine unapinga miradi ya Serikali. Sisi watu wa Lamu hatupingi miradi ya Serikali. Tumeshirikiana kama Wabunge kuwasaidia wananchi ndio maana nikaona leo niwaeleze kuwa hii sera ilikuwa ipitishwe mwaka mmoja kabla ndio haya mambo yanayotokea Lamu yasitokee. Sisi watu wa Lamu twapenda sana miradi lakini twataka iangaliwe kwamba wale wanaokuja kule ndio wanaharibia Serikali. Hii ndio maana huko Lamu kila wakati watu wanasema tuko *marginalised*, tumetengwa, tumefanywa hivi na husababisha hasira na watu wengine kuona mambo mengine mabaya. Naomba wale wahusika kuwa kabla sera hii haijapita wahakikishe hizo alama za “X” walizochora wazifute. Tukiziona hizo alama za “X” tunajua watazivunja. Basi wahakikishe wamezifuta ama watafute njia ya kuwasaidia wananchi wa Lamu ili tujihisi tuko ndani ya Serikali. Hivyo, tutakaribisha miradi kwa njia nzuri.

Ahsante.

**The Temporary Deputy Speaker** (Hon. Mariru): Let us now have Hon. Koskei, Member for Chepalungu.



**Hon. Gideon Koskei:** Thank you, Hon. Temporary Deputy Speaker. I want to support the adoption of this Sessional Paper. When it comes to housing in Kenya, we all know that the NHC is a statutory body established by an Act of Parliament, Cap.117. The history of the NHC goes back to the colonial era. The colonialists wanted to promote Africans, more so Kenyans, to have decent housing. Right now, in Kenya, there is supposed to be housing for the low-income earners, but nobody can define the real low-income earners. Everybody is now a hustler and fighting for their own lives. It is man for himself and God for us all.

We need to find a way of identifying direct beneficiaries of the low-priced houses. They should benefit right from acquisition of land on which the houses should be built. Who has the responsibility of identifying the land? Who has the correct procedures of building the houses? Materials for building houses in Kenya are bad! We should have tax incentives that can encourage more Kenyans to own houses as opposed to having individuals acquiring all the houses and reselling them.

Chapter 4 of our great Constitution has the Bill of Rights. Article 43 says that every person has a right to accessible and adequate housing and to reasonable standards of sanitation. Because of shortage of houses in Kenya, private developers use shoddy materials and shortcuts to construct houses thereby risking the lives of Kenyans who have mostly migrated to urban centres from the rural areas to look for resources and better living standards.

I propose that we adopt this Sessional Paper No.3 of 2016 on the National Housing Policy. Thank you.

**The Temporary Deputy Speaker** (Hon. Mariru): Let us have Hon. Mutemi, Member for Mwingi Central. He is not in. Incidentally, the next one is from the same county; Hon. Nguna, Member for Mwingi West.

**Hon. Nguna:** Thank you very much for giving me this opportunity to support this timely and critical Motion on the National Housing Policy. This Motion should have been passed a long time ago because of the situation we face in our slums. For example, the high rate of crime.

This Policy is in line with the President's big four agenda. Proper housing is one of the objectives of the agenda. At the same time, the policy is in line with the Vision 2030, which is outlined clearly. If we adopt this Sessional Paper, it is going to alleviate overcrowding especially in our urban centres. It is very important we adopt this Motion on low cost housing because it will attract local investors. As we all know, most houses in Nairobi and other urban centres are owned by foreigners. If we adopt this Policy, we will entice Kenyans to own houses.

Another advantage is that we will improve the health of our communities. Upgrading our slums with proper sanitation will improve community health.

Allow me to be that brief. I support the Motion. Thank you very much

**The Temporary Deputy Speaker** (Hon. Mariru): We must prioritise seniors. Let us have Hon. Angwenyi.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this important Motion. Housing in this country is a big issue. I believe that is why our President has identified housing as one item in his big four agenda.

Kenya at one time had adequate housing for all its people. I remember in the 1970s and early 1980s, this country had adequate housing for our people in towns. That is the time the NHC and the Housing Finance Corporation of Kenya (HFCK) were very busy constructing houses in our towns. I remember after I completed university and got a job, I bought my first house in my first year of working at Otiende. At that time, a three-bedroomed house in Otiende was going for

Kshs18,000. Today, that house costs more than Kshs3 million because we have left construction of houses to real agents; people who want to make money even from low-income earners.

*(Hon. Amin crossed the Floor without bowing at the Bar)*

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Member! You cannot cross the Floor like that. You have to go the Bar, bow, then cross the Floor.

**Hon. Angwenyi:** Hon. Temporary Deputy Speaker, maybe we should go for another induction.

We do not have to re-invent the wheel. There are countries which have constructed adequate houses for their citizens. One of them borrowed, word for word, a policy on housing from Kenya. That is Malaysia. It borrowed almost word for word our housing policy in the 1970s and implemented it to the fullest. Today, Malaysia has adequate housing for its people. If we decide the material we want to use in the construction...

*(Hon. Amin crossed the Floor without bowing at the Bar)*

**The Temporary Deputy Speaker** (Hon. Mariru): Order Hon. Kassim. This is the second time in a minute you have made the same mistake.

*(Laughter)*

You are forgiven. It does not matter who he was consulting. The rules are clear. Please, proceed.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Speaker. We should have passed this Policy like yesterday. We should also make sure that our Committee on Implementation ensures that the Policy is implemented to the letter.

When we construct 500,000 houses in this country, they should be distributed to various counties. There are areas like Kisii Town, which have no adequate housing for its people. You find a single room house being rented for Kshs20,000 in Kisii, not in Nairobi. You find an acre of land going for Kshs10 million in Kisii. The first thing is to find out where the land is, purchase it and make it available for construction of houses then identify the people who will occupy the houses. Let us start first with the people who are working. On tenancy purchase programme, we can extend it to people whose income is not guaranteed, namely, people who are doing businesses. We can then stretch it down to people who do not have any jobs so that we can provide housing for them.

This country is very rich, but we mess up our resources through corruption and favouritism. Therefore, we do not serve our people the way we should. This Parliament can rise up and make sure that corruption and favouritism is tackled to the roots. If you find me favouring my son, my daughter, my relative or my community, I should be punished. That is what has happened in countries which have moved from Third World to First World status. I still count countries like Singapore, Malaysia, China and Brazil. If we tackle those two elements seriously, we can develop. If we also give technical skills to our youth, they can be employed to construct the houses. We should allocate more funds to the National Youth Service and ask them to impart appropriate skills for our youth so that they can be employed in the construction sector.

I recently visited a policeman friend of mine who stays in one room with two other policemen. All of them have families. So, they have subdivided that room using curtains. Just

imagine! A man who stays out all night to protect us staying in that room. Even when he goes back home, he cannot enjoy his time. His wife and child are there. So, when we implement this Policy, we should also implement it for our security personnel to get appropriate and adequate housing. This House can be remembered if this Policy is implemented during the rest of our lives and even in the lives of our children and grandchildren.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Mariru): Let us have Hon. Otiende Amollo.

**Hon. (Dr.) Otiende Amollo:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion on the adoption of Sessional Paper No.3 of 2016 on the National Housing Policy. I support it not because it is a priority area for the Jubilee Administration, but first, because it is the right thing to do.

I support this Motion because it accords with Article 43 that makes housing a right. Article 43 is one of those unique rights that place an obligation on the State to provide under Article 21. It is my view, adopting this Sessional Paper will go a long way towards facilitating the State to provide housing for its citizens.

I support this Motion because I recognise that on page 17 of the Sessional Paper, it endeavours to provide low-cost rural housing. As a practising champion of low cost rural housing project in the constituency, what we have dubbed *ondoa nyasi*, I recognise that it is important to focus on housing not just in the urban areas, but also in the rural areas. Recognising that the NG-CDF Act does not allow us to use those funds for such endeavours, it is therefore important that we are able to find funding if not from our private sources then at least from other State resources.

I want to inform Members; those Members who may have been concerned as I had earlier, that perhaps this Sessional Paper was not produced after due consultation. I am personally aware that there were due consultations. As a former ombudsman, I know that it is captured on the foreword by the CS that consultations began in 2012 and came through culminating in a national symposium. So, if ever there was a paper that was produced after consultation, this Sessional Paper is one.

Having said that, there are four areas that might need greater focus. For example, Page 13 of this Sessional Paper mentions the draft Housing Bill, 2016. This Sessional Paper is merely a policy document. For it to have proper light of day, we will need to pass a legislation. It behoves us to fast-track the passage of the Housing Bill, which has been lying since 2016. It also makes mention on the same page of the Landlord and Tenant Bill, 2007. For 11 years now, we have had on the table an effort to merge the Landlord and Tenant Tribunal and the Business Premises Tribunal. These are two parallel tribunals that endeavour to do the same thing in a different way. It is unnecessary duplication. I urge that we bring forth that Bill so that we result in one tribunal that will address business and private tenants.

At some appropriate time, as a House, we may need to refocus on this matter. As we look at rural housing, one of the issues that come with rural housing are the facilities and amenities – principally water and electricity. In this country, what will help us out ultimately is solar energy. We have a restrictive regime of laws that appear to encourage us only to get electricity from dams and such other places through the national grid and appear to restrict those who want to invest in solar energy at any level. We will need to re-examine this so that we encourage everybody to invest in solar energy as a necessary complement to rural housing.

Lastly, there is the question of expired leases, principally in Nairobi but generally in this country. Given the regime of laws that we have, almost all the leases that were granted about 100

years ago – the 99-year leases – have come to expire. I am aware that in the last three years, and it is a problem that is continuing, most of those persons whose leases have expired are unclear on what to do. Some of them are suffering the fate of unscrupulous persons identifying their land and then purporting to renew it in their own names. We will need to infuse - and that is not sufficiently infused in this policy - a very clear policy that does not encourage land grabbing by identifying leases that have expired. I can assure you that is what is happening now. That is yet another area we will need to focus on.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Mariru): Shall we have Hon. Mabonga Mwambu, the Member for Bumula.

**Hon. Mabonga:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Motion on the Sessional Paper No.3 of 2016 on the National Housing Policy. I have been looking at it and even listening to the discussions from my colleagues. We all understand that this is a provision in the Constitution as laid down in Article 43 as cited by many of us. This is the foundation of life. As this country thinks of good roads and even as Members of Parliament, I think most importantly is that we have a lot of personnel in this country who are not giving their best because where they are sleeping is a problem. I tend to agree with my senior who has just mentioned something which I was going to mention. I want to emphasise on that, particularly security men. We have had many budgets employing more security men. I challenge my colleagues to have some time and visit their friends and colleagues who are staying in camps. The slums we see around here may even be better than those camps. A Member talked of a curtain partitioning a room, but I can assure you that some of them are using even polythene papers. So, it is important to map up the entire problem of housing, get to know the real costs of what is required and then move with speed to implement. It is true we have quite a number of nice policy papers lying on our shelves and private developers are taking advantage of that.

As a House, we need to come up with proper legislation to ensure that people who are doing this, especially private developers, are doing a good job. However, the Government should monitor everything they are doing.

Secondly, somebody talked of a mindset. Everything we do is right in our minds. It is generated from our minds. How many people are being transported from home to urban areas looking for employment? Thereafter, some houses have already been constructed. But you see a slum coming up just in the neighbourhood. It is not in the urban areas only. If you go to the rural areas and our villages, as *wakili* has just put it, even in my village, you will realise that we have quite a number of slums yet we do not have power over it. The *wananchi* believe that the Member of Parliament has a solution for everything. Is there a way we can sit down as a House and come up with a proposal so that we are able to respond to this problem that is affecting many Kenyans? This being a basic thing, we also need to treat it with the urgency it deserves.

I rise to support, thanks for giving me an opportunity.

**The Temporary Deputy Speaker** (Hon. Mariru): Allow me to give a chance to the only honourable lady who is in the system. This is Hon. Ongera Janet.

**The Woman Representative for Kisii County** (Hon. (Ms.) Janet Ongera): Thank you Hon. Temporary Deputy Speaker, for giving me this opportunity to speak. Since I am speaking for the first time in the National Assembly, having moved from the lower House to the upper House, I hope you will give me an opportunity to speak uninterrupted.

Let me take this opportunity to thank the good people of Kisii County. They gave me an opportunity and elected me overwhelmingly so that I can be their Woman Representative. I

thank them for the confidence they bestowed on me. I promise them, as I said in my election manifesto, I shall be the bridge of hope for them. The women, youth, persons with disabilities, the girl-child and now the boy-child who is also, for the first time, vulnerable.

I begin by looking at this Sessional Paper and I support it. First of all, I start by noting that we have passed very many sessional papers in this honourable House yet these sessional papers always find themselves in the archives of memory. I hope, as we adopt this Sessional Paper on National Housing Policy which is very important, it will not find itself in the archives of memory. This country has many sessional papers that have been passed since 1963 and they are always thrown into the archives of memory. I am very passionate. I want to commend all my colleagues who have supported the notion of rural housing. As you know, our houses in the rural areas are houses whose standards are deplorable. I hope, as this Sessional Paper is being considered, those who seat on the other side representing the Government are going to look into ways in which we can improve the rural housing. I hope that we can, for example, introduce micro-financing through cooperative societies to help the poor and vulnerable; those who are not able to build affordable housing.

With this will be issues of clean water and sanitation. As you know, this is Sustainable Development Goal (SDG) No.7. It is a very important SDG in rural housing because there is a problem without clean sanitation. In the North Eastern region, for example, there is a problem because of the high water levels. You will find that toilets and houses are too near each other. Because of poor sanitation, there is a serious problem in having clean water in these areas.

Another issue I want to contribute to in this House is that of slum upgrading. The Deputy Leader of the Minority Party, who I respect and is my senior, spoke about the Government's policy which I hope they will implement. I hope they are serious about it. One of the issues that should be considered is the question of slum upgrading. A policy had been started in slum upgrading. It ended up dismally. Nothing was ever done. The poor who were supposed to get the houses, unfortunately, did not get them. Instead, who got the houses? It is the rich; the cream of Kenya. They are the ones who are occupying the houses. It is a shame.

I hope the National Housing Corporation is one of the corporations that shall be looked at and shall be properly reconstructed with the aim of ensuring that the houses they are constructing can be occupied by the poor. If we are talking about tenant purchase, let it be real tenant purchase for the poor. Let it not be tenant purchase for the cream of the society; the cream of Kenya. That is so that our very poor and the vulnerable can get these houses.

As we consider this Policy, I am glad to note the issues of housing for the venerable, women, persons living with disabilities, which constituency I represent, and the youth, is being considered. That is really commendable.

Let me end by saying that we cannot have a successful sessional paper without proper implementation. I hope our oversight Committee on Implementation will look at this Sessional Paper and track the Government's record. The Committee should check upon the Government to see to it that the provisions are implemented.

I take this opportunity to thank you for giving me the opportunity. I support.

**The Temporary Deputy Speaker** (Hon. Mariru): Shall we have Members who have interest. They are quite a number. I will be seeing something in a short while.

Hon. Mwangi Gathiru, Member for Embakasi Central Constituency.

**Hon. Benjamin Mwangi:** Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to the adoption of the National Housing Policy.

As a Member of Parliament for Embakasi Central Constituency, I want to say that in all major towns, we have many problems in housing. The Government should encourage highrise buildings that hold more than 10 floors. This will ensure that the available land, which is very scarce in all major towns, is utilised well. When at this, this would help reduce land grabbing because land grabbers mostly do it for their personal gain. They use the land to build rental and business houses which are very expensive for the common *mwananchi*. The Government should construct these houses and ensure that all buildings are friendly to persons living with disabilities...

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Gathiru, Member for Embakasi! I am afraid the debate has been interrupted at that point. Hon. Members, I want to remind us two points. Assume your seat, Hon. Member.

Remember the House resolved that we will debate this Sessional Paper for three hours. But you will also remember that there was a Motion on a definite matter of urgent national importance that was raised by Hon. Rashid Kassim yesterday and notice was filed this morning. It was agreed that, that matter would be discussed at 12.00 p.m. It is now 12.00 p.m. However, it is good to note that we have a balance on this particular Motion on the National Housing of one hour and forty minutes. So, you still have time to discuss the same for one hour and forty minutes. Hon. Gathiru, you have a balance of eight minutes when this debate resumes.

Hon. Rashid Kassim Amin, Member for Wajir East, requested for adjournment on a definite matter of urgent national importance to discuss the state of insecurity in Wajir County which is in northern Kenya and also other parts of the country. Hon. Members, you have the liberty and space to contribute, engage and debate on this very important matter. I will not be proposing or putting the Question on this matter. It is just an opportunity for Members to engage on such an urgent important national matter. Hon. Rashid, if I could remind you, you have up to a maximum of 10 minutes. Any other Member who discusses the same issue on the Floor has a maximum of five minutes.

Hon. Rashid Kassim.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

#### INSECURITY IN WAJIR COUNTY

**Hon. Amin:** Thank you, Hon. Temporary Deputy Speaker for allowing me to move this Motion which is a matter of urgency with regard to the state of insecurity in Wajir County, parts of northern Kenya and the whole country. Thank you for allowing me this time. I remember, yesterday, there were bit of hiccups and I appreciate your concerns which have allowed me to do this. Thank you very much. Before I proceed with what prompted me to move this Motion, let me tell you what happened.

On 16<sup>th</sup> of this month, two teachers and a spouse to one of the teachers in my constituency were killed by *Al Shaabab*. One other teacher was severely injured by the armed militia. There were quite a number of other scenarios and other incidences in Wajir County particularly which are of clan conflict in nature. This has prompted me to bring this important Motion and see how we can abate insecurity which has been negating development in the region. Insecurity is a great menace and has affected the livelihoods of the people of the region. It has affected business and institutions.

Before I proceed, let me give my condolences to the families of the deceased, namely, Mr. Oluoch, who comes from Migori and his wife Caroline, and Mr. Kevin, who comes from Mt. Elgon. These were two great civil servants who were serving in the noble profession of teaching and were educating the people of my constituency. They did not deserve to die. I condemn this incident which has negated education and our entire livelihood in the region. I condemn it in the strongest possible terms. They did not deserve to die. Any other civil servant or any other person from the pastoral community did not deserve to die in the hands of the armed militia. It is our responsibility, as a nation, to defend its people and properties so that we do not succumb to incidences of similar nature.

May I narrate the incidence of 16<sup>th</sup> February which was very bad. On the midnight of 16<sup>th</sup> February, armed militia attacked the town of Qarsa, which is a small town or settlement in my constituency near the border of Somalia and Kenya. In the middle of the night, they attacked the residence of the two teachers. The couple was staying in one room and the other teacher lived in the other room. The attackers were in the teachers' houses for about one-and-a-half hours. They did not get the support of any armed security apparatus. The area was not manned by any security administration. It took them about one-and-a-half hours to access, kill the teachers and destroy property. It was a very unfortunate situation.

One thing we must realise is that in North Eastern, particularly the region that I come from, there is a long porous border with Somalia. This has allowed the infiltration of *Al Shabaab* into the region. They have maimed people and destroyed property. Kenyans should not allow that to happen. We should not allow *Al Shabaab* and other armed militia who infiltrate our country through the porous border to disrupt our peace and tranquility as Kenyans. Their attempts are not targeting non-locals. They target everybody, whether local or not. They are doing that because they want to disrupt our way of life. We should not succumb to their schemes, neither should we change our lifestyle because of them.

Hon. Members, we need to devise appropriate means of curbing this menace and other insecurities that happen in the region. There are other incidences that are already on record. About 18 persons have been killed in the last one month due to clan conflicts which are caused by lack of adequate resources in terms of water and pasture. This is uncalled for! Communities should not continue to be at war against each other. Their excuse has been depletion of resources, which include water and boundaries which they feel is communal. We should not allow that. We should not have an excuse to kill each other.

We have also realised that there is no appropriate policy in terms of security in the arid and semi-arid regions in northern Kenya. No appropriate policy has been developed in terms of recruitment or intelligence. It has not been done over the years. What we recommend as Members who come from the region is that the Kenya Defence Forces (KDF), under the African Union Mission in Somalia (AMISOM) in Somalia, should protect our boundaries and should thus be strengthened to ensure that our borders are secure. Kenyans in the region, particularly along the boundaries should be very secure. They should have intelligence within the local communities so that they can access information regarding infiltration of people and persons with ammunition in the area.

The Kenya Police Reservists (KPR) who operate in the region are not well equipped. They are also so ill-prepared. They do not have equipment and the training that is relevant to the terrain. We have observed that there is no proper co-ordination between the National Intelligence Service (NIS) and KPR. Information from the NIS should be properly communicated to the KPR so that they are always ready to face challenges on the ground. I wish

to suggest that there should be proper synergy among security apparatuses in the country, so that Kenyans can feel secure and be proud of our country. We have reasonably gained a lot of confidence in the Government in the past few years.

There are certain gains we have made as a country, for example, devolution. We have gained a lot of development through devolution. We feel that we are part of Kenya as a result of devolution which was introduced by the Constitution of Kenya, 2010. Kenyans feel that devolution has done well in that region. What has been achieved through devolution has greatly surpassed what was there in the last 50 years. We have made these gains and we can continue to get more gains through devolution and other Government involvements in terms of development. But if security, which is a national government function, continues to operate at these levels of deficiency, then we are not likely to make any progress in terms of development. One thing I urge through this House is that we need to reinforce and build a formidable security apparatus in this region, so that we can continue to dwell in peace and development will be achieved.

One thing we all know in terms of institutions and security is that the Government has made a lot of progress. There was recruitment of 10,000 security men and women in the last four years and each year we have recruited about 10,000 officers.

**The Temporary Deputy Speaker** (Hon. Mariru): Order, your time is up. But because you are the one who raised the issue, let me give you 30 seconds just to conclude.

**Hon. Amin:** Hon. Temporary Deputy Speaker, I will suggest a number of recommendations regarding the issue of insecurity. First, the KPR, the Kenya Police and the NIS should have a common strategy in terms of intelligence. Two, the KPR should equally be positioned in the regions so that they can provide security. The other issue is the recruitment of police officers. Gen. Mulinge, Gen. Mahmoud and Gen. Lengees were generals who rose through the ladder. They were uneducated, but they provided security services over the years. In terms of the recruitment policy, I recommend that young strong men who have no attachment to life and are patriotic, to be employed, so that they can defend their country. We have realized that those who went to school over the years and may have good passes are really concerned about their lives. They may not provide certain services that are of great and patriotic nature. So, I will recommend that all settlements where there are schools, dispensaries and common utilities should be secured by both the KPR and the police. These are some of the recommendations which I feel this House should adopt so that we can feel more secure and stronger as a nation.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Rashid. We shall give the Floor to Hon. Sankok. As I said, this is not a usual Motion that we know, because I will not be proposing or even putting the Question. Members will have opportunity and the Floor to contribute. In that sense, Hon. Sankok, you have the Floor.

**Hon. ole Sankok:** Thank you very much, Hon. Temporary Deputy Speaker. This is a very good Motion that we should all support. It is really very painful when we lose life every now and then because of criminal attacks. From the outset, let me send my sincere condolences to the people and families that were affected, especially teachers. I know the teaching fraternity is now complaining because of the uncalled-for attacks. It is really painful.

As a country, let us realise that a criminal is a criminal. Whether he belongs to whichever religion, tribe or clan, a criminal is a criminal. Let us not accept to be divided as a country along political, religious or tribal lines. Some of these criminals, especially from northern Kenya, pretend that they are attacking a certain religion. You find them profiling that if you are a Muslim, you will not be attacked or if you are a Christian, you will not be attacked. But let me



tell Kenyans that what they have done in Mogadishu, Somalia, is more than what they are doing in Kenya yet there is only one religion in Somalia. They are criminals. A criminal should be profiled as a criminal, not as belonging to a religion or a community.

I would also like to use the Floor of this House to tell the world that whatever we are facing as a country; the attack by the *Al Shabaab*, is because we decided to protect the whole world. Initially, we did not have problems with the *Al Shabaab* and the pirates on the Somalia border. They were pirating cargo ships from France, Europe and America, but as a country that fears the Almighty God, we decided that we had to attack the *Al Shabaab* and smoke them out of their holes, so that we can protect the whole world, not necessarily to protect ourselves. In fact, if we may speak the whole truth, we were benefitting as a country from the activities of *Al Shabaab*, because whenever they hijacked a cargo ship, they asked for a ransom and most of that ransom was invested in Kenya. But as a country that fears the Almighty God, we do not want blood money. That is why we went ahead and dealt with the *Al Shabaab* to protect the whole world. We deployed our own men and women to Somalia so that we could protect the whole world. It is high time the world stood with us because we are not protecting ourselves, but the whole world. The activities of the *Al Shabaab* are not only in Kenya, but are all over the world. It is pathetic at times when they issue travel advisories against Kenya while they know very well that we are protecting the whole world.

I would also like the Government to reconsider the issue of VIP protection. Nowadays, we have more honourable Members than the citizens of this country. We have members of county assemblies (MCAs), County Executive Committees (CECs), Principal Secretaries (PSs), Cabinet Assistant Secretaries (CASs) and protecting them has taken a toll on our security agencies. If possible, we should deploy officers so that the whole country is secure. If the country becomes secure, VIPs, including Members of this House, may not need this protection. It is really pathetic that some Members of the NASA Coalition were complaining of the withdrawal of their security detail and when they come here, they bang tables and pretend to be very brave. For example, the other time the name of Hon. Mbadi was almost entered into the Guinness Book of Records after outrunning his own shadow. I think you saw the social media photo in which Hon. Mbadi was outrunning his own shadow.

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Mariru): Shall we have Hon. Ali Athuman, Member for Lamu East.

**Hon. Ali Sharif:** Asante Naibu Spika wa Muda kwa kunipatia nafasi hii ili nichangie Hoja hii inayohusiana na maswala ya usalama katika nchi yetu hususan katika sehemu ya Wajir. Kwa kweli, swala la usalama ni swala nyeti sana. Limeweza kushuhudiwa mara kadhaa na limeweza kuleta madhara katika sehemu nyingi. Pia, limeweza kuleta madhara katika uchumi wetu, elimu ya watoto wetu na afya ya Wakenya.

Si mara ya kwanza swala hili kujadiliwa Bungeni katika swala zima la usalama. Kule kutokana kwa mara kadhaa Bungeni inamaanisha kwamba limekuwa ni donda sugu. Kwa maana hii, linaonekana kwamba haijapatikana suluhisho katika swala zima. Ingawaje ningependa kushukuru Serikali kwa juhudi zake katika swala hili zima la usalama katika sehemu nyingi ambapo pameshuhudia matatizo kama hayo, swala la usalama halipaswi kuangazia yale ambayo tunayafikiria hivi sasa kwamba kuna kikundi cha *Al Shabaab* kinachosababisha kutokuwa na usalama hapa nchini. Swala hili ni swala nyeti na kisha ni swala ambalo ni lazima tuliangalie kwa pande zote. Kutokuwa na usalama katika nchi yetu mara nyingi ni sisi Wakenya ama viongozi tunaosababisha hali hii ya kutokuwa na usalama. Utapata kuwa Serikali inatumia

rasilmali zake na nguvu nyingi kupambana na mambo ambayo hayastahili. Utapata majeshi yetu na walinda usalama wetu wanapeleka katika sehemu nyingine kupambana na wananchi wa kawaida. Yote haya ni mifano mibaya katika nchi yetu na nchi za nje. Kwa hivyo, tunapojadili swala hili na kuliangalia, ni lazima tuangalie pande zote katika hili swala zima ili tupate suluhisho juu ya maswala kama haya. Ikiwa sisi wenyewe kama nchi ndio mara nyingine tunasababisha matatizo haya, je yule mwingine ambaye ni adui atafanya nini?

Naibu Spika wa Muda, kwa kweli adhari ni nyingi kama nilivyosema hususan nikuzungumzia maswala ya Eneo Bunge ninalotoka ama kaunti yangu ya Lamu. Hivi sasa, wazazi wameshindwa kupeleka watoto wao shuleni ijapokuwa Serikali imefanya kusoma ni bure. Lakini kwa sababu uchumi umefifia, na uchumi mkubwa wa kaunti ya Lamu ni watalii, utashangazwa hivi sasa kuwa uchumi wa utalii ndani ya Lamu Kaunti umefifia kwa asilimia 80. Hivyo basi kusababisha uchumi kufifia katika eneo hilo na kusababisha yale matatizo ya kiuchumi katika sehemu hiyo.

Ni vyema lifahamike pakubwa kwamba hakuna maisha yanaweza kuendelea katika nchi hii ikiwa viongozi na Serikali haitokaa kidete kulitatua swala hili. Hakuna maendeleo yoyote wala uchumi utakaokua.

Naibu Spika wa Muda, kwa masikitiko makubwa kutokana na hayo kama nilivyosema, sisi tukiwa viongozi tunajaribu kuchochea hayo. Kwa mfano, ni masikitiko kuona kwamba kiongozi mwenzangu kutoka Lamu amezungumza kuwa kuna nyumba zinavunjwa na kadhalika. Nataka kuhakikishia watu wa Lamu kuwa hakuna kitengo cha usalama hata kimoja kimepewa ilani ya nyumba yoyote kuvunjwa kwa sababu ya maendeleo ya barabara. Lakini lugha kama hizi zikiletwa hapa Bungeni zinatia watu hofu isiyokuwa na maana. Hakuna nyumba inayovunjwa na hakuna ilani yoyote imetoka kwa Serikali kuvunja hizo nyumba.

Nikizungumza kwamba kuna nyumba imepigwa alama ya “X” na kuvunjwa, haijavunjwa, wala hakuna ilani yoyote. Ninataka kuhakikishia watu wa Lamu Mashariki wasiwe na hofu yoyote. Hakuna nyumba inavunjwa na Serikali iko pamoja na wao. Sidhani kama kutakuwa na maswala kama hayo. Maendeleo yapo na tumeyaona.

**The Temporary Deputy Speaker** (Hon. Mariru): I am afraid your time is up. For gender balance, I am particularly very keen just to see the Hon. Lady who registers interest in my system. I can only see Hon. Oduor Ombaka and I will give her the chance.

**Hon. (Ms.) Ombaka:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. The issue of insecurity is not new in this House. It has been debated over time. Insecurity issues in this country are almost on a daily basis. Every time, somewhere somehow a place is attacked. Therefore, it is my belief that nothing is going on. We talk about insecurity all the time. People are dying. Teachers, students and communities are being killed. There is cattle rustling. *Al Shabaab* is here and there every now and again. It is not news. What is so sad about this issue is that no action is being taken. We have no emergency systems. Nobody bothers. It is just the newspapers we read and televisions that broadcast all this news to us, but you will fail to see action. We do not see police and emergency systems working and rushing to the scene to ensure that people are protected or those who are already hurt can be ferried to hospital on time. It is not only in North Eastern.

This morning I was listening to news in my vernacular language and Migingo Island is under siege, but nobody bothers. What sort of country is this? The question I am raising is what action we can take. What strategies do we have? We are mourning and crying yet we are burying the dead, but nobody bothers. What happens next? After this attack, another one will happen tomorrow, again and again. What action is Jubilee taking? We are crying for action to be taken.

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

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Members we have to balance quite a bit, not only the gender but I know there are those counties that are directly affected by this particular matter. Just like everyone, every Member has an interest because this is also a national issue, we will balance. I shall now give Hon. Dida, the Member for Isiolo.

**Hon. (Ms.) Jaldesa:** Thank you, Hon. Temporary Deputy Speaker. I am honored to be given this opportunity. I rise to support this Motion which is very emotive and very personal to some of us.

From the outset, I want to take this opportunity to condole the families of those who were affected by the Wajir killing. Equally, I want to take this opportunity to condole with the people of Isiolo County.

Hon. Temporary Deputy Speaker, on Sunday, we lost one person at a place called Gotu over the same sort of killing and thus I condole with the entire family. Having said that, I think this killing is really gaining momentum. It is spreading at a very serious rate.

The killings especially on the northern part of this country used to be historical by nature. What I mean by historical is that people or rather communities used to fight over watering points and cattle rustling which was an old sort of practice. My concern now is that there is a new trend of killing where it is not only the issues that are being raised, but there is also an element of radicalisation. There is a serious influx of illegal arms, especially in parts of northern Kenya, in places such as Wajir, Mandera, Isiolo and Garissa. There is also a serious issue, on which I want to blame the Government, to which I so much belong, which is the issue of boundary dispute. In Isiolo County, there is a nexus between killings and boundary disputes. The reason I blame the Government is because boundaries are known by everyone to be clearly demarcated. So, I find it very reckless for people to kill each other because of boundary issues.

These new killings have more serious impacts than the former historical killings. They involve large numbers of displacements. It has taken our counties and constituencies backwards economically. Most of our schools are closing down, and that denies our children their basic democratic right by all measures for lack of better words.

In the last three months, Isiolo County has lost more than 10 people that I know. The sad part is that no one is talking about their compensation. It is like nothing happened. Somebody dies, he or she is buried and we move on. Therefore, I quickly propose some interventions. We need more KPRs. Communities should be brought together to dialogue. The communities have local structures on the ground, which need to be empowered. Finally, issues of boundaries should be given attention as soon as yesterday.

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

**The Temporary Deputy Speaker** (Hon. Mariru): You know, the Deputy Leader of the Majority Party is looking at me as if to ask why he is not getting a chance. You know, there is a screen here that speaks to me as to who has registered interest to speak. Before that, I am unable to give anyone who is not featuring here. So, if you want to speak, please, register your interests.

Before I come to the Leader of the Minority Party, allow me to give the Floor to Hon. Atandi.

**Hon. Atandi:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to speak on this Motion.

Let me begin by saying that insecurity in this country is now normal. Kenyans die each day in their tens, fifties, hundreds and it is normal as if this country does not have a Government. I would like to speak on the particular issue of North Eastern, specifically Wajir, because

Members of my community who were offering borderless professional services in that region were the victims of that massacre. It is very painful because since we conducted elections in this country, Kenyans have been dying in their hundreds. In my constituency, I have buried at least 50 people because of insecurity in this country.

It is important for us to hit the nail on the head and say that the CS in charge of the security docket is more obsessed with politics than matters security in this country. We must point him out and say that Mr. Matiang'i must either resign from this illegitimate Government or we find a way of pushing him out of this position. This is because this country is not going to survive if Kenyans die the way they are dying.

**Hon. Kubai Iringo:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Iringo Kubai, what is your point of order?

**Hon. Kubai Iringo:** Thank you, Hon. Temporary Deputy Speaker. My able colleague and Member, Hon. Atandi, has talked about "this illegitimate Government." I believe that the Government in place is legitimate as it was elected by the people of Kenya and the President was sworn in. The Government in place is a democratically elected one. By saying that it is illegitimate, he is not out of order? He must withdraw that statement and apologise.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Atandi, did you say there is an illegitimate Government in Kenya?

**Hon. Atandi:** Hon. Temporary Deputy Speaker, when I speak in this House, I speak on behalf of my constituents. You are aware that when this Government was elected, my constituency did not participate in that election. So, I rightfully admit---

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Atandi! Did you say that there is an illegitimate Government in Kenya?

**Hon. Atandi:** Hon. Temporary Deputy Speaker, my statement on the weaknesses of Mr. Matiang'i is being attributed to having referred to the Government as illegitimate.

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Atandi! Did you actually say that there is an illegitimate Government in Kenya?

**Hon. Atandi:** Hon. Temporary Deputy Speaker, I said there is an illegitimate man in charge of security.

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Atandi! You know, in as much as I want to be gracious to you and to any other Member, there are some things that would not be allowed here. This issue has been raised before in this House. There are things that are allowable and others are not. From where I sit, from what we have discussed here, this matter has been raised before. What we have is a legitimate Government. Anything else is absolutely out of the boundary. I want to be gracious to you, Hon. Atandi, please, do not take that line. There is a legitimate Government and, please, do not engage in that line.

**Hon. Atandi:** Thank you so much, Hon. Temporary Deputy Speaker. Let me conclude my submission by saying that the CS in charge of the Ministry of Interior and Coordination of National Government is a man whose hands are full of blood. This is because Kenyans have been dying in their hundreds and this CS is stuck in office. He comments on some situations, takes action on others, but keeps quiet on others. So, we must point him out.

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Atandi. What is it, Hon. Lesuuda? I see you have an intervention.

**Hon. (Ms.) Lesuuda:** Hon. Temporary Deputy Speaker, we know that for our Members on the opposite side to be re-elected or elected, one has to abuse the Government and talk the way they are talking, but is the Member in order...

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Mariru): Order, Hon. Lesuuda! Hon. Shariff Nasir, she is on a point of order. You have to allow her to finish raising her point of order.

**Hon. (Ms.) Lesuuda:** Is the Member in order to continue justifying his statement on illegitimacy before finishing with you by saying whether he actually said it or not? He is continuing on the same trajectory.

**The Temporary Deputy Speaker** (Hon. Mariru): Order! Order, Hon. Members, if it is on that particular matter, I can see that there is a lot of interest. I can see that there is a bit of interest on that matter. I have said clearly. Hon. Atandi was not supposed to take that tangent because it is a dangerous tangent. There is a legitimate Government in place. This issue has been prosecuted here before and I have taken judicial notice of it. It is clear there is a legitimate Government and we should not take that tangent. Because we have a matter before us now, we should concentrate on it.

Order, Hon. Members! Did Hon. Atandi finish his time? He has one more minute. Please, avoid that trajectory. It is completely unacceptable.

**Hon. Atandi:** Thank you, Hon. Temporary Deputy Speaker. I would like to appeal to this House to take serious measures on this particular CS. If this House is going to be a House of talking, discussions and noise-making, then we are going to have many more Kenyans losing their lives in situations which could otherwise be managed.

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

**The Temporary Deputy Speaker** (Hon. Mariru): Yes, the Deputy Leader of Majority Party.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this important Motion. The death of our teachers in some parts of Kenya is regrettable. Actually, I would like to send my condolences to the affected families.

This Motion is very important because it is intended that the whole country should have proper security and that education should be given to all our children. If all the teachers in northern Kenya who do not come from North Eastern moved away, would we have education in North Eastern? Education is a right to all children in this country. I would like to urge the leaders from the affected areas to sensitise their people that what is happening is very bad for this country and for them. They need to report suspected terrorists quickly, the same way the people of Isiolo did last week. Otherwise, we would have had a very serious bombing in Nairobi. The people of Isiolo reported the matter to the security forces and they were able to avoid the intended bombing.

I want to urge our leaders and particularly Members from North Eastern to hold *barazas* with their people. Involve their clan leaders and see if they can decide on their fate; whether they are in Parliament or not. How come they cannot decide to report a matter to the security forces when they see someone bent towards causing chaos? I take exception and would like to caution some of my colleagues who use the Floor to attack the Government of Kenya which was duly elected and validated by the Supreme Court. If, indeed, they respect the laws of Kenya and our

Judiciary, how come they are challenging the decision of the Supreme Court of Kenya that the current Government is legitimate?

Again, I fear for my neighbours in Nyanza. Every time a Kisii is appointed to a position, they must oppose it. Even when Maraga, Mohammed Nyaoga of the Central Bank of Kenya (CBK) and Matiang'i were appointed, they opposed them. When Ben Momanyi was proposed to be a Member of the Parliamentary Service Commission, they are also opposing him. What did we do to you people, that you must attack us? We have never heard you opposing a Kikuyu, Kalenjin, Luhya or Luo. You only oppose Kisii. What is it that we did to you that you must oppose our appointments?

If a Member comes here and states that this is an illegitimate Government and yet it is from there he gets his salary, seeks protection from the security forces and enjoys peace in the country, that person should be sent away! He is the one who is illegitimate! If the elections were illegitimate, then he is also illegitimate. This Government is very kind-hearted. I wish it was being run by Angwenyi or Matiang'i, we would teach these people a lesson. It is wrong to attack Matiang'i on the Floor when we are here. I am sending this message that never ever attack Matiang'i on this Floor without having an excuse.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Mariru): Yes, the Leader of the Minority Party.

**Hon. Ng'ongo:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to speak just immediately after my teacher, from those days, has spoken. Let me take this opportunity to first send my condolences to the families, relatives and friends of those Kenyans who lost their lives in a very sad situation which happened in Wajir County. From Homa Bay County, we lost Seth and Caroline Odada on this particular day and their families are still mourning. They have not been buried yet. This is a very unfortunate situation which speaks volumes about the level of insecurity in this country. I know you cannot have a country which is 100 per cent secure. There must always be some level of insecurity. I think it is high time we thought seriously on how to deal with terrorism. The terrorism menace is going to finish this country and given that we neighbour a country which is lawless, we must be very careful.

What is more saddening is that recently, and I think many of us must have read in newspapers, terrorists had infiltrated Nairobi. For almost over a week, one of them was residing right in the middle of the city centre. Whatever they were assembling could have destroyed tall buildings in this country. That gives us a lot of fear. Again, if we show and demonstrate that we fear the terrorists, then, I think they will not stop at anything. Therefore, as a country, we need to ask ourselves the steps we need to take against terrorists. The wall which was supposed to be erected was provided for in the Budget. We need to know more about it as a country. I will be asking the Leader of the Majority Party to, maybe, find answers as to where this project has reached.

We will be asking questions about the billions we have been investing in the security sector. In terms of intelligence gathering, where is the information? We must thank those who gather intelligence about the people who are planning to do bad things in the City of Nairobi. We need to ask the security agencies to be more alert. When we talk about people who hold public offices, it has nothing to do with the community where one comes from. It is a big shame that my teacher who taught me that we should behave and reason like Kenyans - or is it because of the petition which he won yesterday? He seems to have carried his excitement all the way from Gusiiland to this place. I want to remind my colleague that Luos and Kisii are very good neighbours.

As a matter of fact, I want to remind my good friend here, and he knows it, that in my constituency, you cannot take the Kisii community for granted. If they give their votes to your opponent, you are in big trouble. As a matter of fact, in the last election, I got over 94 per cent in the three polling stations which are dominated by members of the Kisii Community. If you do not want us to talk about Matiang'i then tell him to quit public office. The moment he holds a public office, we have to play oversight role. The other issue is why Hon. Momanyi is getting too much support from Jubilee. In fact, even the Kisii Members, who are in NASA with him do not support him the way you are doing. In fact, you are so overzealous and excited about him. That is what is scaring us in NASA. We realise that Hon. Momanyi, who is supposed to be one of us, seems to be getting so much support. Not that I do not like what Hon. Momanyi gets, but I think everything should be done following procedures. If it is followed, we have no problem. Hon. Momanyi has been my friend for over five years now. What problem would I have with him being even in the Commission? So, that is a matter we will sort out soon. It should not raise a lot of heat and debate.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Mariru): Let us have Hon. Twalib, the Member for Jomvu.

**The Member for Jomvu** (Hon. Bady Bady Twalib): Asante sana, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nichangie Hoja hii ambayo imeletwa na ndugu yetu, Mhe. Rashid Kassim.

Kwanza, nataka na mimi nifanye kama vile dadangu Janet alivyowashukuru watu wa kwake. Na mimi ninataka kuwashukuru wananchi wa Eneo Bunge langu la Jomvu kwa kunichagua kwa mara ya pili niwawakilishe katika Bunge hili. Walinichagua mwaka wa 2013 nikiwa kijana mwepesi na wakanichagua mwaka 2017 nikiwa Garang De Mabior – mzee fulangenge. Kwa hivyo, nawashukuru sana wananchi wangu wa Jomvu.

Vile vile, natoa rambirambi zangu kwa niaba ya wananchi wa Jomvu na mimi mwenyewe kwa watu wa Wajir kwa vile walipoteza maisha. Nasema jambo kama hili si jambo ambalo linafaa kuvumiliwa katika nchi ya Kenya. Naisihi Serikali hii yetu ifanye juhudi zaidi kwa wale wananchi wa kule. Kitu muhimu ambacho mimi nakubaliana nacho ni kuwa wananchi katika sehemu ya Wajir hawataki hata mara moja kupoteza maisha yao. Kwa maana hiyo twasema wanajeshi wetu wanaofanya kazi katika sehemu ya Mogadishu na sehemu nyingine katika nchi ya Somalia wahakikishe kuwa wanakuja katika mipaka yetu ili waonekane kwamba wanafanya kazi, na *interest* ya wananchi wetu wa Kenya ndio ya kwanza kuliko mtu mwengine yeyote.

Jambo la muhimu ambalo nataka kulisema leo ni kuwa jeshi letu la Kenya ni lazima lidhibiti kisawasawa mpaka wa Somalia na nchi yetu ili wananchi waishi kwa njia nzuri. Uhalifu haujui dini wala kabila. Kwa maana hiyo, wale ambao watakuwa wanazungumzia mambo ya ugaidi kama mambo yanayohusiana na dini ya Kiislamu ni jambo la uongo na ambalo halipo katika fikra kwa sababu dini yetu hairuhusu mtu yeyote yule kufanya makosa kwa mwanadamu mwengine yeyote. Dini inahimiza usimfanyie mtu jambo ambalo wewe mwenyewe hutaki kufanyiwa. Kwa hivyo, hawa ni watu ambao wanafanya uhalifu na ni muhimu wachukuliwe kama wahalifu wa kawaida ambao nchi lazima ijithibiti kuona namna watu hawa watahikwa ili watu wa sehemu mbalimbali kama vile Wajir waweze kuendelea na maisha yao.

Tunaona kuwa hao ni walimu ambao walikuwa wakitoa msaada mkubwa kwa sababu elimu ndio chombo kikubwa sana kwa maisha. Tunafaa tuikemee sana hali kama hii ya kuwalenga walimu na tutaungana mkono na ndugu yetu Mhe. Rashid Kassim. Mimi Mbunge wa Jomvu ambaye nimesimama hapa nampongeza kwa sababu ni mwezi uliopita tu tulikuwa Wajir

na yeye katika kijiji kimoja ambacho alikuwa akizungumzia kuhusu amani na watu kukaa pamoja. Leo ameleta Hoja hii. Ni muhimu sisi Wabunge tumuunge mkono na hata tushikane pamoja. Kama kwake kuna matatizo tuende tusaaidiane kama ndugu ili nchi ya Kenya iwe moja kwa watu kupendana.

Nashukuru kwa kunipatia nafasi hii. Mwenyezi mungu akijalia utanipatia nafasi kuchangia ile Hoja ya sera ya nyumba kwa sababu nimebofya mpaka kidole kimeshaanza bonyea mpaka saa hizi. Nashukuru kwa kunipatia nafasi ya kuchangia Hoja hii. Asante sana na Mungu awabariki wote.

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Member, on that Motion on the Adoption of Sessional Paper No.3 of 2016 on the National Housing Policy which we had discussed earlier, there is a remainder of one hour and 40 minutes. It will come under subsequent time.

I can see there is quite a bit of interest, but I am afraid before the House rises, you remember there were indications that there would be a Notice of Motion to be issued by the Leader of the Majority Party. He has the Floor.

### NOTICE OF MOTION

#### APPOINTMENT OF HON. BEN MOMANYI TO THE PARLIAMENTARY SERVICE COMMISSION

**Hon. A.B. Duale:** Thank you, Hon. Temporary Deputy Speaker for that indulgence.

I beg to give notice of the following Motion:

THAT, further to the notice of Motion I gave today at the commencement of the Morning Sitting, I beg to give notice that pursuant to Article 127(2) of the Constitution, the National Assembly approves the appointment of Hon. Ben Momanyi, a Member of the National Assembly, to the Parliamentary Service Commission under Article 127(c)(ii) of the Constitution.

The House awaits nomination of additional two members under Article 127(c)(ii) of the Constitution and one from each House, male and female.

*(Resumption of Debate on Motion for Adjournment)*

Allow me now to contribute to this very important Motion on Adjournment, which was brought by Hon. Rashid. I am one person who suffered the brunt of terrorism more than other leader in this country. More than 11 people were killed in a church in Garissa in 2011. Over 145 men and women who are the pride of Kenya were killed in Garissa University in 2015. I send my condolences to the families and friends of the teachers who lost their lives to that heinous act. However, we can only fight terrorism when we are together as a nation. One of the cardinal principles of terrorists is to divide nations along ethnic and religious lines. We must not fall into that trap. The Teachers Service Commission (TSC) Chief Executive Officer (CEO) withdrew teachers from the northern region. When you withdrawal teachers and you send a signal to withdrawal teachers from that region, you are already falling into the trap of the terrorists. They want to make sure that any semblance of Government does not exist in our region. So, you withdraw teachers today, and then you will withdraw health workers tomorrow. In the end, you withdraw the Kenya Defence Forces (KDF). As a country, we have lost our gallant soldiers in El



Adde in Somalia, but have we removed KDF from Somalia? Unless we have a stable and free country in Somalia, Kenya will not be very peaceful. Our forces are in Somalia to make sure that working with other nations can create a stable Somalia.

Since 2015, this Government has reduced incidents of terror by 95 per cent in Kenya and specifically in northern Kenya. I want to thank the people of Isiolo and those soldiers who intercepted that cache of arms which was being brought to Nairobi to cause a major terrorist attack. Specifically, I want to thank the current Director-General of the NIS. Since he took over, there has been serious deterrent of terror attacks in our country. He works with other intelligence officers from the international community. We want to thank the current leadership in the security forces, the Inspector-General of Police, his two deputies, the CS for Interior and Coordination of National Government, the CS for Defence, Principal Secretaries, the KDF and the service commanders.

In the last two years, the investment of this Government, through this House in terms of the Budget and numbers, has made Kenya safe and sound. We have Ambassador Saleh and his team in the North Eastern region and they must upscale their efforts to make sure that the blood of those teachers who were killed in Wajir does not go in vain. The perpetrators must be apprehended. If there are people in the local community that are working with the terrorists, they must be exposed. We, the leadership of northern Kenya and the Muslim Community, are part and parcel of the society. We do not want teachers, students and the society to be segregated and killed. In Mogadishu alone, they killed over 700 people in a single blast – all of them Muslims. When they cross to Kenya, they want to portray that they are...

**The Temporary Deputy Speaker** (Hon. Mariru): Leader of the Majority Party, you have 30 seconds to conclude. You took a bit of time on the Notice of Motion.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, this Motion is okay. It is a wake-up call. We want to make sure that all of us, together with the TSC, work with our security agents so that we can make Kenya a safe place. I am sure Parliament will provide the necessary resources to the NIS and the broader security sector, including the KDF. We tell them not to tire. Make Kenya a safe place. Make this region and the Horn of Africa a safe place.

I beg to support.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Mariru): Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.