

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 24<sup>th</sup> October 2018

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Order Members. Even as I see Members walking in, it is clear that we do not have the required quorum. Therefore, I order that the bell be rung for 10 minutes.

*(Quorum Bell was rung)*

Order Members! We now have the required quorum. Therefore, business will begin.

PETITION

**Hon. Deputy Speaker:** Hon. Members, under this particular Order, we have Hon. Mbui, the Member for Kathiani and Deputy Minority Leader.

COMPENSATION FOR VICTIMS AND SURVIVORS OF KYANGULI FIRE TRAGEDY

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you for the recognition, Hon. Deputy Speaker. This is a Petition regarding compensation to victims and survivors of the Kyanguli Secondary School fire tragedy.

I, the undersigned, on behalf of parents and guardians of victims and survivors of the Kyanguli Secondary School fire tragedy, draw the attention of the House to the following:

THAT, in March 2001, Kyanguli Secondary School experienced one of the worst cases of student unrest in the country when rioting students locked their colleagues in a dormitory, sprayed it with petrol and set it ablaze.

THAT, the resultant inferno gutted down the entire dormitory, caused horrific deaths of 63 young, budding lives while scores of others were maimed and school property of immense value was decimated.

THAT, investigations into the incident revealed massive negligence on the part of the school management, where it was established that whereas glaring signs of impending student strike had been identified, the school administration never took measures to deter the unrest.

THAT, further, whereas the capacity of the ill-fated dormitory was 96 students, the school administration had congested it with 139 students at the time of the inferno, thereby increasing the casualties.

THAT, in 2002, parents and guardians of the victims and survivors sought compensation from the courts which was granted.

THAT, in the High Court ruling on 3<sup>rd</sup> March 2016, the court awarded Kshs40,950,000 as compensation to the victims and survivors of the Kyanguli dormitory fire jointly and severally and broken down as follows-

- (a) Pain and suffering:  $150,000 \times 63 = 9,450,000$ .
- (b) Loss of expectation of life:  $200,000 \times 63 = 12,600,000$ .
- (c) Loss of dependency:  $300,000 \times 63 = 18,900,000$ .

THAT, to date, there is no indication that the affected families, who have been living in trauma of the loss of their loved ones and survivors of the tragedy, will receive compensation awarded to them by the High Court.

THAT, if this matter is left unresolved, the petitioners risk being victims of justice delayed which is the same as justice denied.

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

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Justice and Legal Affairs:

- (a) intervenes through the relevant Government agencies to ensure that the petitioners are paid their compensation rightfully awarded to them by the court, including interest accrued thereto as ordered by the court; and,
- (b) makes any other order or direction that it deems fit in the circumstances of this matter.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I will give opportunity to two or three Members. Do I see Hon. (Dr.) Wamalwa?

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Deputy Speaker. I rise to comment on this Petition and to congratulate Hon. Robert Mbui for it. People have been going to court and at times they are given awards, but payment becomes a problem. Maybe it is the highest time the Departmental Committee on Justice and Legal Affairs looked into this matter seriously. Again, there is the issue of the time value of money, namely, a shilling today is not the same as a shilling tomorrow. In issues of compensation, the time value of money has never been considered. The Committee should look for a framework of how to resolve this matter once and for all. Otherwise, I request that they handle this within the stipulated time-frame of 60 days.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Pukose. I will probably be giving opportunity to two more Members because I can see there is interest in this.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. I stand to support this Petition by Hon. Robert Mbui. As you remember, the Kyanguli fire incident was a very sad incident that happened in this country. Other incidents have also occurred like the St. Kizito one.

The issue of compensation in this country, not just this, in terms of all the judgments that are made by courts, has been a challenge. I think it is a high time this House looked for ways and

maybe, through the Departmental Committee on Justice and Legal Affairs, of having a tracking system for compensations. We have compensations that are very old. Judgments have been made, people are supposed to be compensated, but some people even die without getting their compensation. Again, as Hon. Wamalwa put it, inflation also affects the compensation. For example, the value of Kshs10 million in the 1990s is different from its value today. So, this is something that needs to be looked at. The compensation should also reflect the change of time.

Thank you, Hon. Deputy Speaker. I support.

**Hon. Deputy Speaker:** Hon. Makali Mulu, are you in the House? Members, do not be pastoralists. There will be an assumption that I did not see you because I expected you to be in your usual seat.

**Hon. Makali Mulu** (Kitui Central, WDM-K): You know, Hon. Deputy Speaker, I thought we have a free seating arrangement.

**Hon. Deputy Speaker:** Leader of the Majority Party, what is it? I know the term “pastoralism” really evokes your emotions. What is it?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, you have made a very serious statement. You have asked him not to be like a pastoralist.

**Hon. Deputy Speaker:** I did not say that. I said: “Do not be a pastoralist in the House.” Pastoralism can only be exercised in the right places, not in the House. I am always very careful. I have a lot of respect for pastoralists. I am one of them. I said: “Do not be a pastoralist in the House.” This Member has become a pastoralist; sitting on one chair to another and he is not looking for water obviously because water is closer here.

Proceed, Hon. Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Deputy Speaker, I am also a pastoralist. You need to note that. The Kamba also keep a lot of livestock and move from one area to another.

On a serious note, let me support this Petition. I want to thank Hon. Mbui for bringing this Petition to the House. Looking at the time it has taken for this compensation to be paid, I think the Departmental Committee on Justice and Legal Affairs needs to act very fast. We are talking about only Kshs40 million. Children lost their lives and we just wanted to give their families some small token of appreciation. It is just to appreciate the fact that they lost loved ones and they went through some stress as a result of the deaths. I urge the Committee to support the payment to the families.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Martin Owino, Member for Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Deputy Speaker. I want to add my voice to this Petition and thank Hon. Mbui for it. Generally, victims of attacks of this kind where some people die and others lose limbs should be compensated. I refer to a case in Ndhiwa where so many victims have not been compensated. Some have lost their livelihoods through wild animals or tsetse fly attacks. So, the Departmental Committee on Justice and Legal Affairs should act. We should be a little bit more strategic. What action are they going to take because there are many things pending on their desk? Are they unable to work or what is going on? My submission is that compensation is not a privilege, especially when it goes through the legal process, whether it is committees or the court system. When victims are awarded, they should be compensated. It is not a privilege.

Thank you.

**Hon. Deputy Speaker:** Since there is a lot of interest in this matter, I will give opportunity to two more Members. We will start with Hon. Paulata Korere. I did not know there was such a Member. For those who know how to pronounce that name, it must be *Paulet*. So, it is not Paulata as Hon. Wangwe seems to refer. Proceed. I am not sure if the owner of the name will pronounce it herself, but proceed.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Thank you, Hon. Deputy Speaker. The name is as unique as the owner. I congratulate Hon. Mbui for this Petition. I note with a lot of concern that there is a tendency for contempt of court orders in this country especially when it comes to compensation.

There is a minority group in this country called Endorois, who got a court order for compensation and it has never gone beyond just a paper. The concerned committee and this House in particular, should ensure compensation awarded by the courts is honoured. Again, I note with a lot of concern that there is a problem in this country when Kenyans are supposed to get their dues. Even for pensioners, who have served this country with diligence, to get their pension which they deserve after long years of service to this country becomes a nightmare. We have billions being siphoned by thieves, but not money to be paid to those who rightfully deserve it.

I thank Hon. Mbai for bringing this Petition and this is something that we should take with a lot of seriousness.

**An Hon. Member:** Mbui!

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Mbui is a Kamba name. Thank you and I support the Petition.

**Hon. Deputy Speaker:** Let us have Hon. Onunga Atandi.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Deputy Speaker. I support the Petition by Hon. Mbui. The Government owes a lot of Kenyans money which has been given to them by courts based on their various circumstances. However, the Government appears not to be serious in sorting out these issues. One of my constituents, a former Member of Parliament, who was detained by the Kenya African National Union (KANU) regime, was awarded resources in form of compensation. However, when it came to payment, he was being given little money annually until to date, Hon. Mark Onyango, has not been fully compensated.

So, in my considered opinion, this House should not even appropriate resources to buy tea in Government offices if victims of torture, terror and fire have not been compensated. This is a serious issue and I want to plead with the Departmental Committee on Justice and Legal Affairs that in the next budget, we should not appropriate resources for tea in the various Government offices if victims of terror of this nature, who are owed money by the Government, have not been compensated.

Thank you and I support.

**Hon. Deputy Speaker:** Lastly, let us have Hon. Maanzo.

**Hon. Daniel Maanzo** (Makueni WDM-K): Thank you, Hon. Deputy Speaker for giving me a chance to comment on this Petition. I watched brief in this matter as a young lawyer and I can tell you most of the parents perished due to high blood pressure occasioned by loss of their children, as they waited for compensation. It is a very weighty matter. My experience with this sort of compensation is that many times, as a practising lawyer, we have had to get contempt of court proceedings against the Solicitor-General for it even to be put in the budget. I think the Committee should come up with a structure so that compensations can be budgeted in advance or a fund is provided. Definitely, there will be orders from the courts against the Government and

the Office of the Solicitor-General in this particular matter so that there is some money which can compensate people who get court orders. Otherwise, the challenge is usually that it is not budgeted for and it is not likely to be budgeted for soon. So, I would like to join the Departmental Committee on Justice and Legal Affairs in this deliberation so that I can be useful to them.

Thank you.

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

### QUESTIONS

**Hon. Deputy Speaker:** On this particular Order, specifically on Questions, we will start with the Member for Kwale County.

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Hon. Deputy Speaker, I beg to ask the following Cabinet Secretaries...

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it Hon. Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, have you heard the Member say the following CSs? She needs to tell us which CSs. There are not "the following..."

**Hon. Deputy Speaker:** Well, she has three questions and she has indicated that the first one is going to the CS for Transport, Infrastructure Housing and Urban Development.

**Hon. Aden Duale** (Garissa Township, JP): Yes, she should say that. There are no "following CSs."

**Hon. Deputy Speaker:** Yes, a Member should remember to be pointing out specific CSs, but in this particular one, I thought you actually say it. I thought I heard you.

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): It is just because I was speaking, but if I was writing the Question, I would have put the following CSs and a colon and then I would list them. I had started with the first one. The three are the CS for Transport, Infrastructure, Housing and Urban Development, CS for Water and Irrigation...

**Hon. Deputy Speaker:** No, let us just deal with one because you will have an opportunity to deal with the rest.

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Thank you because that is how I was proceeding.

**Hon. Benjamin Washiali** (Mumias East, JP): On a point of order.

**Hon. Deputy Speaker:** Order again. Hon. Washiali, what is it?

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Deputy Speaker, I am rising on a point of order because I think the House needs to be guided. The current House was not there when we used to ask Questions.

The aspect of giving the number of the Question is very important. The Question she is asking is No.005/2018. That needs to come out for the sake of the HANSARD, so that when she is moving to Question No.056/2018, it also needs to be spelt to be captured by the HANSARD. The way she is doing it, it is like she wants to ask two Questions at ago which is not supposed to be the case.

**Hon. Deputy Speaker:** Actually, you have a very valid point, Hon. Whip of the Majority Party, but the practice in this Parliament has been such that no Member has been placed in that particular one. However, it is something that we would start with Hon. Zuleikha today so that she becomes the first one. Just pointing to the fact that it is a certain specific number of Question for

purposes of record. It is okay. But you were moving very well. So, Hon. Zuleikha just proceed, but you need to indicate especially in the next one the specific number of the Question and to which CS you are directing the Question to.

Proceed.

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Thank you, Hon. Deputy Speaker. I stand guided and I do not mind being a pioneer in this. I shall start from the beginning.

*Question No.055/2018*

COMPENSATION OF KWALE RESIDENTS AFFECTED BY CONSTRUCTION  
OF STANDARD GAUGE RAILWAY

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

When will the residents of Mwamdudu area, Kwale County, who were affected during the construction of the Standard Gauge Railway (SGR) be compensated?

**Hon. Deputy Speaker:** Very well, before you go to the next one, this one will be replied before the Departmental Committee on Transport, Public Works and Housing.

Proceed to the next Question.

*Question No.056/2018*

COMPENSATION OF KWALE RESIDENTS AFFECTED BY CONSTRUCTION OF MWACHE DAM

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Water and Irrigation:

When will the residents of Mwache area, Kwale County, who were affected by the construction of Mwache Dam, be compensated?

**Hon. Deputy Speaker:** Very well. This particular one will be replied before the Departmental Committee on Environment and Natural Resources. Thank you very much. Let us go to the next one by the Member for Kuresoi South.

*Question No.085/2018*

NON-COMPLETION OF OLENGURUONE STADIUM

**Hon. Joseph Kipkosgei** (Kuresoi South, JP): I beg to ask the Cabinet Secretary for Sports, Culture and the Arts:

Why has the construction of Olenguruone Stadium in Nakuru County funded by the national Government and inaugurated in 2014 stalled and when is it expected to be completed?

**Hon. Deputy Speaker:** Luckily for that particular stadium, the Hon. yours truly played football there earlier before. Let us proceed to the next one. The Member for Mandera South.

Order! That Question will be replied before the Departmental Committee on Sports, Culture and Tourism.

Proceed, Hon. Adan.

*Question No.088/2018*

## DELAYED COMPENSATION FOR LATE HUSSEIN ABDI HUSSEIN

**Hon. Ali Adan** (Mandera South, JP): I beg to ask the Cabinet Secretary for Tourism and Wildlife the following:

- (a) Is the Cabinet Secretary aware that the late Hussein Abdi Hussein from Mandera South Constituency was attacked by a lion in Biliqo Location, Merti Sub-County, Mandera County on 17<sup>th</sup> September 2018 and later lost his life while undergoing treatment? If aware, when will the family of the deceased be compensated for the loss?
- (b) What measures has the Ministry put in place to mitigate human wildlife conflict in the country, and what is the effectiveness of these measures?

**Hon. Deputy Speaker:** Hon. Members should not modify the Questions they bring to the Floor of the House. Once a Question has been approved and is on the Order Paper, it should read as it is. Any other subsidiary questions are taken to the Committee. That Question will be replied before the Departmental Committee on Environment and Natural Resources. That marks the end of Question Time.

Next Order!

**MOTIONS**

## STRENGTHENING OF REHABILITATION SCHOOLS

THAT, aware that several buildings in Government secondary schools in the country have had fire incidences this year, many of which being arson incidents attributable to students' delinquency; further aware that learning in the affected schools has been severely interfered with; disturbed that the number of students arrested for allegedly burning or conspiring to burn school buildings around the country continue to rise; cognisant that these students are aged below eighteen (18) years and, therefore, fall under the category of juvenile offenders; further cognisant that Article 53(1)(f) of the Constitution provides that every child has the right not to be detained, except as a measure of last resort, and when detained, to be held for the shortest appropriate period of time separate from adults and in conditions that take account the child's sex and age; appreciating that section 18(2) of the Children Act provides that a child offender shall be separated from adults in custody; further appreciating that the Children Act, 2001 advances the protection of children from any action deemed hazardous or likely to interfere with the child's education, health among others; deeply concerned that delinquency tends to lead to adult crime thereby encouraging the possibility of a lifelong criminal career if not managed appropriately; this House resolves that the National Government puts in place administrative measures to ensure that child offenders are not remanded or incarcerated in adults' remands; and strengthens the existing rehabilitation schools in the country as a measure to ensure delinquent adolescents are effectively rehabilitated while making them accountable for crimes committed.

*(Hon. Benjamin Washiali on 17.10.2018)*

*(Debate Concluded on 17.10.2018 - Morning Sitting)*

**Hon. Deputy Speaker:** This particular Motion had been transacted. I confirm that we have the requisite numbers. Therefore, I will put the Question.

*(Question put and agreed to)*

Next Order!

ESTABLISHMENT OF POLICY GUIDELINES ON ACQUISITION OF LAND  
FOR EXPANSION OF PUBLIC SCHOOLS

THAT, aware that land is one of the most important resources in Kenya from which the country generates goods and services, and a source of livelihood for many people; further aware that land is a scarce resource which is highly sought for various economic and commercial purposes leaving little or no space for establishment of social amenities, including learning institutions; cognisant of the Ministry of Education guidelines which provide that the amount of school land should be sufficient with the minimum amount of land required being determined by enrollment; concerned that the increasing number of students in learning institutions puts a lot of strain on the available infrastructure especially those institutions which are established on limited space with no space for future expansion; this House urges the Government to establish policy guidelines on land for expansion of public schools and sets aside a fund for acquisition of such land.

*(Hon. Caleb Kositany on 17.10.2018)*

*(Resumption of Debate interrupted on  
17.10.2018 - Morning Sitting)*

**Hon. Deputy Speaker:** On this particular one, there is a balance of one hour and 27 minutes. When debate ended last time, Hon. Mohamed Mohamud Sheikh was on the Floor. If he is around, he has a balance of three minutes. I do not see him. Therefore, I proceed to give the Floor to the Member for Wajir West, if he is interested in speaking to this one. I can see he has no interest and has put off the microphone. I will proceed to give the Floor to Hon. Murugara Gitonga, Member for Tharaka.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Deputy Speaker. I wish to contribute to this Motion and thank Hon. Caleb Kositany for presenting the same to the House. It is true that land matters in Kenya are very important and emotive. Most of the time, when we talk about land, especially for acquisition, it evokes very strong reactions from land owners and especially when it is designated for public purposes.

The greatest sufferers of lack of land for public utilities are educational institutions. In arid and semi-arid areas, we do not have a problem as far as land is concerned because most of it is available. Therefore, schools and other institutions benefit from that abundance of land. When

it comes to land in agricultural rich areas, schools and other institutions are deprived of land which they need for expansion. As a result, most learning institutions are confined to small pieces of land. The net effect is that schools cannot expand. They stagnate and, in fact, they are unable to cope with enrolment which rises from time to time due to population increase. The schools then have to set up branches and as they do so, more problems of land ownership are established.

It is, therefore, important that the Government devises and puts in place a mechanism of compulsory land acquisition. This is under the various land laws and regulations in the country as far as land acquisition is concerned. Once land is compulsorily acquired, then it becomes mandatory for the owners to be compensated. Without a clear policy on how the owners are to be compensated, then the policy is likely to be marred by protracted legal battles as far as the owners are concerned. But with a clear guideline that is acceptable, one which possibly has gone through this House, debated and approved, then the institutions will benefit from that acquisition and the subsequent compensation likely to be given to the land owners.

We have had questions in this House of the Government acquiring land and failing to compensate the public. This is prevalent. This morning, we have a Question from Kwale where land belonging to citizens was acquired for purposes of the Standard Gauge Railway and no compensation was given. Where land is acquired for purposes of schools, learning institutions or colleges, that compensation must be given.

It is also important to note that it is not just learning institutions that require land to be compulsorily acquired. We have other Government facilities which are coming up. In Tharaka Constituency, we have a designated Government project known as the High Grand Falls Dam, which is supposed to benefit the counties of Tharaka Nithi, Kitui, Tana River, Garissa and others. Land is earmarked for compulsory acquisition. The citizens are absolutely worried as to whether they are going to be compensated. I have explained that the Government cannot take land from citizens without compensating them, but it is that mechanism which is not in place, which is actually making the citizens worried. It is, therefore, important that we have the mechanism in place not just for learning institutions, but also for land acquired for other public purpose.

Therefore, I support the Motion.

**Hon. Deputy Speaker:** We will have the Member for Mandera West, Hon. Yusuf Haji.

**Hon. Yusuf Adan** (Mandera West, EFP): Thank you, Hon. Deputy Speaker. I stand to support this Motion. It is very vital that we have adequate space for all schools in the country. My colleague and friend just said that land is not a problem in ASAL areas. What is happening is that all of a sudden, pastoralists are leaving the pastoral lands and settling in settlement areas in big numbers. School land is normally located in very strategic areas and there is a scramble for school land.

Just last weekend when I was in my constituency, we were together with the sub-county commissioner trying to solve a land issue where some communities came from the pastoral land and settled on part of the big school compound that was there. It is becoming very difficult for people who have settled in a place to be moved out. It is so important that we have adequate land. What we now call small schools may in many years expand. We may need to convert the land into a university. What is today a primary school in a rural area may become a university in the next three or four generations to come. Therefore, this is the right time to ensure that we have adequate land for all our schools, whether primary or secondary schools, in anticipation that land

will not grow, but the population will continue to grow. The demand for land and education will continue to grow.

Therefore, it is my suggestion that in areas where we have plenty of land, we come up with legislation and policies and procedures to get adequate land for future expansion. In areas where land is already a problem, this is the right time for the Government to acquire land and compensate the owners before the prices of land escalate in the next, maybe, 10 years, when it might not be affordable at all even to get an acre. It is my suggestion that we come up with policies, regulations or even laws stipulating the minimum acreage for primary schools, secondary schools and universities in anticipation that in future, the same institutions might grow. We have already seen many institutions growing from primary to secondary schools to even universities or colleges and the land will not expand. It will be the same.

This Motion is very timely, indeed. Let us not just talk, but let us walk the talk and ensure that this Motion is supported and implemented to the letter.

With that, I support this Motion.

**Hon. Deputy Speaker:** Hon. Masara, Member for Suna West.

**Hon. Peter Masara** (Suna West, Independent): Thank you, Hon. Deputy Speaker. I rise to support the Motion and congratulate Hon. Caleb for bringing it to the attention of the House.

As you are aware, some schools were established long time ago and the population is increasing yearly yet land does not increase. So, it is very important for the Government to establish a policy on where schools which have bigger enrolment can acquire extra land through Government funding. According to the current Government policy, there is a rate at which Government valuers value land, especially in urban areas. If this is not checked, it will be very difficult to acquire extra land for schools with increased population. For example, in my constituency, there is a school called Oruba Primary School, which was started around 25 years ago. By then, it had a population of around 160 students. Right now, it has a population of 2,000 pupils on a two-acre piece of land.

I support the Motion so that we can set aside some funds to buy land to expand public schools. This will cater for the increasing population of students. The latest policy of the Government of 100 per cent transition is giving public schools pressure because such plans were not put in place before the policies were rolled out. I support the Motion and urge the Government that it should be implemented very fast to enable schools to get enough land to expand their infrastructure.

**Hon. Deputy Speaker:** Hon. Wachira Kabinga.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Deputy Speaker, for giving me a chance to support this particular Motion. This looks like a lesser problem to many of the constituencies, but it is a great problem to the densely populated constituencies. We have many existing secondary and primary schools sitting on land that cannot be expanded any more. This is mainly as a result of historical poor planning, land grabbing and lack of vision on the part of planners in the past.

Some of the schools are also in small portions of land because by the time of their establishment, there was simply no land. It is a challenge to many Members of Parliament who have to struggle with their meagre National Government Constituencies Development Fund (NG-CDF) to try and acquire land for the schools. I want to be very practical because many may doubt the extent of this problem. In my constituency, I have more than seven schools that I am currently struggling with. I have a school by the name Kirogo, that is sitting on a one-acre piece of land. I have schools called Nyaga Secondary School, Mugaa Primary School, the proposed

Kangu and Kandongu primary schools, Kangure Secondary School and many others, that I am struggling to get land for. If I were to put my NG-CDF to the need for land for the schools, then I would not do anything else. It is for this reason that I support the Motion. We need to put some mechanism in place so that we can identify all the needs out there, document them and present them to the Government so that land can be acquired. There are many ways of acquiring land. It is high time we also looked at land that has been grabbed and approach the grabbers in order to repossess the land in form of compensation to some of the schools.

There are a number of schools that were initially allocated a good portion of land. Today, that land has been reduced to a very small portion. We need to put that mechanism in place. Access to education is not a choice. It is a right. Our children must access education. To do so, there must be a plan. We should either put more money into the NG-CDF for us to acquire the land that is required or we have a separate fund that will cover the needs and prevent the problem that I foresee in the future. Many schools are expanding.

There is a school in my constituency called Ngurubani Primary School, which has a population of 1,400 students, but it cannot expand further. I, therefore, need to look for land in Ngurubani Town to start another primary school. Left with my NG-CDF only, I will not be able to do that. I am, therefore, appealing to Members to support this Motion so that we can have a properly documented need of land for schools in this country. There should be one plan and policy that will solve this problem once and for all.

I support the Motion.

**Hon. Deputy Speaker:** Let us have Hon. (Prof.) Adhiambo Oduol.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Deputy Speaker. I support this Motion.

Looking at the significance of education, particularly public education which by its very nature seeks to meet the needs of all citizens regardless of their ability to go into private schools, I support the Motion. It helps us to recognise that it is extremely important to have a deliberate system that guides, not just where we place schools, but that before a public school is located, we need to think of the land, space and bear in mind the infrastructure that will be required.

Currently, the challenge is that we have children who sometimes graduate from schools and do not seem to have the skills of required reading. They do not seem to feel confident and engage as active members of the society. This could be because of how we currently engage. We do not seem to plan deliberately for the students to have the necessary space for extra-curricular activities, staff, teachers and all other activities.

As I support the Motion, we should remember that the policy is a very critical determinant. As a result of this Motion, we should continue to review our policies and remember that they are systematic, predictable and should not change on the whims of politics or any other issue. We should be very clear and remember that policies are the pillars that enable us to ensure that our public schools are presented in a way that gives everybody a chance and enables us to produce students that would meet our needs.

With that, I support the Motion.

**Hon. Deputy Speaker:** Very well. Let us have Hon. Thuku Kwenya, Member for Kinangop.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Deputy Speaker, for this opportunity to contribute to this Motion.

From the outset, I support the Motion and congratulate the Member who tabled it, Hon. Caleb. On the same note, land is a very emotive issue especially in areas where land is very dear

and expensive like Kinangop Constituency. It is a big challenge for us who come from constituencies that have many schools and are highly populated. In support of this Motion, the ministry needs to come up with policy guidelines. As Parliament, we need to legislate so that we can have compulsory acquisition of land when it is adjacent to a learning institution. It is becoming a challenge every day with the population growth. As much as we want to expand our schools, you find that it becomes so tricky.

I have a case study of several schools in my constituency that are falling prey to foreigners who masquerade in the guise of helping them. There is one school called Kanyugi Primary School, where a foreign contractor has even erected a flag of their country under the assumption that they will help the school. It has become a big issue in the society. We seem to be auctioning our country to foreigners who pretend that they will help us. We have to come up with policies, rules and regulations to make sure that we acquire land that is adjacent to schools.

On the issue of funds, the NG-CDF, as far as I am concerned, is not equitably shared out among constituencies. Some of us are very disadvantaged. A constituency with eight wards gets the same allocation as a constituency with three wards. A constituency with about 50,000 households gets an equivalent allocation as a constituency with about 10,000 households. We are expected to spend our money on schools and come up with projects that will touch the lives of our people in equal measure. There is that inequality. To cure such, we need to have a fund like the one proposed in this Motion by Hon. Caleb, so that it acts like an equalisation fund for schools so that schools that do not have land, and where the NG-CDF funds are not enough, can draw from that kitty. This will help in acquisition of land for expansion.

Finally, there are schools in towns that do not have land for expansion. The ministry needs to come up with policies that will address such issues in areas that are growing without land to expand so that we can have enough land for expansion and development of schools.

I support the Motion.

**Hon. Deputy Speaker:** Very well. Let us have Hon. Koros, Member for Sigowet/Soin.

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this Motion.

Land is very important, but a scarce commodity in this country. This Motion is timely since we are all coming from constituencies where most of our schools are having issues with land. Acquiring land for the schools is a big challenge. We tend to direct most of our NG-CDF funds to construction and acquisition of land. Having policies for acquiring land for schools is very important. The population of most schools in the republic is growing. It is very important that we have policies of making sure that we expand our schools.

This Motion is very important and timely. I support it.

**Hon. Deputy Speaker:** Very well. Let us have Hon. Baya Yaa.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you very much, Hon. Deputy Speaker. I would like to speak on this Motion. While it is very important that the Ministry of Education has policy guidelines, they cannot be put in place alone without looking at policies in the lands departments. Such policies include land use planning and the Physical Planning Act, which require to be changed in order to accommodate policies on land. If we want to develop a policy on school land alone, we need to ask ourselves where the land will come from, who will plan for the land and who are the people in charge of the land so that they can make it available.

Today, people with big chunks of land are subdividing it without giving 10 per cent for amenities. Physical planners and adjudicators go ahead and sub-divide land without looking at social amenities which include schools. After some time, you find that a place requires a school,

but the physical plan did not set aside any land for the development of schools, shopping centres, social halls, mosques and churches. So, before we start looking at what the Ministry of Education should do, we need to engage the Ministry of Lands to understand issues about planning.

The other important aspect that we need to look at is what county governments who are in charge of communal land are doing in terms of reserving land for school development. Today, there is a lot of land subdivisions, adjudication and settlement schemes that are going on. The mandate of county governments is surveying and planning. We need to see how we can dovetail that such that school properties are made available during the subdivision and surveys.

We would also be interested to look at the cost and pricing of land in this country. Today, if my friend Hon. T. J. Kajwang' wants to start a school in his constituency, he would pay billions of shillings to acquire probably five acres of land. Why? The cost of land in this country has gone through the roof top. We need to bring the Land Value Index Bill as soon as possible to the House so that it is passed to regulate the cost of land especially when it comes to acquiring land for institutions. Without doing that, in the future, Nairobi may not be able to develop even one new primary or secondary school because of the exorbitant prices that are associated with land in the country.

Prices of land in the country have brought down development. For you to acquire land, like we have seen with the SGR, you need to have more money to purchase land than the money you need for the project. This is what is happening. You realise that in future, we will not have public schools because of lack of space for development.

New towns are coming up licensed and developed by county governments. But if you check the population against the number of public utilities being put up, they are not in congruency completely. They forget that you need a secondary school, primary school and a kindergarten.

As we urge for the formulation of policies, we need to look at it from a larger perspective and picture such that the Ministry of Lands and the Ministry of Education should sit together and look at the whole aspect from a holistic perspective so that as the Government sets aside funds it knows how much land is required in the next 10 years for the development of schools. It should also know how much money should be factored in the budget so that we can have a holistic picture in the development of the policy.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, the next one is Hon. Atandi Onunga, Member for Alego Usonga.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Deputy Speaker. I want to observe that you are not balancing very well. You know we have Government on both sides of the House. So, if you give a chance to three Members in the Majority Party side, you should also give a chance to three Members from the Minority side.

I support the Motion because it is timely and very important. Right now, Members are aware that we are trying to expand our primary schools to secondary schools because of the Government policy on 100 per cent transition from primary to secondary schools. We are forced to construct secondary schools on pieces of land where primary schools currently exist. It has become very difficult for us to acquire land. The land where primary schools exist is not sufficient for secondary schools. The Government policy on construction of secondary schools is that you are expected to have equal amount of land for secondary schools and primary schools.

Having a policy on funding of public schools is very important. I thank Hon. Kositany for the Motion. The Government needs to think about this and set aside resources to enable us meet

the need. Our NG-CDF is not sufficient. I know most colleagues who have tried, but have found out that it is not enough. We have been forced to conduct fundraising which are not sustainable. This is something that we would like the Government to adopt immediately after Parliament passes this Motion.

The other issue we should not run away from is that even as we talk, there are matters before courts touching on Government officers who continue to grab public land. Some pieces of land that have been grabbed by senior Government officers belong to schools and Government amenities. As a House, we must make a decision and call anyone in the Government, whoever they are, who have grabbed land and ensure that the land is recovered. This way, we will be playing a proactive role in helping the Government to manage public land especially land that touches on public resources. The subject of land has been adversely canvassed in the country. It has been canvassed more than any other subject right now. Every day, there is no newspaper that does not talk about land. So, we have to be very serious as a House and insist on protecting our public land.

If the House can appropriate resources specifically for expansion of schools, it will go a long way in helping us to ensure that our schools are properly managed and expanded. I wanted to begin a secondary school in my constituency, but I was unable to do so because I was told that I had to buy 10 acres of land to accommodate it. When I engaged the community in the area, they told me that they were not willing to donate land.

Some schools were started through community initiative where a community donated land. Such schools do not have title deeds. Members of the families that donated the land have since passed on and to get the title deeds is a big challenge. We need to ensure that every school is given a title deed for its land and the process needs to commence immediately. This way, we will ensure that continuous grabbing of public land is avoided.

Thank you, Hon. Deputy Speaker, I support the Motion.

**Hon. Deputy Speaker:** Next is the Member for Malava.

**Hon. Moses Injendi** (Malava, JP): Thank you, Hon. Deputy Speaker. I also rise to support this Motion. One of the challenges facing most of us when it comes to expansion or purchase of land for schools is pricing. As one Member has mentioned, land prices are so high. When purchasing land for an existing school, somehow the owners of this land increase its value.

For example, there is a case in my constituency of Malava, where I have set aside some money to purchase about two or three acres. The land value is around Kshs500,000 per acre, but the moment you allocate money like Kshs2 million, the owner of the land asks for Kshs1 million per acre. So, we must have a policy to control this. The moment the Government Valuer comes to value the land, the owner does not believe him since he thinks he is an arm of Government out to devalue the price of his land.

Another challenge we have, as my brother has mentioned, is that some of the schools are sitting on land that belongs to the church, community and land donated by persons who have passed on. You find that the grandchildren of such people are now coming up to demand for compensation for their land and because there is no policy, you are compelled to purchase land that was given even 20 years ago. This is happening because there is no policy. If you do not give this compensation, they take the school to court demanding payment. Because there is no guideline, then you have no choice other than to obey. This in itself is defeating the whole process of expanding education to all.

In our regulations, we talk of the highest size for a school, I think it should be three acres but it is not so clear how much a school should own. It is very interesting that in this country,

some schools have one acre but others have more than 300 acres. For example, Lenana High School has over 250 acres and Moi Girls has over 200 acres. What is the limit? It is important to set a limit instead of having schools with huge pieces of land like over 300 acres lying idle, yet we require the land for other uses.

Also, the process of acquiring land is tedious. For example, I am involved in registering some schools. I have a primary school that has over 15 acres of land. This primary school is giving birth to a secondary school in this issue of transition. Currently, to register a school, you must have land. So, it is a challenge. The whole process of transferring land from primary school to secondary school takes a lot of time. The transfer delays the whole process of registering a school. I recommend, as this Motion is suggesting, that we put in place some policy guidelines on how to go about the process of getting land for schools. Institutions under the Ministry of Education should receive some priority treatment so that they do not go through those processes that come with purchase of land.

I support.

**Hon. Deputy Speaker:** Very well. We will get the Member for Narok South.

**Hon. Korei ole Lemein** (Narok South, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I thank Hon. Kositany for coming up with this Motion. I agree with him. Land is becoming extremely scarce. If some of us who come from the so-called pastoral regions can feel it, what about those people who come from densely populated regions? I agree with him that the Government needs to come up with a fund that will assist on matters of land expansion.

I believe almost every Member of this House has an experience on matters NG-CDF. There is a time that you are torn between buying a piece of land and building a classroom. It becomes a challenge. The School Management Committees (SMCs) want you to buy a piece of land and at the same time, they want you to construct a classroom. So, it becomes a big challenge. Therefore this Motion intends to address the same challenges.

As some speakers have alluded, for us to move forward, even as the Ministry of Education puts in place policies and structures on matters of schools, what is very important as well is the Physical Planning Act. Even if funds are put in place to buy land and to increase the number of acreages and so forth, still we have a challenge because of high population of almost 50 million Kenyans.

In the next 10 or 20 years, the projection on matters population in this country will be so high. So, if we are pressed at the moment, what will happen in the next 20, 30 or 50 years? Of course, as the population increases, land will always remain the same. Therefore, I believe that if big plans are put in place at the moment, at least, for the next generations, I will be seeing some fruits on matters land in this area.

We are talking about primary and secondary schools. Even on tertiary education where we are moving to, it is becoming a challenge because we cannot access land to develop some of these very important institutions.

I support this Motion.

**Hon. Deputy Speaker:** Next is the Member for Mwatate.

**Hon. Andrew Mwadime** (Mwatate, ODM): Asante sana, Mheshimiwa Naibu Spika kwa hii fursa.

Kwanza kabisa, naunga mkono hii Hoja. Madhumuni, malengo, nia, shabaha na mawazo tangu miaka ya 1960, 1970, 1980, 1990 na kuenda mbele, yamekuwa yakibadilika. Maanake mbeleni, mfumo wetu wa elimu ulikuwa 7-4-2-3. Ukabadilika ukawa 8-4-4.

Vilevile, ardhi haijawachwa kwa maana wakati mfumo wa elimu unabadilishwa, lazima pia ardhi iwe tofauti. Ni vyema Serikali kutunga sheria na vilevile mwongozo mwafaka na thabiti ambao unaweza kusaidia zile shule ambazo miaka ya 1960, 1970, 1980 na 1990 idadi ya watu ilikuwa chini. Sasa hivi, idadi hiyo imeongezeka.

Yafaa Serikali itenge hela za kununua ardhi ya kupanua hizi shule badala ya kujenga shule nyingi. Zile shule za zamani zikipanuliwa, zitaweza kuwa na watoto wengi kuliko hapo mbeleni.

Hoja hii imeletwa wakati mwafaka kwa maana kuna mambo mengi sana ambayo yamebadilika. Ni vyema kuwe na sheria na mwongozo kwa hizi shule na tujue mpangilio. Mwongozo utolewe kwamba shule ya msingi iwe na kiasi fulani cha ardhi, shule ya upili iwe na kiasi fulani cha ardhi.

Juzi kulikuwa na matapeli wengine kule Mwatate ambao walisema wanataka kutujengea chuo kikuu kutoka Amerika kumbe wameshikana wanataka kuchukua ardhi. Walikuwa wanahitaji ekari 1000. Uzuri tuligundua hivyo. Ingekuwa vizuri wizara husika kutunga sheria kuhusu kiwango cha ardhi shule ya msingi, shule ya upili ama chuo kikuu zinahitaji. Vilevile, waangalie sana. Tukisema kuwa tuchukue ardhi yote kwa sababu ya mashule tukumbuke pia kuna zahanati na mambo mengine mengi yanayotakikana. Lazima tubadilishe mtindo. Kama tunajenga shule, tufikirie kujijenga kama ghorofa ili shule zisichukue ardhi yote.

Mhe. Naibu Spika, wenzangu wameongea mengi. Naunga mkono Hoja hii.

Ahsante.

**Hon. Deputy Speaker:** Very well, let us have, Hon. Makokha Werunga, Member for Matungu Constituency.

**Hon. Justus Makokha** (Matungu, ANC): Shukrani, Mhe. Spika kwa kunipa hii nafasi. Nasimama kuunga mkono Hoja hii. Imekuja kwa wakati ufaao. Shule nyingi haswa za upili wakati huu zilianzishwa kama shule za msingi.

Kwa mfano, kuna shule moja kutoka kwangu ambayo imeanzishwa kwa ekari moja ya shamba. Ukiangalia mahitaji na majengo ya shule hiyo, watoto wanahitaji mahali pa kuchezea. Mahali pa kuchezea kama uwanja wa mpira utachukua kiasi cha ekari moja ya shamba. Kwa hivyo, hii ni Hoja iliyokuja kwa wakati unaofaa. Serikali yetu inafaa kuweka sheria kwa sababu ya upanuzi wa shule zetu.

Naunga mkono Hoja hii. Ahsante.

**Hon. Deputy Speaker** Very well, let us have, Hon. Oyioka Oroo, Member for Bonchari Constituency.

**Hon. John Oyioka** (Bonchari, PDP): Thank you, Hon. Speaker. I rise to support this Motion by Hon. Kositany. I have cases of schools within my constituency which are existing on land that is hardly the size of this National Assembly. I think this House occupies land that is about one-quarter of an acre. They exist on that land because they were started without following the laid down Ministry of Education's regulations as stipulated in the Education Act, Chapter 211. That is where the rain started beating us. When we tried to acquire more land for such schools, the owners of land surrounding the schools were not willing to move. That is why I support this Motion. We shall come up with regulations leading to compulsory acquisition of land for these schools.

At the outset, I suggest that we do it in a human way where we will move these people to any available land and if there will be any cash to be given to such people then they should be cleared before they move. This should not be misconstrued in this House that regulations do not exist. I refer you to the Education Act. The issue is that in Kenya, nowadays, we do not follow

the laws that we formulate ourselves. I will give you an example of the Musila Bill about retirees that came through this House. In the Bill, it was recommended that nobody will retire and move out of his or her working station without clearance in terms of pension and gratuity. That has not been effected to date. People are moving out of their work stations without their money. Some of them have died while others are now beggars because they cannot buy drugs when they are sick. That is exactly what may happen when we pass this Motion. The laws are there, but we are not willing to follow them.

*[Hon. Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]*

I agree with the hon. Member who suggested that instead of building classrooms all over the place within a small piece of land, we should think of building upwards. We should focus on vertical rather than lateral expansion. That will lead to some savings being made in terms of land. As we formulate laws, we should strictly look at the densely populated areas like Kisii where I come from. If anybody says, for example, that a primary school should exist on a five-acre piece of land, then no primary school will exist in Kisii. Most schools – primary and secondary - share the same piece of land and it is not adequate. Land is not available. Anything that we call public land in other constituencies does not exist especially, where I come from. So, as we formulate laws and regulations we should strictly look into the densely populated areas and perhaps, loosen the regulations as we come up with them.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwanyanje Mbeyu, Member for Kilifi County.

**Hon. (Ms.) Gertrude Mwanyanje** (Kilifi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion on the establishment of policy guidelines on land for expansion of public schools and a fund for the acquisition of the same. It is important this Motion has come at this time. Our public schools are overpopulated. Within them, we have the Early Childhood Development Education (ECDE) centres, primary and secondary school sections. As much as we urge the Government to establish a fund to acquire land, most of the land is already overpopulated and people have grabbed land neighbouring the schools. As much as we want to acquire public land, it may not be there. I urge this House to establish a policy that our schools make use of the air space within them and the ground under. They can do storey structures for boarding facilities and classes, so that we leave the little ground remaining in these schools to be the playgrounds.

As a teacher, I know that most EDCE children need a lot of land to play on in order to develop them physically. So, it is my wish that we use the air space to do storey buildings for our schools. The underground can also be used for expansion of classes and boarding facilities and leave the remaining little land as playgrounds for the schools.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Njoroge Wamaua, Member for Maragwa Constituency.

**Hon. (Ms.) Mary Njoroge** (Maragwa, JP): Thank you, Hon. Temporary Deputy Speaker for giving me the chance to support this Motion. Let me start by appreciating and commending the Mover for bringing this timely Motion. We need to urge the Government to establish the

policy guidelines on land expansion for public schools and set aside a fund for acquisition of public land. I am supporting this because of the rising population in our primary and secondary schools. It is more in secondary schools after the 100 per cent transition. Most of the children are transiting to Form One and, therefore, all the time secondary schools are called upon to expand to have more classrooms. Sometimes you will find that a secondary school was given land by the adjacent primary school, so that even when the NG-CDF is ready to build more classes, the land is not available. The other thing is, whenever our people who are willing to sell their land hear of NG-CDF being interested to purchase their land, they always raise the prices of the land. If the Government through the Ministry can bring a policy to guide on this, we will not be taken advantage of.

Another thing is, the NG-CDF money cannot be enough to buy land for all the schools that are asking for the expansion of their schools. So, if the Government puts a kitty together with the little that the NG-CDF can afford, we can buy land for the schools because there is what comes from the Government and there is what the NG-CDF can be able to give alongside other projects. There is also the issue of improvement of infrastructure like the sporting activities. When you get into the rural areas, you will find that some of these children in primary and secondary schools do not have fields where they can do their sporting activities. You will find some of them on the road competing with pedestrians and motorists so that they can at least practise about two months to their competition. I wonder how the Government cannot afford to buy school land to the extent that children play as pedestrians and motorists pass.

We are calling for all the parents to make sure that their children are in school. That is why we are supporting the free and compulsory schooling. The other day we adopted a Motion where we were requesting the Government to allow feeding programmes in secondary schools. If this happens, then it means that the population in our schools will improve. So, when there is increase in population, it calls for expansion of land. That is why we are supporting this Motion.

I also want to concur with one of the Hon. Members who said that the Ministry of Education needs to partner with the Ministry of Lands in matters to do with physical planning, especially when it comes to subdivision of communal lands. This will allow us to leave enough pieces of land for our schools. Sometimes you will find that some of our communal land has about an acre or two acres. This means that very soon we will be calling for expansion of land.

Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nguna Ngusya, Member for Mwingi West.

**Hon. Charles Nguna** (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to appreciate the Mover of the Motion, Hon. Caleb. The Motion is timely, coming at a time when most schools have been converted to boarding schools. The scarcity of land is even more pronounced in urban schools and schools with rough terrain and in rich agricultural areas. That is why I am supporting this Motion. The Mover of the Motion really thought very well. I am personally calling on the Government to put in place a compulsory land acquisition policy for schools especially those operating in less than five acre land. If this Motion is passed, it will improve the learning facilities in our country.

Most of the schools which required the establishment of this policy will face a lot of challenges. The owners of land who are in close proximity to these schools may not be willing to move. But if we can really put adequate and prompt compensation policy, I am sure we can persuade them.

Although we acknowledge that NG-CDF is too little to buy this kind of land, I would like to request that if the Government is going to put aside these funds, we should exercise equity. The funds must be distributed equally in all the constituencies.

With those few remarks, I would like to support. Thank you, very much.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Abdi Yusuf, Member for Kamukunji.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. It is particularly timely for a neighbourhood like mine where we have a very large population. Kamukunji has one of the largest population in the country in terms of area. We have a serious problem of finding space for the growing number of children who are coming to our schools. Therefore, I feel that it is very important that we get the opportunity to have a regulation and I am specifically more attracted by the element of having a special fund because land is becoming more expensive, it is also more difficult for us to get land in urban areas like Nairobi. Therefore, it will be absolutely necessary in the coming years for us to have the necessary funds to acquire land and to build schools for the growing number of school-going children that we have.

The other element that I have also looked at that might be supported by this Motion if we pass it, is the fact that at the moment there is really no guideline for the size, the portions or the dimensions of any particular school. Some schools have all the land that they need and others do not. This creates inequality in offering opportunities for our children to go to school. That is why, if we had a regulation, guidelines and a fund, we would be able to do much more in areas where there is pressure. For example, if you look at many of the schools that we are doing in my neighbourhood, you will realise that we can only build upwards now. There is simply no space to have sports facilities and playing ground. This means that a lot of our urban kids who are already condemned to live in apartments and limited housing, do not have the opportunity to play around and to go around and about as normal children in their schools because there is no space. I think this is a timely Motion. It will go a long way in creating the regulations and also providing the funds for us to be able to expand and develop schools in densely populated neighbourhoods like mine.

Therefore, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Martin Owino, Member for Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): I had made a request for the next Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, Hon. Tum Chebet, Member for Nandi.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Thank you, Hon. Speaker. I rise to support this Motion on the need for expansion of land for our public schools. We are aware that most of our schools are having a small acreage and there is need for adequate land and so we need to increase space. We are aware that there are many incidences of fire outbreak especially in our urban schools because of arson. So, there is need for space so that when fire brigades come with their vehicles, there will be space for our children to be rescued. We are also aware that there is an increase in population in our secondary schools because of free day secondary schools. When this policy was implemented, no land was acquired so that our children could have playing grounds.

We talk about talent identification. All our children cannot end up in university, so we need to create talents. We need to have playgrounds so that those who may be footballers or

athletes in the near future can be nurtured in primary and secondary schools. We need to set aside some money to buy land so that our children can have conducive learning environment in their schools.

So, I support this Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Member for Kangundo.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to join my colleagues on this Motion. I would also like to take this opportunity to applaud the work of Hon. Caleb in bringing a Motion which is progressive to the nation especially in matters of land.

It is true that failure to have proper policies in terms of management of land is bad. We do not have sustainable measures in terms of land management in the country. Kenyan institutions, especially in education are under threat from land grabbers and other people who pretend they are land developers. We have seen cases where school land has been grabbed. We have also seen cases where school land... Many schools get their land through donations from well-wishers, sponsorship churches or from individuals. The people who donate land come to realise that the land has appreciated and so they seek compensation from the same schools. It is true many of our institutions do not have title deeds. This is caused by failure to have proper policies and guidelines in terms of management of the institutions especially in matters of land.

This Motion should not be like other motions of just being debated in this important House without being implemented. If we want our people to have a good compound for education, we must have space. Many of our schools are only one to four acres. The schools have high population. Everybody is crying for development of schools but there is no land to build on. The neighbours also do not have land. It is now a cry for the whole nation, and the Government must think about how these institutions can get land.

In Kangundo where I come from, land is small and population is very high. So we have institutions with one or two acres. They need to be expanded. I have resources for a class or two, but there is no land. When we have organised policies which will give guidelines on how to get land, it will be easier. It is not easy to tell people to migrate so that you can build a school. We look up to the Government to bring guidelines and funds to acquire more land for our institutions.

Thank you, Hon. Deputy Speaker. I support this Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I hope Hon. Kositany who is the owner of this Motion is listening. I believe that if there ever was a case for compulsory acquisition, then this is it. As Members contribute, it is hoped that you will graduate this into a Bill. We shall now have the Member for Tigania West.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to this Motion. If I was given the chance to sit with Hon. Kositany, I would have wanted this Motion to advocate for restructuring the design for development of schools in this country. Land is not limitless. Land is limited. The temporal nature of the schools keeps us building them horizontally instead of vertically. The only space which is available and infinite is the space upwards. Our children live on 11<sup>th</sup> or 12<sup>th</sup> floors in some of the estates. Therefore, they are able to learn from such floors as well. We need to look at how to come up with designs for various areas for this country. We need to have designs for urban centres, peri-urban and rural areas, in anticipation that even the rural areas can become

urban. This Motion should fix the amount of land that should be set aside for a school in view of the possibilities for growth and development and increase in populations.

Our country is young. We are growing in both numbers and institutions. As we grow, we take up the available space. As we focus on the space that we need to take, we need to have policy guidelines that will help us grow without limiting the possibility of space. Even if we talk about compulsory acquisition and the Government has the muscle to compulsorily acquire land, it does not mean that those from whom we take will get equal livelihoods elsewhere. We need to come up with policy guidelines to forecast the population of a particular region so that that we set up school construction guidelines based on the maximum number of the population. We have super architects in this country. The infrastructural design should focus on how we should set up the ground infrastructure for future development upwards, and then we can have fixed land sizes for different zones. Though I support this Motion, I believe it lacks in that particular dimension. Therefore, we need to look at how it should it grow into a Bill.

Let me also talk about the fact that most of the land we have in these schools has no titles. Although there have been efforts and a Government policy to have all the land that belongs to institutions registered with the land registries, some of them do not have titles. That is why there is encroachment by unscrupulous Kenyans who want to get more for less. So, one of the things we should emphasise as a House is that all school land should be secured. We should give a time limit because we cannot wait or do it for ever.

There is also the need to look at what is happening in private schools and learn from them. Because they do not have the muscle to acquire land or the possibility to set up a fund, they grow to scale. They grow systematically and realistically. Why do we not focus on what they are doing? There are very few private schools that are growing laterally; they grow upwards.

I would also like to bring up the fact that as we consider looking for more land, we need to look at alternative uses of land. We need to look at the patterns of growth and development in terms of population in this country. Where there is potential for livelihood support systems is where we should have people. Where there is minimum potential for livelihood support is where we should have less people. Why can we not focus in this direction and set up guidelines on how to grow?

I support the fund, but it should be focused towards restructuring the schools that we have right now. The temporal nature of putting up temporary, semi-permanent to permanent classes should stop. The NG-CDF is not enough to develop institutions in this country. We should have serious investments in institutions of learning, especially the lower ones, so that we may be more focused and guided as a country.

Hon. Temporary Deputy Speaker, I support with those remarks.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is a good contribution. There is a belief out there that the NG-CDF is all for building schools. We must disabuse the public of that belief. The Government must step up and come up with a clear policy of acquisition of land and building of schools. Good contribution.

Hon. Luyai Amisi, Member for Saboti.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to also support this Motion from my namesake, Hon. Caleb Kositany. The issue of land has been quite pertinent and this Motion is timely. Most of us come from constituencies that have vast land - those who come from Trans Nzoia and Rift Valley - but we are still faced with the problem of land for schools. We have seen school children on the streets, running battles with

land grabbers or private developers, to secure their schools' land. It is shameful for a country to see small kids on the streets fighting for land to be used as playing fields.

We have also seen schools developing into sky scrapers and high-rise buildings because of lack of land. Some of our schools use staffrooms as classrooms basically because of lack of space. So, apart from being a Motion, I propose to the Members to fast track it so that it comes back to this House as a Bill and we pass it. We just pass Motions but we do not implement them. It is high time, especially for this one touching on our education sector. The Member for Soy is timely and we will ensure that it is implemented before long because this one touches on a very integral part of the lives of our children. It is important for Members to support. I urge Hon. Members to support the Motion.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Yusuf Haji, Member for Mandera West. The honourable Member not desirous of being in the House, I will pass the opportunity to Hon. Korir Nixon, Member for Lang'ata.

**Hon. Nixon Korir** (Lang'ata, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. As you are aware, I represent Lang'ata Constituency. It is a densely populated constituency, with about 500,000 people. It is surprising that with that population, we have only 10 primary schools and three secondary schools simply because we have no land.

Land is an issue. I support this Motion because it will give us a solution in terms of having guidelines by the Ministry of Education on what amount of land a school is entitled to. You will be surprised that in Lang'ata we have Government institutions with huge chunks of land but getting space to build a polytechnic, primary school or an additional secondary school because of the pressure of the population, is very difficult.

I support this Motion because it will give us an opportunity. I will quote examples such as Lang'ata Barracks which has a lot of land. It should not be an issue if we have policies that allow Lang'ata Barracks to, for example, just put aside five acres of land to build a secondary school. We have the Prison Service, the Kenya Wildlife Service (KWS) and the University of Nairobi with a huge chunk of land despite the fact that it is already a settled university. I support this Motion because the only way we can have additional public amenities, hospitals and police stations is by having land. Land is a critical component of development we ought to have.

The issue of having additional finances to acquire properties on the land is also a good idea. I support this Motion by Hon. Caleb Kositany.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, on the Order Paper you see that this particular Motion had a balance of 1 hour and 27 minutes. You have exhausted that time. It is now time for me to call upon the Mover to reply.

Hon. Kositany, you have 10 minutes. If you are desirous of donating part of your time to any of the Members who are interested, I still have 18 requests on my list. You may nominate some of the Members you may wish to donate some of your time to but you must do that before you start contributing. If you start contributing, then it will be deemed that you want to use the entire 10 minutes.

**Hon. Caleb Kositany** (Soy, JP): Thank you. I would like to donate some of the 10 minutes that I have to my immediate neighbour, as the Bible says that you should love your neighbour as you love yourself. Next I will donate time to my good friend, Hon. Oyoo, whom I was with in KANU before he moved away. Each of them will have two minutes.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kositany, it may be of use to us if you can name the Members for HANSARD purposes.

**Hon. Caleb Kositany** (Soy, JP): Hon. Mutai and Hon. Onyango Oyoo. They have two minutes each. I can spare two minutes for Hon. (Dr.) Nyikal, who is a ranking Member; a lady will follow and Hon. Kogo, who was also a teacher, will have a minute. I will then summarise in two minutes.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, we will start with Hon. Mutai.

**Hon. Japheth Mutai** (Bureti, JP): Thank you. I thank the Mover of the Motion for donating some minutes to me. I support the Motion.

Looking at the Motion, there are two components to it. One is the policy guideline on expansion of schools and the second one is creation of the fund. You will appreciate that most of us come from rural constituencies. We have a lot of pressure as regards schools. When it comes to secondary schools, there is a move towards creation of day schools nowadays because most parents cannot afford to pay for education in boarding schools. The pressure is so much that a large chunk of the NG-CDF goes towards acquisition of land. This Motion has come in handy as far as acquisition of such land for school expansion is concerned. Secondly, creation of the proposed fund will go a long way in assisting such acquisition. Also, there is the land index Bill that is pending before this House. This will tie greatly with acquisition because the land index Bill will set a cap on the amount that can be acquired in certain areas and that will ensure that the land is affordable and is in the right environment for school.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Two minutes for the Hon. Oyoo.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Speaker. I thank my good friend, Hon. Caleb Kositany, for extending this magnanimity to me. This Motion may have come at a good time. As we all know, the demand for schooling always increases as land decreases. We are in dire need of preparing learning facilities for our children who are ever increasing in number.

I therefore suggest that when we sit down at the tail-end of this process we should help Hon. Kositany to make compulsory acquisition of land part of the Bill. A lot of land, more so during the KANU era where I served with him, was carelessly given to party stalwarts. Most of it was land that would end up being used for building of schools or school expansion. Due to the interest of time, I will be in great hurry.

This Motion has to do with school-going children. I want to echo what has emerged here; that the NG-CDF is supposed to be augmenting the efforts of parents and the Government in building schools. The challenge is that, as of now, parents think that the NG-CDF is only for building schools, and that is the only job that the fund should do. They do not take into consideration the small budgetary provision that we have. So, I congratulate my good friend, Hon. Caleb Kositany, for bringing this very good Motion in a very good time. It will help us to ensure that land is compulsory acquired for school expansion. More so, public land that was taken by some powerful personalities or by influential people in Government, but which otherwise belongs to schools, must be repossessed.

At this point in time, we must also give His Excellency President Uhuru Kenyatta support in his efforts to rid this country of corruption and ensuring that Government land that has been encroached upon, as well as riparian land, are recovered without mercy.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oyoo, you have said that land was given to those who were politically- correct yet you have just benefitted from

the largesse of Hon. Kositany because you shared the some umbilical code in that party. Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Kositany. I just want to say three things. One, we must plan our schools. For the schools already in existence we must put in place guidelines on how to expand them. For schools that are being started, we must put criteria on the amount of land that is required to start them. For all schools we must have site plans for structures and buildings, whether they will be storey or bungalows.

Two, with the policy of 100 per cent transition from primary to secondary schools, we must realise that all primary schools are eventually going to turn to secondary schools as it happened in 1963. Therefore, all primary schools should have enough space to accommodate other classrooms. Lastly, I will ask Hon. Kositany to look at the Land Act, Education Act and other Acts so that we can amend them to be embedded in this law.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kogo.

**Hon. Wilson Kogo** (Chesumei, JP): Thank you, Hon. Temporary Deputy Speaker and my neighbour Hon. Caleb Kositany. I believe the experiences he has been facing in his constituency are not very different from mine in Chesumei Constituency. For example, the experiences we face in our schools like, Mulago Adventist, which stands on 0.3 acre and has 300 pupils and Tuloi Primary school which has 800 pupils and stands on half an acre of land are the same. Also Mwein Primary school has 1,251 pupils and stands on one acre of land.

When you look at all these, it means a lot to the development of the children in as far as education and talent development is concerned. I want to agree with the arguments put forward by my colleagues Hon. Members on the same. The worst experience is on the expenses incurred. In one of our urban areas called Mosoriot, we want to establish a day school because all the schools around there are boarding schools. Not all parents have money to take their children to boarding schools. The experience I have had in this case calls for this kind of Motion to be passed so that it can solve this problem. An acre of land costs Kshs.5 million so, five acres will cost Kshs.25 million. If you will use Kshs.25 million from the NG-CDF, that means the funds will not be enough to support all the schools.

Thank you, Hon. Temporary Deputy Speaker. I stand to support this Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kositany, did you donate to the Member for Siaya.

**Hon. Caleb Kositany** (Soy, JP): Yes, I donated to her two minutes.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Then you will be left with no time. She will be last one to speak. The Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this chance and the Mover for giving me an opportunity to contribute. I have three points, one, schools need to be expanded therefore, we need more land because looking at schools there are so many structures required. We need teachers houses, classrooms, dormitories, playing ground and library. These are very important institutions and land is required. I am speaking on this matter because in Siaya there is a school which needs more land because they want to construct a dormitory for girls. It is a day school and the girls are exposed to danger on the way to and from school. That is why it is important to buy land for schools so that we can support the girls and boys because they learn in tiny schools where dormitories cannot be built for them.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kositany, you have one minute.

**Hon. Caleb Kositany** (Soy, JP): Thank you, Hon. Temporary Deputy Speaker. I will use it effectively. I want to thank the Members for supporting this Motion. This problem is faced by Bondeni Primary school in my constituency which has 400 students and it sits on one acre. This is what drove me to bring this Motion but I did not know the problems I face are faced by all Members in their constituencies.

Therefore, I reply and urge that pursuant to Standing Order No.53 (3) the putting of the Question be deferred to another day.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kositany, I understand you to mean our Standing Orders.

**Hon. Caleb Kositany** (Soy, JP): Yes, our Standing Orders.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I direct that the putting of the Question be at a time set by the House Business Committee. I therefore direct that we move to the next Motion.

*(Putting of the Question deferred)*

ESTABLISHMENT OF APPRENTICE TESTING AND  
CERTIFICATION CENTRES AT CONSTITUENCIES

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Charles Njagua.

**Hon. Charles Njagua** (Starehe, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:

THAT, aware that the informal sector constitutes an important component of the economic activities and development process in Kenya representing about 82.7% of employment in the country; further aware that the workers in the informal sector engage in commercial activities outside the realm of the formally established mechanisms since there is no clear policy framework in place to regulate their operations by the Government; noting that most workers in the informal sector acquire skills and knowledge mainly through apprenticeships but have no access to technical skills upgrading as many lack requisite academic certificates; recognising that apprenticeship in the informal economy represents the main road map to skills development in most developing countries and appreciating that the National Industrial Training Authority (NITA) through its training centers in Nairobi, Mombasa, Kisumu and Athi River plays an important role in industrial training targeting workers in the formal and informal sector; this House urges the Government to establish suitably located and facilitated training and testing centers in every constituency to assess the experience and competence of the apprenticed workers particularly in the informal sector and consider putting in place mechanisms to have them awarded with certificates based on their competencies and acquired skills.

The current global unemployment problem presents a particularly difficult labour market experience for young workers. The International Labour Organisation (ILO) estimates no less than 40 per cent of all unemployed people are young. As available knowledge indicates young people are disadvantaged in finding employment especially in rigid labour markets.

There are several factors such as their relative lack of skills, unstable labour market experience and discrimination which contribute to the difficulty usually faced by young people entering the labour market. The population of young people in Kenya is the highest globally, presenting the economy with a vibrant manpower if put to productive use.

The correlation between population growth and unemployment is not always direct as other issues specific to individual countries play part as well. The Kenya's ratio of youth at the age of 15-24 years to the population stands at 20 per cent above the world's average of 15.8 per cent and 19.2 per cent for Africa. Kenya aspires to become a globally competitive country offering high quality of life to all her citizens by the year 2030. Attainment of this aspiration hinges on the extent to which the country is able to create and nurture a competitive and adaptive human resource base responsive to the rapidly...

*(Hon. Wilson Kogo entered the Chamber without bowing at the Bar)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Member for Chesumei, you are out of order. You know what you are doing and it is not proper. This is a House of honour.

Hon. Kanyi, proceed.

**Hon. Charles Njagua** (Starehe, JP): Thank you, Hon. Temporary Deputy Speaker. Kenya aspires to become a globally competitive country offering high quality of life to all her citizens by the year 2030. Attainment of this aspiration hinges on the extent to which the country is able to create and nurture a competitive and adaptive human resource base responsive to the rapidly industrialising and globalising economy. The economic, social and political pillars of the Kenya Vision 2030 are anchored on existence of a skilful, productive, competitive and adaptive human resource base. Creation of productive, decent and sustainable employment opportunities is, therefore, at the core of achieving the country's vision.

Article 41 of the Constitution of Kenya advocates for decent work, where freely chosen productive employment is promoted simultaneously with fundamental rights at work, adequate income from work, representation and social security.

**Hon. Patrick Makau** (Mavoko, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. King'ola Makau, what is out of order?

**Hon. Patrick Makau** (Mavoko, WDM-K): Hon. Temporary Deputy Speaker, I wonder whether the Hon. Member is in order when he is moving a Motion and he is actually reading 100 per cent. Is he in order, Hon. Temporary Deputy Speaker?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. King'ola, it had not caught the eye of the Speaker that Hon. Kanyi was reading. Hon. Kanyi, when you are making your contribution, you are not supposed to read 100 per cent. You should make your contribution without reading. Actually, those are the rules of the House. However, proceed. I think it is your first time and it is commendable that you have made a good attempt to bring a Motion to this House such as this. So, we will allow you to proceed, Hon. Kanyi.

**Hon. Charles Njagua** (Starehe, JP): Thank you, Hon. Temporary Deputy Speaker. Article 41 of the Constitution of Kenya advocates for decent work, where freely chosen productive employment is promoted simultaneously with fundamental rights at work, adequate income from work, representation and social security. Sections 36 and 37 of the National

Employment Authority Act, 2016 on placement, internship and affirmative action provide for incentives that will enhance youth employment in various sectors of the economy.

The labour sector is one of the foundations for national transformation in the Kenya Vision 2030. Labour is a critical factor of production without which the other factors of production shall not generate the required goods and services. The informal sector employment workforce represents about 82 per cent which if well tapped can accelerate the economic development of the country. As youth unemployment is declared a national disaster in Kenya, Starehe Constituency bears the brunt as it hosts the Central Business District (CBD) and industrial areas which are ideal destinations of rural-urban migrants in search of work. There are well over 5,000 mechanics who operate from Grogan on Kirinyaga Road and over 5,000 carpenters who operate from Gikomba Market and over 5,000 technicians and qualified artisans from Kariokor Market in the CBD.

While the country boasts of different policies on youth, there is no defined policy for apprenticeship, apart from the National Training Authority Act Apprenticeship and Internship programme. A policy framework for enhancing formal and informal *Jua kali* apprenticeship systems is needed to facilitate acquisition of skills for self-reliance among the youth, therefore, tackling the challenge of unemployment. We appreciate the Government's efforts at enhancing technical and vocational training through the Technical and Vocational Education and Training (TVET) programme. However, the programme is directed at benefiting students mostly from the age of 25 years. Therefore, most of the more senior artisans who got their skills from on-job instructions have moved on with their lives and are married and they cannot go back to the vocational training centres to acquire certificates.

Apprentices acquire skills by observation and on-job instruction. There are plumbers, electricians, phone repair technicians and mechanics that have better skills than college-trained company technicians. They are, however, disadvantaged in the formal job market, despite having the skills due to lack of certificates by their counterparts who acquire training in formal institutions. There is need to bridge the gap between experience and available jobs, creating uniform, inclusive and competitive employment opportunities that provide decent income, quality work based on capabilities by certifying apprentices.

I implore my colleagues, Members and the House, to support this Motion. As we are all aware, for our country to develop, we must invest in vocational skills among our youths as a way of making them job creators as opposed to job seekers. I have a strong belief that if implemented, this Motion will go a long way in tackling the challenge of unemployment and improving the country's economy.

As I finish, I would like to call my friend, Hon. Caleb Amisi, to second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Amisi Luyai, Member for Saboti.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Just before you second, Hon. Kanyi, we are magnanimous towards you today but in future you can refer to your notes so that it is a debate and not a speech. However, that is very well done.

Hon. Luyai, proceed.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker. Earlier on I was listening to Hon. Kanyi and I was impressed. Little did I know he was reading 100 per cent. Nevertheless, Hon. Kanyi is a gentleman I have known for many years. At heart he is so passionate when it comes to the issues of the youth, especially those in the informal sector. He

has been from the informal sector. I knew him when he was selling music CDs in the streets and he actually portrays what affects the informal sector. This Motion he has brought is timely.

Hon. Temporary Deputy Speaker, before I second, allow me to say a few...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): So, Hon. Amisi, kwa hivyo unataka kusema Mhe. Kanyi ashavuka border ama bado?

**Hon. Caleb Luyai** (Saboti, ODM): Alivuka kitambo.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Alivuka kitambo. Haya endelea basi.

*(Laughter)*

**Hon. Caleb Luyai** (Saboti, ODM): Hon. Temporary Deputy Speaker, before I second, I would like to say a few words. This informal sector forms a good percentage of the workforce. Most of the young people in this country have not got a chance to go through the education system. Many young people say they do not have the wisdom to choose the right parenthood but they have the wisdom to choose their future. So, they chose their future through the informal sector and they have, for many years, gained experience at the workforce without necessarily going through the education system. We cannot just wish away such experience without putting a clear policy framework to enable them to be certified with the experience so that they are able to gain employment elsewhere.

This Motion is timely in the sense that it allows many of our youths who are in the informal sector to get certified, get training and testing on their final skills so that they are available for job opportunities and are able to be admitted into various industries. Most of them fail to get opportunities to work elsewhere just because they missed proper certificates and education documents. Once we establish apprenticeship centres for testing through this Motion, it will give them an opportunity to be certified and enable them to secure employment.

There was a recent article - I do not know whether it is true or not - which stated that the Qatari Government was looking for people with skills in anticipation of the forthcoming World Cup. Whenever there are opportunities outside the country, in most cases, certificates are needed. Most of our youths who are well-endowed with skills do not get the opportunities because they did not go through the education system. Those are some of the benefits of those centres. They will allow most of our youths to access opportunities even across borders. For example, Qatar anticipates involving many Kenyan youths in preparation for the World Cup.

I had an opportunity to go to Germany and I visited the John Deere Company. This is a good example of how apprenticeship centres have helped most companies in Germany, Italy and Austria to bridge the gap between the work force and the education systems. Youths are allowed at a very young age to enter into institutions of training to acquire skills in addition to the education they get. Those who have not gone through the education system also get an opportunity to be equipped with skills ready for the work force.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Amisi, I will give you one extra minute to second.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker. The Motion is quite progressive and that is why we have a lot to say about it.

With those few remarks, allow me to second this Motion and urge Members of this honourable Parliament to also add their voices to it.

I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, remember that you have five minutes to have ago at this. Let us have the first contribution from Hon. Ndirangu Waihenya, Member for Roysambu.

**Hon. Isaac Ndirangu** (Roysambu, JP): Thank you, Hon. Temporary Deputy Speaker. I congratulate my colleague, Jaguar, for presenting this Motion.

In a nutshell, this Motion is asking the Government to enable access to technical skills upgrading for *Jua Kali* artisans. This Motion is asking the Government to establish suitably located facilities for training and testing *Jua Kali* artisans. In the *Jua Kali* sector, most of the young people who are apprentices or informal learners do not have formal qualifications like Kenya Certificate of Primary Education and Kenya Certificate of Secondary Education. Over time, young people have acquired a thorough experience of five or 10 years and have become mechanics and carpenters. Because they have not been formally tested and sat for the Government grade test, they cannot access formal jobs that are on offer by the Government in the Ministries and Non-Governmental Organisations (NGO). What happens? The young learners, though qualified and having experience are denied the opportunity to get formal employment. Jaguar is requesting the Government to make it possible for young people in the *Jua Kali* sector, who have experience, expertise and are competent, to be tested in centres that have been established by the Government in every constituency. This will open up avenues for young people who never went to secondary school or obtained diplomas to have certificates after their competence has been tested. This is so that they can be absorbed formally and upgraded from Grade 3, Grade 2 or Grade 1.

This is a practical industry. In Gikomba, you will find the best carpenters in this country. In Grogan, just near the roundabout and Nyayo Market, you will find the best mechanics. Those young people do not have certificates. Nobody formally recognises their skills. Can we create institutional capacity that is within the reach of those young people so that they can be tested in every constituency? I support the Motion because, in my own constituency, there are very good mechanics in Roysambu. There are very good carpenters at Githurai, particularly at the roundabout. There are many good plumbers in Zimmerman and Kahawa West. They do not have formal certificates. The Government should be persuaded that those facilities are provided in the existing polytechnics so that *Jua Kali* artisans who work in Kariokor or Grogan can be tested and given official certificates.

With those few remarks, I commend the Mover of this Motion and beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mbai, Member for Kitui East.

**Hon. Nimrod Mbai** (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Motion by Hon. Jaguar on introducing apprentice testing and certification in technical training centres in constituencies.

Our education system, since the colonial period, has been informed by our colonial masters where paper work and what you have crammed and have been tested on paper is what earns you a certificate. It is high time we moved from that and be homegrown in appreciating what we are doing. Technical institutions like the National Industrial Training Authority (NITA), TVET and the Kenya National Examinations Council should introduce formal examinations for practical technology. We have professors in universities, like the one of medicine, who cannot

make an aspirin and yet they know the theory. They have the papers with very rich curriculum vitae but, technically, they cannot solve a problem. Guys who solve the problems have no certificates. So, they end up being misused in the labour market especially in rural areas, suburbs and informal settlements in urban areas where the poor live. Most young men who have not gone to school have not attained formal education because of their poor backgrounds. They did not have school fees. They performed poorly in primary school and could not move to secondary school because they never attended enough classes to perform well. A very bright young man drops out of school in Standard Eight and cannot sit for any kind of tertiary examination. Such a guy goes to the informal sector and learns a skill, perfects it but ends up being misused by those who have papers. The same guys with papers cannot perform.

It is high time technical training centres are brought on board for tests. Even Members of Parliament do not look for a plumber to explain theory on water and pressure, but rather look for somebody who can do plumbing. Most of the people who can join pipes to move water from one corner to another in a house have no papers. Most masons in our country have no papers because they never managed to go past primary education.

It also happens in agriculture, livestock keeping and bee keeping. We have people in Ukambani whose fathers, for example, were bee keepers and such people understand bee keeping very well. They are better than a professor in Kabete. The professor has papers, but the guy who comes up with the sweet honey has no papers and cannot be employed anywhere. It is high time our technical institutions at the constituencies in conjunction with the Kenya National Examinations Council established ways of testing technical skills.

Thank you. I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Member for Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to thank Hon. Kanyi for bringing this Motion. In my constituency, many kids do not go to high school not because they have performed poorly – and some are very bright - but because of economic hardships. That is so especially with first-borns who give way to others and join informal sectors in order to support the family.

If we talk about formal employment, 67 per cent of youth are unemployed and are in the informal sector. They are brilliant in painting, carpentry, mechanics, electrical, tiling, solar system and plumbing that Members have talked about. I support the Motion because it will improve their access to opportunities when they get certified. It will also improve competencies. Even those who make it academically to higher education levels need competent people to build for them or do some fittings. We only have five centres which are logistically very difficult to sponsor those students to go and do their certification. They are Nairobi, Kisumu, Athi River and Mombasa. They are too far for us.

I support certification and testing to be decentralised to constituencies. It may not mean building new institutions but improving the capacity of the existing polytechnics or vocational training centres to offer the certifications. It will also help that cadre of people to improve their grades so that they can do another certificate or a degree. It is said that where you start does not really matter but upgrading is what really matters. It will improve the opportunity for employment.

Right now, we are talking about the Big Four Agenda. The housing part will need those with certificates in order to be employed. So, if those people do not have certificates, it means they will be locked out. If you are locked out from the informal sector, working under somebody

without certification, it means you are paid lowly. Low payment means that, that household suffers economically. Even the kids you wanted to help as first-borns will still be at risk. Certification will improve opportunities for good employment and good remuneration and that will uplift people's lives.

I support this Motion because it is going to help the Ndhiwa Community at large.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Muchira Mwangi, Member for Ol Jorok.

**Hon. Michael Muchira** (Ol Jorok, JP): Thank you Hon. Temporary Deputy Speaker, for giving me this opportunity. I congratulate the Member for Starehe for bringing this Motion. If this Motion is implemented, it will empower Kenyan youths. The people we are talking about here are Kenyan youth who, for one reason or another, have not undergone formal education. Therefore, they have been working in the informal sector and, in one way or another; have acquired experience in whatever trade. When they are looking for jobs, the first thing they are required to prove is that they have certificates for their skills. If they do not produce the certificates in whatever areas they are seeking to be employed in, they are sent away. By assessing and accrediting them, they will get jobs hence be empowered.

The world is moving towards regulated practice. In Kenya, we regulate *boda boda* and *matatus*. If the Government accredits and gives certificates, it will be able to regulate plumbers, construction workers and welders. Through regulation, they will bring order to the industry. Those people are undertaking construction works anyway. If it is plumbers, they are doing plumbing; if it is electricians, they are doing electricity work. By regulating them, we are creating order in this country. Therefore, it will grow this industry. Once they are accredited, they should be issued with certificates. We should even have a database where if I am in Nairobi and I want a plumber, I can just log into some website and get their contacts. I will feel safe with the knowledge that they are regulated. If I am in Nakuru or in Ol Jorok, where I come from, I will just need to log into the database, get the contacts of a painter or a plumber or a mechanic and reach them.

I wish the Committee on Implementation would make sure that this Motion is implemented through the Ministry of Labour, where a fund will be created to train those people through TVET centres. The Government wants to put up TVET centres in every constituency. It will not be hard to train those people.

I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Odege, Member for Nyatike.

**Hon. Tom Odege** (Nyatike, ODM): Thank you, Hon. Temporary Deputy Speaker. Allow me to also add my voice by supporting the Motion by Hon. Kanyi.

Majority of the best trained technical staff at the constituency level have skills acquired through on-the-job training. Coming back to the formal sector, for example, when you want to employ a driver, a school certificate is required. But you will agree with me that none of the best drivers we have in this country attended driving school. Most of them were trained on the job. They learn very fast and they are doing a very good job.

Let us talk about the mechanics who fix our vehicles out there. About 90 per cent of them got their skills through on-the-job training. Hon. Kanyi's proposal to devolve those services to the constituency level is very important. I want to suggest that we should not debate this Motion, but we should escalate some of the components we have to ensure that we amend the Act so that we make this thing mandatory. By doing so, our youth and those who are getting that experience

at the lowest level can have an opportunity to be tested there. This will help us reduce the cost of transport as well as the cost of obtaining those papers. If this one can be done at the constituency level, it will motivate many of our youth out there.

In the construction industry, we also have a requirement for certification by the National Construction Authority (NCA), which I want us to incorporate in this Bill to enable our youth get certificates at the lowest level possible. When we try to give tenders to the youth at the NG-CDF level, we find that majority of them do not qualify because they lack some papers. If most of those papers can be easily available at the lowest level possible, our youth will be empowered. It will give them an opportunity to access some funding which will make them self-reliant as opposed to the current situation where you are forced to go to either Kisumu or come to Nairobi to look for papers. Majority of our youth out there cannot get to major towns to acquire those papers.

With those few remarks, I support and ask Hon. Kanyi to revise this Motion to cover the lowest level possible.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwangi Gathiru, Member for Embakasi Central.

**Hon. Benjamin Mwangi** (Embakasi Central, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support my colleague, Hon. Charles Njagua Kanyi, the Member for Starehe.

The Motion is very good. We have many people who have practical experience but lack papers. If those people get the certificates to indicate that they are experienced, I am sure they will get Government jobs. Most of those people who lack certificates might not have joined secondary school or university because their parents could not afford to pay fees. Therefore, they joined *Jua Kali* and they were able to learn practically. You find that they are experienced in their work more than those people who have masters.

If this is established and they are given certificates, they will be able to get employment from Government institutions. Today, most Government institutions do not employ based on the experience. It does so based on the papers that one possesses. This may affect the output of a person.

I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oduol Adhiambo.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I thank Hon. Kanyi for bringing this very important Motion, which I support.

I support this Motion because it helps, particularly in Kenya and broadly in Africa, to re-orient our education and help us see ways in which we can encourage our young people and those who go to school to make important choices. If we think about the current education system and choices, we realise that there are those who make choices for specialisation and who tend to go to universities and other colleges for formal certification. We also have those who make choices to embark on various trades. They would go to vocational training and look for skills and competences. They are the ones that we have heard a number of honourable Members speak to in terms of their skills. These are electricians, plumbers, mechanics and carpenters.

As I support this Motion, I am particularly keen that we ensure that it helps us to encourage our students to have a way of understanding what they would like to do and how they want to meet the needs of people in the community.

As I conclude, I would like us to see how this particular Motion will get us to see that education is a process of receiving or giving systematic instruction. It is an enlightening

experience; it can be formal or informal. As much as I know that we have tended to say that academics and professors do not solve problems, this Motion enables us to see that there are problems that academics and professors would solve. A lot of it would be on conceptualisation. For example, right now, thinking that education is only formal is something that academics and those who are theoretical are able to address and say that education can be formal or informal. The functional placement is what this Motion is speaking to, which I would like to support. Plumbers and electricians who have informal skills or those who did not go to that formal institution but have competencies, skills and are able to solve problems will need to be supported. As we do that, I hope Hon. Members and the House will not see that those who are academics and professors do not solve problems. It just depends on the kind of problem.

I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is a very good contribution honourable professor. We shall have Hon. Kimani Kuria, Member for Molo.

**Hon. Kuria Kimani** (Molo, JP): Thank you very much, Hon. Temporary Deputy Speaker. I would like to congratulate my colleague, Hon. Jaguar for such a great Motion.

When looking at the informal sector, those are the apprenticeships...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kimani, which name did you use on Hon. Njagua? It should be Njagua with an “N” at the start.

**Hon. Kuria Kimani** (Molo, JP): Yes, Njagua or Hon. Kanyi, the Member of Parliament for Starehe Constituency. You know we know him by his musician name “Jaguar”. There is someone called Professor Howard Gardner who in 1983 described the seven types of intelligence. This discussion really takes heart of those because the seven types of intelligence include linguistics that is one’s expertise in language and one’s logic. Then, there is also musical intelligence where Hon. Kanyi seems to have excelled very well. When you go through the list in addition to musical, you get kinesthetic and spatial intelligence. This is the ability to use one’s hand and measure distance. When some of us are asked the distance or length of this house, they will have to take a tape measure and measure it. But, those *Jua kali* artisans, just looking at the distance between the door and where you are, can tell almost the exact number of metres or feet that is the length of this distance.

This greatly faults the education system that we have. One just goes to primary school for eight years, sits an exam of five papers and, goes for another four years and sits for a few exams. They are supposed to measure how much intelligent or good you are at particular subjects. Consequently, even how successful you are in your life. We have seen very many people who will make the best furniture, fix your car the best way or do the best painting but fail when it comes to employment opportunities. In those employment opportunities, we are required to submit a curriculum vitae where we are supposed to summarise all our knowledge and skills in a maximum of two pages. When the curriculum vitae lands on an employer’s desk, they look at what is outlined there – hardly ever do they give a chance to those people to come and express themselves. If we have those apprenticeship centres in our constituencies as this Motion describes, that means we are going to have many of those artisans. They are going not to just have the technical skills that they already possess but also a paper to show by it. This is going to revolutionise the employment industry of this country.

We have legislated all the formal sectors. If you go to the financial sector, we have testing centres like the Institute of Certified Public Accountants of Kenya (ICPAK) and the Kenya Bankers Association. If you go to the legal sector, we have the Kenya School of Law (KSL) and all those other testing centres. If you are a lawyer and I ask you, you will show me a

piece of paper to show you are a qualified lawyer because in addition to my Bachelor's Degree, I have gone to KSL. If you are a teacher then you probably have a Bachelor's Degree in Law. Having gone through the teaching practice, you can prove that you are a teacher. How can I prove that I am a painter? How can I prove that I am a carpenter? The education system, in as much as we are calling it free, is not free in its entirety. There is a cost that people pay. We have people who if they had an equal chance to go to a regular school programme, they would probably have scored an "A". Because they never got that chance, they end up training in this apprenticeship. I am hoping the debate on this conversation will continue. If we, as a country, are serious about manufacturing, food security and creating employment for both the young and old of this country, this needs to be incorporated. That is so that, that carpenter in Molo can produce a certificate showing that I am not just a good carpenter but also have a paper to show for it. When they send their curriculum vitae someone can look at it twice.

I congratulate my colleague for this Motion. I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is a very good contribution. That is speaking to avoiding creating an elitist society and also to be inclusive of our brothers who have not had a good fortune to go to the formal setups of education in this country. Thank you for that contribution. We shall now have the Hon. Member for Kangundo, the Hon. Muli.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker. I stand with the Member for Starehe on this Motion.

If you see the system of education in the Kenyan jurisdiction, we borrowed it from the Commonwealth, that is the United Kingdom which came from the nomadic communities of England. In this system, you get satisfaction when you get a certificate in a certain system. This thing has given many Kenyan citizens many questions. One cannot get a certificate because they have not attended that system. We were in a conference in the United Kingdom recently. The problem we are talking about in this country is the same as in the United Kingdom. They lack manpower with certificates to do painting, welding, craft work and the small works like in salons.

If you come to our Kenyan system, our youth are a time bomb in this country. They have knowledge of certain trades but they are not able to get jobs. If you see what is happening on *Facebook* and *WhatsApp* today, our youth are totally idle. They are just exchanging abuses. Some of them have decided to be Opposition leaders. They respond to any matter from morning to evening. This House is supposed to address unemployment in this country.

The people who are called spanner boys, nut operators or threads in salons or specialists in the army are the ones with proper experience. Some people called spanner boys are the ones who are fully qualified to be mechanics. Because you failed to undergo a certain system of education, you do not have a certificate. That is why I am supporting this Motion. It is high time we implemented this. There are so many experienced mechanics who undergo the system of being spanner boys and they do not have certificates. There are many carpenters who even acquire the trade from their parents, but they do not have any certificates. There are many girls who work in salons and they do not have certificates. It is high time we recognised their understanding. I am representing a constituency which was affected by economic changes in the coffee sector. Parents failed to pay school fees to take their kids to college. I have too many Form Four leavers who have experience in mechanics, but do not have certificates. There are many young girls in salons, but they do not have certificates. There are many people riding *boda*

*bodas* and cars, but they do not have licences. This is the cry to the Government, if this Motion passes, we should spread the centres across the nation. They should not just think about establishing them, they should think of starting them as pilot projects so that they can start giving our people certificates. That way, such people will get employment because they are fit for the job.

Thank you Hon. Temporary Deputy Speaker. With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Tandaza Sawa, Member for Matuga.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Deputy Speaker.

Let me start by congratulating Hon. Njagua for bringing this timely Motion. As earlier mentioned with his permission, it should not be urging the Government. Previous experiences had people urging the Government, but nothing happens after that, even after we have passed it as a House. I stand to support the Motion because I have been in the construction industry all my life. This is where you deal with masons, carpenters and the people who normally do the actual work.

But as my colleagues have said, at this point, they cannot register their own companies because the NCA, which is the registration body, asks for some qualification, a paper that shows that one is, at least, qualified up to a certain level. Those people definitely would qualify but, because they lack papers, they are not qualified. For instance, in my county of Kwale, we do not have a certification center. It is in Mombasa, and not even in Mombasa Town. You have to go past Mombasa to the Coast Institute of Technology. That is the certification center. A person who normally works as a mason has the experience and the knowledge, but as we all know, he is normally paid a daily wage and would hardly get the time and money to traverse the county to get certification. So, bringing those certification centers into the constituencies would solve a myriad of problems that I believe most constituents face because of the distances involved.

It should not cost the Government any money since it is already in their plan that every constituency now must be having a TVET centre. So, it is only the personnel who will be administering those tests that should be travelling to those centers. We also have youth polytechnics where carpenters, electricians and other people are trained. You only need to take those trainers to those centers to do this certification.

With those few remarks, I support this Motion since it will greatly help in giving jobs and recognition to the young men and women at the grassroots level, who actually know how to do the work but do not have any papers.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, Hon. Tandaza. You said that you are in the construction industry. Does that speak to the name?

We shall now have Hon. Korir Nixon, Member for Lang'ata.

**Hon. Nixon Korir** (Lang'ata, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Motion. It is a brilliant Motion considering that we have very many young people who are in the *Jua Kali* sector. They have been there courtesy of the experience and practice over time. This is a very large number that cannot be ignored. I want to say that there are skills like mechanics, plumbing, masonry, hairdressing and many others that do not require formal education. Very many young people, as my colleagues have stated, have acquired those skills through experience. The mechanics that fix our cars, the plumbers and other technicians do not have requisite papers. The establishment of constituency apprentice

centers will help in solving this problem so that those young people can only go for an exam and get tested. If they have the skill, they will be accredited and given the certificates and those certificates will help them in getting employment. You will realise that right now we have so many things happening in our country. We have the Big Four Agenda. One of the pillars of the Big Four Agenda is housing. In Housing, we will need thousands of plumbers, carpenters and electricians. We have a very small number of certified skilled young people. I was just having a chat with my colleague, Hon. Njagua and he indicated to me that one of the companies in Starehe Constituency, just like one of the companies building the railway line in this country that passes through my constituency, wanted some young people to do some masonry work.

In the list that was presented, out of 100 people that Njagua presented to the company, only four had the certificate and yet all of them had the experience. That is why we are saying that the majority of young people have knowledge but they do not have the papers to qualify for jobs or get assistance so that they can start their businesses. This Motion is coming with a solution to this problem. Therefore, I support the Motion because it will give an opportunity to every constituency to have an apprentice centre where young people will be tested. They do not have to go to class for six months or one year while you have the skill that you are going to look for. It is only fair that we have those centres so that those with the skills, whether carpentry, masonry, electrical, and they have acquired the skill through experience over time, can only be tested and given the certificate that they require.

Thank you very much. I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oduor Ombaka, Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for this chance. I also want to support this Motion because it is a good thing dealing with the young people who are in the *Jua Kali* sector where we have neglected young people a lot. Most young people do not have jobs. The jobs that they have are within the *Jua Kali* sector. The sector has been neglected; we leave the young people to learn skills on their own without knowing how much more skills they need and how they get the training other than the fact that it is through experience that they learn. Kenya is a country where academic certificates are very important. Without it, you cannot be recognised. Nobody will recognise you just because you know some skill off head. You must go through some training, however low it is, and you must have some certificate, however low it is. So this section of the economy has been neglected and the people involved are very important to us.

As already mentioned, most of the youth are carpenters, masons, electricians, hairdressers. They are so important to us yet we do not think of how they get their training and what kind of certificates they receive. Once they are given training through NITA they will be better recognised. They will be able to access not only loans, because now they are recognised using their certificates, they will also be able to access tenders in the counties. Without any papers you cannot prove that you are qualified in an area. So it is important that we highlight the tests and certificates that they can get from NITA so that their positions can be uplifted and that they too can be trusted as professionals. It will qualify them to be professionals. We shall trust them and put money in whatever activities they engage in and they will be able to access tenders. It will also attract many young people who have not got into the *Jua Kali* sector. There are many that are just idle in the villages and do not know what to do. Once you introduce testing and certification at the nearby centres, a lot of them will flock there. Our young people will have

something to do. I do support this. I believe it will go a long way in improving our economy and that of their families. I hope to contribute further in another forum.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Rindikiri, the Member for Buuri.

**Hon. Mugambi Rindikiri** (Buuri, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to also support this Motion. I come from a constituency with large-scale farmers of flowers and other horticultural products. You find many young people who go looking for jobs there have no formal education certificates, but they spend a lot of their time in the farms doing jobs that graduates and diploma holders do.

Occasionally whenever there is a shortage of rain, those young people are chased away and leave with nothing. This kind of training and testing will benefit them a lot. We are talking about creating a generation of professionals through what is now referred to in this Motion an apprenticeship. We know there is so much potential in the industrial mission of this country. We know that one of the agenda is industrialisation and manufacturing but, the people who perform the basics in manufacturing or industrialisation are people who have no certificates. Those people undergo industrial training within the confines of the industry and eventually perform the job. I know that the Government has put much emphasis on trying to create opportunities for internship. Internship is good but what of those who have no certificates, diplomas or graduates? If this country has to move forward and with a lot of speed, it is high time we gave an opportunity to the people who are talented but who never succeeded in formal education. Those are youth in our constituencies. So, those centres are going to be a good opportunity for testing those young men and women and to give them certificates so that they can go out there and compete for jobs in the other areas of enterprises.

We cannot sit back and see all those young people; the cobblers or plumbers get idle simple because they have no certificate. We pay a lot of money through the NITA. My company does that but rarely do we see them going to where those people are. So, it is high time those centres opened at the constituency level which will be beneficial to the people at the grassroots.

Hon. Temporary Deputy Speaker, I have been looking for carpenters, masons and tailors to perform basic works under the NG-CDF and the requirement is that those people must produce certificates. Here is a case where there is a shortage of labour, they have no certificates but they can do the job. So, the moment they are tested through those centres, I believe they will be competitive. They will secure jobs with the Government.

I support this Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mark Lomunokol, you have been here since morning but I think your card is not working. So, I will give you an opportunity.

**Hon. Mark Lomunokol** (Kacheliba, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. As you alluded, I have been here since morning. It is true. My card has just been blinking and I thought it would catch your attention. However, sorry for that, I do not know if it is my mistake. It could be a technical problem within the system.

I oppose the Motion by Hon. Kanyi for the reasons I will state.

First, we cannot deny the fact that we are in a very corrupt country. My fears are that this Motion is likely to breed corruption in the sense that lazy people would want to buy papers. When you have such incompetent fellows, it is likely to breed an incompetent workforce. We will experience a lot of man-made disasters such as electrical fires, collapsing buildings and

motor accidents. This is our country and we cannot pretend is as much as we sympathise with those workers in the informal sector. I think it is prudent for us to encourage formal education so that everyone works hard and thrives to achieve certification through the right procedure.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mark, I think it may be prudent for you to get in touch with our technical people. Next time, I might not give you an opportunity. Ensure they make your card compliant so that it is captured in the system. Hon. Odanga Makokha, Member for Matayos.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to support this Motion because quite a number of people out there need certification. Just recently in my constituency I was with a young man who is a Form Four leaver and had been working with one of his cousins who is qualified in building and construction. When we were doing one or two jobs in the constituency, I realised the boy has a lot of experience but he cannot directly ask for some of the jobs we are giving in the constituency. I advised him to attend one of the youth polytechnics we have but it is far away from his place. Despite this young man joining in August when others had started in January, the reports I have from the polytechnic are that he is doing very well particularly in the practicals.

There are quite a number of people out there who want certification like masons and carpenters. For every engineer there is a ratio of the number of artisans and technicians who do the actual job. Give most of the engineers we produce in the universities a public works job and they are not likely to do it. The people who do the actual work are those who completed Standard Eight or Form Four and joined those already in the field.

This Motion will enable them to register their companies so that they can be awarded jobs directly. Instead of having many people who have gone up to the university attaining degrees which we think some have been acquired through dubious means, we should encourage these people. They are awarded contracts and after 20 minutes they are paid the whole amount, yet the people who will do that job are languishing down there.

Looking at Vision 2030 and the Big Four Agenda, the workers in the informal sector need certification. The certificate centres need to be established in the constituencies because they are the nearest places. After all, for drivers we have their certification centres all over. They share similar levels of education with those workers in the informal sector. In the world over, we know people who have made great discoveries but they did not get the highest level of education. Talk of Bill Gates and Microsoft, you will see it is important to recognise those guys who are working down there. We really need to assist them. Quite a number of them really need those certifications for upgrading their skills and education and even for the job market.

For quite a long time, the Ministry of Labour, through the Directorate of Industrial Training has been sponsoring many of those graduates from polytechnics to higher levels of education and awarding them higher certificates and even paying for them. It is high time those people were recognised and given certificates which are based on their competencies and skills so that they help this country achieve its Vision 2030 and even the Big Four Agenda.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Waweru Kiarie, Member for Dagoretti South.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I could never overstate my pleasure in getting an opportunity to support this amazing Motion by Hon. Charles Njagua from Starehe Constituency. I say this because it is an important

Motion. I am praying that this is not one of those Motions that are going to end at just urging the Government. I congratulate the Mover of this Motion for that reason.

The model of certification that is being suggested here is actually going to be playing catch-up. It is going to be playing catch-up because out there, our young people are already trained. The model in which they are training through is called apprenticeship. In fact, it is a most amazing model of learning because you learn on the job. What we are saying is not that we are going to get individuals who have no idea in what they are doing and certify them. We are actually saying that we are going to get people who are already in practice and get them to formally be certified and be recognised by the Government for what they do.

I come from the constituency that you would call the capital city of apprenticeship in this country. We all know the work that is done by the artists from Dagoretti South Constituency. You see them lining up in both sides of Ngong Road with artefacts that are very well crafted and could stand the test of artistry anywhere in the world. They are gifted, but those individuals, who are practising their carpentry, welding and everything else that they do, lack only one thing – the paper to certify the good work they do. That is why I stand here to support this Motion.

I want to add that beyond just suggesting that the training should be certified, I want to suggest a model of how it can be done. The Government today is working on improving our TVET institutions around the country. Let us take advantage of existing TVETs. In our Dagoretti South Constituency, we have Kinyanjui Technical College and Waithaka Technical College. Let those technical institutions be the ones certifying using the model that is globally recognised called in-practise or in-job certification. As such, those institutions can give a nationally recognised traders certificate from already existing technical institutions.

Anyone who learns on the job is better off than someone who goes to get a paper by learning in a classroom. In fact, it is the great Benjamin Franklin who said: “Tell me and I forget, teach me and I may remember, involve me and I learn.” We are called upon today to do something that our future selves will thank us for doing. So, I call upon this House to support Hon. Charles Njagua in passing this Motion and call upon the Mover, *mheshimiwa* for Starehe to make sure that this does not stop just as a Motion that urges the Government to do it but actually takes the necessary steps to make sure that it is implemented.

Hon. Temporary Deputy Speaker, as I said when I was beginning, I cannot express my gratitude for the opportunity that you have given me to contribute to this very important Motion.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kiarie, I can see that that you are so passionate about this. It will be advisable for you to liaise with the Mover, Hon. Kanyi, so that you can look at the German model on technical and apprenticeship system so that we can take this thing forward and come up with a Bill that will be useful to our youth and people.

I will give this opportunity to Hon. Mwashako, Member for Wundanyi.

**Hon. Danson Mwashako** (Wundanyi, WDM-K): Asante sana, Mheshimiwa Naibu Spika wa Muda kwa nafasi ambayo umenipa ya kuchangia mjadala ambao unahusu vijana ambao hawajafanikiwa kuenda mbele sana na masomo. Kwanza ni kumpongeza Mheshimiwa Kanyi Njagua kwa kuleta hii Hoja. Tuna vijana wengi sana Kenya ambao wana ujuzi, wamefundishwa na mababu zao, wazazi na wajomba. Ukiangalia kazi ya ujenzi, uashi, useremela na kazi ya mifereji, vijana hao wana ujuzi mzuri sana. Ukienda mashinani, utakuta vijana wanakosa kujiendeleza katika maisha yao. Mafundi wengi wanatajika katika vijiji lakini wakija kutafuta

kandarasi katika vitengo kama vya kaunti na vya NG-CDF inakuwa vigumu kwa sababu hawana vyeti.

Hoja inahimiza kwamba sehemu zitengwe za kufanya majaribio kwa vijana hawa ambao wako na ujuzi tayari. Juzi wakati shirika la reli nchini lilipokuwa linachukua vijana kwa kazi ya *Standard Gauge Railway* wengi waliulizwa kama wako na vyeti fulani vya kuonyesha ujuzi. Ikawa hawana vyeti vyovyote. Ni mafundi ambao wanatajika kwa jina vijijini lakini wakienda kujitafutia nafasi ya kujiendeleza, wanakuta hawawezi pata nafasi. Tunajua nchi yetu sana imekumbwa na umaskini, watu wetu mashinani wanachangamoto nyingi. Wengi katika vile vituo ambavyo vinaitwa TVET vilikuwa vimedharaulika sana mbeleni kwamba ni wale tu ambao wanakosa kufanikwa kuenda shule za upili lakini mafundi wengi tunaowajua hawana vyeti.

Kwa hivyo, Hoja hii imekuja wakati sawa ili vijana wetu wapate kujiendeleza, mafundi wapate kujiendeleza kwa hali zao za maisha maanake ufundi wako nao. Nasimama kuunga mkono Hoja hii.

Asante.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Karani Odhiambo, Member for Ugenya.

**Hon. Christopher Karani** (Ugenya, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this Motion. We have to agree that all along in this country, our education system has largely been formal. The question we should ask ourselves is: Where do most of our youth who cannot afford to get to O-level or higher go to? You will find that most of our youth at the constituencies have a lot of experience but when it comes to pay, they normally get low wages because of lack of recognition. Most of the employers whenever they want to employ ask for papers.

Some of those youth do not have papers not because they like but because some of them could not afford to pay school fees. Some of them are orphans while some are unable to get those papers. By coming up with those training and certification centres, we are doing well for our youth. When you go to the villages, you will find that even when we are giving tenders to our youth, we ask where their papers are. They go to third parties who help them with papers that they use to get tenders from constituency or county offices. It is high time the Government came up with this programme and we ensure that each and every constituency within this country has a certification training centre. That is so that those youths can have papers to help them.

By giving those youths certification or this training system, we will be motivating them because most of them are...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Karani, sorry, I have to interrupt you. We have reached the end of our time today. You will still have three minutes to make your contribution when this is set down again for debate. Hon. Members, the Motion still has 37 minutes. I see a lot of interest in it. We still have 10 requests. The next time it is set down, you will have an opportunity to make your contributions.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 1.00 p.m., this House stands adjourned until Wednesday, 24<sup>th</sup> October 2018, at 2.30 p.m.

The House rose at 1.00 p.m.