

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd February, 2017

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, there is no quorum. You can ring the Bell again for quorum.

(The Quorum Bell was rung)

Very well! We may now commence.

NOTICES OF MOTIONS

Hon. Speaker: Hon. Katoo.

Hon. Katoo: Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Articles 132(1)(c) and 240(7) of the Constitution, this House notes the Reports submitted by His Excellency the President and laid on the Table of the House on Tuesday, 12th April 2016 on:

- (i) The measures taken and progress achieved in the realisation of national values and principles of governance.
- (ii) Progress made in fulfilment of the international obligations of the Republic.
- (iii) The annual Reports to Parliament on the state of the national security.

Thank you, Hon. Speaker.

MOTION

REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON NSSF TASSIA II PROJECT

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement and Financing of the National Social Security Fund Tassia II Infrastructure Development Project, laid on the Table of the House on Wednesday, 30 April, 2014.

(Hon. Keynan on 9.2.2017)

(Debate concluded on 16.2.2017)

Hon. Speaker: Order Members! Debate on this Report of the Public Investments Committee was concluded last week. What remains is for me to put the Question, which I hereby do.

(Hon. Kamanda walked on the aisle)

Member for Starehe, we are in the Chamber. I want you to make a decision on this Motion.

(Question put and agreed to)

BILLS

Second Reading

THE SACCO SOCIETIES (AMENDMENT) BILL

(Several Hon. Members walked on the aisle)

Hon. Speaker: Hon. Members, can we settle? Those of you who are walking can just remain where you are?

Again, debate on this Bill was concluded yesterday. What remains is for me to put the Question, which I hereby do.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

Hon. Speaker: Is the Mover Hon. Katoo ole Metito?

Hon. Katoo: Yes, Hon. Speaker. Before I move this Bill, let me just make one point. I would like to inform Members that I withdrew the proposed amendments relating to the Copyright Act, No.12 of 2001 as contained in the Bill. They were replicated in the other Statute Law (Miscellaneous Amendments) Bill (No. 45 of 2016), which is awaiting the Committee Stage before this House. Therefore, I want to proceed with the Second Reading of the Bill without moving the section that I withdrew.

Hon. Speaker, I beg to move that the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.48 of 2016) be now read a Second Time. It is in keeping with

the practice of making minor amendments that do not warrant the publication of separate Bills by consolidating them into one Bill. Therefore, that is what this Bill is trying to achieve.

Let me start by saying that there are about nine or so pieces of legislation that are proposed for amendments. I want to start with the last one, which is the National Employment Authority Act, 2016. It is the National Assembly Bill No.3 of 2016. The Bill proposes to amend the said Act to expand the mandate of the Authority by making it inclusive to cater for all persons, not just the youth. If you look at the Bill, it is for the youth. Wherever “youth” is indicated, the proposed amendments are putting “youth/persons”. It is going to be persons, not just the youth alone. It also proposes to confer the Authority with certain recruitment functions in relation to Kenyan migrant workers, including registration of agencies, pre-training programmes, welfare and provision of legal and other assistance to such workers when they are in distress. This is very important, especially the insertion of the New Sub-cause 8(a), where the Authority will be advising the Cabinet Secretary (CS) on all matters concerning labour migration, coordinate various labour migration activities to ensure protection of Kenyan migrant workers and promote their welfare, especially when they are outside the country. It is also proposed that the Authority will have a register and maintain an integrated data of all Kenyan migrant workers. There is a typo error in the Bill. It is good to note that in sub-clause (c), in the insertion of the New Clause 8(a) where it says “integrated date”. It should be “integrated data” of all Kenyan emigrant workers.

We have had a problem with those agencies recruiting Kenyans to go and work abroad. They just go without any prior information on where they are going to. The proposal in the amendments is for the Authority to be approving pre-departure training programmes and to ensure that Kenyan emigrant workers undergo the relevant pre-departure preparation before they leave to work outside Kenya.

It is also good that we have some research and information on labour migration. It is proposed to give the Authority powers to undertake research, collect and disseminate information on labour migration. This is important for this country. It will even be used for security purposes and even for registration, like in the just ended registration of voters. If we have research and information on labour migration, we can easily know who is where and at what time.

More importantly, we are proposing that the Authority be given the powers to ensure that Kenyan emigrant workers who are in distress are assisted and returned to Kenya when necessary. We have really had, even in the recent past, Kenyans suffering abroad, especially in conflict-prone areas like South Sudan. They had to be evacuated. I am not sure whether it was in Sierra Leone or Liberia where there was an outbreak of *Ebola*. Kenyan medics had to move in. Kenyans living in those countries were in distress. Therefore, there was need for a structured, well-arranged and well-coordinated programme for assistance. We have even had problems with those who go to Arab countries like the Kingdom of Saudi Arabia. We have had many Questions here; Members of Parliament (MPs) asking about their constituents who are suffering in the hands of foreigners abroad. Therefore, this proposed amendment will give the Authority powers to ensure that any Kenyan in distress outside this country is assisted and returned to Kenya as and when it is necessary.

It is also proposed that the Authority will be developing and implementing programmes to ensure that Kenyan emigrants - workers returning to Kenya - are re-integrated into the society. At times, others do not easily locate where their relatives live once they come back. Some of

them may have stayed for a long time out there. There is need for a social integration programme back into the society.

Another very important proposal is the establishment of a workers welfare fund under Section 41 of this Bill. It is good to ensure that there is proper administration and management of a welfare fund. Again, as I had initially indicated, the Authority being proposed will have some legal framework where Kenyan emigrant workers, especially when they are in distress, can access legal services. It is like what happened in the US recently, with the introduction of new immigration rules. The new administration is coming up with very strict immigration rules. So many people out there need to seek legal assistance to know whether their papers are in order or not.

Finally, on the issue of the National Employment Authority, there is need to formulate programmes that will enable Kenyans, when they go out there to seek for jobs, to get into technical jobs and get better wages in employment. They should also engage in entrepreneurial and development investments, especially through savings. I think the Authority will be a very good framework through which they can easily get into those very important services. They need to have safe housing when they are out there. That is very important, especially when they are in distress. They also need to know the location of the countries they are going to. It is good for them to have an Authority that can guide them on how to get safe and secure houses.

The other Act that this Bill is proposing to amend is the Technical and Vocational Education and Training (TVET) Act, 2013. This Bill proposes to amend it to exclude institutions that are established under individual Acts of Parliament from the mandate of the Kenya Universities and Colleges Central Placement Service (KUCCPS). This has been a point of discussion between the Service and several institutions. I think it would be good. The proposed amendment explains very clearly that for the avoidance of doubt, this Act shall only apply to institutions established under statutes other than the Education Act. Any other institution which is not under the Education Act will not fall under KUCCPS.

Very quickly because they are not many today; you remember I moved the other week a bulky Miscellaneous Amendments Bill. This one is a bit brief. There is another Act that is being proposed for amendment. The Bill proposes to amend the Crops Act, 2013 to provide details on the establishment of the commodities fund board of trustees, including their qualifications. In the Crops Act, the board is well explained and their qualifications and their duties. But Section 9(e) and (f) say:

“Three persons appointed by virtue of their knowledge and experience in matters relating to human resource management, accounting and auditing, respectively;

One person appointed by virtue of knowledge and experience in matters relating to agriculture, co-operative or law.”

I want to bring to the attention of the relevant Committee of this House that there is lack of clarity there because they are appointed. But by who? Who is the appointing authority? There needs to be clarity on that. That is on (e) and (f) on the Crops Act, 2013.

Let me talk about another crucial Act; that is, the Dairy Industry Act (Cap. 336). The proposal for amendment is to broaden the definition of the word “milk”. The amendment is proposing to include goat and camel milk. In the parent Act, it is only about the cow. It is proposed that we also include goat and camel milk, whether in liquid, solid or any other form. In the same Act, there is also a proposal to enhance penalties under the Act as provided for regulation, standard, manner, installation and operation of milk dispensers. The amendment in

section 19(w) and (x) is proposing to prescribe requirements for the licensing of milk dispensers and other dispensers of other dairy products, and also prescribe the manner of handling, storage, dispensing and general management of dairy produce. If you go down to section 20, there is a proposed punishment of a fine not exceeding Kshs3 million or a term of imprisonment not exceeding three years or both, if you contravene that section.

Very important under that Dairy Industry Act is the new section 23A in the amendments, especially under Clause (2). Dairy management is a devolved function and so, we are taking that into consideration. Therefore, there is a sub-clause, a new insertion where, specifically, the county governments may, pursuant to Article 209(3), impose a cess payable to the county government on any milk or milk product produced within the county. Because this is a devolved function, we are proposing to amend the Act so that it gives the county governments that leeway of imposing any cess on milk produced within the county.

The other one is the Clinical Officers (Training, Registration and Licensing) Act of 1988. This Bill was in today's morning Order Paper. It came as a Private Member's Bill by Hon. Leonard Sang. What we are proposing in this Miscellaneous Amendments Bill is just to bring some terminologies in line with the Constitution. Everywhere there is "Minister" you put "Cabinet Secretary" and where there is "Permanent Secretary" you put "Principal Secretary". There is not much on that.

Of key interest that this Bill is proposing to amend is an Act appearing in this afternoon's Order Paper as Order No. 16. That is the Betting, Lotteries and Gaming Act (Cap. 131).

Hon. Speaker, the Statute Law (Miscellaneous Amendments) (No. 2), 2016 proposes to amend the Act to harmonise it with the terms contained in the Constitution. That is simply because it is an old Act. The title "Permanent Secretary (PS)" appears everywhere. We propose to replace the title "Permanent Secretary" with the title "Principle Secretary" and title "Minister" with the title "Cabinet Secretary (CS)" in order to align those titles in the Act with the titles contained in the Constitution.

We also propose to clarify the roles of the Chairman of the Board and the Director of the Betting *vis-a-vis* the Board. First of all, the proposed amendment seeks to limit the period of the Board's tenure to two terms of three years. Other proposals are intended to raise fees. I know that there is a substantive Bill coming on this matter. When we reach there, maybe, more will come.

Let me now talk about the two last Acts, starting with the Employment Act No. 11 of 2007, where we have proposed to amend to confer powers of deployment and re-deployment of employees and assignment of job titles and grading of employees. Basically, there has been a continuous job evaluation exercise. Therefore, this needs to be streamlined to be in tandem with what goes on in terms of assessing and evaluating employees. At times, some employees are re-deployed while others are employed. There is also the assigning of different job titles and grading of job groups.

The other Act is the Alcoholic Drinks Control Act of 2010. Recently, this House passed the Magistrate Court Act, 2015, which assigned a new definition to the word "magistrate." Therefore, we propose to amend the Alcoholic Drinks Control Act of 2010 to align the definition of the word "magistrate" with the definition contained in the Magistrate' Court Act, 2015.

My last proposal seeks to amend the Kenya Institute of Curriculum Development Act, 2013. I seek, in the said parent Act, to provide for the appointment of some members of the Board by the CS and remove the procedure of appointment as set out in the First Schedule to the Act. I also seek to amend the Act to provide for resignation of the Chairperson of the Board and replacement of the same by the CS when that person resigns from office. As it is now, there is no

procedure for replacement of the occupant of that office, if in case the office falls vacant. The Chairperson of the Board or any other member has no leeway for tendering resignation in the current Act. Therefore, we propose that should the Chairperson or any other Board Member resign, the appointing authority – depending on who the appointing authority is for the specific category of the person who has resigned – is given a chance to replace the said person.

Those are the few Acts of Parliament on which we have proposed amendments. I hope Members will make a contribution on them.

With those remarks, I beg to move and request the Member for Kiharu to second.

Hon. Speaker: Member for Kiharu.

Hon. Kang'ata: Thank you, Hon. Speaker. I rise to second the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2016.

The proposed amendments to the Betting, Lotteries and Gaming Act (Chapter 131 of the Laws of Kenya) make a lot of sense. The idea is to harmonise that law with the provisions of the Constitution. The amendments also seek to clarify the roles of the Chairman of the Board and the Director of Betting. This is in conformity with the usual corporate governance that currently obtains in the public and private sectors. The Government wants to bring this in tandem with the normal governance structures of various companies. There is a proposal to limit the period of the Board membership to two terms of three years. The rationale of doing this is to ensure that the Board does not overstay in that position.

There is also the idea of raising the fees and fines payable under the Act. Maybe, this proposal will cure what our brother, Hon. Midiwo, is trying to cure through another proposal to change this law, so that companies that engage in betting, lotteries and gaming can be penalised heavily if they breach any provisions of the law.

The second proposal targets the dairy industry. I come from a region where one of its main economic activities is dairy farming. It is true that we now need to commercialise goat and camel milk. The proposed amendment to this law seeks to re-define 'milk' to include goat and camel milk.

The third proposed amendment is with regard to the Clinical Officers (Training, Registration and Licensing) Act of 1988. The amendment seeks to make consequential changes to terminologies arising out of the enactment of the new supreme law. The new Constitution brought in devolution and health services have since been devolved. We need to ensure that we change any law that touches on matters that have been devolved.

There is also a proposal to amend the Employment Act (Act No. 11 of 2007). We need to give employers some leeway. For a very long time, we have been operating in a situation where matters seem to favour employees. We fail to take into account that without the employer, there can never be an employee. For instance, in the Government, there has been an effort to re-deploy police officers from their stations. When they go to court, they win because the court will look at the Employment Act. The police employer does not have the power to transfer or even re-deploy a police officer from one station to another. Therefore, this proposal seeks to cure that anomaly. We want to give an employer more space, freedom and power to deploy or even re-deploy an employee or even assign job titles. That way, Kenya will become attractive to investors since we will be having more laws that are friendly to employers. We all know the importance of employers in job creation in poor countries like Kenya.

We also have an amendment proposal on the Alcoholic Drinks Control Act (Act No. 4 of 2010). We all know the problem of alcoholism in this country. The definition of the word "magistrate" in the current Act does not tally with the definition of "magistrate" as contained in

Magistrates' Courts Act of 2015. There is some form of conflict. Therefore, there is need to ensure that the definition provided in the Magistrates' Act of 2015, which we passed the other day, is similar to the definition contained in the Alcoholic Drinks Control Act (No.4 of 2010).

This country is currently undergoing a procedure of changing its curriculum. There is a proposal by the Government to move from the current 8-4-4 System of Education to the 2-7-3-3 System of Education. Hon. Speaker, if that was to happen, there would be radical changes in our curriculum and so, we need to ensure that the Kenya Institute of Curriculum Development Board (KICDB), as currently constituted, the Cabinet Secretary (CS) has some powers over that Board. According to the current law, the removal procedure of persons appointed to that Board is not clear. Therefore, we need to amend the Bill to provide for the resignation of the Chairman of the Board or even the replacement of the Chairperson by the CS. Right now, the way the law is, if the Chairperson of the Board was to resign, there is no procedure that is set out for a CS to replace him or her.

Hon. Speaker, my best proposal in this omnibus legislation is about the Crops Act No. 2013. In that law, we have the Commodities Fund Board of Trustees. Up to now, we have never activated that Fund. The major reason we have not done that is because there are no details for its establishment. I come from a place where we farm a lot of coffee and tea. We would benefit a lot with the establishment of that Fund. But for now, we cannot benefit. I have been fighting for what we call, "Minimum Guaranteed Return" for coffee and tea farmers. If that was to be actualized, it can only be payable from that Fund. I am happy that the Government is moving towards ensuring that Fund is activated. One way is by providing details on the establishment of the Commodities Fund Board of Trustees. For now, the matter is in *limbo* for lack of those details and the Government is trying to come up with the details that will enable that fund to be activated.

I also make reference to the Technical and Vocational Education and Training Act No. 29 of 2013. I am one great supporter of the Kenya Universities and Colleges Central Placement Service (KUCCPS), which is like what used to be called the Joint Admissions Board (JAB). It ensures equity and so it is a very good entity. However, we have some other specialized courses which probably that Board may lack the requisite competencies to recruit. Therefore, the idea is to ensure in those specialized courses, this Board does not recruit students to go and learn in those institutions.

There is the Public Procurement and Asset Disposal Act, which has been a very good tool towards ensuring that the procurement in Government is fairer, more transparent and rational. So many cases have arisen out of public procurement but, when the matters are handled by the Tribunal or the Review Board, the Attorney-General (AG) is not notified. He may be an interested party, but he is normally not aware of pending proceedings in a certain Review Board. It, therefore, makes all the sense that we amend the law so that every matter pending before the Review Board is brought to the notice of the Attorney-General. He can either choose to seek an application to be enjoined or he can advise the relevant Government Ministry on the pendency of the matter before the Review Board. For now, it is a quagmire.

Finally, we have the last proposal on the National Employment Authority (NEA) Act. We all know the problems that our people have been experiencing outside this country in places such as Saudi Arabia and Qatar. It makes sense if we were to expand the mandate of NEA and teach our people who want to migrate some basic things. Some of our sisters go to those countries and are faced with foreign cultures. They are unable to integrate with the foreigners. Therefore, it makes sense to do training programmes for such migrant workers.

Hon. Speaker, I second.

Hon. Speaker: Hon. Members, before I propose the Question, allow me to recognize the presence of students, in the Speaker's Gallery, from Jura Secondary School, Kipipiri Constituency, Nyandarua County; Ngungugu Primary School and Karera Primary School, both from Gatanga Constituency, Murang'a County. They are welcome to observe the proceedings of the National Assembly.

(Question proposed)

Hon. Members, before debate commences, it is fair for me to remind the House that the Mover, Hon. Katoole Metito, withdrew the proposed amendments to the Copyright Act, which are contained in the Bill as published. Therefore, those of you who may have contributions only limited to what is proposed to the Copyright Act, you may have to look for something else to talk about as that has been withdrawn. However, you are at liberty to contribute to the others.

This being a Statute Law (Miscellaneous Amendments) Bill, I would have expected that many Chairpersons of Committees would be present because it refers to many sectors. There is something about betting, pensions, dairy, clinical officers, the Employment Act, Alcoholic Drinks Control Act, Institute of Curriculum Development, Crops Act, Technical and Vocational Education and Training Act, Public Procurement and Asset Disposal Act and the National Employment Authority Act. Therefore, the Chairpersons of various Committees that cover various subject areas, I would expect that you would be making contributions.

I see the Hon. Member for Endebess.

Hon. (Dr.) Pukose: Thank you, Hon. Speaker, for giving me this opportunity to contribute to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2016. At the outset, I support this Bill, but with amendments that I would be proposing.

Hon. Speaker, when it comes to the amendment to the Dairy Industry Act, there is a New Clause 23A which states:

“There shall be payable to the Board by every producer a dairy regulatory levy at the rate of one per centum of ex-factory price per kilogramme of marketed processed milk and milk products.

(b) Despite sub-section (1), a county government may, pursuant to Article 209(c), impose a cess payable to the county government on any milk or milk product produced within the county.”

Hon. Speaker, the net effect of this is that if you are taking your milk to a milk coolant and you meet the county government *askaris* on the road, they will compel you to pay a levy for you to take your milk to the milk coolant. If you are taking your milk, say, from Chepsaret to Mubere in Cheptargai where we have a milk coolant, it means that even those villagers who run the milk coolant in Mubere and its environs have to pay a certain levy to the Dairy Board. The Kenya Dairy Board will get the levy and yet, it has not done any investment. To me, this is punitive to the farmers who are struggling to produce milk and make some money to pay school fees for their children. I think this has been sneaked in and will hurt many small-scale farmers whom we expect to grow.

On the Clinical Officers (Training, Registration and Licensing) Act, it is cleaning up and substituting the word “Minister” with “Cabinet Secretary.” The Clinical Officers (Training, Registration and Licensing) Bill went through Second Reading this morning. It is sponsored by Hon. Sang. Our Committee has gone through it and our Report is ready for tabling in this House.

We have made the necessary amendments and my prayer to the House Business Committee (HBC), which you Chair, is to prioritize this Bill so that it can go to Third Reading and we finish with it.

The Copyright Act is also undergoing cleaning up by deleting the word “Minister” and substituting it with “Cabinet Secretary.” The Public Procurement and Asset Disposal Act also brings in the Attorney-General and his roles. In the National Employment Authority Act, there is a new Clause 8A and the functions of the Authority are defined very clearly in this Bill. Generally, this is a good Bill, but it needs to be amended.

With those few remarks, I support it with amendments.

Hon. Speaker: Member for Budalang’i.

Hon. Ababu: Thank you, Hon. Speaker. This is a very straightforward Bill which we call an omnibus as far as the traditions and customs of this House are concerned. I would wish to add my voice in support of it. It continues, to a very large extent, to do cleaning up, harmonization and making sure that the various pieces of legislation are in sync with the new realities of governance. In this Bill, the Public Procurement and Assets Disposal Act, the Copyright Act and others, have provisions which seek to harmonize terminologies and realities of switching from a Cabinet Minister to Cabinet Secretary and Permanent Secretary to Principal Secretary. It is cleaning up these pieces of legislation to ensure that they are in sync with the current Constitution and governance realities of our time.

Though I dare say that this approach of omnibus legislation should be discouraged, as much as possible, to allow pieces of legislation which require substantive attention in this House. In this respect, I have in mind the law on clinical officers which we are debating in this House, and I had an opportunity to make my contribution on it. Yet, this omnibus Bill has also included provisions on this Bill. I would imagine that it would be a lot neater if Bills which are already receiving substantive attention by this House were precluded from omnibus Bills such as this one.

The traditions and customs of this House are that the Statute Law (Miscellaneous Amendments) Bill by its very nature should deal with crossing “Ts” and dotting “Is” and do little amendments which do not amount to substantive changes. Barring a few amendments which require to be done to this Bill, I otherwise support the provisions that seek to bring harmony and ensure that the various pieces of legislation covered here are in sync with the new constitutional dispensation and the new prevailing governance reality of our times.

Hon. Speaker, I support.

Hon. Speaker: Member for Igembe North.

Hon. M’uthari: Thank you, Hon. Speaker. I rise to support this Bill which contains amendments to various Acts. I have reservations especially on Clause 23A which is proposing to increase taxation and levies on milk producers. I think this will discourage milk producers and will not add value or benefit them. The recognition of camel milk and goat milk is important because it is increasingly becoming an additional contributor to the milk industry and is of great value to farmers.

The other various amendments in this Bill are mostly around definitions, aligning the Acts with the Constitution and substituting the word “Minister” with “Cabinet Secretary” which, I think, is in order. The Kenya Institute of Curriculum Development (KICD) Act is important with regard to appointments. The Crops Act clarifies important terms; “appointment” and “appointing authority” and its functions. The establishment of a fund which encourages and makes it possible for people to get benefits is also important. I believe there are various

amendments that have been proposed here, and which have been captured in the Bills that are before this House. For example, we are dealing with the Clinical Officers (Training, Registration and Licensing) Bill, which we concluded the Second Reading this morning.

Hon. Speaker, with those remarks, I support this Bill.

Hon. Speaker: Member for Wajir North.

Hon. Saney: Thank you, Hon. Speaker. I rise to support the Statute Law (Miscellaneous Amendments) (No.2) Bill of 2016. It is straightforward and simple. It proposes amendments mostly based on definitions of consequential nature. Of concern to me is the recognition of camel and goat milk in the amendments to the Dairy Act.

What does this amendment mean for camel herders? The camel has been abandoned as a very important economic livestock. Since Independence, all governments have been a bit insensitive to camel herders. It is the first time that we recognise camel milk in our statutes. That means that for once camel and goat milk is recognized in our law. We will bring on board camel milk and it will be one of the dairy products that will be regulated.

With that regulation, we will enhance the promotion of public health safety aspects in the consumption of camel milk and reduce the prevalence of diseases that are related to the consumption of camel milk. We will bring in issues that restrict supplies favourably for the producers and instances of raising prices to make sure that they produce and compete favourably in the market. We will also be enforcing product quality and standards, just as it is done for cow milk. We will create reserve pools so that we cope with supplies whenever there are imbalances in the supply of milk or as a result of seasonal changes, especially at this time when there is drought. For the first time, we will also benefit from standardisation of packages and containers in the sale of camel milk. This will also mean that the Government will invest heavily in the production of camel milk, its marketing and research. This is a very important aspect for camel herders. For the first time, the law recognises camels and camel herding as a means of livelihood. I am sure it will benefit from protectionism as it has been for cow milk.

With those few remarks, I support the Bill.

Hon. Speaker: Let us have Hon. Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you, Hon. Speaker, for giving me this chance to add my voice to the Statute Law (Miscellaneous Amendments) (No.2) Bill. As has been said before, included in this Bill are amendments to various Acts. There are 12 Acts to be exact, with the exception of the one which the Mover has withdrawn. I would just like to make some brief remarks to this Amendment Bill, which I think would add some substance to our debate.

At the outset, there are some very straightforward amendments that have been made to those Acts. For example, there are amendments to the Betting, Lotteries and Gaming Act. I have noted that the penalties seem to be increasing. Overall, the point of interest is that the betting, lotteries and gaming industry is one that is worth billions. Even though as a society we recognise that it is a vice, we find that many of our youth engage in this activity frivolously and even lose their lives over it. It is a very good move to raise the amount of fines because it is about time people took responsibility and we brought some sanity to that particular section of our society.

As regards the Dairy Industry Act, the Bill talks about the requirement of milk dispensers and so on. At the outset, I know we are in a very forward and modern society and so, we have added goats and camels. But I do not know if I would be in order to propose a further amendment, perhaps, to add donkeys as well. As you know, donkey milk is one of the top types of milk that can be consumed today. As it has been noted recently in the media, it has been a source of income for various people in the rural areas.

I agree with the previous *Mheshimiwa* who has mentioned that we will be hurting the small-scale farmers if we charge them a levy when they transport their milk. Perhaps, it is something that needs to be looked into.

There is also the Clinical Officers (Training, Registration and Licensing) Act. I remember when this Bill was being debated on the Floor of the House, I stood in defiance and said that I did not wish to comment on the Bill although it was good. I did not wish to comment on it because of the current state of the doctors' strike. That was my feeling at that time and it is still the same. However, the amendments are noted and they are in good taste because they are just streamlining the Bill.

Of course, there are other amendments. The one which is of most interest to me is the amendment to the National Employment Authority Act which focuses on the rights of Kenyan migrants who are working abroad. It is about time we, as a country, reached out to our citizens who are working away from their families; toiling away and yet, they do not have any other way and means of getting justice and reaching out to their countrymen. Many cases have been reported in countries like Dubai, where our people are stuck in inhumane conditions. An amendment to this is seriously in order.

The Copyright Act was recalled and so, it was not included. Apart from that, I have mostly talked about what I needed to add to this Amendment Bill. I would like to thank you for giving me this opportunity.

Hon. Speaker: Let us have the Member for Mbita.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Speaker, for giving me this opportunity. At the outset, I support the Bill. I am happy that the Bill is largely in conformity with a recent court decision that stated that most of the miscellaneous amendment Bills should concentrate on miscellaneous issues and not substantive ones. I have looked at this Bill and it does that.

I just want to comment briefly since it is largely straightforward. With regard to the Betting, Lotteries and Gaming Act, I am happy that we are doing a lot in this House to try and streamline that sector. While speaking from a Mbita perspective, I know one of my constituents who was given money to pay school fees but, instead, went to bet. It is not just one case. Many such cases are prevalent. I do not think it would be in order for private businesses to take over people's lives. Even though we want to protect private businesses, we must be conscious of the need to protect our young people. I, especially, support the efforts of enhancing the penalties.

I also wish to contribute to the Dairy Industry Act. Like my colleague has said, it is a welcome move to include camel milk and goat milk. I only want to say that beyond that, it is not just enough to include camel milk and goat milk, we must provide standards that will ensure that our products reach international markets. In the last Parliament, I was in a select committee that worked on those issues and I have not seen us doing enough. Even now, I am in the Departmental Committee on Agriculture, Livestock and Co-operatives, and I have not seen us doing enough that would ensure that our dairy and agricultural products are competitive internationally, especially livestock products.

My constituency is largely a fishing community, but it has also other aspects of agriculture, especially goat rearing, which is very welcome among the people of my community.

Hon. Speaker, in relation to the Kenya Institute of Curriculum Development Act, how I wish there would be a further amendment so that the proposed appointment by the Cabinet Secretary (SC) is done competitively! Otherwise, I do not see any major issue here. The Mover

should bring an amendment to make the appointment competitive. We are bound to create semi-dictators out of the CSs when we give them powers that are unchecked.

On the Crops Act, there is a Board of Trustees that is being formed. I know that counties have a role in crops. I am just wondering why we do not have, in this law, a provision for a representative of the Council of Governors or a provision on some role that the Council of Governors would play in the Board of Trustees.

Again, I wish to comment on the National Employment Authority. I would like the Mover to explain why there are many amendments that take away opportunities for the youth by generalizing them. However, if I remember well, the idea behind the National Employment Authority, even though it focuses specifically on national aspects, was to deal with youth unemployment. So, when we make it general, it loses the very essence of this Act which, in the first place, was to focus on the youth. When there are amendments taking away the focus on the youth--- I wish Hon. Sakaja was here. I do not know whether he has already been consulted on this or not. He was very passionate about this Act. I wish he could look at it and advise why we are moving the focus from the youth to now generalizing everybody. Some of us have either got opportunities or have missed the train at some point.

Our focus has been the youth. We have said it here that the situation of our youth is a ticking time-bomb. In fact, they are already a bomb! They are no longer ticking. They are already blowing all over the place with all manner of negative things. It is important that we arrest the issue of youth unemployment by focusing on them.

The new insertion in Clause 8A is very welcome, especially for our women who get mistreated in the Middle East countries. If you look at the media, hardly a month passes before you see a case of a Kenyan woman in the Middle East who has been thrown off some building, maimed, has died, has been detained without identity or has been mistreated in various ways. This law is very welcome. The only thing I would want to say is that they need to counter-reference it to the Counter Trafficking Act that I moved in this House because it talks largely of the same issues, especially as relates to women and girls.

The provisions which are included under this sub-clause are very welcome and I support. Thank you, Hon. Speaker.

Hon. Speaker: Member for Nakuru Town East.

Hon. Gikaria: Thank you, Hon. Speaker for giving me this opportunity to support this Statute Law (Miscellaneous Amendments) Bill. Yesterday, we were in a Committee where we were discussing some proposals on the Statute Law (Miscellaneous Amendments) Bill. They were brought before the Departmental Committee on Administration and National Security. We had, appearing before us, members and officers from the Kenya National Police Service Commission. They were presenting other matters before us, but they also highlighted something on the proposed amendments. They said that they were very surprised because they were seeing most of the amendments for the first time. We asked in the Committee how a Statute Law (Miscellaneous Amendments) Bill comes into being. The Legal Counsel explained how these amendments were arrived at. It is also important for the drafters of these miscellaneous amendments to be in touch with the relevant Government agencies or authorities so that they speak in one language. Yesterday, we had two different Government agencies saying that they have not seen these amendments and yet, we are here appearing to be debating from the same position. It is important that whoever drafts this Bill consults widely. They were seeking to be consulted. They concurred with some amendments, but not some.

On the proposed amendments to the Betting, Lotteries and Gaming Act, the other day, we were debating a substantive Bill by Hon. Jakoyo Midiwo regarding this matter. We now have some amendments proposed here in the Statute Law (Miscellaneous Amendments) Bill. They ought to have been incorporated and introduced together with the other proposed amendments in Hon. Jakoyo's Bill. When Jakoyo moved his Bill, there were some issues that needed to be---

I am a little bit perturbed by the gaming machines. That is because of the way the amendment is framed. It states that any person who uses or permits the use of unauthorized gaming machines--- It goes ahead to stipulate the offences. For example, for the offence of allowing the use of unauthorized machines, a fine of Kshs5,000 is imposed or imprisonment not exceeding six months. That is too low a punishment. These are issues we are going to propose amendments to during the Committee of the whole House. We will be proposing that the penalty be increased.

If you look at the fine imposed for gaming in public places, it is only Kshs3,000 or a prison term not exceeding three months. This is an offence we need to prescribe punitive penalties in order to stop the operation of those illegal machines. Those machines, as we are talking now, are almost everywhere. They are not only in buildings, but they are now finding way in the corridors of some shops. This is affecting our children. Whenever you give your children money to purchase some items for the house, they first place the money in a gaming machine. Indeed, this is a problem as Hon. Millie Odhiambo has put it. School children who are given school fees use it in gaming and betting. So, it is important for us to merge this Statute Law (Miscellaneous Amendments) Bill with the substantive Bill that has been introduced by Hon. Jakoyo.

Regarding the training of clinical officers, this morning, we had a Private Member's Bill that was touching on it. These particular amendments are meant to align that law to the provisions of the Constitution. In the morning, we had an opportunity to hear drastic suggestions; some of which proposed that clinical officers should be licensed to operate privately. These are some of the issues we should have merged. This one is just for alignment with the Constitution. It is the same thing the Member was trying to address in the morning. He was trying to align the current Act with the Constitution. Maybe, there will be a lot of duplication.

Regarding the Copyrights Act, it is true that our performing artists spend a lot of their time in college to get trained in order to perform their art. However, you find some people using their hard-earned fruits to earn a living without compensating the artists. Therefore, an amendment requiring a structured compensation mechanism for performing artists is acceptable.

Hon. (Ms.) Sunjeev: On a point of information, Hon. Speaker.

Hon. Speaker: There is a proposal to inform you. Do you want the information?

Hon. Gikaria: Yes.

Hon. Speaker: Yes, Hon. Birdi. It is better you do so because the Member was not here.

Hon. (Ms.) Birdi: I would like to inform the Member that the Mover had withdrawn that particular section so that it is not included in this Bill.

Hon. Speaker: I would like to inform the House that it was withdrawn.

Hon. Gikaria: I stand guided. I am sorry. As has been said, Hon. Sakaja was very passionate about it. On the aspect of amending the law so that it includes other people other than the youth, that is a very welcome idea. Previously, only the youth were involved but, this time round, we are bringing on board other aspects where every other person will be considered in the Employment Act. Secondly, it says that the State---

(Loud consultations)

Hon. Speaker: Order, Members! Even if you must giggle, do it under the table.

Hon. Gikaria: Hon. Speaker, this particular amendment states that the State shall encourage private and public institutions to employ Kenyans. This is a welcome idea because the State will be required to compel Kenyan companies to employ locals instead of getting the services of expatriates.

It also says that the State shall give incentives and reward any private institution that employs Kenyans within six months of acquiring its completion certificate. This is a welcome idea. This amendment will ensure that private institutions employ Kenyans. You remember there was a time when a waiver was given in terms of customs duty to any company that sets up its base here in the country. So, it is also a welcome idea. It is going to encourage so many institutions to employ our people. With the high percentage of unemployment in the country, those kinds of incentives are going to increase the employment rate.

It also says that the Government shall take affirmative action measures to promote employment. It is so important that we also think about this. It is one thing to say that we need to employ Kenyans and another to have the true records showing the true position of things. The report will show the exact numbers in terms of people who are in employment.

I know there are so many other issues that we would have brought regarding the Technical and Vocational Education and Training Act. Many youth fail to get admission into technical institutions for training. They are forced to use other means to be granted admission. So, when this role is removed from KUCCPS, it is going to encourage young people to seek admission into the technical colleges.

With those few remarks, I support the amendment. We will bring a few amendments in the Third Reading.

Hon. Speaker: Member for Rarieda.

Hon. (Eng.) Gumbo: Thank you, Hon. Speaker, for giving me the opportunity to contribute to this Bill. As the Memorandum to this Bill says, this Bill is just to make minor amendments. However, if you look at this Bill closely, you will realize that some of the proposed amendments, in my view, would have been taken elsewhere. I am aware that there is the Jakoyo Midiwo Bill on betting. I was just wondering why proposed amendments on betting could not be accommodated there. But I guess there has to be a good reason for that.

I just want to make a few comments. I am of the view that the proposed amendment to the Technical and Vocational Education and Training Act, 2017 is a good one. This will avoid the clashes that have been there. You have seen, for example, clashes between the Kenya Medical Training College (KMTC) and KUCCPS. KMTC clearly states that enrolment into KMTC is the work of the KMTC Board. So, in my view, this is a good amendment.

There have also been a lot of complaints particularly on specialized courses like engineering. I do not know whether it is because of lack of capacity or otherwise that KUCCPS has ended up placing students in colleges where they do not merit. I believe that by proposing to amend the TVET Act, 2013 to include institutions to be established under individual Acts of Parliament, we are going to correct those errors.

Finally, the proposal to amend the Public Procurement and Asset Disposal Act, 2015 to require the Secretary of the Review Board to notify the Attorney-General whenever a request for a review is filed, is important. The legal implication of the review may be made clear to both the person requesting the review and the person to be reviewed.

I support.

Hon. Speaker: Member for Igembe Central.

Hon. Kubai Iringo: Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Bill. As has been mentioned by the Mover, this Bill seeks to amend several existing Acts which were enacted a long time ago. It is a document which seeks to enrich the existing laws. I believe laws should be changed once in a while because some of them are normally overtaken by events, given the changing times and trends. In that case, it is important to do away with irrelevant laws or amend them so that they can conform to the constitutional demands.

The Bill is meant to clear grey areas in several Acts of Parliament and, specifically, those which I have mentioned. I stand to support them as they have been indicated. I have reservations on some of them though, and I will highlight them as I continue. The Betting, Lotteries and Gaming Act has, on several occasions in this House, raised some eyebrows. An *ad hoc* Committee was to be formed in this House to look into that matter. It did not succeed because Members threw it out. Already, we have an amendment to the same law, which is in the Order Paper today. It has been brought by Hon. Jakoyo Midiwo.

This law has to change because betting, lottery and gaming have taken a toll on our society. Betting has permeated into our villages, kiosks and small canteens. It is really affecting the social set-up of our community. It is affecting mostly the youth who are already entangled in it. The youth can go to any extent to get money to use in betting. They even sneak into their homes to steal items which they can sell to get money for betting. Even students gamble. Instead of paying fees, they visit gaming rooms or dungeons and once all their monies have been lost, they stop going to schools or even attempt suicide. I concur with that particular amendment.

With regard to the dairy industry, the inclusion of goat and camel milk is quite welcome. Goat and camel milk are nutritious and medicinal. Camels are found in the North Eastern region. We have no idea how camel milk is processed, stored and consumed. Camel milk can be used to feed people and children in school during drought. I have reservations on the clause that seeks to put penalties on the handling and selling of milk, especially the levy. Peasant farmers have few cows that they milk. They sell a few litres to buy a few household items. Putting a levy on that milk by the county governments will overburden those peasants. During drought, peasants rely on their cows for milk. That milk is just for home consumption. We should do a further amendment to give quantities that can be levied. Levying one or two litres will be punitive to peasant farmers.

We should change the word “youth” to “persons” because all Kenyans require employment.

The amendment on the Clinical Officers (Training, Registration and Licensing) Act is good because we passed a Bill that provided for a Clinical Officers Council. We also agreed that clinical officers should be allowed to own clinics when they are not in any other formal employment. These amendments seem to strengthen the same.

Under the Crops Act, the establishment of the Commodities Fund Board of Trustees is welcome because Kenya, being an agricultural country, has many boards and crops put in the Crops Act, including the *miraa* in Meru. This Board should oversee the production and marketing of *miraa* so that farmers can get their dues.

The National Employment Act should be looked into critically. We have lost our citizens in foreign land. I am talking about people who had been cheated in the name of greener pastures, only for them to be mistreated and misused once they get out there. They come back home when

they are sick. Some of them have even died out there. It is hard for them to plead for support from their country. They do not have air tickets to get back home. They end up languishing in poverty in foreign countries. There should be funds for bringing back victims of such circumstances, and even taking them to hospital in case they need medical attention. Any assistance required should be easily provided. There are agents who lie to our youth that they will connect them to lucrative jobs, but they end up there as house girls. Some have even been sexually molested. The amendments are in order and timely.

I support.

Hon. Speaker: Member for Butula.

Hon. Onyura: Thank you, Hon. Speaker for giving me this opportunity to contribute to this Bill. As it has been explained, the Statute Law (Miscellaneous Amendments) Bill mainly makes corrections to existing laws. There are instances where the correction is just to change the terminology and align it with what is provided for in the new Constitution, or in a later Bill or definition. I have noted a few amendments regarding the old law where we used to have “Ministers and Permanent Secretaries”. We want to replace with “Cabinet Secretaries” and “Principal Secretaries.” These laws were enacted before devolution and it is necessary to take into account the changes that have been brought about by devolution. For instance, I have noted that we still have the local authority, which should be changed to “county”, so that it can be in line with the current laws. This Bill has a review of fees, charges and fines to bring them in line with the modern reality in terms of the value of our currency. This Bill tries to create consistencies in some of our laws. For instance, there is the creation of boards and councils. The terms of service for board members have been reduced to two terms of three years. There is an option for reappointment for a further term of three years. It is important to standardise that across our various boards, parastatals and statutory bodies. That is because consistency is good in the Public Service.

I do not know what to make of the dairy industry. The Bill adds the definitions of “goat milk” and “camel milk” to the law, and I am not sure whether those who have been taking goat and camel milk have been committing offences. That clarification is good.

I have noted amendments on the Employment Act that seek to remove ambiguities that existed in the Act. Conflicts arise from some of those ambiguities just as we have seen in the interpretation of the doctors’ CBA. When we plug any loopholes or loose ends in the law, then such controversies can be dealt with quickly and conclusively.

The amendment to the Copyright Act is welcome because it seeks to streamline the operations in that field. I want to believe that it will also minimize exploitation of artistes by different entities. As we encourage our youth to develop their talents and skills, we should make sure that we safeguard their intellectual property rights. The section on the Kenya Institute of Curriculum Development (KICD) is also welcome. I believe this institution is likely to play a very important role given the sort of changes that are being proposed in our education system. The section on the Crops Act is also useful as it provides details and clarifies the composition of the board and its powers and functions. That clarification is important.

Finally, I will touch on the section on the Technical and Vocational Education and Training (TVET) Act. I think that is also useful because we would really like to encourage middle level skills. Talking about that, it was a big mistake to do away with middle-level colleges. Right now, getting artisans and technicians in the market is becoming more and more difficult. I hope that, at some stage, the whole area of technical education can be addressed more comprehensively, so that we can bring back artisans and technicians.

With those comments, I support the Bill.

Hon. Speaker: Member for Gichugu.

Hon. Barua: Thank you, Hon. Speaker, for giving me this opportunity to make contribution to this Statute Law (Miscellaneous Amendments) (No. 2) Bill. At the outset, I would like to say that I support these amendments. I will make reference to only a few of them to support my case. The first observation that I would like to make on this Bill is that there are changes in the terminologies. Those changes are actually meant for the Acts to conform to the new Constitution, which is quite in order. An example is changing the word from “Minister” to “Cabinet Secretary.” That is what the new Constitution dictates.

There are other few amendments I would like to speak to. The first one is on the National Employment Act that intends to include the interests of other people who are beyond the youth age bracket to be considered by the Authority. This amendment should not be viewed as if it is trying to remove the original focus and main attention of the youth. The spirit of this amendment is to ensure that every Kenyan is catered for. I would like to observe that some people who are actually beyond the age bracket of the youth have struggled to get employment until they are well over 35 years. A particular case in this is teachers who have trained for a long time. They have Teachers Service Commission (TSC) numbers. They have been working in private institutions awaiting absorption by the Government. Because of availability of few opportunities, most of them have gone beyond the age of 35 and it is my submission that they should not be ignored. That is why I support this amendment so that the interest of those teachers is included. Teachers who are above 35 or 40 years and who are looking for jobs need the attention of this Government. Hence, I support that amendment.

The other amendment that I would like to talk about is on the copyright laws. The amendment seeks for structural compensation to producers and performers in line with the international norms. Artists from other parts of the world, especially the western world, are very well remunerated. They are rich and they benefit from their innovation and sweat. We have seen a trend in Kenya whereby musicians and even some innovators are very popular. They produce very good music which is pirated all over and, hence, they die paupers. It is only right for people who produce songs which are enjoyed by other Kenyans to benefit from the innovation. It is for that reason that I support this amendment. Musicians, producers and performers should benefit from their innovation.

The final observation is the one on the inclusion of camel and goat milk into the definition of “milk”. I think this is long overdue. Camel and goat milk is nutritious and has been enjoyed by many communities in this country. What I wish the Bill should also capture is handling of milk by hawkers. Hawkers who handle milk from one region to another should conform to some certain hygienic standards, so that the health of Kenyans is not compromised. As it is now, we see people hawking milk from one region to the other without taking into consideration any hygienic standards.

As I support this Bill, I want to note that I have heard many contributors talk about gaming. A few decades ago, the issue of gaming was never there. There has never been a time when our young men and women would take to gaming as a first call of making money. This thing reflects the culture that we Kenyans are adopting. Some Kenyans have completely given up. They should be given hope. The opportunities for making a livelihood should actually be expanded. As we talk about gaming - which I really do not support – I would like to ask Kenyans to look at ways in which we can put each and every Kenyan in the economic net.

With those few remarks, I thank you. I support this timely Bill.

Hon. Speaker: Member for Cherangany.

Hon. Korir: Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Statute Law (Miscellaneous Amendments) (No. 2) Bill. At the outset, I would like to say that I support most of these amendments, except one. I will specifically dwell on that. It is the clause which introduces the dairy regulation levy. New Section 23A says:

“(1) There shall be payable to the Board by every producer a dairy regulatory levy at the rate of one per centum of ex-factory price per kilogramme of processed milk and milk products.

(2) Despite sub-section (1), a county government may, pursuant to Article 209 (3)(c), impose a cess, payable to the county government on any milk or milk produced within the county.”

I stand here to oppose that section and the extra levies and charges to dairy farmers. Farmers are already struggling. They are already underpaid and being short-changed by the processors. If we, as a House, care about this nation, then we should all stand up and make sure that, that part is not included. We are going to overburden the dairy farmers. For every kilogramme of milk the farmers sell, they are already paying 20 cents to the Dairy Board. Now we are going to include another percentage and the county governments collecting cess from the dairy farmers. What are they going to make?

So, I urge this House that, as we consider this Bill and as it comes to the Committee of the whole House, we all unite to fight for our dairy farmers and make sure that they get profits from the hard work that they do every day. Let us remove those levies because they will discourage our farmers from doing business. They will encourage many county governments to impose charges. It does not even say what percentage the county government is going to charge. It just says “Despite subsection (1), a county government may, pursuant to Article 209 (3), impose a cess...” If you already know that the county governments are very corrupt; if we already know that the county governments are so greedy for money; if we already know the county governments are looking for all means to get money so that they can put it in their pockets; if we give them this opportunity to start charging our dairy farmers, we will be giving them a chance to steal from our farmers whom they have already stolen from. They have already stolen money from our country and we are giving them another chance to steal from our farmers. So, I ask the House that we do not accept that.

I support, especially on the employment sector. When the Bill by Hon. Sakaja came before the House and came to the Committee that I am a member of, I specifically talked about this issue. I specifically was against it. As much as we want to help our youth to get jobs - which all of us need to - we should not restrict a board; a former board to just youths. Unemployment in this country does not only affect the youth. It affects everybody else. At this age, you will find somebody going to university for a Bachelor’s degree, then a Master’s degree and a Doctorate of Philosophy (PhD). By the time they come out of university, they only have one year of being a youth. After that, they are out there. So, I am glad that somebody has seen sense in this and has brought it back as a miscellaneous amendment to remove the word “youth” and create an employment authority that deals with unemployment in this country. That is from the youth to someone as old as 100 years. It should be anybody who wants to get a job. That way, we will fight unemployment regardless of what your age is. If you are unemployed, you are unemployed as a Kenyan. By bringing this, I think that is going to help.

I also think we need an employment regulatory board that will show what the unemployment rate of this country is every month or per annum. How many youth are

unemployed, how many jobs have been created and, how many people are still looking for jobs? By creating that, I think it will help a lot. It will even help the Government of the day to know its progress in terms of unemployment. It will help the country to know how many people are out there and which fields need people.

When it comes to the Betting, Lotteries and Gaming Act, this amendment has come at the right time. When you look at what Jakoyo was bringing, it was not going to help fight the menace that we see out there. We already know the problem that people are facing in betting. It is already illegal. We cannot legalize an already illegal process. Betting with machines that are affecting our children is already illegal. Nobody is allowed, without a licence, to put a betting machine in their shops or anywhere in public. So, this one will really help solve the issue of betting more than what Jakoyo Midiwo was trying to do. He was trying to kill the whole sector. If you increase taxes for the betting companies; if you increase all those things, you are going to kill a sector that has helped so much. As much as we think that betting has created something, it is a social event. You cannot force somebody to bet or not. It is a social event. I know there are many churches that are against betting. I am not for betting but, if a church is against betting, teach your Christians not to bet. If a school is against betting, teach your children not to bet. If you, as a dad, is against betting, teach your children not to bet. But we should not kill a whole sector or institution that is employing people. We should not kill a whole institution that is helping sports in this country. Sporting in this country has become what it is now because of some sponsorship from betting companies. By bringing this under these amendments to even make it illegal for those betting machines to be in public, to increase the charges and to increase penalties for using those machines that are killing our kids on the streets, it will help solve the issue of betting.

With those few remarks, I support this Statute Law (Miscellaneous Amendments) (No.2) Bill. But I am asking the House and Members of this House to consider my request to remove that part that says we are going to add extra levies to dairy farmers and to allow county governments to charge dairy farmers extra cess. I ask Members of Parliament to, please, remove this part because it is going to destroy our already struggling dairy farmers.

Thank you, Hon. Speaker.

Hon. Speaker: Good effort. But the way it is done, you just say you will be proposing amendments when we come to the Committee of the whole House to remove some aspects. This is debate. To just say "I am asking Members" is like you will not be here. Please, it is within your right to propose amendments to remove that which you do not support in the Bill. That is the most crucial part when you are making the law.

Hon. Korir, please, be present during Committee of the whole House and prior to that, propose amendments. I can assure you I will approve them. Do not just tell them because they might not be there during the Committee of the whole House.

Member for Bomet, Hon. Cecilia Ng'etich.

Hon. (Ms.) Ng'etich: Thank you very much, Hon. Speaker. I am sorry my voice is gone, but I will really try because I feel I need to contribute to this debate. I particularly want to say that while I support many amendments, for example on the Kenya Institute of Curriculum Development Act amendment, this is mainly an administrative matter that I know once that amendment is put in place, it is going to have that smooth transition once the outgoing chair resigns and another one is appointed immediately by the Cabinet Secretary (CS).

My bone of contention with this Bill is the amendment to the Technical and Vocational Education and Training Act No. 29 of 2013. I want to oppose for the following reasons - and I

will be proposing amendments during the Third Reading that this should be completely removed. One of the reasons why the Technical and Vocational Education and Training (TVET) has not received the necessary reforms to drive this country to be an industrialized country is because it was placed under 10 ministries. I am seeing a situation here where we are being taken back to that situation. It is going to bring uncoordinated admission of Government-sponsored students (GSSs) into TVET institutions. Deserving students may not get places because they will not be well distributed. It means that, for students in a medical training college (MTC) in Turkana, for example, the students who will apply will come from a certain limited region. So, the creation of KUCCPS was really to coordinate placement of Government-sponsored students. We have seen deserving students getting places. Those are the ones who do not have money to get those chances. That is why it was created. When you now say that it should not do that, I wonder why it was created in the first place.

Secondly, when we fragment the TVET institutions, we are, in essence, saying that those who have enrolled in MTC will, of course, fall under the Ministry of Health. Those that will fall in the water sector will fall under another line ministry. So, that will make it so difficult for it to be regulated. I remember Members recently passed a Bill and created an Act of Parliament that is going to regulate that sector. I am wondering how they are going to do it. The TVET Authority was created to centralise the regulation of the curriculum that would be offered and the facilities to ensure that institutions are well-equipped to provide the right courses.

Thirdly, when it comes to the implementation of the curriculum, we again created the Kenya National Qualifications Framework, which is supposed to equate various awards of certificates and diplomas. Now, when they fall under different pieces of legislation, it becomes very difficult to have standardised measure and yet the TVET Act created the Centralised Curriculum Development Centre that will look at a generalised curriculum that will be offered in these institutions.

Finally, we are still rebranding and sensitising students to willingly join these institutions. The Jubilee Government is establishing technical institutions in every constituency. I am wondering who will place students to these institutions if we are going to leave it to the various line Ministries? We are going to see wasted resources and Kenya will not achieve Vision 2030 that we hope to achieve through producing the right skilled personnel through TVET institutions. We need skilled personnel to drive our industries towards industrialisation of Kenya.

While I have no objection to parts of this Bill, I want to strongly say that I will propose that this be dropped at the Committee of the whole House stage because it negates the idea of creating the TVET Authority. It negates the idea of creating KUCCPS. Above that, it is going to make deserving students lose their opportunity to join these institutions. We have seen that when institutions do it on their own, they do not maintain the standards. It is not like universities where they begin admissions from those with A (plain) downwards and maybe stop at grade B. Instead, you find that those with grade B and with the qualifying combination are left out and those with money and have grade C or C- (minus) are given opportunity. It is not good.

A good example would be the case of Garissa University. If it is not for KUCCPS, I do not think in the aftermath of the *Al Shabaab* attack you would find students willingly applying to join Garissa University. The KUCCPS just places students and they automatically have to report there. So, this is not a very good amendment. I want to ask my colleagues to all strongly oppose this because we are going backwards instead of driving this country to the Kenya Vision 2030. For the other amendments, I have no objection. I support the other amendments except that particular one.

Hon. Speaker: Hon. Sakaja.

Hon. Sakaja: Thank you, Hon. Speaker. I would like to support the Bill. The intentions are noble. The statutes that are being amended need to be cleaned up in that way, from the Betting, Lotteries and Gaming Act. Of course, we are still waiting for more substantive amendments to this Act, so as to protect the many young people who are caught up in this yet also allow free enterprise in this country and betting. It is a balance that must be reached. The amendments are, as the name suggests, miscellaneous because they are just clarifying the role of the Chairman of the Board *vis-à-vis* the Director of Betting. It is good to have clarity. I know there has been some friction because of lack of clarity between those two roles.

It is the same case to the Dairy Industry Act. It is interesting that the definition of “milk” was not inclusive of goat and camel milk. I know, for example, my colleague, Engineer here, would really take offence when goat and camel milk, especially camel milk, is not covered under the dairy industry. It is extremely special. He says it is part of the marginalisation that they have been taken through over the years.

Also, I would like to support the amendment to the Clinical Officers Act as well as the Copyright Act. The amendments herein just bring consequential changes to terminologies arising out of the enactment of the Constitution. At this point, I would like to point out that the Constitution, which we keep calling the new Constitution is no longer new. It is now in its seventh year. In the first two years, we would have expected the Kenya Law Reform Commission or the Office of the Attorney-General to have done a scan of all the statutes in this country and to make sure they comply with the Constitution. The old terminologies and references that are no longer in existence, like “Minister” or “Provincial Commissioner” should have been dealt with a long time ago. Seven years down the line, I think it shows some degree of ineptitude or incompetence on someone’s part. We cannot keep seeing amendments, seven years down the line, of terminologies. I think this House has better use of its time to deal with substantive issues arising from legislation that has already been passed.

On the Copyright Act, structured compensation is an issue that we have really fought for in terms of compensation of performers and producers of sound recording. Last year, we had these musicians and artists complaining because they have not been getting the value or worth of their work. We have very many media houses like television and radio stations, that do not pay our Kenyan musicians royalties for the work they do. On top of that, the collective management organisations (CMOs) that collect the royalties on behalf of the musicians and performing artists have also not been remitting the royalties in good time to the musicians. Ideally, our musicians should be some of the best paid people in this country. You will be shocked to know that, for instance, in Safaricom, the amount of money made through Skiza Tunes is much more than the money made from voice calls, but our musicians are still impoverished. If you look at the structural breakdown of how much they earn when you buy a tune, for example from one of my favourite musicians Christina Shusho, you will be surprised to find that out of Kshs1, she is probably getting only 5 per cent of that entire amount. So, there is still need for more substantive amendments. I will bring more substantive amendments to the Copyright Act.

We gave time to the Committee led by Hon. Jamleck to go through this, but it has taken far too long. Our musicians and artists are still suffering. So, more substantive amendments will be brought to the Copyright Act. I know they are having forums on the issue.

Hon. Speaker: Sorry, Hon. Sakaja. The Mover is moving to withdraw that particular proposal. So, it is not part of the Bill now.

Hon. Sakaja: Thank you. That even makes it easier for me to bring those substantive amendments to that law. When it comes to the Alcoholic Drinks Control Act, the amendments should have come a long time ago, like defining the word “magistrate”. But as we know, these are miscellaneous amendments.

Allow me now to focus on the National Employment Authority Act, 2016. This is a piece of legislation I am very proud of, as a sponsor. Of course, it is no longer mine. It now belongs to the people of Kenya. The intention of this law was to streamline the entry into the job market for Kenyans wherever they maybe. For a long time, entry into the public sector would be determined by who you know and, to an extent, by your tribe in most areas. So far, very few counties are complying with the provisions of the County Government Act as regards the requirement that not more than 70 per cent of a county government’s employees should come from the dominant community in that county. Less than 15 counties have complied with this requirement yet there is no way we can sanction the leaderships of those counties which have not complied.

Equality of opportunity in terms of employment is a big factor when it comes to national cohesion. Many Kenyans say that they do not feel included because of unemployment. I hold the strong view that one of the variables that the Commission on Revenue Allocation should use when amending the revenue sharing formula is the cohesion index. Devolution is not supposed to create ethnic balkanisation. I know cases of very many people who have been affected. For instance, Mr. Wafula was born in Nyeri County. His father was also born in Nyeri County. He goes to look for a job in the county Government of Nyeri, but he is told to go to Bungoma County because of his name. He goes to Bungoma but since his ID reads Nyeri County, he is told to go back to Nyeri. Does it mean that he can never get employed in the county in which he is living? Very many county governments have not complied with this requirement of the law, but the persons involved have gone scot-free. People continue acting with impunity because the law has no punitive mechanism that can be used to intervene in such cases. I believe such a mechanism should be introduced in this law.

My Committee is currently dealing with this matter. We intend to bring certain amendments on this law. I will certainly bring further amendments to this law through the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2016 since this Bill concerns the county governments. I am sure you have a very good memory. You will remember that I had to pull out the reference to county governments because of the timing during that particular session in order for us to be able to pass this law. Ideally, a lot of the jobs that we want our young people to access – apart from the international jobs – are within the county governments. We will bring amendments to make sure that we include the county governments within the purview of the National Employment Authority (NEA).

I would like to thank the Cabinet Secretary for moving with speed to try and set up the NEA. I hoped it could have been done faster. The Board has been gazetted. The recruitment of the Director-General is ongoing. I am concerned because of one of the things that I was trying to do. A colleague for whom I have much respect, Hon. Naomi Shaban, tried to dissuade me from pursuing this issue, but I had made sure that the person going to be employed as the Director-General of the NEA was a young person. We have a culture of age discrimination in this country. This is confirmed by the fact that people cannot take seriously a Chief Executive Officer (CEO) who is below the age of 35 years. We had put it clearly that whoever it is that is going to occupy that office – even if the academic qualification requirement is a master’s degree with experience – we have people with PhDs in this country who are below the age of 35 years. We have young people leading great institutions like the Capital Markets Authority (CMA), for instance, and

several other institutions. The Principal Secretary for Transport, Mr. Irungu Nyakera, is also a young person. These are people whose ages are below 35 years. I was below the age of 30 when I became chairman of a national political party with the biggest following in this country. The young people in this country have abilities. I do not think we should be telling them that they cannot apply for certain jobs because they are so young. This bad philosophy has been used over the years to disenfranchise the youth of this country.

My Committee will bring those amendments. I urge the CS to move with speed. We want to see young people going to job centres, with their curriculum vitae, across the country and applying for jobs.

With those remarks, I support.

Hon. Speaker: Member for Nyeri Town.

Hon. (Ms.) Mathenge: Thank you, Hon. Speaker. I beg to support the Statute Law (Miscellaneous Amendments) (No. 2) Bill of 2016.

I will speak on only two items. One of them is Section 8(a), on employment, which speaks about registration and maintaining integration of all Kenyan immigrant workers. We have had a lot of issues with our young people, especially when they go to some countries. We hear that some of them have come back in coffins. Section (d) approves pre-departure programmes and ensures that Kenyan migrants undergo the relevant pre-departure preparation. This is relevant because as we understand, we cannot employ all our young people. We need to train them and create awareness so that as they go out in search of employment, they understand that when they are in distress, our Government is in a position to take care of them and ensure that they return home. That way, the distress that the families of such victims, and victims themselves, are likely to suffer will be less.

The other item I would like to speak on is Section 54 on gaming. It is important for us to look at this Act very carefully so that we do not throw away the bath water with the baby. Some of the major developments in South Africa have been done by the gaming authorities. As we look into this law, it is important that we do so in a very positive way because betting, gaming and lotteries have a lot of positive sides even though they have a bit of negativities. One of the positive aspects I would like to dwell on is the age limit for eligible participants. Hon. Midiwo's Bill puts it at 25 years. Therefore, this amendment should stick to the 25-year age limit. Many of our young people, including some who are 25 years old, are dependent on their parents. Therefore, gaming should not be one of the priorities that should concern them. Let us maintain the age of 25. We should also ensure that the gaming places are properly regulated with a view to reducing their numbers, so that they are not on every street. For example, he kept on saying that in Nyeri Town, gaming places are everywhere, which is true. We must regulate this sector and make sure that only licensed outlets undertake gaming activities.

Hon. Speaker: You are debating a different Bill, Member for Nyeri Town. We are not yet there. That is Order No. 16 on the Order Paper.

Hon. (Ms.) Mathenge: I am guided, Hon. Speaker. I will wait for Order No.16 to debate the matters raised therein. In the meantime, I support the Statute Law (Miscellaneous Amendments) Bill (Bill No. 2 of 2016).

Thank you.

Hon. Speaker: Hon. Members, there being no other Member who desires to contribute to this debate, I call upon the Mover to reply.

Hon. Naomi Shaban.

Hon. (Dr.) Shaban: Hon. Speaker, I beg to reply. I want to start by thanking all my colleagues for their contribution on the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2016. I just want to reiterate the importance of the amendments contained in this Bill. They are intended to enhance the various Acts of Parliament that have been amended through this Bill.

In looking at the dairy industry, the penalties that will be imposed will allow regulations on the standards and the manner of installation and operation of milk dispensers. This will enhance what is already in the Act.

Concerning the issues of clinical officers, just a few terminologies needed to be aligned with the Constitution. This Bill will make a difference mostly on the Technical and Vocational Education and Training Authority (TVETA) Act, where we have seen conflict between colleges that have been established through Acts of Parliament, like the Kenya Medical Training College (KMTC), and others that have not. Students have not been reporting to the Kenya Medical Training College because of the confusion caused by war. This needs to be put to rest by addressing it in an amendment to this Statute Law (Miscellaneous Amendments) Bill so that these wars can stop and students can go there without being worried on who has a right to be admitted to the colleges.

We are happy about the National Employment Authority (NEA) Act where the Cabinet Secretary (CS) has tried to strengthen measures, so that migrant workers can be taken care of. The Government will now monitor the whereabouts of migrant workers to ensure that they are safe in whichever country they go.

Hon. Speaker, with those few remarks, I beg to reply.

Hon. Speaker: Hon. Members, for obvious reasons. I will not put the Question.

Next Order.

MOTION

SESSIONAL PAPER ON NATIONAL BUILDING MAINTENANCE POLICY

Hon. Kamanda: Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts Sessional Paper No. 2 of 2015 on the National Building Maintenance Policy, laid on the Table of the House on Tuesday, 14th June 2016.

Hon. Speaker, from the policy, it is important to note that buildings and infrastructure are important national assets and investments. They are measures of our national wealth and capital formation. The state of a building environment reflects complex social and economic factors, and the level of prosperity of the community and the nation. As a result, maintenance and repair of the building environment must be done to preserve the asset and protect the occupants.

The formation of the National Building Maintenance Policy was inspired by the dilapidated state of our country's existing building stock, a new legislative regime particularly the Bill of Rights in the Constitution of Kenya 2010, and the preamble to the Constitution, which commits the people of Kenya to sustain their environment for the benefit of future generations.

Article 21(2) empowers the Government to take policy and legislating measures necessary for the implementation of Articles 42 and 43(b) of the Constitution. Article 42 gives the right to live in clean environments. Article 43(b) requires access to adequate housing and reasonable standards of sanitation.

It is important to maintain buildings for the following reasons:

- (i) To keep or restore the building and associate infrastructure to current acceptable standards;
- (ii) to sustain the value of the building; and,
- (iii) for visual appeal.

Building maintenance process includes inspection, testing, planning, organising, servicing, repair, refurbishing, rebuilding, rehabilitation, reclamation, renewal adaption and setting standards. The formation of the National Building and Maintenance Policy is, therefore, justified for the following purposes:

- (i) Run down investments that are uneconomical and unsustainable.
- (ii) Existence of multiple registrations on buildings' maintenance.
- (iii) Lack of national maintenance policy.
- (iv) Backlog of maintenance works that is expensive and difficult to clear.
- (v) Slick buildings that are unhealthy and unsafe.
- (vi) Decaying environments that contribute to poor health, low productivity and social behavior.
- (vii) Frequent hazard-related buildings and collapsed buildings.

Hon. Speaker, the policy, therefore, guides both public and private organisations that deal with the building environment. The policy will be proactive and will apply at all levels of the Government, namely, the national and county governments as well as in urban and rural areas. It will emphasise and create an enabling environment for planning, budgeting, inspection and management of maintenance work. The policy will ensure compliance with the Constitution.

There will be creation of awareness on the importance of benefits of proper maintenance of buildings and related infrastructure. It will help in calculating a maintenance culture. There will be the establishment of efficient, effective and economical use of scarce maintenance resources. It will also enhance the establishment of legal regulatory and institutional framework on building maintenance issues.

[The Speaker (Hon. Muturi) left the Chair]

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

The policy will create education and training framework for maintenance of personnel at all levels. It will further help in the creation of employment for building maintenance personnel such as plumbers, cleaners and electricians. The policy is presented in eight chapters and each provides for the problem statement, key issues and policy options that address identified issues.

In conclusion, the policy will be of great importance in the advancement of the construction industry and specifically, it will help to give proper direction to maintenance of buildings across the country.

With those few remarks, I request my Vice-Chairman, Hon. (Eng.) Mahamud, to second the Motion.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Hon. Vice-Chairman.

Hon. (Eng.) Mahamud: Thank you, Hon. Temporary Deputy Speaker. I beg to second this important Motion. Buildings are important to human kind due to their investment and social values. Maintenance of buildings is critical for their preservation and ensuring that they continue to serve the intended purposes. The current situation of dilapidated and unhealthy buildings in a

decaying environment contributes to poor health, low productivity and anti-social behavior of low return investments.

The main contributions to the above situation are; lack of a building maintenance policy, existence of outdated multiple legislations and regulations and lack of institutional framework to reinforce compliance in carrying out maintenance works.

The National Building Maintenance Policy, which is the subject of this Motion, is the road map to guide appropriate maintenance of building programmes, plans and activities facilitating enactment of the necessary laws and formulation of regulations for the implementation of building maintenance.

The policy identifies several issues among them problems, challenges, goals, objectives, management strategies to be adopted, capacity building, awareness creation, institutionalisation, monitoring and evaluation among others.

The policy statement is intended to address each of the above issues by identifying the stakeholders' responsibilities. It also emphasises the importance of the implementation framework which must be shared by all levels of the Government, namely, the national and county governments. It must also be anchored in law for it to be effective and achieve the intended purpose.

The policy document is presented in eight chapters. Chapter One provides background information and justification for the formation of the policy. Chapter Two outlines the goals and objectives, principles and values underpinning the policy and management strategies to be adopted. Chapter Three lays emphasis on the need to develop maintenance plans, setting standards and guidelines, which will assist in identifying priorities, developing building inventory, maintenance of cultural, historical sites, public monuments and museums and capacity building tools for carrying out survey and performance audit of the policy. The last chapter covers monetary evaluation principles and their application in the maintenance process while Chapter Eight is conclusion and way forward.

This is a very timely Policy Paper. In fact, once it is passed, we will come up with the necessary Bill which the Ministry has already drafted. I ask Members to support and pass it, so that we can move forward to have a better environment, a healthy and secure nation.

Hon. Temporary Deputy Speaker, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Omulele): Hon. Nicolas Gumbo, Member for Rarieda.

Hon. (Eng.) Gumbo: Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity.

The Temporary Deputy Speaker (Hon. Omulele): Just before you take off, I would like to remind Members that every Member speaking to this will have five minutes according to resolutions of the House.

Hon. (Eng.) Gumbo: What about people with particular interests like me? Give me 10 minutes.

The Temporary Deputy Speaker (Hon. Omulele): It is every other Member other than the Chairman.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, but you have taken my one minute and a half. I hope you take note of that.

The Temporary Deputy Speaker (Hon. Omulele): Yes, I deliberately took your one minute and a half.

Hon. (Eng.) Gumbo: Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to the National Building Maintenance Policy. I think it is long overdue and very important. It is known all over the world that maintenance improves safety for owners and neighbours.

Maintenance enhances habitability. It is very important that we maintain buildings because in almost every economy, they represent a very high level of investment in terms of capital, materials, labour and time. Indeed, owners and users ought to be required, by law, to maintain their properties in a good and substantial state of repair because not only will maintenance allow us to achieve our quest, but it will provide adequate housing to all Kenyans. It also improves optical dimensions of buildings and its appearances.

As you will recall, there is a famous saying that a stitch in time saves nine. Any entity that is not maintained falls apart naturally. For those of us who may have been lucky to attend Chemistry classes in high school, you will recall the principle of entropy which in a nutshell states that disorder is the natural state of things. Anything which is not maintained or looked after, sooner or later, falls apart. This is a very good policy and the fact is that it covers the entire spectrum of maintenance, as my good friend and senior colleague in the distinguished profession of engineering, Eng. Mahamud, will tell you. Maintenance is not just about applying paint here and there, but it has to start from inspection, aspects of testing, planning, organising, servicing, classification to serviceability, repair, refurbishment, rebuilding, rehabilitation, reclamation, renewal, adaptation and setting standard.

The built environment is very dynamic because not only is human taste evolutionary and dynamic, but even the standards are very dynamic. As any good student of engineering will tell you, for example, in the 19th Century, the gases that were used to extinguish fire over time were found to have CFC components, which were Ozone depleting. The fact that we, as an African society, do not take maintenance seriously, must stem from the fact that in most African cultures including mine, it is very difficult to find a single word for maintenance. You probably have to concoct one or two words together to arrive at something resembling maintenance.

Maintenance is necessary because it must adapt to the evolutionary and the very nature of human tastes, preferences and also usability. You will realise that, for example, this building where we are in was done over 50 years ago. At that time, it was good in terms of ambience and usability, but overtime, you find, for example, that the windows which were appealing in the 1960s are not appealing any more. The wiring that was done then is not adequate for what we use because we are using more equipment. The most obvious case is in our plumbing works. Over time for steel pipes, the core gets smaller because of oxidation.

Without a policy on maintenance, you will find that the services which we got in yester years are no longer possible. The National Building and Maintenance Policy is long overdue. I would want to believe that it will be made mandatory not just for urban areas, but even for rural areas because it is always a fact that it is a lot cheaper to maintain than build anew. Anything which is not maintained naturally degrades. I want to believe that if we have this policy in place, just like all other statutes which we have in this country and also run it on the back of a strict enforcement regime, we will be going a long way in ensuring adequacy of housing and infrastructure in general for our people.

I want to congratulate my good friend, Hon. Maina Kamanda and his Committee, for bringing this policy. In the last Parliament, we had spoken, not just about making a housing

policy in this country contemporary, but alongside also making a maintenance policy which ensures that we at all times have infrastructure, buildings and houses that are habitable and conducive to the environment, not just to those of us who inhabit them, but also to our neighbours.

I thank the Committee and support it as I encourage Members to make maintenance a way of life. Let us make maintenance a Kenyan way of life, so that we can achieve our aspirations in so far as the provisions of the Constitution and, Vision 2030 are concerned.

Hon. Temporary Deputy Speaker, I thank you and support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Esther Murugi, Member for Nyeri Town.

Hon. (Ms.) Mathenge: Thank you, Hon. Temporary Deputy Speaker. Today is my lucky day. I support this policy.

Maintaining buildings ensures that there is longevity in buildings. It also ensures durability and sustainability. I, therefore, thank the Committee for ensuring that this Sessional Paper has come at this time. I am sure within the policy the safety of users is included. In doing that, it also includes persons with disability and people who need wide spaces or ramps to move their wheelchairs, and those who need bars on the staircases, so that they can have something to hold on to. Maintenance is important in all buildings. It means that those who invest in buildings can have good returns on their investment without spending a lot of money in repairing the buildings if proper maintenance is done.

As I listened to the Chairman, he talked of health and looking into dilapidated buildings. I just want to remind him that I brought a petition to this House regarding the use of asbestos. As we know, asbestos cause cancer in most places. I hope the Policy Paper will also address the issue of buildings which still have asbestos, so that we can replace all asbestos to reduce cancer in the country. We know that the cost of treating cancer is much higher than the cost of replacing asbestos roofing or fittings in houses.

I also want to commend the Committee. I hope they can also introduce building maintenance in TVET programmes in polytechnics, so that our young people can be retrained on maintenance of buildings. This is a core subject for those who have done Land Economics. When you go out there in the field and you want somebody to maintain your building, many times they do not seem to have the knowhow. You need to incorporate the policy into the curriculum of TVET, so that we can have training on maintenance as a subject.

I support the policy. I hope we will see its implementation as soon as possible.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Siaya.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I am happy to contribute to this Sessional Paper because I support it.

Buildings, like the clothes we wear, require maintenance. We need to keep on improving on them and making sure that they are usable at all times until their time has expired. Buildings in this country are beautiful. We have very good buildings, tall and small, bungalows and skyscrapers. However, if there is no maintenance, then, we stand the risk of suffering in the sense that they are not upgraded and are too old and insecure for occupancy. Whether they are privately owned or Government owned houses, they all need to be maintained. That also means that as we do maintenance, we need to put money aside which means that the Budget must also be considered along those lines.

When a building has been occupied for several years, a time comes when it needs to be maintained, renovated and improvements done. As my colleague said, some improvements may

require a lift being put into a tall building that never had one before or some staircases have cracked or the paint has fallen off and the building requires painting. That must be factored in the Budget that we normally have in this House when we come up with budgets for various items.

Another reason for maintenance is that you also want to clear the environment and make it clean and healthy for occupants. Sometimes, we may need to maintain a building for historical purposes. It may be a very old building like Fort Jesus and you do not want to do a modern Fort Jesus. You just want to make it look old, because it is old, and has a historical background and that many people visit the site. We can maintain it and keep the old image of the building because it has that historical aspect.

As we talk about maintaining buildings and putting money aside to do that, we must also look at the aesthetics of it. What does it bring about historically? What do we want to preserve? What do we want people to remember the building for? If it is a museum, let it be old looking, but well looked after. If it is a modern skyscraper, let it be a modern type. All the same, whatever we do with a building, it must be safe, clean and healthy for the people who occupy it.

I support the Sessional Paper.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Gichugu.

Hon. Barua: Thank you, Hon. Temporary Deputy Speaker, for this opportunity to make my contribution to the Policy Paper. This is the Sessional Paper No.2 on the National Building Maintenance Policy.

To begin with, I support the Policy Paper which is long overdue. It should have been tabled a long time ago. When I look at Nairobi and its environs, just like any one of us, you can see the type of uncoordinated buildings that we have constructed. Some buildings in some estates are not maintainable - if there is a term of that nature. Starting from construction, some buildings have been put up without following the laid-down regulations. They have been put on some fragile ecosystems and environment which means that even maintaining them is a big issue.

Before we even talk about the maintenance of buildings, we need to look at the building policy in general. It should state clearly what type of buildings should appear in certain areas, giving provisions to all necessary amenities like open spaces and children playgrounds as well as creating access in case of emergencies.

I worked at the Housing and Building Research Institute at the University of Nairobi for several years and at the School of the Built Environment and there is a wealth of research which stays unutilised. Students and lecturers have conducted research on building maintenance for over 20 or 30 years. That information is lying at the University of Nairobi, other universities in Kenya and abroad because the area has been properly researched.

I want to bring in the issue of science policy dialogue. For us to move ahead as a nation, we need to integrate the scientific knowledge with practice. That is why as we talk about maintenance, we should make an effort to adopt the modern maintenance technology, so that we can save costs and get the most effective ways of doing things. As we move on, I am sure the policy calls for inter-institutional collaboration so that we can come up with the best strategy possible to ensure that the money we invest in research is not wasted, but the outcome of research is applied in our day to day lives.

Looking at the policy, I am happy to note that it talks about guidelines that will guide both public and private investors. That is very important. As we invest in this built environment, we need to invest and put up buildings which fit the use they are intended for.

Some buildings in Nairobi, although occupied by human beings, are not habitable because they are not safe. These guidelines are important and should be followed, so that whatever is put up stands the test of time. That way, the investor is assured of getting value for his or her money.

The other thing about this policy is that it will be proactive. It will be shared between the national Government and county governments. That brings up to the issue of the need to do things in a coordinated way. Right now, we have 47 counties and the national Government and we need to have a uniform way of planning cities and maintaining buildings in the cities. In other words, this Policy Paper calls for coordinated investment and it will go a long way to ensure that we have sanity in the sector.

Finally, as we approve the Sessional Paper, people who have already invested in this built environment in some areas will have to know that the policy is going to be painful because buildings which will be found uninhabitable---

The Temporary Deputy Speaker (Hon. Omulele): Hon. Njogu, are you done?

Hon. Barua: Yes.

The Temporary Deputy Speaker (Hon. Omulele): You have concluded. We shall have Hon. Wamunyinyi. Hon. Millie Odhiambo, I remember that you do not have your card. I will remember as we go along, but let us hear Hon. Wamunyinyi.

Hon. Wamunyinyi: Thank you, Hon. Temporary Deputy Speaker for giving me this chance to also contribute to the Sessional Paper No.2 of 2015 on National Building Maintenance Policy. This policy, like Members have said, is important to all human beings. There needs to be a well coordinated and planned manner of ensuring that buildings are maintained. Even engines and motor vehicles are taken for reconditioning or servicing regularly. There should be a good plan where records are maintained to know when service will be needed and maintenance undertaken. Without such plans, it is not possible to ensure that buildings are maintained. However, these plans should have provisions for a budget that will cater for the maintenance of buildings.

As you are aware, we have passed various legislations in this House that are environmental friendly by nature in that they support people with disabilities. Those laws must also be complied with. Our buildings here in Parliament were recently made compliant. For a long time, Parliament buildings were not compliant with some of the legislations that we have passed here. So, this Policy Paper sets up mechanisms to ensure that we also comply with these legislations.

Something very interesting that I have noted in this Sessional Paper is that it envisages goals such as promotion of good health and safety measures within a building and associated infrastructure. For purposes of safety, there has to be a provision in a building for escape in the event of an emergency. This has not been catered for or taken care of in the past. Even in our homes, we need to have provision for such things. Where buildings have been put up, there has to be consideration for escape routes.

Another thing I find very interesting and which I consider very important is the need to carry out and adopt regular reviews of risk management. Risks exist and unless there is a provision on how to deal with them, you are bound to endanger your own life and that of others.

Then there is development and promotion of national maintenance culture. We have not had this. We have to maintain our buildings. We should not wait for them to deteriorate before we act. We should not wait, say, for the doors and windows to get in a poor state, or the roofs to start leaking before we intervene. If we do that it will be costly to carry out repairs on the

buildings. It is at this time that officers push for maintenance or repairs to be undertaken, but when there is a plan like this one, things will be different. It is like when you plan to go to war. You must have the logistics in place to support your plan. When you are going to fight, you must have the necessary instruments for fighting. In this case, there has to be a provision for the requirements of maintenance work. Proper maintenance of records will ensure that maintenance of buildings is done regularly. By so doing---

The Temporary Deputy Speaker (Hon. Omulele): Hon. Wamunyinyi, you will have an extra minute so that you can tell us about preparations for war.

Hon. Wamunyinyi: Thank you very much Hon. Temporary Deputy Speaker. It is important that in this process you expect that there will be need to undertake a certain activity at a given time. It is, therefore, important to make provision for it in the budget so that funds are made available to the officers who are expected to do the maintenance. By so doing, we will keep buildings in a good state. The environment where our people live and work will also be in good condition. This policy is going to ensure we become a healthy nation. It will also ensure that our assets appreciate and depreciation is controlled. We know that land, as an asset, never depreciates; its value keeps going up. So, when you have a good building that is well maintained, it will keep appreciating.

With those few remarks, I wish to thank the Chairman of the Committee and Members of the Committee and particularly the Ministry of Lands, Housing and Urban Development for having come up with this Policy Paper. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): I will give this opportunity to the Member for Othaya.

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Motion on the policy on maintenance of buildings. The reason I am supporting this Motion, and I thank the Chairman of the Committee on Transport for the good work done, is because there are so many buildings which are not habitable. There are people, including the disabled persons, living in buildings that are in bad shape and they do not know what to do or where to turn to. Even some Government buildings have leakages all over, including in toilets and yet people are forced to use them in that bad state. This is dangerous. Some owners of buildings are not keen on maintaining them. They get rent but they do not care to maintain the buildings.

This Motion is very important. Actually, it has come too late in the day. It should have come yesterday. We want our Government and all Kenyans to think about how a human being can live a better life. The Government should check out all buildings, including hospitals. You will be surprised most buildings do not have toilets. What is more, the buildings leak and so one would fear to use the toilets in them. People who use them do so because they have no alternative. So, it is very important to maintain the buildings.

Even when tourists come here, one would wonder how they stay in poorly maintained buildings. So, it is very important to maintain your building. I am happy that Mr. Kamanda has come up with this Motion. I am here to support it. We, therefore, ask our Government to maintain public houses so that our people are protected. I sometimes wonder what goes on in the mind of builders and owners of buildings. They must understand that we have people who cannot walk on their own and so they use wheelchairs or crutches. So, we need buildings to be maintained so that our people are taken care of.

With those few remarks, I beg to support the Motion. Thank you.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Speaker, for giving this opportunity to support this Motion. In supporting the Motion, I want to say that it is anchored under Article 42 of the Constitution that talks about a clean and healthy environment; Article 43 that talks about accessible and adequate housing, and Article 69 on sustainable management and conservation of environment.

I, however, want to raise a concern that we are also anchoring this policy on Bills or draft regulations, including a draft Bill on National Housing, draft regulations on building and draft regulations on building surveyors. You know we are not sure whether all those regulations will pass before this House. I would really want to say that it is ill-advised that we anchor this policy on such regulations and a draft Bill. We should anchor the policy on the Constitution and on existing laws, not on draft laws.

However, I want to say that I am happy that the draft policy recognises one of the purposes of maintenance as aesthetics. Where I come from, aesthetics is very important. It is not just about the issue of health and safety that other Members have mentioned here. It is also about the historical purpose of the economy. Maintenance of buildings is also linked to historical purposes. Where I come from, aesthetics is very important. I have visited certain countries like Namibia. If you look at the way the capital city of Namibia is structured and the way the houses are maintained, you will realize that streets have buildings coloured the same way. I do not know why in Kenya we think we cannot deal with that.

I would also want to say that with regard to the drafters of this policy, sometimes we just want to justify, perhaps, the money that we were given for consultancy. As a country, we need to be realistic about certain issues. For instance, if I were the one drafting this policy, I would only have done two pages. I would have put here the root cause only and not all these long stories about apathy being one of the root causes of poor maintenance of our buildings and what I would call the broken window syndrome.

In this country, when one person drops a little piece of paper, by the time you come back, say, four months later, you will find a heap of papers. That is the situation in Kisumu. There is a lot of garbage there that is now an eyesore. I keep wondering, whenever I pass there, whether or not somebody noticed the garbage piling up in that city. In Nairobi it is the same thing. Every single city has that broken window concept that we are hoping somebody will fix it. Who will fix it? We really do not care. We do not give a damn.

Secondly, there is lack of maintenance culture. I am told that in our mother tongue vocabulary the word ‘maintenance’ or ‘monitoring and evaluation’ does not exist.

Thirdly, another root cause is lack of budgetary allocation, which is also influenced by the first two, that is, apathy and lack of maintenance. I would only give two solutions: training the public for a mental paradigm shift and adequate budgetary allocation. Let us forget about all these irrelevant English and writing 40 pages in documents which mean nothing. We should just do a one-page policy that tells Kenyans to change their attitude, fix things when they are wrong and then take their own environment seriously. We should then tell the Government to allocate money for maintenance. I do not see why we are putting a lot of stories in this Policy Paper and yet we know what the problem is and how to solve it.

I, therefore, want to support but how I wish we would shorten it and deal with the problem as it is! Look for the eye of the bull instead of going round in long stories. That is the problem with Kenyans. We talk too much yet act little. It is time to move from rhetoric to action.

Thank you and I support.

The Temporary Deputy Speaker (Hon. Omulele): Very well spoken, Hon. Millie. I will give this opportunity to the Member for Bomet.

Hon. (Ms.) Ng'etich: Thank you, Hon. Temporary Deputy Speaker. I will keep on struggling because I am battling with my lost voice. Thank you for giving me an opportunity to contribute to this very important Motion about the National Building Maintenance Policy. There is a famous saying in Swahili that *Usipoziba ufa utajenga ukuta*. This means that if you do not repair a cracked wall in time, one day it will come down and obviously it will be too expensive to put it up again.

Indeed, it is very embarrassing to see the state of most of the public facilities. I want to concur with my colleague, Hon. Millie Odhiambo, that this is really about the apathy or the I-do-not-care attitude amongst us. We tend to look at public facilities as another person's responsibility and not our own responsibility. This policy has come at the right time. In fact, it ought to have been there a long time back. Whenever we construct buildings, we should know that they should last for a number of years. This is because you cannot keep on constructing new buildings every time. The way to make them last longer is to maintain them. Of course it is very expensive to construct new buildings and that is why we need to prolong the life of existing ones. That way we will avoid the cost of pulling down buildings and constructing new ones. However, we cannot also maintain buildings that were not constructed in the right manner in the first instance.

Hon. Temporary Deputy Speaker, it is good that we now have the Engineering, Technologists and Technicians Act, 2016, which regulates the construction industry. We do not want to continue witnessing buildings under construction coming down and killing people. It should start from regulating construction and progress to maintenance. You cannot maintain a building that was not properly constructed in the first place.

I want to talk about poor physical planning in Kenya. We have visited countries like the USA, where old buildings belonging to municipal authorities and cities are well planned. There are areas which are specifically set aside for construction of skyscrapers while other areas are for construction of bungalows. They are very appealing. In Kenya, buildings are constructed in haphazard ways to an extent of blocking access ways. When buildings catch fire, it becomes difficult to salvage anything from them due to lack of access roads for use by fire engines to reach the buildings. Sometimes it is even impossible to expand the sewage and water systems.

I hope this policy will help in controlling exploitation by landlords. Landlords are nowadays pushing maintenance to tenants by telling them that they should leave their houses as new as they found them when they moved in. I do not think that is in order because the rent collected over time should be used to maintain such premises.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Wangamati.

Hon. Wangamati: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to comment on this important Motion. I want to thank the Departmental Committee on Transport, Public Works and Housing for raising this issue. Members have talked about buildings, but we also have roads in this country. We construct new roads, but we never maintain them until they develop potholes and they are at times washed away by rains. We end up reconstructing the same roads. If we maintain our marram roads, they will be used for a longer period.

Hon. Saney: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Saney, what is your point of order?

Hon. Saney: Hon. Temporary Deputy Speaker, is my colleague in order to discuss issues concerning roads when we are discussing Sessional Paper on the National Building Maintenance Policy? Is he really relevant to the subject matter before the House?

The Temporary Deputy Speaker (Hon. Omulele): Hon. Saney, let us allow him to complete his contribution.

Hon. Wangamati: Hon. Temporary Deputy Speaker, a building project is just like a road project, especially where there are bridges to be constructed. You should also maintain yourself. This Committee should look at roads in this country. I want to thank the Chairman and his Committee for looking into the maintenance of buildings in this country, but they should also look at playgrounds.

I support.

The Temporary Deputy Speaker (Hon. Omulele): Let us have Hon. Wangwe.

Hon. Wangwe: Thank you, Hon. Temporary Deputy Speaker. Allow me to support the Motion.

This Sessional Paper looks at the hard work that an engineer has put in, in constructing a building which is occupied, but is never maintained. Why is it that our buildings are not maintained? Over time, we have witnessed construction of new buildings with no clear policy governing maintenance. County governments and the national Government do not have proper guidelines on what to do once a building is due for maintenance. Once this policy comes into place, county governments and the national Government will have opportunity to monitor and control buildings that are due for maintenance.

Those who are occupying Harambee Plaza passed through hell in the first three years of the 11th Parliament because all the lifts were not functioning. The owner of the building left us with old and dilapidated lifts. That issue can now be addressed using this policy. We now have a fall back upon which to ask the national Government to inspect buildings to make lives easier and affordable.

A building is a form of capital or wealth. Anyone who constructs a building value themselves to a certain extent. Once a building next to yours is of lesser face value, the face value of your building will also be pegged on the same category during valuation. Therefore, by providing for a common playground, if landlords comply, there will be universal acceptance in terms of valuation of buildings. Those who will be within a particular range will have to abide by certain standards in that area.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Wangwe, you will allow me to disrupt you. I understand that you are a Member of the Committee. You are well versed with the matters raised in the Sessional Paper. However, our rules require that we call upon the Mover to reply five minutes before the hour lapses. Therefore, I call upon the Mover to reply.

Hon. Oyoo: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Chairman, before you proceed, I would like to hear the point of order from Hon. Oyoo.

Hon. Oyoo: Thank you, Hon. Temporary Deputy Speaker. With due respect, it was not my intention to disrupt or take down my good friend and the Chairman, Hon. Kamanda, but from across, I can see that it is 10 minutes to six. I thought we still have five minutes more.

The Temporary Deputy Speaker (Hon. Omulele): That is what you thought, but we started at 10 minutes to five.

Hon. Oyoo: Thank you.

The Temporary Deputy Speaker (Hon. Omulele): I know you have interest, but we are creatures of rules.

Hon. Kamanda: Thank you, Hon. Temporary Deputy Speaker. With your permission, I will donate one minute to the Member for Gatanga.

The Temporary Deputy Speaker (Hon. Omulele): You give one minute to Hon. Njuguna Kimani, Member for Gatanga.

Hon. (Dr.) H. K. Njuguna: Thank you, Hon. Temporary Deputy Speaker. I support this Motion. I thank the Chairman for giving me this one minute because part of my profession is land economics where we talk about repair and maintenance of buildings. So, this is something I have come across in my profession for the many years I have practised land economics in this country. In a nutshell, maintenance and repair of buildings is very crucial. We have periodic and regular maintenance. What is lacking in this country is perhaps planned periodic maintenance. A building has a 50 years' lifespan. In fact, a building which is well done is regarded as part and parcel of land and has a 50 years' lifespan.

In this country, we have witnessed a situation of total neglect of our buildings. It is important we uphold this policy because it is very expensive when you repair a building that has been neglected for years. I support the Motion because it has a lot of relevance to professions like mine.

Hon. Kamanda: Thank you, Hon. Temporary Deputy Speaker. As I reply to this Motion, I thank the Members who have contributed to it. Many issues have been raised by the Members. There are issues like disability and access to buildings.

Hon. Murugi talked about asbestos. Hon. Temporary Deputy Speaker, you are a Member of our Committee and you can remember we agreed that asbestos should not be used anymore. We dealt with that matter and I think there is no agency in the Government that can use asbestos now. This policy addresses all those issues including maintenance of buildings. The mentality of Kenyans is that you can build a building and in your lifetime, you do not spare some money for maintenance. So, this is a very good policy because at the end of the day, some agencies will be empowered to monitor and inspect buildings and make sure that we live in a better environment.

If you go to Mombasa, you will see buildings which have not been painted for about four or five years. You may think Mombasa is a very old town and the buildings are old. These buildings are not maintained. It is the same case here in Nairobi. With this policy, we will maintain all our buildings. It does not provide for Government buildings only, but also provides for private buildings.

With those few remarks, I thank Members and urge them to pass the Motion.

The Temporary Deputy Speaker (Hon. Omulele): For obvious reasons, I will not put the Question. I will direct that we move to the next Order.

MOTION

SESSIONAL PAPER ON NATIONAL SLUM UPGRADING AND PREVENTION POLICY

Hon. Kamanda: Hon. Temporary Deputy Speaker, I beg to move:

THAT, this House adopts Sessional Paper No 2 of 2016 on the National Slum Upgrading and Prevention Policy, laid on the Table of the House on 29th July, 2016.

The Government, through a wide consultative process, formulated a National Slum Upgrading and Prevention Policy with the aim of producing policy whose goal is to guide the country towards upgrading existing slums and preventing emergence of new slums in a coordinated and systematic manner.

Previously, local authorities developed affordable housing for low income households in several towns and cities. But with time, due to corruption and lack of effective monitoring, most of these units became illegally privatised with the local authorities getting only minimal or no cent at all or owners getting the market value rates. An example is the Dandora-Umoja Project of 1970s. Since 2004, through the Kenya Slum Upgrading Programme, the Government has been undertaking slum upgrading projects in most urban areas although most Members are saying their areas are not catered for. I think that is something that will be looked into.

Since 2011, the Kenya Informal Settlement Improvement Project, a World Bank funded project, has been complementing Government's effort through provision of social and physical infrastructure, security of tenure and capacity building in slums and informal settlements in 15 urban areas, among others. Maybe we need to table information on the 15 urban areas, so that Members can see which urban areas they are.

Due to inadequate policy and illegal mechanisms, the upgrading scheme soon became a victim of market forces that continue to marginalise the urban poor. This policy, therefore, seeks to revisit this narrative.

Hon. Temporary Deputy Speaker, the overall objective of this policy is to promote, secure and protect dignified livelihoods of the poor living and working in slums by strategically targeting them into social, political and economic framework in line with the Constitution.

The reasons for slum formation and development are population growth as a result of rural-urban migration and bad governance, often brought about by failure to recognise the rights of the urban poor and incorporate them into urban planning and lack of enforcement mechanisms. There is lack of social housing to take care of low income earners and failure by the employer institutions to provide employees with housing.

The existing slums and informal settlements can be upgraded by gradually improving formalisation and provision of basic services. Slum upgrading initiatives would aim at creating dynamic communities where there is sense of ownership, entitlement and investment in areas thus becoming integrated component of investing in citizens.

A successive slum upgrading process needs strong political will from the Government. There must be incentives for agencies to work with the poor, good communication and coordination amongst stakeholders and clearly defined roles for the various agencies involved.

For continuity of slum upgrading, legal and institutional mechanisms should be put in place to curb further slum formation and deterioration. This happens every time, for example in Nairobi, because there is no policy. You will find that every piece of land in Nairobi is allocated by chiefs and the MCAs. We have slums everywhere in the City of Nairobi. To prevent new slums from coming up, the Government should recognise that urbanisation is inevitable and prioritise planning prerequisite to new urban development. The policy is presented in seven chapters. Each of the chapters provides a problem statement, key issues and policy options that address identified issues.

In conclusion, the policy will be of great importance in upgrading and prevention of slums in the country.

With these few remarks, I beg to move. I request Hon. (Eng.) Mahamud, who is my Vice-Chairman, to second the Motion.

Hon. (Eng.) Mahamud: Hon. Temporary Deputy Speaker, I beg to second the Motion. The objective of the policy is to promote secure and dignified livelihoods for the urban poor. It is to provide a regulatory and institutional framework to guide coordinated and accountable implementation of slum upgrading and prevention at the national and county levels. It is also to mainstream slum upgrading at various levels of the Government by putting various programmes of prevention and upgrading slum projects within the country at large.

The policy will be implemented at both county and national levels. The Ministry in charge of slum upgrading and prevention will spearhead the enactment of a slum upgrading Act. It is therefore, envisaged that the policy, through good governance, will create an enabling environment for investments in slums and informal settlements in a more sustainable manner. Of course, we do not want to encourage slums, but where they are, they need to be upgraded and prevent the rest.

The process of developing the national slum upgrading and prevention policy has been carried out through a multi-sectoral steering committee. In fact, it was all-inclusive. A lot of people participated, and it is a very comprehensive programme. The policy comes at a critical time when more than half of our population in urban areas live in slums and when the devolved governments are expected to assume greater responsibilities in investment, development and consequently provide for an increased urban population. Our population is increasing and the services provided to the population are inadequate because of the nature of settlements that we have. In fact, even if you want to provide services, you cannot do so because the very nature of uncoordinated approach to development makes it difficult.

This policy will serve as a comprehensive framework for addressing the slum question, both by the national Government and the 47 county governments. On its full implementation, it is hoped that the relevant aspirations as contained in the Constitution and the Kenya Vision 2030 will be realised.

Hon. Temporary Deputy Speaker, I beg to second. I expect the Members to support it, so that we can move to the next phase of enacting a proper law which will handle slum upgrading and prevention in this country.

With those few remarks, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Omulele): Hon. Njoroge Baiya.

Hon. Baiya: Thank you, Hon. Speaker. I rise to support this timely Motion seeking the Government's intervention to come up with an approach of addressing the challenge of slum within our cities. The presence of slums within our cities is not simply a matter of presence of people who are deprived of basic necessities within our society. Every emerging city in the country has a tendency of developing slums. This is proof of absence of relevant policy intervention by the Government to ensure that there is adequate housing for the various social groups residing within the cities.

It is clear that in modern society, any attempt to carry out development without control and planning by the state is a recipe for chaos. The emergence of sprawling urban slums is a manifestation of such chaos. This policy is a timely attempt to restore sanity in the absence of development planning and housing policy. It is most welcome. I believe the Bill that will follow the passage of this policy framework paper will also seek to address the aspect of development planning and the issue of enforcement. As the Departmental Committee Chairman noted,

previous experiences show that as soon as the Government comes up with a policy aimed at improving the welfare of the urban poor, other stakeholders with vested interests intervene and take over the programmes, thus defeating the purpose of the slum prevention mechanisms. The aspect of enforcement should be looked into. A policy will only make sense if it is followed by an appropriate legal framework to ensure its full enforcement.

An urban area like Nairobi now has a population of over 3 million people. The fact that we have not addressed the problems that slum dwellers face does not stop the city from attracting more people. If we were to address the slum emergence challenge effectively, we would be able to foresee more services and needs that need to be provided. The devolved governance system created by our new Constitution is a clear attempt to change the dynamics of development in Kenya, which tend to encourage everybody to migrate to crowded urban areas like Nairobi. Devolution seeks to ensure that development is spread across the country so that various regions can also become nucleus of development as opposed to just having the main cities. If we do not ingrain the culture of development within the devolved units, we will duplicate the same problems that we have in the city of Nairobi. This is an opportune time for introducing this kind of policy framework. It should be able to not only guide us on how to deal with the development mess in Nairobi but also on what should be done within our newly emerging urban centres to ensure that they develop in a planned and coordinated manner to avoid occurrence of urban slums.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Kiptui.

Hon. (Ms.) Kiptui: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. From the outset, I thank the Committee which presented the Sessional Policy Paper No.2 of 2016. This Paper has come at the right time.

We all know that our urban areas are full of slums which are swelling every day. People in the slums live in poor conditions. They live in structures which cannot even pass the definition of a house. They use wood, paper and cartons to protect themselves from cold and rain. So, if we upgrade these slums, the population that stays there will have a place to call home. The only slum that was upgraded a few years ago is part of Kibera even though the people who were initially staying in the slum could not afford to stay in the upgraded buildings. So, we did not meet the target group.

Secondly, we lack infrastructure in slum areas. There is no water, toilets, electricity and fuel. People living there cannot afford clean water. They do not have toilets that fit human usage and instead of using electricity for cooking, they use firewood. They cook from outside the structures because they are small and smoky. They use kerosene for lighting. You will not be surprised to come across “flying toilets” such as the ones we saw in Kibera. It is the same story in Huruma and Langas, which are the biggest slums in Eldoret. There is no sign of upgrading of these slums. This policy is going to help a large number of Kenyans who are slum dwellers in the 15 towns that we have been told of.

Slums are marred by violence. Most of the youth in the slum are idle. They have nothing to lose and so, they are very likely to spearhead violence in the area. Therefore, if we want to live in a peaceful environment, we have to cater for the youth by upgrading slum areas, so that they can also live in comfort like other human beings.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Gikaria, Member for Nakuru Town East.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. First, I want to thank the Committee for having labored to come up with this policy. The most important aspect about it is the prevention part. If we continue allowing slums to grow every now and then, we will forever face this problem. This policy is trying to address the prevention of upcoming slums.

We saw that immediately after Kibera was upgraded, the same population moved to another place. This policy is trying to address that aspect, so that once we bring down a slum, we do not create another one by moving the same people to another place who come up with informal structures and housing units. This is the most important aspect about this Policy Paper.

We have slums because of poor planning and overpopulation. The Government has to play a critical role in terms of educating and sensitising the people on birth control to reduce population overgrowth. This will address some of these issues. There is lack of enforcement. We have very good policies, but at the end of the day, nobody enforces them. Enforcement must be delegated to a specific department in the Government, so that it is taken seriously.

The Government also needs to take cognizance of the need to create job opportunities for the young people, not only in urban areas, but also in the rural areas. Rural-urban migration has created slums in urban areas. It should promote and give some incentives to the young people to engage in agri-business in the rural areas. Of course, the Government has come up with the Youth Enterprise Development Fund (YEDF) to address some of the unemployment matters. However, there should be sensitization, proper education and we should allow minimum conditions to be required when applying for loans. Then, we will not see the huge rural-urban migration.

It requires some political goodwill, partnership and communication. This will not be attained if the Chair of the Departmental Committee on Transport, Public Works and Housing, Hon. Kamanda, does not take into consideration budgetary provisions. Look at Nakuru County, for example. It has many houses and landlords. We cannot allow these kinds of policies to continue. We need county governments or the national Government to build houses and allow people to acquire them in the long-term. Some counties have very many houses, for example, Nakuru, where 5,000 people occupy 10,000 acres of land. This can be improved by building new houses and allowing people to acquire them in the long-term. The county government should buy virgin land and build other houses so that some people can move there. This will go a long way in solving slum problems.

With those few remarks, I support, but budgetary provisions should be included.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Gikaria, I am always delighted by your submissions. They are very defensive of Nakuru.

We shall now have Hon. Makenga Richard, Member for Kaiti.

Hon. Makenga: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I rise to support the Motion for the approval of the Sessional Paper on the National Slum Upgrading and Prevention Policy.

From the outset, it is worth noting that slums are a menace in this country. They normally mushroom in some areas where they not only pose a health hazard, but also cause many other problems. People who live in slums live a very indecent life. Upgrading slums would be a key thing in this country. Slums promote the rural-urban migration. When people migrate from the rural areas, they leave a vacuum. When they come to Nairobi or go to other towns, they only go to look for jobs and end up living miserable lives. Slums, particularly Kibera, Mathare and Mukuru kwa Njenga are built next to rivers. I do not know why, but they contribute to the

pollution of the rivers. They even pose health hazards to the people who live downstream. Upgrading these slums would address the issue of pollution of these rivers.

Slums lack amenities like schools, hospitals, good roads, connectivity to water and lighting. In this country, 50 years down the line, people should live better because this country gained Independence. They deserve to live better lives. Slum dwellers are very vulnerable and are targets of crime. The crime rate in slums is very high. They are exposed to diseases because there is no clean water and sanitation. They do not have clean toilets. As my colleague said, you find flying toilets in some slums that really pose a lot of health hazards.

This Motion is very timely and I urge my colleagues to support it and ensure that all slum areas are upgraded.

I support the Motion.

Hon. Kamanda: Thank you, Hon. Temporary Deputy Speaker. With your permission, I would like to donate two minutes to the Member for Gatanga and one minute to the Member for Gichugu.

The Temporary Deputy Speaker (Hon. Omulele): I hear you donating two minutes to the Member for Gatanga, one minute to Hon. Barua, one minute to Hon. Oner and one minute to yourself as the Chairman.

The Member for Gatanga, you can start.

Hon. (Dr.) H.K. Njuguna: Thank you, Hon. Temporary Deputy Speaker. I would have wanted more time, but let me support the Motion and say that there is the realisation that we have slums in this country. For that reason, we are talking about upgrading the current slums and preventing more slums from coming up. Both of these issues are important. Why are we upgrading slums? Like the Chairman said, these are informal settlements. It is important to interrogate what we mean by “informal settlements” because it is now a social-economic right in our Constitution for every Kenyan to have decent housing. Slum dwellers do not have decent housing in the sense that they do not have any infrastructure, schools or hospitals. It means that they do not have housing. They live in informal settlements. In fact, it is not even informal because it is very degrading. If we can spend billions of shillings on the Standard Gauge Railway (SGR) from Mombasa to wherever, or the laptop project, it is also possible to upgrade slums. If not upgraded, they can be a source of crime and other evils.

The Kyangombe Slum, for example, was on the flight path when it existed. Slums can be a big source of insecurity in this country.

Hon. Barua: Thank you, Hon. Temporary Deputy Speaker. From the outset, I would like to support this Policy Paper on slum upgrading and quickly inform the House that the world is rapidly urbanising and by 2050, 70 per cent of Kenyans will be living in urban areas. One of the reasons slums exist is because of poor economic status. I hope this is going to be addressed.

I can see my time is lapsing, but this policy will be binding and we will have mechanism of implementing it to the letter, so that we do not see a repeat scenario of slums emerging in all the 47 county headquarters. Devolution is there to stay.

Hon. Ogola: Thank you, Hon. Temporary Deputy Speaker. I support the Motion. Slum upgrading and prevention of future slums is a key ingredient of economic prosperity of a country. A budget of Kshs2.1 trillion can afford the allocation of Kshs100 billion every year to do middle class and low class housing in this country. There is no reason for the national Government and county governments to refuse or fail to build decent housing for Kenyans wherever they live in county headquarters and Nairobi.

I support.

Hon. Kamanda: Thank you, Hon. Temporary Deputy Speaker. I want to thank all the Members who have contributed to this Motion and I assure them that all the sentiments they have expressed have been noted and will be passed to the relevant Ministry.

With that, I thank you and urge Members to support the Motion.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, for obvious reasons, I will not put the Question to that Motion.

ADJOURNMENT

Hon. Members, the time being 6.30 p.m., this Hon. House stands adjourned until Thursday, 23rd February 2017 at 2.30 p.m.

The House rose at 6.30 p.m.