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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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Thursday, 15th February 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, you continue to do very well. This must be the spirit. Congratulations.

(Applause)

The Speaker must always find you here, and must always leave you here.

(Laughter)

Clerk-at-the-Table, we have Quorum to transact business. Let us proceed.

PAPERS

Hon. Speaker: Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Speaker.

I beg to lay the following Paper on the Table:

1. Legal Notice No.44 of 2024 relating to the Computer Misuse and Cybercrime (Critical Information Infrastructure and Cybercrime Management) Regulations, 2024) and the Explanatory Memorandum from the Ministry of Interior and National Administration;
2. Reports of the Auditor-General and Financial Statements for the Year ended 30th June 2023 and the certificates therein in respect of:
 - (a) National Exchequer Account – The National Treasury;
 - (b) State Department for Sports and the Arts;
 - (c) Equalisation Fund;
 - (d) Revenue Statements of Receiver of Revenue – State Law Office and Department of Justice;
 - (e) Street Families Rehabilitation Trust Fund;
 - (f) State Department for Culture and Heritage;
 - (g) State Department for Forestry;
 - (h) State Department for Gender and Affirmative Action;
 - (i) State Department for Diaspora Affairs;
 - (j) State Department for Devolution;
 - (k) State Department for Mining;
 - (l) National Assistance Trust Fund for Victims of Trafficking in Persons;
 - (m) Kenya Shipyards Limited;
 - (n) East Africa Tourist Visa Fee Collection Account - The National Treasury;

- (o) Commission on Revenue Allocation Staff Car Loan Scheme Fund;
- (p) Salaries and Remuneration Commission Mortgage and Car Loan Scheme Fund; and
- (q) Revenue Statements – State Department for Blue Economy and Fisheries.

Thank you.

Hon. Speaker: Chairperson, Departmental Committee on Justice and Legal Affairs.

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023 together with the compendium of Reports of seven Departmental Committees on the consideration of the Bill namely:

- (a) Labour;
- (b) Blue Economy, Water and Irrigation;
- (c) Social Protection;
- (d) Sports and Culture;
- (e) Trade, Industry and Cooperatives;
- (f) Energy; and,
- (g) Finance and National Planning.

Hon. Speaker: Thank you, Chairperson.

Next Order.

QUESTIONS AND STATEMENTS

STATEMENT

Hon. Speaker: Leader of the Majority Party, your Thursday Statement.

BUSINESS FOR THE WEEK OF 19TH TO 23RD FEBRUARY 2024

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee (HBC) which met on Tuesday, 13th February 2024 to prioritise business for consideration during the week. This was our first meeting this Session that you chaired.

Hon. Speaker, at the outset, allow me to once again, welcome Members back from the long recess. As we recollect and acknowledge the strides taken during the Second Session, I wish to point out that the mission of the Thirteenth Parliament is not over yet. We still have a significant number of Legislative proposals, Bills and other parliamentary businesses that require our consideration. In this regard, the cumulative effort of each and every one of us and the Committees is critical for the realisation of our Constitutional mandate as bestowed upon us by the people of Kenya.

Hon. Speaker, with regard to business scheduled for Tuesday next week, the House is expected to consider the following Bills at Second Reading, if not concluded today –

- (a) The Statute Law (Miscellaneous Amendments) (No.2) Bill, 2023;
- (b) The National Disaster Risk Management Bill, 2023;
- (c) The Cotton Industry Development Bill (Senate Bill No.5 of 2023);
- (d) The Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 2022);
- (e) The Employment (Amendment) Bill (Senate Bill No.11 of 2022);
- (f) The Petitions to Parliament (Procedure) (Amendment) Bill, 2022; and

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(g) The Regional Development Authorities Bill, 2023.

Hon. Speaker, with regards to the attendance of Cabinet Secretaries to answer Questions from Members, I wish to inform the House that arrangements are ongoing. For clarity, it is expected that for this Session, we will begin having Cabinet Secretaries appearing on Wednesday, 28th February 2024. Members are encouraged to be present to ask their Questions as well as any supplementary questions they may have.

Having said that, I wish to note that the HBC will reconvene on Tuesday, 20th February 2024 to schedule business for the rest of that week. I now wish to lay this Statement on the Table of the House.

(Hon. Kimani Ichung'wah laid the document on the Table)

Hon. Speaker: Thank you, Leader of the Majority Party. Hon. Members, before we call the next Order, allow me to acknowledge the following people in our galleries. In the Speaker's Gallery, we have students from Matkei Girls' High School, Keiyo South, Elgeyo Marakwet.

(Applause)

In the Public Gallery, we have students from Kenyatta University, that is, the Kenyatta University Students' Association from Homabay County; Itoluwi Girls' Secondary School, Mwingi West Constituency, Kitui County; and Giaki Girls' Secondary School, Imenti North Constituency, Meru County.

(Applause)

On my behalf and on behalf of the House, we welcome the students and their teachers to Parliament.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Speaker. On the Statement that the Leader of Majority Party has just given, I was wondering because I made some legislative proposals way back last year, around May. On June, I was called before the Committee to defend my proposal which was on a very important amendment to our Public Financial Management (PFM) Act, anchoring Article 223 of the Constitution in Law. My worry is that the Committees of Parliament, which are supposed to facilitate our work, seem not to be working expeditiously. I, therefore, do not know who to place my frustrations on. Since this is a proposal I made to the Speaker, then that is the point of call.

Hon. Speaker: You do not look frustrated.

(Laughter)

Hon. John Mbadi (Nominated, ODM): This is the way I am. I have been here for a while. If you spend 16 years in one place, you take things in stride and that is why you think I am happy yet I am suffering internally.

Thank you, Hon. Speaker.

Hon. Speaker: Leader of the Majority Party, I have received several Members in my Chamber raising similar complaints. Maybe, your office should have a structure where committees give you routine Reports fortnightly or monthly on the amount of work referred to them, and the progress made so far. That way, you will also be kept abreast with whatever is going on and on an issue like this one you can respond instantaneously. I have received four or five Members with similar concerns.

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Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I was checking whether the Chairperson of the Budget and Appropriations Committee is in the House because in most instances... I know, for instance, the case about the Public Financial Management (PFM) Act. It will have some implications. Being a Money Bill, the proposal will usually lie in the Budget and Appropriations Committee. Hon. John Mbadi, having been my member when I was the Chairperson of the Budget and Appropriations Committee, will remember that, at least, every two months or so we would apprise the House on the status of any legislative proposals.

I will pick it up with chairpersons of committees to be giving us updates - not just to my office but also to the House on where Members' legislative proposals are. There are those that have Money Bill effect and have gone through the Budget and Appropriations Committee. There are others that may not have a Money Bill effect that have to go through the Departmental Committees. Through the Liaison Committee, we will make sure that we occasionally update the House so that Members do not go through the rigours of making proposals which never get to see the light of day. I am keen on Article 223. We need to follow up on it because it is very critical in the management of finances in this country. There has been abuse previously of Article 223.

Thank you.

Hon. Speaker: Next Order.

(Hon. Junet Mohamed rose on a point of order)

Hon. Junet.

Hon. Junet Mohammed (Suna East, ODM): Hon. Speaker, thank you for your indulgence. Yesterday, we were here. We debated the whole day and took time to debate the Motion that you approved on femicide. It is in the middle of the Motion that the Report for this Bill was presented by the Chair of the Committee. It is only a night that has passed. I am sure night people have other businesses that they conduct at night, especially on Valentine's Day.

(Laughter)

I am sure people are not conversant with the Report of the Committee and how it has gone. Hon. Speaker, I was seeking your indulgence if more time can be given, even if it is over the weekend, so that people can read and see how the Affordable Housing Bill affects everyone.

Parliament has conducted thorough public participation this time. They have gone to every part of the country and have listened to people's views, which are contained in this Report. So, we need time to look at the Report, analyse, and internalise it.

In the meantime, we can debate issues like the National Dialogue Committee (NADCO) then we come to the Affordable Housing Bill.

Thank you, Hon. Speaker.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Hon Junet is my good friend, and I know his wife.

(Laughter)

Therefore, when he talks about Valentine's, I know that his wife gave him ample time to go through the Report. It was, indeed, tabled yesterday afternoon. It is now almost 24 hours since it was tabled. I am certain Members have had the opportunity to peruse through the Report. More importantly, what I am moving for debate is the Bill and not the Report which only serves

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to inform the work that the Committee has done. I agree with Hon. Junet that the Joint Committee that you designated to handle this Bill did very good work. It did extensive public participation in line with the Constitution. I, therefore, ask that you allow me to go ahead and move debate for Second Reading of the Bill.

Hon. Speaker: Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: On the same point?

Hon. Opiyo Wandayi (Ugunja, ODM): Just for good order. This is the best time to raise this issue with you so that we move on the same wavelength. If you look at the Bill that is currently before us, you will notice clearly that on Page 2,133 it has been characterised as not concerning counties. I would like you to indulge me for one second to read that particular paragraph:

“The Bill relates to the broader policy framework on housing, with particular emphasis on the mobilisation of funds for affordable housing, geared towards the actualisation of the right to accessible and adequate housing under Article 43(1)(b) of the Constitution. This is a function of the national Government under Part I of the Fourth Schedule to the Constitution. The Bill, therefore, does not affect the functions and powers of county governments and is, therefore, a Bill not concerning counties within the meaning of Article 110 of the Constitution and the Standing Orders.”

Hon. Speaker, I feel that I am lost and, therefore, need your guidance here. If the promoter of the Bill contends that it does not concern counties and simply delves into matters of housing policy...

(Hon. Kimani Ichung'wah spoke off the record)

No, I am raising a fundamental and critical issue that needs to be addressed before the debate can even commence. The Fourth Schedule to the Constitution, Paragraph 20 stipulates that, indeed, housing policy is a function of the national Government. If you refer to the functions of county governments, you will find in Paragraph 8 that one of the functions of the county governments is county planning and development, including housing.

This is a matter that requires your guidance. If you say that this Bill only deals with housing policy but take a casual glance at the Memorandum of Objects and Reasons, even if you are a layman, it tells you that this Bill goes beyond policy. It delves into serious matters of housing that affect counties directly. It even has consequential amendments to the Employment Act. It has serious issues where it even establishes a board that will manage the funds. It goes on to determine how these funds will be raised and the eligibility criteria for the house.

Hon. Speaker, it was not my wish to interrupt my good friend, Hon. Kimani Ichung'wah, but I thank you for indulging me. I do not want to take more time than this. Finally, Article 110(1)(a) of the Constitution, which I will read verbatim, says:

“In this Constitution, ‘a Bill concerning county government’ means a Bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule.”

Article 110(3) provides that:

“Before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.”

What am I saying? The House needs your guidance, Hon. Speaker, as to whether the consultation between yourselves provided under Article 110(3) has taken place and you have

resolved that this Bill does not concern counties and therefore does not have to go to the Senate. That has to be clarified. From where I stand, I hold a strong view that the manner in which this Bill has been structured affects counties. It has, therefore, been improperly characterised. That is my point. It is improperly characterised and must be corrected before we can proceed to the stage of moving it.

Thank you. I submit.

Hon. Speaker: Leader of the Majority Party, you have something to say?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I agree with the Leader of the Minority Party to a large extent. There is no doubt that this Bill concerns counties. The courts have already held that before the First Reading, there is no need for concurrence on whether a Bill concerns counties or not. It is up to you, the Speakers of the National Assembly and the Senate, to agree between yourselves on whether a Bill concerns counties and it will go to the Senate and one from the Senate will need to come to the National Assembly. Therefore, I believe the two offices of the Speakers must have consulted and you will guide us.

However, the import of what was in the Memorandum of Objects and Reasons was largely informed by what is in the text of the Objects as Hon. Opiyo was reading on page 2133 on the broader policy framework and the money Bill aspect. As the Joint Departmental Committee on Finance and National Planning and the Departmental Committee on Housing and Urban Planning and Public Works engaged with stakeholders, it became clear that there are certain aspects of the Bill that will require it to go to the Senate. I am certain that the Leader of the Majority Party in the Senate is already waiting for us to do justice to this proposal and it will go to them eventually when you and the Speaker of the Senate do agree. Therefore, I would like to beg that we still go ahead and do what we ought to be doing now, which is debating. Some of the issues I have heard Hon. Opiyo speak to are issues that he should be speaking to during the debate. We are just pre-empting debate before we move.

Allow me to move the Bill then we will have all the time today and tomorrow, if we want to sit, Tuesday afternoon and Wednesday morning and afternoon, to debate all these issues. I, therefore, beg your indulgence that you allow me to move the Bill and call a seconder to second. Then we will open debate on all those issues that we want to debate, including whether this Bill will enable us to build houses in all the counties we went to for public participation.

Hon. Speaker: Order. I am not opening debate on this matter. I want to give you the following guidance. The Leaders of the Majority and Minority Parties are both right. This is a Bill that concerns counties. Article 110(3) was complied with. The Speakers of both Houses exchanged communication and we were in concurrence that this is a Bill that concerns counties. So, from here, the Bill will go to the Senate. The misdescription in the Memorandum of Objects and Reasons of the Bill is something curable. In any event, at the end of the passage of this Bill, the Memorandum of Objects and Reasons are mere descriptions. They will not become part of the Act that you will eventually pass. The content is in the clauses of the Bill. At the time you go to the Committee of the whole House stage, you can very well, for the purposes of aligning the Bill in line with the arguments of the Leader of the Minority Party, amend the Memorandum of Objects and Reasons and remove any offending words for purposes of record only and nothing else. This Bill concerns counties. From here, it will go to the Senate.

Proceed, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker, for that guidance. Indeed, the Memorandum is just that, a memorandum. It is a storyline that tells you what the Bill is about.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: That matter is rested. Is it on the same issue?

Hon. Junet Mohamed (Suna East, ODM): No, Hon. Speaker. For purposes of tidiness, after we finish with these Bills here, other people deal with them and take them elsewhere. We can debate this Bill based on your ruling that the definitions in the Memorandum of Objects and Reasons have been expunged or something like that. Otherwise, somebody will use the reason that when the Bill was being moved at the Second Reading stage, it said it does not concern counties. If you have made a ruling that you have used Standing Order 1 and expanded that definition, then we are safe. Otherwise, we are debating a defective Bill because the Memorandum of Objects and Reasons inform...

Hon. Speaker: Order, Hon. Junet. You are overstretching your imagination. What the Chair has directed automatically becomes an addendum to what you will eventually decide. The matter rests there.

BILL

Second Reading

THE AFFORDABLE HOUSING BILL (National Assembly Bill No.75 of 2023)

Hon. Speaker: Let us have the Leader of the Majority Party move the Bill.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I beg to move that the Affordable Housing Bill (National Assembly Bill No.75 of 2023) be now read a Second Time.

Hon. Speaker, for the comfort of Hon. Junet, I will repeat that this Bill concerns counties and if approved by the House, it will find its way to the Senate. Allow me to thank the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works, Hon. Ng'eno, who is here, and the Chairperson of the Departmental Committee on Finance and National Planning, Hon. Kimani Kuria, who, together with their 30 members, spent a considerable amount of their recess time going to 19 out of the 47 counties, including Nairobi City County here in Parliament. They conducted very extensive public participation, listening and consulting a wide cross-section of stakeholders and technical experts by way of public hearings. The Committees have done commendable work. As I mentioned earlier during a point of order, they have indeed done a lot of justice to this Bill.

Bills, as proposed, are mere legislative proposals. They, therefore, require the input of our Committees. That is why I take a lot of time to thank the Committees for doing a lot of invaluable work. They consulted very many experts from the housing sector, finance experts and even ordinary Kenyans who are potential beneficiaries of this housing agenda and the Bill, including potential contributors to the fund. We saw Kenyans coming out to agree with the court that the Housing Levy, as it was in the Finance Act, had discriminated against some who wanted to contribute. When I saw, on television, Kenyans coming out to say that they want to contribute to this fund because they understand its input in our national development and the job creation endeavour, I was very impressed. This is cognisant of the fact that there are millions of young Kenyans from all walks of life, including people in self-employment, who have no jobs. I saw some market traders; I do not remember whether they were from Kariokor. The Chairman of the Departmental Committee on Finance and National Planning or the Chair of the Departmental Committee on Housing, Urban Planning and Public Works would have reminded me. They appeared before the Committee and asserted that they would want to find a mechanism to contribute to the Fund. This is not only to access housing as a constitutional right under Article 43 of our Constitution, but to also offer young and unemployed Kenyans a chance to access job opportunities.

We saw many professionals like architects, engineers, lawyers and accountants who appeared before the two Committees. They were contending that the job creation agenda that comes with the affordable housing is not just what has been said in political rallies and funerals. They mentioned that it is about what we call *'watu wa mkono'* and *'fundis'* in construction sites. Architects, quantity surveyors, civil, electrical and water engineers are accessing huge opportunities in jobs that are being created by this agenda. Many Kenyans expressed the desire and the need to have a legal framework that would actualize this housing agenda.

Hon. Speaker, if you go to the objects of the Bill and Article 3, it is envisaged that this Bill, once it becomes an Act, will have three key objectives:

1. To give effect to Article 43(1)(b) of our Constitution on the right to accessible and adequate housing.

For Members like Hon. Junet who took time last night to go through the Committee's Report, they will note that the Committee has proposed an amendment to include the words, 'to reasonable standards of sanitation'. Therefore, we will not just be providing affordable housing, but housing that has, in the words of our Constitution, 'reasonable standards of sanitation'.

2. Impose a levy to facilitate the provision of affordable housing.
3. Provide a legal framework for the implementation of the housing programmes and projects.

This is one of the areas that the courts found wanting in what was passed during the Finance Act. The courts advised on, at least, two important things: First, the law lacked a legal framework. That is what this new proposed legislation intends to do. It seeks to create that legal framework for the implementation of the affordable housing programmes and projects. Under this Act, we will have that legal framework that the courts found missing. I had a problem with that particular finding of the Court. However, I do not want to get into issues that could be *sub judice*. When we talk about a legal framework on implementation of a Government programme, it is important to note the Appropriations Act that we passed created that legal framework. It provided for appropriation of funds to implement Government projects, including the housing agenda. As I said, I do not want get into legalese that would be on the verge of getting into *sub judice* issues. We leave it to the lawyers in the Court of Appeal.

The second issue that was raised by the courts was the issue of the Levy that we are creating. The second object is the imposition of a levy to facilitate the provision of affordable housing. In their words, the courts ruled that the Levy that was imposed under the Finance Act of 2023 was discriminatory and unconstitutional. This was in the sense that this Levy was only imposed on salaried people. In this new law, we have made it possible for people who are not salaried to contribute. I was impressed to see very patriotic Kenyans coming out before the Committee saying that they not only want to be beneficiaries of the houses that will be built, but they also want to be contributors to the Fund. They want to pay their fair share, just like those salaried people. We must continue to encourage these very patriotic Kenyans who want to contribute to this Fund.

For those who cared to go through the Committee's Report, you will note that Clause 4 provides for the imposition of the affordable Housing Levy at the rate of 1.5 per cent of the gross salary of an employee or gross income of a person. A legitimate person. It could be an individual, a business entity or company. There existed a *lacuna* in Clause 4 of the Bill, where companies or employers who have already deducted and remitted a matching amount of the Levy for its employees were again subjected to pay the Levy on their own gross income. The Committee has made certain recommendations that will cure this lacuna such that if you are contributing as an employer, then you will not be levied the same on your gross income.

The Committee has also provided safeguards in the amendments on whether the Levy was discriminatory if it is only levied on salaried people. The amendment that the Committee

is proposing has cured this matter in Clause 4 by providing this: ‘‘Apart from the salaried persons in Clause 4(a), the gross income of a person in the informal sector and under Clause 4(b) is also subjected to this Levy’.

Hon. Speaker, additionally, the Bill was silent also on the mode of collection of whoever will be the collector of this Levy. In this case, it is Kenya Revenue Authority (KRA). The Committee sought to cure this. During Third Reading, the Committee will be introducing an amendment that will allow the use of the provision of the Tax Procedures Act of 2015 to also apply for this Levy. This is the same way that those employed pay ‘Pay As You Earn (PAYE)’ tax which is deducted by our employers and remitted by the ninth of every month to KRA. For the self-employed or those in the informal sector on a monthly or quarterly basis, they will do the instalment taxes. They have an option on whether you want to pay instalment, advanced or annual tax. It will be an obligation that every Kenyan who is earning an income contributes to this Fund. Through the Tax Procedures Act of 2015, they will be required to make their tax returns to KRA and show how they will pay their Housing Levy.

For good manners, let me take this opportunity to thank the courts. They have actually made it possible for the Government to collect more money. Initially, the Government was only going to collect from the salaried people. We shall now collect more money. The Fund was envisaged to collect about Ksh63 billion, but we will now collect more money and roll out more projects in all our 47 Counties and in all our 290 Constituencies.

I would like to take this opportunity to encourage those Members of Parliament who have not complied with the letter that was sent by the Principal Secretary (PS) of the State Department of Housing and Urban Development to propose sites for construction of this affordable housing in their constituencies. I am a beneficiary of this project in Kikuyu. In a project where we are doing about 755 or 757 houses between Kikuyu and Kabete Constituencies, we are projecting to employ close to 2,000 people on site directly and many others indirectly. Just the other day when we passed by a site in Kakamega town with you, you will recall those young men and women told us to come and tell the people in Nairobi who are talking ill of these housing projects to know that is where they are earning their daily bread. That is how they educate their children.

Today, steel, cement and timber traders in these housing projects across the country are not able to satisfy the demand. I have a friend who trades in timber from Congo. He is telling me that they are now struggling to get transport to bring timber from as far as Congo and Tanzania because of the huge demand of timber, marine boards and steel in this country. In 2022, His Excellency the President commissioned a steel factory in Mariakani in the Coastal Region. The factory is owned by Devki Steel Mills.

(An Hon. Member spoke off the Record)

Today, that factory is unable to satisfy the demand for steel in the country courtesy of these projects. It is not just about steel, but even cement, timber and all the other auxiliary items that get into construction. The huge opportunities that exist in job creation is what each one of us today here ought to be speaking to. There is none of us, back in our constituencies, who is not confronted by many young men and women looking for job opportunities. Many of them are qualified. Last night, I was speaking to a young man called Kevin Omondi Onyango from Migori. A friend of mine had forwarded me a video of that young man who had recorded himself. He has a First-Class Honours in Economics. He is a Certified Public Accountant CPA(K) doing manual jobs in the Export Processing Zone (EPZ) in Kitengela. I have an appointment with that young man next week, Tuesday, to see how we can help him. It is not just enough to talk about people and jobs, but we must do something to create jobs for them. It is opportunities for young men like Kevin Omondi who can work as accountants in cement or

steel factories in Athi River. They can even be very good accountants for the contractors who are doing these housing projects that we must speak to today.

I invite all of us, including my good friend, Hon. Opiyo Wandayi, to comply. I am not sure if he is yet to provide a list of probable sites in Ugunja where housing projects can be actualised. I know Hon. Junet from Suna East is very keen to ensure that there is a housing project in his constituency. It will create hundreds, if not thousands, of job opportunities.

Urbanization today would not be possible without an agenda like this in housing. My good friends, Hon. Opiyo Wandayi and Members that were in the National Dialogue Committee, including Hon. Amina from Malindi, will tell you that economists of repute in this country, including international economic institutes, appeared before the National Dialogue Committee and told us that for a country whose economy was in the doldrums at the end of 2022, we must massively and aggressively invest in huge infrastructural development for us to get our economy working again.

I cannot remember well but I think it was the gentleman from the State Intelligence Department (SID) who told us that there is no other way of getting out of the economic mess that we are in other than a programme that will aggressively and massively invest in huge infrastructural development. What greater opportunity than this housing agenda to raise money through the Housing Levy and through the Housing Fund? This will help us to massively invest in infrastructural investments that will not only create opportunities for millions of Kenyans to have affordable homes as it is required of us by Article 43 of our Constitution, but homes with reasonable standards of sanitation.

Hon. Speaker, reasonable standards of sanitation is what is happening in this project, at least, under the social housing. The studio units have a kitchenette, a reasonable toilet and bathroom.

People in slum areas like Kibera, Korogocho and Mathare including officers like the policemen and women will now have decent housing where they do not have to go through the indignity of having to use flying toilets. We will give them dignified settlements where they can live as human beings. I have heard critics of this Bill asking why we are not building houses for our police. I have even seen many Members of Parliament on Television (TV) stations asking why we are not building houses for the policemen and women. We are the same people in this House who changed the policy on how we will provide housing for them. Members today know they are not able to build staff quarters for policemen because they were given a housing allowance. I am glad the Committee, in one of the amendments in Clause 2 of the Bill, have proposed to include institutional housing. This will cater for a very special category of Kenyans; students in our public universities.

I saw the Vice-Chancellor of Technical University of Kenya (TUK), the former Kenya Polytechnic University College (KPUC), speak to the Committee on the horrible quarters that students go through. These are our own sons and daughters who come from our villages, constituencies and probably from very decent homes. A student from Siaya, for instance, who has no other relative in Nairobi, is admitted to the TUK and has no other source of accommodation other than some shack on a road reserve in South B with no sanitation at all. That student will not have the dignity to live in a good city like Nairobi and will not perform well in school. Whereas my child and your child Hon. Junet, will move from our houses in Lavington and Karen and commute every day on the back left of our V8 vehicles and dropped at the University and back home...

We have an opportunity now to make sure that that child who comes from Suna East has affordable accommodation in Nairobi through the institutional housing. We must give them that opportunity. Hon. Junet says he lives in South B not Lavington. He knows I know him and he knows me. I was not speaking to Hon. Junet but to that Suna East constituent who will come from there and have an opportunity through institutional housing to get decent student

accommodation that has been developed under this programme. That child will graduate from the TUK or whichever university in the city, access social housing and buy a studio unit or a one-bedroom unit in South B, South C, Pangani or even in Kikuyu and become not just a house owner but a person living in a dignified house. He can begin to build his own wealth rather than imagining how they will go back to the village, subdivide their land and build on a 40 by 50 or 40 by 100 plot.

Hon. Speaker, I know I could belabour so many points on this Bill, but I want to say it gives us the opportunity that we have all been yearning for; An opportunity not just to provide affordable, decent housing to millions of Kenyans who lack in line with Article 43 of our Constitution, but more importantly, an opportunity to create millions of jobs from engineering, architecture, legal profession, accountants, quantity surveyors, land surveyors, drivers, earth movers and operators. It will also grow our economy in a big way through urbanisation. A population of 2,000 to 3,000 people to be housed in a project of 700 houses or 1,000 houses that will probably accommodate 3,000 to 4,000 people is an opportunity for new markets. It is that organisation that helps economies grow and opportunities that we must look at.

I know there is a temptation to speak to what is popular to the middle class, to what we think we are speaking to the gallery and those who have access to our TV stations. It is very tempting to speak to the less than 10 per cent of our population who today have payslips. Let us have the heart to speak to another close to 40 million Kenyans who have no access to job opportunities today. Those job opportunities lie in this Bill. They outweigh the political expediency that we have seen in those who critic this Bill. Three weeks ago, I was happy to listen to our good friend, the former Prime Minister, Hon. Raila Odinga, contend that indeed in the Azimio manifesto they had this Levy at 1.5 per cent. It was during his time as the Cabinet Secretary for Lands, Public Works, Housing and Urban Development that the housing agenda in this country was conceived. I have also had occasion to listen to the President William Ruto say that what bedevils our country is corruption, vested interests especially among us to our leadership and laziness especially in leadership.

We must thank God that today the leadership in this country has no vested interests in the running and management of the Government. Rather, it is determined to make the tough choices and make the hard decisions that will change this country for good. Part of that walk to changing this country for good is the actualisation of this housing agenda, and we all agreed including those of us in the Opposition. That is why the Hon. Leader of the Opposition, His Excellency Raila Odinga, contends that housing, as an agenda, is something that this country must actualise because we are 20 years late. If we are to count from the time Raila Odinga was the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, I think it is more than 20 years ago. That tells you what vested interests the Government has done; the disservice they have done to our country. It tells you how late we are in actualising this agenda; the urgency in enacting this Bill today and having a new Housing Fund Act that will create that legal framework to actualise the housing agenda for this great country.

I urge all of us that as we contribute, critique and add our ideas to what will enrich this Bill, we should do so bearing in mind the people back in our villages, especially the young men and women who patronise our offices almost on daily basis, whom we all mobilise for our political rallies, and whom we see at our shopping centres stretching out their hands to *Mheshimiwa*. Give them something that they can be proud of. They will remember that you gave them an opportunity to earn a decent living for themselves besides providing affordable and decent housing for the country. You will also help our country in urbanisation and to spur economic development in a manner that will be unrivalled in our region.

With those many remarks, I beg to move and request the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works, Hon. Ng'eno, to

second since he was part of the team that I commended for having done a good job during the extensive public participation.

Thank you, Hon. Speaker. I beg to move.

Hon. Speaker: Hon. Johanna Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Speaker. First, I want to thank the Leader of the Majority Party for the great presentation while moving this Bill.

I also rise as part of the joint Committee that undertook the responsibility required of us by Article 118 of the Constitution to conduct public participation on a Bill presented before the House.

When this Bill was committed to the Departmental Committees on Housing, Urban Planning and Public Works, and Finance and National Planning, we started listening to the people of this Republic. We visited several counties, amongst them Nairobi County, which has the biggest problems of housing. We also visited other counties which people would not ordinarily imagine need housing like Turkana, Wajir, Narok and Kajiado. In all our visits, people expressed that they need affordable houses.

Article 43(b) of our Constitution obliges the Government to ensure that its citizens access affordable housing, amongst other recommendations that go with it. It is our responsibility as Parliament to ensure that we actualise Article 43 of our Constitution. In that process, we undertook to listen to the people of this Republic after looking at the Bill.

When we went around the country, one finding amongst the many issues raised was that people need these houses. How will they access them equally so that no one is disadvantaged? The other question raised was how the houses will be built. There was also the question of whether it should be a voluntary or compulsory contribution.

We also listened to people who talked about how we should levy everyone. Remember that the courts ruled that there was no legal framework in place to ensure equal collection of levies so that it is not discriminatory and that it touches on everybody. Most members of the public asked how collection of levies will be undertaken.

The most touching areas that we visited were the slums where people live in deplorable conditions. Any Kenyan who thinks that the Affordable Housing Bill is unnecessary needs to visit the slums. I visited some of those areas for the first time and others for the second time and realised that people need affordable houses. The only problem is how to access them.

We even visited the Maasai region where people proposed houses that are modelled after manyattas. We visited Turkana County and the natives wanted houses modelled after their traditional houses. We also visited areas like Tana River County where the natives experience floods and believe that these houses will come in handy to cushion them against floods. They called them cluster houses. They asked to be accorded the opportunity to own houses.

I do not want to belabour much on these issues. How can we make those houses accessible to everyone? How will the Government build them?

On the issue of levies, people proposed many aspects of levy collection. Some wanted the levies to be collected and to accrue interest. Some proposed that the levy collection should be like the National Social Security Fund (NSSF) model whereby one can access the amount of money they contributed after retirement. People made many proposals. It is upon this House to make recommendations and amendments in areas they deem fit.

There was a proposal for the formation of a board in this Bill. Many people asked how the levies collected would be managed, implemented after collection, and how fairness will be achieved. There was a proposal for the formation of a board which is compliant with the Constitution. Members of the public, including professionals, proposed the formation of a board which will manage funds collected by the KRA. The board should manage and allocate funds to several categories of houses which will be built. When I say categories of houses, they

include affordable houses, which are the normal low-cost housing. The other category is institutional housing. Remember that police officers, the Kenya Defence Forces (KDF), prison wardens and all officers who work in our public institutions live in deplorable houses. Funds will be allocated towards institutional housing.

You will remember that most of our universities do not have enough money to build student hostels. Many people proposed that we allocate part of this money towards building hostels so that they are accessible to students wherever they are at a cheaper rate.

The other category of housing proposed was social housing. This includes the upgrade of slums to help move people to better houses through the social housing programme. People also proposed to allocate money to county governments. The issue of county governments arose in every public meeting that we had. It became apparent that county governments are amongst the institutions that should receive funds for housing.

The board will also be given that responsibility. This is because people asked how the board will get back the money after allocating it to institutions like the National Housing Corporation (NHC), state departments, county governments and other agencies, since it has to be utilised like a revolving fund. They also wanted to know where the money will be taken after the houses are sold. Will it remain with the NHC or will it remain with other agencies? People recommended that after the houses have been built and offtake undertaken, the money should revert to the fund so that it can be used to build other houses.

Hon. Speaker, the question of deposit is also in this Bill. Most citizens of this country feel that there are very many people who may not access enough money to pay a deposit of 10 per cent. We also mulled around it and the Committee proposed that the issue of deposit should be considered on a case-by-case basis. People also felt that there is need to protect or ring-fence the houses, for example the ones which will be built in Nairobi and other areas, so that they are not bought only by those who have money, but accessed by everybody. We felt that regulations should be put in place to ring-fence houses to people of particular areas.

Among the proposals in this Bill that people found acceptable is the provision of loans by the Board. After all the money has been collected, those who would like to buy houses but do not have money can take a loan from the Board to buy the houses and repay the Board slowly through the years.

Hon. Speaker, there was the issue of land which arose in most of the cases. Most of the land that this money is going to be utilised on is public and county land. We mulled around how the public will benefit from the houses considering that we have a section in the Lands Act that deals with the conversion of land, especially if you want the disposition of land from public to private. We agreed to leave the issue of land to be dealt with by the National Land Commission (NLC).

In general, I am among the Hon. Members who sat with the members of the public. I listened to them just like the other members of my committee. In our country, 80 per cent of the population lives in shanties, temporary homes and slums. Others live in areas where you cannot imagine. It is prudent, and it is high time we dealt with this issue. Many governments have run away from this responsibility. There is no government that has dared to take the bold step which the President has taken. I urge this House to take the bold step and ensure that this issue is resolved. We have had many expenditures in this country. I have been in this House for the last 10 years, and I have seen budgets brought to the House. There have been many budgets passed in this House but we do not see anything that has been done with them in the villages.

Let us take this bold step, pass this Bill and wait for the results. Most of us who sit in the oversight committees will ensure that the projects which have been earmarked under this Bill are implemented. There are many of us who will ask, what is the use? Many others will also ask, how sure are we that the houses are going to be built? I have also seen how

appropriation of money is done in this House. The overseeing of any money allocated to the Executive is done by this House. That is our responsibility which we cannot run away from just because we are too lazy to oversee the money which has been allocated.

Hon. Speaker, our people need the houses. We went to Nyanza; we went to Western; we went to North Eastern; we went to Coast and the Rift Valley and everywhere people need houses. It is our responsibility, as a House, to ensure that we actualise Article 43(1)(b) of the Constitution. The question of how that money is going to be spent rests with this House; it rests especially on all of us regardless of the political divide we belong to. Every money that is appropriated here depends on us to ensure that it is utilised properly.

With those few remarks, Hon. Speaker, I wish to second.

Thank you.

(Applause)

Hon. Speaker: Thank you, Hon. Ng'eno.

(Question proposed)

Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker for giving me the first bite of the cherry.

Let me start by saying that, of course, this Bill is obviously a response or a reaction to the now very famous High Court ruling of November 2023. We must thank our courts for jolting the Executive to do what they should have done at the first instance. We must also take cognisance of the fact that even as we debate this Bill, the matter is still live in court. It is still lying in the Court of Appeal pending determination.

That notwithstanding, let me make the following comments. The introduction to the Bill itself states categorically that:

“A Bill for an Act of Parliament to give effect for Article 43(1)(b) of the Constitution to provide a framework for access to affordable housing and for connected purposes.”

At the outset, the question one would like to ask repeatedly is, if this Bill is passed and becomes law, how on earth is it going to contribute to the realisation of the right under Article 43(1)(b) of the Constitution? Hon. Speaker, it might be important for me to just read the Article for the benefit of Hon. Members who may not have their copies of the Constitution with them. The Constitution dictates that:

“Every person has the right—
to accessible and adequate housing, and to reasonable standards of sanitation.”

If you want to understand clearly how this Bill will not solve the problem by not addressing the matter of the realisation of the right under Article 43(1)(b), you simply go to the paragraph on page 2126 of the Bill, the one dealing with eligibility, criteria and application procedure for an affordable housing unit.

But before I go there, let me now thank the authors of this Bill. I wish you could allow Hon. Ichung'wah, to listen to me. Let me thank the authors of this Bill for having now come out to clearly state – unlike what was being sold to us through the infamous Finance Bill, 2023 – that whoever is going to contribute to this Housing Levy will not be guaranteed to get a house. That is now clear.

(Applause)

That, however much employees contribute towards the housing levy – whether they are salaried employees or not, like the *jua kali* artisans, *mkokoteni* pushers, boda boda riders and the *mama mbogas* – there is no guarantee that they will get a house. That is not clear. If you want to confirm that, you can go to Part IV of the Affordable Housing Bill, 2023 on the eligibility criteria and application procedure for an affordable housing unit. Clause 30 states that:

“A person qualifies to be allocated an affordable housing unit if that person is a Kenyan citizen who is at least eighteen years of age and holds a Kenyan identity card.”

What is more curious in that part (iv) is Clause 31(2)(a). It states:

“An application made under subsection (1) shall be accompanied by:

(a) proof of the requisite deposit approved by the relevant agency of at least 10 per cent of the value of the affordable housing unit being applied for.”

Tell me now, who in Kenya is going to afford 10 per cent of the value of the affordable housing unit? Who? What we are simply doing is to create opportunities for the people who are already propertied and wealthy like you and me to use proxies to deposit 10 per cent of the value of those units then acquire as many units as possible. How have they addressed the issue of access to housing under Article 43(1)(b) of the Constitution? Tell me; I need to be educated. My good friend, Hon. Ichung’wah, tell me how. We are trying to respond to the fundamental queries that were raised by the High Court. My submission is that, this Bill does not cure the deficiencies that were apparent in the Finance Bill, 2023.

We must also understand that in this country, even those people who may want to move from the shanties – as we call them – to decent houses may not move because of other competing needs for the little money that they have. So, what then should have happened? As the Azimio Coalition, we have said over and over that we will oppose the issue of housing. As a matter of fact, the issue of affordable housing was in our manifesto. However, our point of departure is on its implementation. As the Azimio Coalition, we wanted to implement this policy by simply asking Parliament to appropriate money from the Kenyan tax payers’ money. To appropriate part of that money from taxes collected in a normal manner to go and construct the houses.

(Hon. Kimani Ichung’wah spoke off the record)

You are not doing it. You are simply creating new taxes earmarked for the housing units. What you are doing is overburdening Kenyans to create houses for the benefit of a select few who are already rich and have houses.

(Applause)

On implementation, they say that they will deduct 1.5 per cent from the gross salaries of employees. Again, that is double taxation because employees are already paying the PAYE. Why can they not go to their net earnings? What is curious is that the employers are being compelled to match that 1.5 per cent. For those who are not salaried in the informal sector and are going to be deducted this Levy through a means that I do not know – I have not read the Report that came out too late – it is not clear who will match for them their 1.5 per cent deductions. For employees like us, at least our employer, the Parliamentary Service Commission of Kenya (PSC) whose Chairman is here will match the 1.5 per cent for us. However, who will match it for the *mama mboga* and the *boda boda* riders? Shall we be having two different standards? That is an issue that was raised by the High Court. I am being careful not to delve into matters that are pending before the court. That will be *sub-judice*. I can go on and on.

The High Court raised the issue of Article 10(2) of the Constitution on the national values, especially on the matter of participation of the people. I have heard my friend Johanna Ng'eno eloquently say that he went with the Committee that he chairs to Kisumu, Nakuru and Garissa and the people there were happy; they welcomed them with claps and cheers because they wanted houses and sang hosanna hosanna because the houses had arrived.

(Laughter)

I did not see them in my own County of Siaya and my Constituency Ugunja. So, how was this public participation conducted to satisfy the rigorous requirement under Article 10(2) of the Constitution? Remember, there was also a court ruling earlier on the issue of public participation. The court declared our public participation notice as unconstitutional.

(Hon. Owen Baya spoke off the record)

Hon. Baya, you need to learn some law for you to understand that.

(Laughter)

It has not been demonstrated how this public participation was effective.

Finally – because I want to leave some time for my colleagues to also contribute – I want to repeat, the affordable housing policy could be a good idea. However, we seem to be in a hurry to have it implemented. We heard the sentiments that were expressed by those in the Executive. That: “...*hii tutafanya mpende msipende.*” That language is very dangerous, especially on a matter that is affecting Kenyans’ pockets. We are now being told that those hapless traders in Gikomba, Miritini, Kongowea, Mshomoroni, Ugunja, Chwele, Nyando, Kabuchai and Mwingi are now going to be followed by the KRA the moment this Bill will be passed and assented to become an Act of Parliament. The people I have mentioned like the *mama mbogas* and the boda boda riders must be prepared. KRA will be after them to get the 1.5 per cent of their earnings. I do not know for sure how they will compute that. How they will compute the earnings of a bodaboda rider to extract 1.5 per cent is a miracle.

Hon. Speaker, therefore, I have to grudgingly oppose this Bill. Thank you.

(Applause)

Hon. Speaker: Hon. Daniel Manduku.

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Thank you, Hon. Speaker. At the outset, I support the Affordable Housing Bill with amendments. I want to remind this House that besides giving life to Article 43 of the Constitution, Kenya is a signatory to many statutes. This includes the United Nations Habitat Assembly which is composed of 193 member states. Besides that, this Bill gives life to Sustainable Development Goal No.11 which ensures consistently that all nations comply with high quality housing and standards of hygiene.

Closer home, allow me to give a historical perspective of where we have come from. I remember in 1995 as a student of architecture during the World Habitat Day, the Member for Bureti then who was the Minister for Public Works called Kenyans and set in motion a new agenda to urbanise and develop our slums. At that time, he came up with a mantra that we must get out of the slums. That was the late Prof. Jonathan Ng'eno. It has taken us 30 years to get where we are. We must remember that we are now four presidents after. I stand here to support this Bill because I know that if it is enacted well, it will give economic stimulus to our country.

When you look at the National Government Constituencies Development Fund (NG-CDF) allocation to all constituencies, we stand at a mere Ksh43 billion.

As we stand here today, the Housing Levy has already collected about Ksh63 billion. Simple arithmetic will tell you that in the next two years, every constituency will obviously get more than double the allocation of NG-CDF. How else do we expect to stimulate local economies, if we do not put emphasis on the collection of the Levy and spending it in the constituencies?

[Hon. Speaker (Hon. Moses Wetang'ula) left the Chair]

*[The Temporary Speaker
(Hon. Martha Wangari) took the Chair]*

Hon. Temporary Speaker, I was privileged to visit more than 10 counties. The issues the public raised were mainly to do with fairness of allocation of houses, procurement and the concern on how the 10 per cent deposit will be raised. We have recommended that instead of having the 10 per cent deposit, we will look for an option of renting to own the houses. On the issue of the public land being used, the NLC confirmed to us that in compliance with the Land Act, Sections 14 and 15 will be employed to convert public land into private land. Other concerns on the quality and access of the houses are covered by various laws in this country. There are not less than 10 laws that cover the construction sector. Finally, I urge this House to urgently approve the building code which has been in abeyance for the last 10 years, so that it can address other gaps that arise in the Bill.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Next chance will go to the Member for Kirinyaga, Hon. Njeri.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I support the Affordable Housing Bill. I have heard and done personal visits to various sites where affordable houses are being constructed in Kirinyaga County. I visited Gichugu Constituency, Kianyaga Centre, where I found more than 300 young people who were jobless before the Affordable Housing Programme started will now have a place where they can go every day and earn a living. The economic activity of the small centre and the view point of the people on the ground are what matter when we are discussing affordable housing. The rest of it is noise which will not stop this House from ensuring we have progressive programmes for our people.

It is very unfortunate that so much has been said about the Affordable Housing Programme which is negative. The vision of the President is catering for the future. As I speak, our land in Kirinyaga County has become too small that subdividing it for future generations is no longer tenable. That is why as a House, we must support this Bill. We enact this legislation, so that we can be in line with the recommendations of the Judiciary and expedite delivering the plan to the people of this nation.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Kathiani, Hon Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Affordable Housing Bill.

As we begin this debate, I would have loved to hear the Leader of the Majority Party tell us when we would get our refund for the deductions that were done in January on monies that the court said should not have been deducted. We, as a House, must also be alive to the fact that we operate in a legal country. When the court pronounced itself and said that there were no further deductions to be made, I was shocked in January because my pay slip reflected

that the Government had taken 1.5 per cent from me. I also expect my employer has paid 1.5 per cent of my salary which is an illegality. The first thing we need to know is when we would get our refunds. Let us discuss this matter and demystify the obsession that Kenya Kwanza seems to have with the issue of houses.

It is an obsession because we are fighting to build houses for individuals, when our children in this country do not even have classes for Grade 9. At the end of this year, Junior Secondary Schools (JSS) are supposed to have it. We are talking about building houses. We are not a communist country which figures out personal things. We are a capitalist nation. People go to school and then they go out there and fight for their spaces and get resources. We seem to be losing the script.

Allow me to dispense with certain myths that are always talked about in this housing project. Firstly, we have been told here over and over in public barazas and in this House that affordable housing will create employment. Kenyans are not looking for part-time or casual employment. They are looking for permanent and pensionable jobs which are not being offered under this arrangement. The ones that are being offered here are the ones that will be done for a period of one, two or three months. All the homes we live in were built by people. Are they building now? Are those masons still working there? We must figure out how to create employment and stop deceiving Kenyans and telling them affordable housing project will employ them permanently.

It is also important to note that there was another myth that was peddled during campaigns. People were told it was Bottom-Up Economic Transformation Agenda. The ones at the bottom of the bracket would be brought up. It is now clear that boda boda riders and *mama mbogas* who were talked about during campaign trail will be deducted money for houses that they will probably never own because they cannot afford them. That is the reality. Let us talk about some of these issues that are also constitutional. The issue of housing is devolved to county governments. The Fourth Schedule is very clear about responsibilities assigned to the national Government and county governments respectively. Part II, Section 8 of the Fourth Schedule, clearly indicates that housing is a function of county governments. As we deal with this, we must know that the national Government has only one role. That is policy and not implementation, building houses or getting land from members. That is not the function of the national Government.

There is something on the matter of the levy because it is among the things Kenyans said 'No' to during public participation. You know public participation was actually stopped by a court of law. Somehow, one of the Committees of the House sneaked all over the place and carried out some arrangement of public participation. If you were to ask me, it was illegal. The reality is that Kenyans already denounced the levy. During public participation on the Finance Bill 2023, 90 per cent of Kenyans said 'No' to the levy. Now, let us talk about that levy.

You know PAYE and Income Tax are generalised taxes that everyone pays. Excise Duty and Value Added Tax (VAT) are charged only to the consumers of the goods and services. It is like a toll on the road. It is only the user of the expressway that pays the toll. Why is it that you are making every Kenyan pay for houses yet not every Kenyan will be a consumer? There are Kenyans who are already paying mortgages. Civil servants, teachers and public servants are already greatly in debt because they are paying for their mortgages. Then you take away 1.5 per cent of their salaries and tell them that you are going to build houses for other people. I find this very unfair.

As I finish, it is important to talk about regulations. Some regulations will eventually be made based on this Bill, just in case it passes. Personally, I am opposing it. Just in case the voting block will be used to pass this thing in the House, I want to point out some of the dangers that we face.

First, what is the valuation? How will the houses be valued? We are aware that some of the affordable houses are more expensive than the commercial houses put up by developers. It is shocking considering the fact that the Government gives land for free and the money used is by taxpayers. How does an investor buy land, take a loan, build a house and charge less than what is being charged by this affordable housing scheme? It is unfortunate. This smells like a scam.

The other issue is the repayment period. The law here does not talk about the repayment period. When we are making regulations, if this passes, let us be careful to indicate the repayment period. You cannot leave it open-ended. I have noticed that there are three categories of houses and they talk about the earnings of people. They are saying that for you to acquire this, you must afford one-third of your salary. Some people named here earn salaries less than Ksh20,000. A person earning Ksh15,000 would pay Ksh5,000 per month. A house of Ksh3.5 million would take them 58 years to pay. What repayment period is that? Is that even heavenly possible? Who can start working and pay for a house for 58 years? The repayment period must be thought through, discussed and put in the regulations so that we address it.

Finally, Clause 31(d) talks about application for allocation. It says that the agency will make decisions on any other information that may be determined. In essence, we are inappropriately delegating powers of this House to the Cabinet Secretary. You have given them an open cheque the minute you say that they can make further regulations or decisions later yet you are not asking or compelling that the regulations be within the Bill. Tomorrow, they might decide it is tall people, short people or people of less than so many kilos who get the houses. We must be specific.

With those few remarks, I feel we cannot support this Bill. I oppose.

The Temporary Speaker (Hon. Martha Wangari): Before we get to the next speaker, allow me to acknowledge students in the Public Gallery. They are from Diamond Junior School in Starehe Constituency, Nairobi; and students of the United States International University-Africa from Roysambu, Nairobi County. On your behalf and the House, we welcome them to observe the proceedings of the House.

The next chance goes to Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you for the opportunity you have given me to contribute to this Bill. At the outset, I support this Bill. I support it with four reasons.

One, when we fought for Independence, we promised our people that we would give them shelter among other basic requirements. This is the first deliberate step we have taken as a nation to make sure that our people have reasonably good accommodation and that we have provided them shelter.

Second, this country has a big problem with unemployment. If you go to any construction site or wherever there is construction, you will see many Kenyans milling around looking for employment. The housing programme we are discussing today will ensure that the majority of the unemployed get means of earning some income even if it is for a short period. We are not talking about labourers alone. We are talking about the professionals in the entire spectrum of employment in this country. We are talking about architects, engineers, electricians and masons. They will get employment in this good programme.

Third, I ask supporters of the Bill, particularly the Leader of the Majority Party who has brought it to Parliament, to ensure that housing is spread all over the country. We must make sure that housing is not in Nairobi or the cities alone. It should be spread to all parts of this country so that Kenya looks like the rest of the world.

Finally, if I ask my good friend, Hon. Opiyo Wandayi, to raise his hand, it does not matter which hand he raises. He has raised his hand whether he raises his left or right hand. My good friend, Hon. Opiyo Wandayi, this Bill is good whichever way you look at it.

I support.

The Temporary Speaker (Hon. Martha Wangari): I see Hon. Opiyo Wandayi looking at you suspiciously. Just to confirm, Hon. Justice Kemei was saying something good about you as a good friend.

The next chance will go to Hon. David Ochieng’.

Hon. David Ochieng’ (Ugenya, MDG): Thank you, Hon. Temporary Speaker, for this opportunity.

Governments the world over get defined by the things they do during the time citizens give them to govern. Governments come to power with their plans. This Government has decided it will rise or fall with this thing—that they will make sure they dignify and humanise how Kenyans live; that, they will make sure that Kenyans get habitable houses regardless of how much they earn. I support this Bill because affordable housing is a real issue in this country. If you go around the country, it is not just in slums. It is all over the country. The houses people live in some places in Nyanza and Coast are not fit for human habitation. Under Article 25 of the Constitution, the government is required to ensure that the country’s housing system supports dignified lives.

Two, this housing programme is important because it helps stimulate the construction industry in this country. We need to ensure that the housing industry supports jobs. My friend, Hon. Mbui, we are not looking at *mijengo* jobs. The housing industry starts with steel, cement and goes all the way to timber. It is not *mijengo* jobs of two or three days; it is a whole industry. That is why one thing that we, as Members of Parliament, must do is to ensure that the affordable housing fund is able to give rise to industries that will come because of the housing sector boom.

I say this because eight years ago, we spent half a trillion shillings to build a railway line without a single town, a single industry and a single city being built in the wake of half a trillion shillings. When we were building the railway line, we were importing cement. We even imported sand because we allowed the Chinese to bring in prefabricated rolling stock. We allowed the Chinese to bring bolts and nuts. We allowed the Chinese to bring everything.

So, I want to request those who will be in charge of implementing the housing fund to ensure that the procurement is done right. Personally, I have had an issue with the way we have gone in implementing the housing scheme so far, because we want to have the *jua kali* sector benefitting from the housing scheme. We want to have our own industries benefitting from this scheme. We cannot go to launch a housing scheme in Homa Bay yet we have not prepared the *jua kali* sector there to prepare the hinges, the doors and the windows. You cannot go launching them in Mombasa yet we have not prepared the *jua kali* there. I support this Bill but I believe that sequencing is going to be key to make sure that the gains that we are going to make in the housing boom goes to the common *mwananchi*.

Number two, the biggest issue today in the country is whether we have a framework for equitable distribution and allocation of the houses that are going to be built. I want to plead with the Leader of the Majority Party because this is important to me. We should provide solutions to the concerns that have been raised by Hon. Wandayi and Hon. Mbui. If you believe that this Bill currently does not provide for a way of getting *mama mboga* and boda boda riders houses, let us write it in the law. Let us put a quota for them. I am going to convince the Leader of the Majority Party that we must have a quota under Part IV. Let us have a quota for those kinds of people.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari, Gilgil): Hon. Ochieng’, Hon. Wandayi has a point of order. What is out of order?

Hon. Opiyo Wandayi (Ugunja, ODM): Actually, I did not intend to interrupt my good friend and neighbour, Hon. Ochieng’, but I really want to understand whether he is in order to

direct his address to Hon. Robert Mbuvi and I, and to demand that we provide solutions to the affordable housing crisis. Is that really conceivable? Can you rule him out of order?

The Temporary Speaker (Hon. Martha Wangari, Gilgil): Hon. Ochieng', did you address the Hon. Member for Ugunja?

Hon. David Ochieng' (Ugenya, MDG): Hon. Temporary Speaker, that is what a responsible opposition does. It does not just oppose for the sake of opposing. Opposition that is responsible provides solutions. We do not just say this is wrong. You tell us how to do it right. In this Bill, I believe that instead of saying that there is no place for *mama mboga* and boda boda riders, tell us how to improve it. I am going to ask the Leader of the Majority Party to provide a quota for each category of people in this country. That can be done under Part IV of the Bill. We must have quotas for *mama mboga* and boda boda riders. We must have a provision that says if 100 houses are built at any place, 40 of them will go to *mama mboga* or boda boda riders. We must have that in the law. That is the way to go. You do not just say it is wrong and you keep quiet. You say it is wrong and provide solutions on how it can be done.

Countries the world over grew on the back of housing booms. We have talked about countries like Singapore, Taiwan and Malaysia. These countries grew on the back of housing booms. What is going to mess up our housing programme is corruption. That is what we have been talking about. We need to ensure that big projects like the housing scheme are corruption free.

We can make good laws in this Parliament but if we do not follow up with implementation and ensure that things are done in the right way, we will not go anywhere. That is why I will propose an amendment to this Bill on a section for procurement. We will not leave this to procurement laws. We will make a provision on how we will procure the materials to be used for construction. We do not want people lying to us that they bought cement at East African Portland or at Savannah yet they are importing cement. We will ensure that timber being used is bought locally. We will ensure that everything being used in these programmes are locally sourced. Those are the things that I expect us to talk about. How do we ensure that this becomes one of the programmes that make sure that we get money through the Buy Kenya, Build Kenya initiative?

I will not keep quiet if we will launch housing project yet we are importing cement. I will not keep quiet if we are going to launch housing projects yet we are importing timber. I will not keep quiet if we are going to be launching housing projects yet we are importing steel. All these must be sourced locally for what the President has promised to come to fruition. Let us ensure that for once we do this in a manner that creates jobs systematically. If we source timber locally, the timber industry will grow. If you source cement locally, the cement industry will grow. If you also source steel locally, the steel industry will grow. If you source the technology locally you transfer that and the industries will grow. That is what I will require to see happening.

Hon. Temporary Speaker, Kenyans are concerned about the possible favouritism in the distribution and allocation of the houses. That is why we must have a proper system that does not involve human intervention. I am happy that the President and the Government have decided that they are going to digitise things. Leader of the Majority Party, I request that we digitise the allocation of the houses. Let this not be about someone sitting somewhere and saying that so and so gets, so and so does not get. Let us have a way, even if it is a lottery or a coupon system. Let us ensure that we avoid things that will make this not work.

The communities that are giving the lands for this project must also be considered. If you are building houses in Ugenya, you must tell us that out of these 100 houses, you have put aside at least 20 for the people from Ugenya. If you are building houses in Mathare, you must ensure that we are providing 50 per cent of these houses to the people of Mathare. This is a

serious project for the President. It must succeed and it will not succeed if there is indiscipline and the law is not followed to the letter.

I have looked at who are represented in the board that is being proposed. I am, again, going to plead with the Leader of the Majority Party that in that board, we must have a person from the *jua kali* sector. In that board, get a person from the Kenya Private Sector Alliance (KEPSA) — guys who sell the materials for construction. Let us not just have the Federation of Kenya Employers (FKE) and Central Organization of Trade Unions (COTU). Let us also have the *jua kali* sector, who are supposed to benefit from this programme, so that they are also represented.

I plead with those doing this project. We cannot be demolishing good houses to build better houses. We have to negotiate. You cannot go to Kakamega or Bungoma and demolish houses that were built two to three days ago. Those are people who have not done anything wrong. Talk to them. Agree with them that yes, we want to build a bigger thing here. We cannot be allowing Chinese to be building very serious things in Kileleshwa interfering with our planning and then you go to Bungoma and Kakamega and demolish people's houses there. Let us do this in a humane manner. Let us make this work for Kenyans. Where Kenyans have concerns, let us address them.

I want to finish by saying that...

The Temporary Speaker (Hon. Martha Wangari, Gilgil): You will have thirty seconds to wind up.

Hon. David Ochieng' (Ugenya, MDG): I have heard people talk about people contributing money yet they will not get houses. These are like those people who pay their taxes, which we use to pay school fees for our children, but they have no kids. There are those who pay their taxes which we use to run the health system. They have not become sick and gone to hospital. So, arguing that because you are not going to get a house if you are taxed is wrong. There are people who have paid money for school fees and bursaries but they have no kids. This is social housing. We, as a country, must carry each other along. We cannot say that because I have, I cannot pay for what I will not need. Our humanity, our *ubuntuness*, and our belongingness requires that those who have help those who do not have to acquire, Hon. Temporary Speaker.

I want to wish the President well in this programme and request Parliament that we keep our eyes open. When our people give money for this project, it must be used for the right project. Corruption must not be allowed in this project.

I support. Thank you.

COMMUNICATION FROM THE CHAIR

GUIDANCE ON SUBMISSIONS OF THE 2024 BUDGET POLICY STATEMENT AND THE MEDIUM-TERM DEBT MANAGEMENT STRATEGY

The Temporary Speaker (Hon. Martha Wangari, Gilgil): Before the next person speaks, allow me to interrupt the business of the House to go back to Order No.5 on Papers. I will give guidance on the tabling of the Budget Policy Statement (BPS) and Medium-Term Debt Management Strategy (MTDMS) for the financial year 2024-2025. This guide relates to the submission of 2024 BPS and 2024 MTDMS.

In this regard, I wish to inform the House that in compliance with the said provisions of the law, the Cabinet Secretary for the National Treasury and Economic Planning has submitted the 2024 BPS, the 2024 MTDMS and the attendant documents. Before permitting the Leader of the Majority Party to lay the BPS and the MTDMS on the Table of the House, allow me to guide the House on the next steps to be taken.

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Hon. Members, Standing Orders 232 (5) and (7) provides as follow:

“(5) Upon being laid before the House, the Budget Policy Statement shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within seven days of committal.

(7) Within fourteen (14) days following the tabling of the Budget Policy Statement, the Budget and Appropriations Committee shall table a report in the House for consideration in accordance with the provisions of Section 25 (7) of the Public Finance Management Act.”

It is, therefore, expected that immediately upon being laid, the Departmental Committees will forthwith commence consideration of the BPS in accordance with their respective mandates and submit their reports to the Budget and Appropriations Committee. Thereafter, the Budget and Appropriations Committee will table its report on the BPS to the House within the set timelines.

Hon. Members, I also wish to remind the House that the consideration of the BPS ought to be preceded by consideration of the MTDMS. Of note, a resolution of the House on the MTDMS sets the appropriate limit on proposed domestic and foreign borrowing for the next financial year.

For clarity, Standing Order 232A (4) and (6) provides as follows:

“(4) Within ten days following the tabling of the Debt Management Strategy, the Public Debt and Privatization Committee shall table a report in the House for consideration.

(6) The House shall consider the report of the Public Debt and Privatization Committee on the Debt Management Strategy before considering the report for the Budget and Appropriations Committee on the Budget Policy Statement.”

Therefore, I urge the Public Debt and Privatization Committee to expedite consideration of the 2024 Debt Management Strategy in order to clear the way for the consideration of the BPS.

I will now allow the Leader of the Majority Party to lay the 2024 Budget Policy Statement and Debt Management Strategy.

I thank you.

PAPERS

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I beg to lay the following Papers on the Table:

1. The 2024 Budget Policy Statement;
2. The 2024 Medium-Term Debt Management Strategy;
3. The Medium-Term Revenue Strategy for the Financial Years 2024/2025, 2025/2026 and 2026/2027; and,
4. The 2024 Budget Policy Statement (Non-Financial Indicators) for the Financial Year 2024/2025 and the Medium-Term.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Asante. Zamu inayofuata ni ya Mbunge wa Mombasa, Mhe. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana, Mhe. Spika wa Muda, kwa kunipatia fursa hii niweze kuchangia mjadala wa leo. Nimepata kuelewa pesa za *Housing Levy* ambazo zinakusanywa kutoka kwa wananchi ni Ksh63 bilioni. Mahakama

ilibandua mambo ya *Housing Levy* na hizi pesa zinafaa zirejeshwe kwa wananchi mpaka vile mahakama itakapoamua. Naskia wamepeleka hii kesi kwa Mahakama ya Rufaa na tunangojea kusikia itakuwa namna gani.

Hata huko Mombasa nyumba zimejengwa. Watu walitolewa katika nyumba zao huko Buxton. Waliambiwa kwamba wao, ambao ni maskini, nyumba zikijengwa watakuwa wa kwanza kupewa. Saa hii nyumba zimetimia huko Buxton. Niliskia aliyekuwa amepewa hii *contract* akisema mikono yake imefungwa. Aliomba kabisa nikiskia na masikio yangu kwamba watu waliotoka hizo nyumba wapatiwe nafasi ya kwanza kuingia lakini mpaka leo hawajarejeshwa pale. Hizo nyumba zauzwa Ksh5 milioni ama Ksh7 milion. Tusifanye mambo ya danganya toto. Walimdanganya mama mboga, muuza viazi na yule anayesukuma mkokoteni kuwa zile nyumba zitakuwa zao. Kumbe tunawahadaa wananchi.

Mambo ya ujenzi wa nyumba ninafikiri yalianza kule mwanzo wakati wa Mhe. Rais Uhuru Kenyatta. Aliweza kujenga nyumba upande mwingine wa Kibera, na ningependa kumpongeza kwa sababu watu walioingia kwenye nyumba zile ni wale waliokuwa wametoka kwenye nyumba zilizobomolewa. Wanalipa Ksh2,500 ama Ksh3,000 kila mwezi, mpaka watakapo kamilisha malipo yao ili wachukue zile nyumba.

Mhe. Spika wa Muda, kwa sasa mambo yanayoendelea ni hujuma. Nyumba zabomolewa. Kwa mfano, juzi walibomolea watu wa Changamwe. Pengine nyumba zingine zitakuwa zao. Lakini hata kupatia wananchi *notice* imekuwa vigumu. Ningependa Kiongozi wa Chama cha Walio Wengi, ambaye ameleta Mswada huu, atuelezee mama mboga na mwana *bodaboda* wanawashinikiza vipi ndani ya *Housing Levy* wakati hawako kazini? Wale ambao wanafanya kazi ndio wanakatwa hizi pesa. Je, anaweza kutueleza huyu mama mboga ataingizwa kwenye mpango huu?

Ni dhahiri kuwa wafanyikazi wengi wa Serikali walikuwa wamechukua mikopo na kununua nyumba ambazo tayari wako nazo. Ni dhuluma kubwa sana kukatwa pesa za *Housing Levy* na yale mapeni hawawezi kuyatumia.

Serikali iko na ardhi kubwa. Hata wananchi wengine maskini wana mashamba yao. Kama Serikali kweli inataka kujengea mwananchi nyumba, mbona wale ambao wanakaa kwenye nyumba za matope katika mashamba yao wasiende kuwajengea nyumba za kisasa kisha wawambie kwamba watakuwa wakilipa Ksh2,000 mpaka wamalize deni, ndio waweze kuishi ndani ya nyumba ambazo ni dhabiti?

Yale tunayoshuhudia ni uvunjaji wa nyumba, kunyang'anya watu mashamba yao na kudhalilisha Wakenya ambao wanalia huko nje. Ninataka niulize swali moja tu. Kufikia sasa, Kenya inadaiwa Ksh12 trilioni. Juzi tumemskia Mhe. Rais akisema kwamba madeni yamekuwa mengi na kulipa imekuwa mtihani. Wewe unadeni linalokusumbua. Kwa nini wachukue pesa tena waende kuwekeza kwenye vitu ambavyo Wakenya hawana haja navyo? Wakenya wakipiga kura walitoka katika nyumba zao, hawakutoka msituni. Inafaa haya mapeni ambayo anachukua kujenga nyumba ayatumie kulipa madeni ndio tumuelewe. Madeni yanazidi kukua na wananchi wanalia pesa zao zinakatwa. Kwanza, ile *Fuel Levy* ya 16 per cent inatosha kufanya haya mambo yote. Kwa sasa, ameenda *extreme*. Tusizungushane huku na kule, Wakenya wamechoshwa na kirba goji goji kirba. Wanamtaka Mhe. Rais aweze kuongeza *production* na awache kukata mishahara ya wananchi, ambao wana madeni chungu nzima.

The Temporary Speaker (Hon. Martha Wangari): Kiongozi wa Chama cha Walio Wengi ana hoja ya nidhamu.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Asante sana, Mhe. Spika wa Muda. Hoja yangu ya nidhamu ni kwamba hapa bungeni ni lazima tuongee tunavyo sema kwa lugha ya kimombo *with relevance*. Yani tuongee mambo yanayohusu Mswada ulio mbele yetu. Nimemskia Mhe. Zamzam akiongea kuhusu *Fuel Levy*. Sijui *Fuel Levy* ina uhusiano gani na Mswada ulio mbele yetu. Labda atuelezee. Pia, nimemskia akiongea kuhusu amri ya mahakama ambayo iko Changamwe. Haina uhusiano na Mswada huu.

Mhe. Spika wa Muda, ninaomba Mhe. Zamzam atujulishe.

The Temporary Speaker (Hon. Martha Wangari): Mhe. Zamzam, unapewa dakika moja atujulishe. Pia, umetaja kodi tofauti. Tafadhali, fafanua.

Hon. Zamzam Mohammed (Mombasa County, ODM): Kiongozi wa Walio Wengi Bungeni, ikiwa mwalimu alikuwa anafunza darasani na hukumwelewa, sio shauri yangu. Mzazi aliyekulipia karo atakuuliza ukifika nyumbani.

Huo wote ni ushuru unaotozwa wananchi. Kwa nini ushuru uongezwe? Tumia ule ushuru wa asilimia kumi na sita kufanya hayo mazagazaga yote ambayo unataka kufanya. Wakenya washadhulumika katika ile asilima kumi na sita wanayotozwa. Kwa nini tuwafinye tena na *Housing Levy* wakati hata bodaboda na mama mboga hawajui mambo ya mshahara? Maskini wa Mungu; nimeona wameingia hadi vibandani kutakuwaje nchini Kenya? Ukitaka taifa lako liende kwa udhabiti, punguza ushuru na uzidishe mazao. Ukizidisha mazao, Wakenya watakuwa na furaha ya kukatwa ushuru. Pengine wenzangu walioko upande wa Serikali wako na shida nyingi hadi imewabidi wafanye hivyo. Na kama vile maiti hukuwa na nzi, pia huifuata mpaka kaburini. Pengine mnataka msaidiwe pale juu lakini mjue kuwa mkirudi kule chini kwa wananchi, mtapigwa makatafunua na mtalilia shida zenu kule chini.

Wakati umefika kwa Bunge hili kusimama na wananchi wa Kenya na liweke misingi thabiti ya kutetea mwananchi wa kawaida. Iwapo uko Upinzani au Serikalini, tafadhali simama na watu wako. Mwambie Rais kuwa hii *Housing Levy* imezidi. Atumie ile asilimia kumi na sita aliyoichukua aifanyie mambo yake lakini kwa haya mengine, amhurumie mwananchi wa kawaida. Ukiona kiongozi wa taifa anaenda kila mahali kisha anazomwa, sio ishara nzuri. Inamaanisha Wakenya wamechoka na wanahangaika. Sisemi kwa kuchukua ila kwa kutengeza. Kesho, Mhe. Rais atakapo kwenda kukaa kando pekee, atakubaliana nami kuwa mimi nilisema ukweli na atajua kuwa wenzake ndio wanaomdanganya na kuzidi kumdidimiza.

Ninaongea kama mama aliyeuza sambusa na kufanya kazi kama *house keeper* kule Saudi Arabia. Sisi hatujui mambo ya mshahara kukatwa *Housing Levy* wala hatujui kunaendaje. Wasitumie majina ya mama mboga na mvuta mkokoteni kudhulumu wafanyikazi ambao mishahara yao inasoma “*zero salary*” wakati mwingine.

Mhe. Spika wa Muda, Wabunge wenzangu na wananchi, mwambieni Rais ukweli. Mambo yanaenda yombo. Mambo kangaja huenda yakaja. Kenya inadidimia. Waheshimiwa wenzangu, msiingize Rais mahali pabaya. Hatuoni mama mboga au mvuta mkokoteni. Kuna Daktari, Mwalimu au Mkenya wa kawaida mahali ambaye anaskia amedhulumiwa na anaskia uchungu. Mambo ya *Housing Levy* yamekataliwa kortini. Kubali yaishe. Mulivyopewa uongozi, sisi tulikubali yakaisha. Hii *Housing Levy* imekataliwa. Kubalini yaishe ili tuweze kujenga Kenya kwa furaha na upendo bila ya kuwatoza wafanyikazi ushuru mwingi.

The Temporary Speaker (Hon. Martha Wangari): Asante.

Nafasi hii ni ya Mhe. Paul Nzengu, Mbunge wa Mwingi Kaskazini.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you very much, Hon. Temporary Speaker for this opportunity.

I have some issues with this Bill on the way it has been structured. The levies that have been incorporated in this Bill are not supposed to be as such. It should be money contributed to a trust or fund in the same manner as the NSSF. This is so that once you have made contributions over the years, you can claim your contributions in the form of a house or savings just like NSSF does.

If we are going to contribute monies and then people are going to apply for loans, which will be paid back, what happens to the initial capital that has been contributed? Does it mean that the government will divert that money to other uses? That is not being informed by this Bill. I ask the proponents of this Bill to look into that.

I am aware that small business people are going to close down. They are already struggling to pay salaries, and an extra burden has been imposed on them – of matching the

levy for the employees. Already, people are struggling with the burden of paying the little salaries they have been paying. An extra 1.5 per cent has been incorporated, meaning an increase in the salary that they are paying.

The other issue is eligibility to access this housing scheme. The definition of a social housing unit costing that much targets a person whose monthly income is below Ksh20,000. How can you save enough money to pay a loan for a house? The cheapest of those houses is going for Ksh2.5 million. Others are going for Ksh3 million. How many years will it take for someone who has an income of Ksh20,000, which has to be distributed between competing needs of the family, including food and other basic needs?

The board is constituted to be able to distribute money to different groups or different implementors of the objective of the Bill. The board is supposed to give 30 per cent to the National Housing Corporation; 30 per cent to Kenya Slum Upgrading and Low-cost Housing and Infrastructure Trust Fund; 36 per cent to the Ministry of Lands, Housing and Urban Development; and two per cent to the collector, KRA and the administrator, the board. How is the board going to coordinate and control all these huge amounts of money that are going to be given to different bodies of Government? All these bodies have an administrative arm in their component as they implement the project. Why duplicate administrative costs in four different bodies of Government? I oppose but I know the tyranny of numbers will play against me. When that happens, why can we not have a centralised way of remitting money directly from the National Treasury to the implementors? Why do we have to break it down into three different implementing agencies? That is also going to impact the cost of implementing the project.

Clause 21(2) says that a person qualifies to be appointed the Chief Executive Officer if that person has at least ten years of experience in a managerial capacity in affordable housing matters, finance, investment or banking sector. Why has this been deliberately left amorphous? Before you have experience, you must have the requisite academic qualification. Therefore, a CEO of a technical organisation must be a technical person. In this case, must be an engineer, architect or building economist so that they understand what is involved in building. Buildings have components like a strong foundation. If you give a quack and say that experience is required with no academic qualifications, it means that anyone who has experience can be employed even if they have been managing a brewing company, a hotel or a club. If we pass this Bill, the CEO must be a technical person who has technical qualifications over and above experience. I refer you to Clause 26 on the Corporation Secretary. There shall be a Corporation Secretary who shall be competitively recruited and appointed by the Board. A person shall be qualified to be appointed as a Corporation Secretary if that person holds a degree from a university recognised in Kenya.

Why are we silent on the qualification of the CEO? On the eligibility question under Clause 31(2)(d), apart from what the Bill provides on such other information as may be determined by the relevant agency, why are we leaving the agencies to be the ones to determine? If we have a criterion on how people should qualify to benefit from this Fund, then the criterion needs to be set out in this Bill so that we do not leave it open for abuse by the relevant agencies that have been mentioned here.

Hon. Temporary Speaker, I submit. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Kasarani.

Hon. (Capt.) Ronald Karauri (Kasarani, Independent): Thank you, Hon. Temporary Speaker. From the onset, I rise to support the Affordable Housing Bill, 2023. Let me make it known to the House that this is the first time you are hearing my voice. I am going to stick to the subject at hand, even though this is supposed to be my Maiden Speech.

I remind Hon. Members that I was elected as an independent candidate. I bring that up because I did not have the luxury of having a national manifesto, but I read both manifestos by the Kenya Kwanza and the Azimio la Umoja-One Kenya Coalition Party. Both manifestos

agreed on the need for housing. They agreed that it is a fundamental human right. They agreed on the rate of population growth and migration to urban centres, we require approximately 250,000 new housing units per year.

There are two things we must recognise from this fact. Kenyans agree that there is need for housing. The question is how this is going to be implemented. I also happen to be in the Departmental Committee for Housing, Urban Planning and Public Works. We went around the country. That must have been the most advanced public participation exercise I have seen. Kenyans agree that there is a need for housing. Where there is divergence is on several issues which can be cured and are already being cured by amendments to this Bill.

The first issue was affordability of these houses. Most Kenyans lamented the fact that there was a deposit required to get access to the houses. That has already been cured in the amendments. I beg Members to please go through the Committee Report, because most of the issues that are being raised today have been addressed in that Report. Most of the other issues on allocation of the units, fairness in allocation and job creation have also been cured with amendments. How have these been cured? It is by ensuring that wherever these units are constructed, they benefit local communities. All those things have been addressed by the amendments based on the public participation exercise carried out by the Joint Committee.

The issues that arose for most people are purely speculative. In Kenya, there is a culture of public funds being stolen. We have to get to a point where we have faith that some development is going to happen. Otherwise, we will remain in the same state. We are now 60 years after Independence. We have not achieved the provisions of Article 43 of the Constitution and ensured that Kenyans live in dignity. It is time, as a House, we rose and supported this Bill to ensure that, at least, as the 13th Parliament, we can be proud that we have eradicated some of the problems that have persisted before some of us were born.

Even though this Bill only tackles housing, some people are saying we should first ensure that people have adequate food and jobs. However, social and economic rights must all be achieved simultaneously. We cannot say that since not everybody has a house, then they do not go to school. All our children need to go to school. Education is also a socio-economic right. Therefore, we must strive and achieve all those rights at the same time. We are already 60 years too late. One of the things we must ensure as Members of this House, instead of opposing the Bill, is to bring forth amendments of what we think should be changed. Both Azimio la Umoja-One Kenya Coalition and Kenya Kwanza Alliance, and the people of Kenya, agree that we need housing and there is a problem with housing.

The number of jobs already created through the affordable housing units already being constructed has not been seen before. I heard one of the Members say that we do not need these temporary jobs. We need all jobs. My people in Kasarani need these jobs. I have to advocate for this because a lot of people who live in rural areas come to Nairobi to look for these jobs. They have nowhere to stay. The Government must ensure that whether it is rental or houses that people can buy, they have access to affordable housing.

I rise to support and I submit. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Funyula, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for this opportunity to lend a voice on this very controversial and emotive subject of affordable housing. If you look at the Sessional Paper on the Housing Policy of 2015, it is very clear on the need for housing. Indeed, if you read deeper you will realise that the definition of housing has never been universal. If you look at the United Nations Habitat Resolutions, the definition of housing has never been uniform and cross-cutting. Each community, family and society has its definition of housing. That is the first point and shortcoming of this Bill. It assumes that the definition of a house for somebody in Limuru is the same for somebody in Wajir. That is the

first point. It makes many of us believe that this Bill is not about housing. It is about politics. It is about short-term gains. It is about things that do not add any value to the people of Kenya in totality.

I want to disclose here that I was one of the first Members of Parliament to submit a bid for affordable housing. There are indications that they are coming to do those affordable houses in my constituency. When I told my people on the ground in Funyula Constituency, they have mocked me for the last three weeks nonstop on how misguided, misdirected and mis-prioritising I am. That is the first issue we need to address. The Committee has talked eloquently about how they did public participation all over the country and that there was unanimity that this Bill is good. They have said they are going to move amendments. We want this to be the test case so that public participation should not just be for the sake of it. It should not be a farce or window-dressing.

Hon. Temporary Speaker, I have not had an opportunity to read the Report, but I would imagine that they have a matrix on what people said in each particular centre that public participation was done. How have they synthesised those comments and submissions? How they have arrived at whatever amendments they wished to make to this particular Bill so that we truly reflect the spirit of public participation? It is a waste of public funds for Members of Parliament to go all over the country for public participation, but come back and use some invincible force to overturn the will and expectation of the people of Kenya. It is unconstitutional, immoral, unfair, and abuse of the office that has been conferred upon us.

Hon. Temporary Speaker, they need to be honest. There are a lot of concerns regarding this particular Bill. The first which has been the bone of contention is the source of funds to implement affordable housing. The issue of the Housing Levy has been a bone of contention and the courts of law have pronounced themselves in respect to that matter. They are trying to cure the issues raised by the court of law by including Clause 4(2)(b) where they are looking for other incomes. We are misleading the nation and covering our heads in the sand.

First, the principle of taxation is that the cost of collecting and administering the tax must not be too high to the extent the tax collected is not useful. I do not know the mechanism the KRA will use to collect the Levy or any contribution from *mama mboga*, boda boda riders, illicit brewers, typical merchants who sell cereals, or peddlers. The cost of collecting and administering that tax will make KRA abandon that line of income and concentrate on salaried people and those in formal employment. We are again going back to the discriminatory nature of the funds that were the basis of the court case. We have not thought about it. Just as the Leader of the Minority Party has stated, what is the hurry? There is no doubt that we want housing. Many Kenyans, including those living in Lavington would want to upgrade to Muthaiga, and those in South C would want to upgrade to go somewhere else. There is no doubt about it, but what is the modality of getting the housing?

The amendment will be moved, and as usual, the tyranny of numbers will carry the day. There is an attempt to cure the problem in Clause 38 of the Bill. It states that an eligible person may make voluntary savings with an agency for purposes of raising a deposit towards the allocation of an affordable housing unit. That is where the solution lies. Housing is personal and might never be a priority for everybody. Many of our children will prefer hovering around our houses even as they approach 30 years as they look to buy cars or invest in the stock exchange. Many of us will get married; a man will move to a woman's house and might not need the house they had until the day another competitor of the house comes to kick him out. This happens quite often.

(Laughter)

I want to urge the Majority side to look at this Bill from both a policy prescription and a realistic point of view. At the end of the day, we are going to punish Kenyans. The reason I came here early and stayed for this long is because I have received several messages, especially from the teachers of this country and employed people who are low-income earners that they are already suffering. Many of them are going into negative payslips. They thought the relief that came from the courts was going to help them solve their problems. Some have already committed salaries and continuing to impose the tax as it is at this level is punitive and unfair. We want to tell the Government this; no country has ever developed by over-taxation and no country will ever progress by heavily taxing a common *mwananchi*. We can still do affordable/social housing by looking for seed capital of Ksh70 or Ksh100 billion. We can float a housing bond. We have received money through Eurobond. The sovereign credit rating of the country is still good, and therefore, we can raise that kind of money so that it becomes a sinking fund.

Hon. Temporary Speaker, in any case, the housing demand was less from one period to another. There is no guarantee that all the houses that we are rushing to dump into the market will be absorbed at ago. That is a fallacy and there is no economic theory that supports that kind of argument. We must look at this Bill soberly devoid of partisan politics and present to the people of Kenya something that they will look at the 13th Parliament with posterity.

The other technical issues are immaterial. They are minor and can be resolved. The elephant in the House is the definition of the house, and secondly, it is the way of raising funds for the affordable housing schemes.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Malava, Hon. Moses Injendi.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I rise to support this Bill and thank the Leader of the Majority Party for coming up with it. I am happy to learn today that Azimio la Umoja One Kenya Coalition Party had affordable housing in their manifesto just like the Kenya Kwanza. However, I am surprised that a Member from that Coalition can claim that affordable housing is not a need for Kenyans presently yet it was in their manifesto.

(Hon. Samuel Atandi laughed loudly)

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party, what is out of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I do not want to interrupt Hon. Injendi, but you can hear the laughter that is coming from Hon. Atandi. He is laughing like someone in a bar not in the House. He is disrupting everybody; we cannot even hear Hon. Injendi's contribution. You could maybe ask Hon. Atandi that if he is not keen on listening, he should allow us to hear Hon. Injendi.

The Temporary Speaker (Hon. Martha Wangari): Order, Leader of the Majority Party. Hon. Atandi has heard you. I want to request the *kamukunji* there to consult in low tones. Member for Malava, continue.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. Those of us who have the advantage of getting a salary should consider our brothers and sisters who do not have any income and are suffering in terms of their living conditions. When I began working, it was very difficult to get a house in Nairobi because of the high cost of rent. I would visit some of my colleagues who got jobs and the kind of places they were staying in were in

deplorable conditions. I want to appeal to everyone in the country, particularly the salaried, to accept that they are advantaged with the income they get. They can raise money just like they do in PAYE so that we can get decent houses in Nairobi for our brothers and sisters.

I come from a rural area, and we are an agricultural constituency. Most of the farms currently are being sub divided further to put up houses for the children in those homes and this is affecting farming. I believe this kind of housing, if it takes root in urban areas to solve the problem of living conditions in urban areas, then it also extends to a rural place like mine so that we also have affordable housing projects in Malava Town. I would expect the children who inherit land from their families traditionally in future, to get houses in urban areas and leave farms for agriculture. I would really support this and urge each of us to do so. After all, Azimio and the Kenya Kwanza coalitions were having this in their manifesto. They need to support this and work on a few amendments if need be.

However, Clause 4 of this Bill, Paragraph 2(a) on the Levy, states that it shall be at the rate of 1.5 per cent and in (a), it talks about the gross salary of an employee or (b), the gross income of person received or accrued which is not subject to the Levy under Paragraph (a). My only question is this, supposing as an employee I have a salary of Ksh100,000 per month and I have managed to develop a business where I am earning almost Ksh500,000 every month, who decides what is to be levied? Do they levy my salary or my other income? I want this Bill to come out clear on this. Whether it is to be decided by myself or KRA on what to be levied.

Hon. Temporary Speaker, on the issue of penalty on Clause 7, I am finding this a bit punitive. That on the 9th day of the following month, if the money is not remitted, then there is a penalty of 3 per cent of the unpaid amount. We know what Kenya is going through when it comes to salary payment. Even our own staff here in Parliament sometimes get delays in salary disbursement. We can make it less punitive.

Finally, some persons were asking why we are paying this money and yet we have an investor who is coming in to be given land, develop, then finally we pay for it. I have found an answer in Clause 10 which I would like Kenyans to know. It addresses this particular issue. The particular levy that we are paying is to help those Kenyans who are not in a position to get some soft loans. Loans at low interest rates where it can even be acquired at 1 per cent and pay for this particular house. I am also finding some comfort with this because, when this money is...

(Hon. Raphael Wanjala consulting loudly)

Hon. Temporary Speaker, my brother here makes a lot of noise. I do not know how he was in his Form Four.

I am also happy with the Bill. I have realised that apart from developing a house, the money will also be used to upgrade and do maintenance in slums. If you get into some of these slums, they have no roads and facilities like toilets. I am happy this money will be coming from us who are able, to help improve those particular slums so that those who are living there can have a decent life.

Hon. Temporary Speaker, I support this Bill, 100 per cent.

The Temporary Speaker (Hon. Martha Wangari): Hon. Member for Alego Usonga, Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Finally. Hon. Temporary Speaker, let me begin by saying that I oppose this Bill in totality.

According to my understanding, the reason why this Bill is here was to primarily correct the issues that were raised by courts on the unconstitutionality of the Affordable Housing Levy. This Bill does not attempt to address the matters raised by the courts. For example, on the fact that housing is a devolved function, the Bill merely mentions counties. It does not say anything

much. The only area where the Bill is involving counties is where the Affordable Housing Board is formed. In this Board, Council of Governors is supposed to nominate one person to it. That is the only area where counties are mentioned. On the allocation of funds, counties are not involved. There is nowhere counties will be involved in implementing these projects. According to me, the Bill still remains unconstitutional because that issue is not addressed.

The other issue which I want to talk about is that most of my colleagues who have spoken from the other side, are saying that this Bill is supposed to answer the question of job creation and that these houses will give the jobs. This is the biggest fallacy and hypocrisy of the affordable housing theory. I do not know where these jobs will be found. What I have seen going on in the country is that there are a few grey, yellow and brown men from China and Turkey who are implementing these projects. I have not seen anywhere where Kenyans are going to be used to do these projects. In fact, the truth of the matter is that the motive of this affordable housing has not been revealed to Kenyans. They do not understand what all this housing is all about.

If the regime wanted to use this affordable housing programme to create jobs for Kenyans, then it should have used another model. For example, it should have used labour-based approach to development of housing like what I have seen happening in Rwanda. In Rwanda, when they build houses, they use locals. They only get experts. They do not have to hire foreigners to come and build houses and then Kenyans become labourers. We cannot sit here and pass a policy or a law that will make Kenyans labourers to Chinese and then start shouting of how we are creating jobs. The last time I checked, when the President was commissioning some of these projects, I saw hungry looking Kenyans on those sites. I do not even think they are even paid.

You know how colonialism is going to apply in this affordable housing. Let us get serious and stop this argument that these things are going to give Kenyans jobs. If we are going to ask Kenyans to go to these *mjengos* (construction sites) and earn Ksh100 per day, and then a President shouting saying that he is creating jobs, this is the biggest fallacy that this House should never entertain.

The other issue that I wanted to talk about is on Part 3 which is talking about the Affordable Housing Levy. Employed Kenyans are supposed to pay 1.5 per cent of their gross salary into this Fund. I have not seen anywhere where other Kenyans who are not in employment are also paying. It is not here, or if it is there, I should be shown. My understanding of the court decision was that this affordable housing was discriminatory. That only employed people were the ones supposed to pay into it. How are you correcting that? You are still asking only employed Kenyans to pay. The employed Kenyans have spoken. They have said they do not have additional income to support this programme. If the people who are supposed to pay for it are saying no, why is this autocratic Bill being forced down the throats of Kenyans?

I oppose this Bill because it is forcing employed Kenyans to pay for something which they do not need. Personally, I do not need this thing, I am employed. Many other people in my family are employed and they do not need it. This is dictatorship and this House should never allow itself to be used to pass dictatorial policies.

I also wanted to say that it is true Kenyans may want affordable houses. However, is it the most important priority? As a House, we need to pass policies and laws that Kenyans want prioritised. In my view, I do not think this is a priority. Some people sat somewhere and decided that we need to collect resources from Kenyans, build houses and eat. In the end, this is going to be the biggest scandal in the history of Kenya. It will be a bigger scandal than the Goldenberg and the Eurobond where money was borrowed and it never reached our country. When the Auditor-General, Ouko, said that the Eurobond funds were stolen, some people did not accept or agree. I predict that this Affordable Housing Programme will be a bigger scandal meant to benefit a few people in State House. This is a fact which must be highlighted.

Therefore, I stand with Kenyans to reject this Bill. The Member for Mombasa County, Hon. Zamzam, should go down in the annals of the history of this House as the most eloquent speaker on this matter. If you were not persuaded by her speech, you need to check yourself. There were certain aspects of this Bill which I wanted to support, but after Hon. Zamzam contributed, I now oppose the Bill in totality. Even my colleagues from the other side like Hon. Ichung'wah could not sustain a point of order against her speech.

The House should resolve that Kenyans do not need this Bill. All of us need to oppose it because Kenyans should not support corruption by few elements in Government.

I oppose the Bill.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I would like to take this opportunity to add my voice to this Bill by going on record that I oppose it in totality.

First, we need to understand that buying or purchasing a home is a very personal matter. It is like buying a brassiere. When buying other clothes, you can take them for fitting, but you cannot do that with a brassiere. You are either size 38B or 34B. That is how personal buying a home is.

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

The Short Title of the Bill states that it gives effect to Article 43(1)(b) of the Constitution in terms of accessibility to and adequacy of affordable housing. When you tell an individual who is used to living with 50 people in the same *boma* that he or she will now live in a one-bedroomed house, how does that adequately cater for their needs?

If you look at the pay slips of working Kenyans, you will find that majority of them are already being deducted mortgage contributions and other deductions. You want to add the Housing Levy, yet they will not necessarily own that house.

Hon. Temporary Speaker, you said that all of us, even those without children, are subject to VAT deductions. However, I would like to educate you that VAT is a deduction that goes into a wider basket. The Housing Levy goes into a specific basket. Therefore, you cannot compare the two. That is like comparing a tomato with a potato. It does not work like that.

I would like to give you a comparative analysis of other countries. Finland, Italy and South Korea all have housing levies. All these countries, which are more developed than we are, had to review how their housing levies are administered. In South Korea, the Government is currently buying houses from private investors, subsidising them, and then leasing them out to individuals. In Finland and Italy, people are advised to rent-to-own. You are deducted an amount of money from your salary which goes towards a home that you already stay in. Therefore, you are renting to eventually own that home. That is not what we are working with in this country.

Clause 7 in Part II states that individuals will pay a penalty upon delays in remittance of the Levy. We are currently experiencing delays in payment of salaries even for civil servants. The NG-CDF has not come through because the Government says it has no money. Will the Government deduct these penalties from its own funds if it fails to pay civil servants on time? Will it penalise itself? Is that what will happen?

Clauses 30 and 31 lay out a very scanty criterion. You cannot tell me that to own a house, I have to first be a Kenyan citizen who is at least 18 years old. Imagine a scenario where a couple of citizens of this country go to a place like Ngara and say that they want those homes

since they qualify according to the criteria in the Bill. They are Kenyans and are 18 years old, therefore, they qualify. What will you tell them?

They want to establish affordable housing back at home in Nyamira Town. For those of us who come from the Nyanza region and maybe western Kenya, owning a home means that you have a compound which has goats, *ng'ombe* and plenty of space. That is what it means to own a home. You cannot tell a Kisii that if they have a flat then they own a home. That is just some space up there. You then imagine that people back at home like the elders will respect you and say that you own a home.

We need to tailor-make solutions depending on where people live. Do not tell people in villages about the Housing Levy. You cannot tell people in Garissa whose children are studying under trees that you want to build houses for them. Those are the actions of a government that lacks priorities.

As I conclude, I was nominated by my political party to represent workers in this Assembly. Now that the courts declared the Housing Levy unconstitutional, will the workers whose funds had been deducted get refunds? I say this because even if, at the very worst, this Bill is passed and declared constitutional, you cannot apply the law *ultra vires* or in reverse. Therefore, *tafadhali, turudishie Wakenya pesa zao*.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Next on the board... I am told the card for the Member for Homa Bay County had malfunctioned. This opportunity will go to her. Just give her the microphone wherever she is.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I believe the information, communication and technology (ICT) personnel will be reviewing our gadgets before our sittings commence so that I do not experience the frustrations which I have endured for the last four-and-a-half hours. Thank you for understanding.

Reading through this proposed Bill, I realised that all the clauses have gaps. I support the assertion that the Bill is a total scam. As legislators, we must oppose this Bill until we are convinced of its implementation beyond reasonable doubt.

Affordable housing is a good proposal, which even the Azimio la Umoja – One Kenya Coalition had in its manifesto as the Leader of the Minority Party has stated. From the perspective of a project planner, there is no project which is implementable to conclusion without definite parameters of implementation, a clear framework, and sustainability, which is the output of a project. Sustainability has not been mentioned anywhere in the Affordable Housing Programme. Therefore, technocrats were not involved in its formation. A few people who want to fulfill their passions, quests and thirst sat down, coined this programme, and put it on paper. No wonder it is being sneaked in in a rush.

As legislators who represent the citizens of this country, we know very well that we are undergoing tough times in this country. Even Members of the Legislature are finding it rough because there is nothing on our pay slips due to the many deductions. You cannot even understand where you are coming from and where you are heading to yet we are the representatives of the people. This brings me to the question, what about the common mwananchi who is not employed? He is not even near a *mama mboga* who can sell upto Ksh1,000 per day. This kind of affordable housing that we are talking about today as per the objects of the Constitution, primarily, we are saying that fairness is not taken care of. When we are talking about fairness in this country which the Constitution highlights, it is not there especially in the deduction of the housing levy from the employed; there is no fairness of other members of this country on how they are going to foot taxes.

Under the objects of the Constitution, Hon. Temporary Speaker, inclusivity, which is enshrined in our Constitution, is not factored in the framework of this proposed Bill. Why am I saying so? When we talk about *mama mboga*, the hustler nation, it is very clear, because as

the County Member of Parliament for Homa Bay, I rise to represent the Persons with Disabilities (PWD), but there is nowhere they are mentioned.

I add that inclusivity is not captured in the proposed Bill because there is nowhere in the Bill where unemployed youths and women, and the PWDs are included. The framework on inclusivity is missing in this proposed Bill. It was very clear that this is a county Bill and I agree. In the same Constitution, there is the interrelatedness of the county governments and the national Government. That is not clearly articulated in this proposed Bill as we can see in the Fourth Schedule under the aspect of the ownership and the board of management where we are sneaking in the Cabinet Secretary and the CEO, who I do not know the identification mechanism. We have 47 counties in this country and the framework of identification of the pieces of land is not articulated. We are talking about public participation which is purported to have taken place. We know the segments of a public participation. Was there adequacy in the notice that was provided? Was there involvement of adequate stakeholder and inclusivity of the same? Was it at the local level of the beneficiary who is going to get it? We only saw a spotted flashlight piece of news on the television where some people were seated with good bottles of water somewhere. Are we talking about affordable houses for *mama mboga* or we are just imagining of things that are not right?

This House must hold and respect the court order. This process was already stopped. It was important and necessary that we be firm as legislators, an arm of the Government, so that we review what we want to bring in place, because once we rush it, and then take it to the Senate for corroboration, that is wrong and misleading.

I also want to highlight that there is prioritisation of needs. Why I am mentioning this? What is this rush about affordable housing yet this country should address important issues such as education. As I speak, we know very well that our education is in a total mess. If we are a Government that prioritises needs of Kenyans, why can we not look at issues which are weighty such that if we tell Kenyans that these taxes are going to go to this kind of development, there will be improvement in the country? We have issues of water and electricity. What is this rush on affordable housing? Teachers have taken loans and acquired houses; people have built houses in various towns and gone back home. There is no framework on which a *mama mboga* is going to acquire a house; there is no framework on how the unemployed bodaboda and the youth are going to acquire these houses. Housing is not a priority. Some households are living in grass-thatched houses, but they are doing businesses and affording to take their children to school. Let us support them. It would be wrong and illegal for this House to accept, propose and pass this Bill unless we want to take Kenyans into rush.

It is about a small population of people who own companies in the steel industry in this country. In Nairobi, most of these industries are owned by the Asians and the Chinese. Africans are few in this sector. Who is going to import timber from Congo? I urge this Government to tap the underutilised resources from our counties, bring in investors, pour in and look for grants to ensure that in as much as affordable housing is moving on, resources are revived so that there is sustainability and increased funding in terms of improving our cost of living and economic status.

In Homa Bay, we have a lake and, therefore, bring us industries. Do not open up fishponds in places where there are no lakes so that we have fish which is not authentic yet we have fish in the lake. Let us have things which can sustain our locals where they are. We have forests which can be tapped for tourism and many things that we can do. Even the people who are employed in the private sectors, if you observe them during lunch time, they appear very hungry. They take *githeri* for Ksh10 because they are underpaid yet we are talking about building houses immediately, bring in steel and bring in timber. Where do we want to bring these from? The Kenyan is un-empowered.

I urge this House to reject this until the process and framework of implementation is clearly put in place. When it is brought, we shall support and we get to that.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): That is the Member of Parliament for Homa Bay County. I hope Hon. Wandayi noted that. The Member for Kwanza, proceed.

Hon. Ferdinand Wanyonyi (Kwanza, Ford-K): I will not be as...

(Hon. Opiyo Wandayi spoke off the record)

Hon. Temporary Speaker, give me time also to contribute. The Leader of the Minority Party, my friend, I want to do this...

The Temporary Speaker (Hon. David Ochieng'): Hon. Wanyonyi, go ahead with your contribution.

Hon. Ferdinand Wanyonyi (Kwanza, Ford-K): Hon. Temporary Speaker, we have to see exactly what is happening around. On this Bill, I ask those opposed to it that let us enrich it. Let us come up with corrections to point out what is missing and what we need to add so that we can pass this Bill. Let us look outside the box. We are talking about creation of jobs. I have a project in my constituency and the other day the Deputy President came and helped me in fundraising. There are over 120 youth and women casual workers employed in the project. They were casual workers and I can tell you that, casual workers were very...

(Hon. Opiyo Wandayi spoke off the record)

Excuse me. I do not need him to shout at me. You are out of order. The casual workers were very impressed because we have been talking about creation of informal jobs. We have professionals out there who do welding and masonry among other casual jobs. There are no formal jobs. Housing creates jobs in rural areas.

From 1960 to 1963 and up to now, almost 60 years down the line, there is a lot of migration into urban areas and somebody mentioned that. The migrants get into urban areas, but they do not get adequate housing. I was one of the affected fellows. I came in here after finishing my A-Levels and I was staying in a very pathetic place because there was no housing. As Members of Parliament, we are trying to see if we can have dignified way of looking at those who migrate to urban areas and see whether we can assist them. Recently, I travelled to Angola, and I want to do that as a benchmarking, because they have a very impressive housing project. I was told that the same way we are starting here is what happened in Angola. We have housing issues. People are now living very comfortably in Angola. This Bill will help in the creation of jobs. Some people will supply cement and others timber, as somebody mentioned here earlier.

In my area, we go all the way to Thika to collect stones and transport them to Western Kenya. This will have a multiplier effect, and the economy will grow. Let us not only look at the short-lived benefits but also the long-term benefits. For example, somebody employed in this project will get food supplies and other things. Again, that is a multiplier effect. That is how we can grow the economy.

We should not look at this Bill on a short-term basis in terms of what benefits one will get from it. Let us look at the long-term effect. As an economist, I see this as a way of revitalising our economy. This is a way of ensuring that this country's economy returns to where it is supposed to be. The economy is doing so badly today because there is no effect. There are no jobs. This Bill will create them. If you give somebody Ksh120 or Ksh20,000 after working for one month, he will not keep it. He will use it to buy something else to turn around the economy of this country.

I assure Members that this affordable housing scheme is one way of improving the economy. If you move around Nairobi City County, you will see that the boys and girls who do not have jobs do not even know where to go. I ask the Leader of the Minority Party and the other Members opposing this Bill to come up with some issues that can enrich it so that we can pass it for the benefit of Kenyans. It is not for your benefit or mine; it is for the benefit of Kenyans. Therefore, it is only fair that we look at it. As I said earlier, we can ask Parliament to sponsor some of the Members who are in doubt to go to Angola, which has the same scheme. I went around that country and saw that it is doable. The only way is to benchmark. You do not have to go there, but you can see online what is in Luanda, Angola. I saw that and was very impressed.

I urge Members to pass this Bill to see what we can do to benefit. Somebody will not benefit as an individual. A Member talked about corruption. I do not know how it comes in. We can look at the system in place and see whether we can propose amendments and then support this Bill. I support it. I call upon those with negative attitudes not to oppose it because they are in opposition. It will benefit other Kenyans.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Member for Githunguri.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Temporary Speaker. I rise to oppose this Bill.

(Applause)

I will be consistent, and I shall remain so. It is not because I do not like the policies laid down by the Kenya Kwanza Government. I am in this House to pursue the interests of the people I represent. They have priorities. They understand the mathematics of making money from the farms and improving their livelihoods.

This Bill's spirit was to dignify how we live and make housing affordable and accessible in line with Article 43 of the Constitution of Kenya, 2010. I am excited because the Kenya courts found it worth giving a clear and sober direction over the existence of a law that overlooked the need to align ourselves with the Constitution of Kenya, 2010. When I speak about dignity, you can only be dignified if you are living in a house that the community where you live appreciates as a home. It is where your in-laws can come in, enjoy a cup of tea, *mursik*, or *uji*, and then get an opportunity to enjoy the sunlight. I do not expect that these blocks of flats we propose to construct in our homesteads will dignify our communities' lives. In fact, they will disfranchise the cultural set-ups in our backyards.

(Applause)

I cannot imagine my mother-in-law coming to my House in a six-floor block and live opposite another neighbour who does not speak her vernacular and expect her to feel comfortable in such a setting, if you want to dignify me and my people. We cannot come here to purport that we are dignifying people, yet we are removing them from their cultural set-up, away from what they can access for their cultural dignity, to bring them to a contemporary modern understanding of what dignity is all about.

When I speak about dignity, I will be very excited as a Member of Parliament – specifically as a woman leader who has served in Kiambu County and understands it very well – if I hear that we are dignifying the people of 'Rwamburi' Slums in Kikuyu Constituency where the Leader of the Majority Party comes from. I will be very happy to hear that we are giving everyone living in Rwamburi Slums...

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is 'Kiamburi' Slums.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Kiamburi Slums. Thank you, Leader of the Majority Party. I will be very happy to hear that the people who live in the Kiamburi Slums will be dignified and given these houses in the most affordable way for them. We should remember that most of them have no constant income. They are not employed. I will be very excited if these houses are given to the people who live in Thika Constituency in *Gichagi Kia Madharau*, which means it is a village of undignified life. If these houses will dignify these people, I will be very happy.

I will be very happy, if these houses will dignify the lives of the people who live in *Gichagi ka Maratathi* which means a village of houses made of nylon paper in Lari Constituency. Let us look at what has been done in the past when this Housing Levy was introduced in this House and the houses that are being constructed. If you look at the ones that have been built in Ruiru, there is nobody from *Gichagi ka Madharau* who can afford them. The deposit is Ksh400,000 per House. What dignity are we talking about here? Whom are we dignifying?

Hon. Temporary Speaker, when you speak about accessibility, we are only constructing these houses in the urban areas. How accessible will they be to the people who live in the extreme corner of my constituency, for example, in Mathaja Village in the Githiga area? If we build the houses in Githunguri Town, for example, how accessible will they be so that we align ourselves with the Constitution? This is the spirit of the Constitution. That is why I oppose this Bill. This Bill should not be called the Affordable Housing Bill of 2023. If we are serious, we should call it the Affordable and Social Housing Bill of 2023. 'Social' means accommodating these people living in the nylon paper houses, as I have explained, because that is the spirit of the Constitution. I am happy because I have proposed amendments. I hope they will be considered on the Floor of the House so that my contributions, thoughts, and other like-minded thoughts from Members can be put in place.

When I speak about affordability, I do not think that the concept of stone and cement is what is affordable to my voters. I do not believe that the concept of cement, stones and concrete is what is affordable to somebody in Turkana. If we call them affordable houses, we should use the most affordable materials available in the villages.

Why must you force me to adopt your concept of concrete, stones, and cement that is not affordable to me? That is affordable to you because of your income level. To the people of Turkana, who are used to making their houses from wood cuts from the trees and cow dung to smear the houses and make them look beautiful... To them, that is what they can afford in their backyard. Why are you going to introduce the concrete and stones in Turkana when they are not affordable? By the way, stones and concrete are only affordable in Nairobi and Kiambu Counties, where quarries exist. If you go to the Coast region, there are no stones; why are they designing houses to use stones from *Ndarugo* quarries in Kiambu County, and trucks have to leave Thika or Ruiru to go all the way to deliver stones in Kwale County, for example? Is this not a business model for some people? That is why I am opposing this Bill; I have put my amendments on the floor and hope they will be considered.

The Temporary Speaker (Hon. David Ochieng'): One minute, Hon. Gathoni Wamuchomba. What is out of order, Honorable? Baya?

Hon. Owen Baya (Kilifi North, UDA): I rise on a point of order on this information because the Coast region is known for the coral stones, and a lot of the houses there are built of coral stones, which is one of the most precious stones that is used for building. Therefore, to say that people of the Coast enjoy staying in mad houses, and do not have building materials is not true because we have them.

In my constituency, there is a place called 'Tezo'. Mombasa has been built with stones from Tezo. It is a quarry area with better stones than Thika. It has one of the best coral reefs with the best coral stones. So, she is a very well-informed person, but she should not distort

facts and misinform people. We have very good building stones. Almost all our houses are built with stones.

The Temporary Speaker (Hon. David Ochieng’): Thank you.

Hon. Gathoni Wamuchomba (Githunguri, UDA): I think the Honorable Member, who is my friend wanted to inform me, but he did not ask me for permission to be informed because I do not think I was out of order. So, next time, do not misuse the Standing Orders. As I conclude, allow me to address the issue of land. I would still like to understand that this Bill has not addressed how the Government is taking up public land. This Bill has not addressed the legal framework around taking over pieces of land in our backyards, and that is why I am not supporting it. You cannot come to my county and sub-county and purport to take over public land to construct houses; land that was alienated for some project that serves the community.

For example, in Githunguri Constituency, there is a proposal to take up land that was supposed to be used for our *mau-mau* veterans memorial and cultural activities, and there is a lot of coercion happening so that the community can lose that land to affordable housing. I still feel that this is not right.

The Temporary Speaker (Hon. David Ochieng’): Allow her 30 seconds to finalise.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you for your consideration. I still feel that there is no right inclusion of the legal approach of how the Government, through this Affordable Social Housing Bill, will take over land that is supposed to be community land. Therefore, I oppose this Bill, and I have put my amendment to see whether my concerns and those of the people I represent have been captured.

The Temporary Speaker (Hon. David Ochieng’): The Minority Whip.

Hon. Mark Mwenje (Embakasi West, JP): Thank you. I rise to oppose this Bill, and right from the onset, it is important to say that two wrongs do not make a right. The Honorable Member for Kwanza Constituency was saying that we should try to improve on this Bill, and there is no way to improve on something that is already fraudulent. There is an issue of framework that the courts raised. I submit that we still have an insufficient framework in this Bill, and allow me to demonstrate. We have different forms of taxes and levies collected by the Government. We have PAYE, the National Housing Insurance Fund (NHIF), and NSSF.

The NHIF directly benefits a person who pays that levy, and the same applies to NSSF; you benefit from it. We also benefit from PAYE and all income taxes. We have teachers in schools, and whenever the Government decides to remit funds to the NG-CDF, we have roads that are done. This is how we benefit directly from this PAYE. So, how will the Housing Levy benefit the person paying it? If you do not change this issue... I am glad the Chairman is still here because we had a side chat with him, and I respect him.

I submit to him that this will be another challenge for this Bill, and when we go to court, they will set it aside because you have not shown... You have levied a tax but are not showing how we will benefit. Allow me to speak of Embakasi West in Nairobi. The Leader of the Majority Party has stepped out, but in his answers, I think as Members of Parliament, we should indicate the land where we should construct these houses. I have a school with 4,000 students; with 182 students in one classroom. I am looking for land to build a new school. How will I convince the residents of that ward that I can set aside land to build houses that will be privately owned, and yet in that entire ward, I have only one public school?

This is the case all over Nairobi. We have an issue where we have built affordable houses especially in Eastland. I will be honest: we have slums where we have rental houses going for Ksh500, Ksh1,000 and Ksh2,000 in Dandora, and Ksh3,000, Ksh4,000. As you accelerate all the way, you get to Buruburu, where you can afford to pay a house of Ksh50,000 depending on your financial strength. Those are our affordable houses in our constituencies, and we need title deeds. We have built houses, and we need them to be regularized. Therefore, you cannot

tell us to come and build new houses now. We have houses in Nairobi. Regularise them because those are our affordable houses. We are okay, and we do not need any more. Those are sufficient for us.

The majority of those who are being paid salaries are here in Nairobi. If you look at the houses being built in this county, it is unfair. How will you convince all these people where 60% per cent of the GDP is? You are not even giving us the equivalent. So, let me remind my colleagues across, and I am happy that the Hon. John Mbadi is here, because he might remind me that President Mwai Kibaki built houses in Nairobi but he did not impose a levy. They are here in Langata. President Uhuru Kenyatta built houses in Starehe Constituency, and I wish Members were here. The houses are here in Pangani, and no levies were imposed. So, it is not something new. That is why, as Azimio, we were willing to support it. We had this in our manifesto because we knew we could do it without asking for extra money.

I also want to speak about my Constituency. In some areas you have pointed out, where you want to demolish slums and build new houses, we have had uprisings and all sort of *maandamano* going on in Nairobi because nobody wants their homes to be demolished. So, we submit to you that we do have a form of affordable housing. It might not be the best, but it is what Kenyans can afford right now. Finally, because I will have several amendments that I will bring in later on, let me caution you. Let me caution on the criteria provided by this Bill. Before I was a Member of Parliament, I was an advocate earning a salary of Ksh20,000. I applied for an affordable housing scheme at Nyayo Estate. That was the most corruptible scheme because you needed to know someone before you got a house. The new Bill exposes us to such.

I see Hon. Owen Baya is paying attention. If you go to Nyayo Estate, you will find that those affordable houses, as considered then, were from Ksh700,000 to Ksh800,000. You will be surprised that the wealthy people in that regime own those houses. Some people own 10 to 15 houses there. The ministers, permanent secretaries, and Members of Parliament of that time owned those houses. The criteria in this Bill that one only requires a simple Kenyan identification card (ID) to own a house is very subjective. This means that someone somewhere will choose and determine who gets a house. What you have contributed to the scheme might not be considered. This might boil down to your tribe, skin colour, the depth of your pocket, who you voted for, political affiliation, share ownership and other non-fundamental factors.

As Azimio, we wanted to sort out the housing problem by providing affordable housing without adding more tax burden to the taxpayer. I know we will have more discussion about this in the Committee of the whole House. Nevertheless, I urge the Chairperson of this Committee to allow us to amend this Bill, as your colleague Hon. Ferdinand Wanyonyi said. Allow us even to delete each clause herein and redraft this Bill afresh. We have a strategy and plan. Kindly allow this issue to be bipartisan, and we can come up with a better Bill without adding more taxes to Kenyans.

I apologise that I have not had a chance to look at the Committee's Report because it was sent to us at night. I hope that we will look at some of these issues in depth. I cannot support it as it is.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Next is Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to discuss this.

I rise to oppose this Bill because it is flawed. The objective of this Bill is to provide affordable housing, to establish a levy and to give a framework. However, it does none of those. Throughout the Bill, there has been no indication of how these houses will be affordable or cheaper than other houses in the market. In fact, one pays for these affordable houses without

guarantee that they will get them. One is also expected to pay a 10 per cent deposit, get the house, and repay the loan. That is standard practice. What is so different with this?

If you look at the definition in this Bill, affordable housing will not be more than 30 per cent of a person's monthly income. Putting this into figures, how will they ensure it is not more than 30 per cent? Clause 2 states that affordable houses are of three types: social housing units for people whose income is below Ksh20,000, affordable housing units for people whose income is between Ksh20,000 and Ksh149,000, and affordable market housing units for people whose income is over Ksh149,000. If you put it like this and ask for 30 per cent of the income, you have already stated the rent for that house. In the market, is it really possible to have a law that dictates the amount of money people will pay for rent? I do not see how that will work out. You have a set percentage and income, which gives you the cost of the house. Can the cost of the house be fixed? This has been a big problem for us for the last ten years when we set a two-thirds gender rule. It is a fixed number, and we are trying to achieve it politically. This is the same thing we are doing with this Bill. This is not going to work.

On the Levy, they said this tax would only apply to salaried people. The court did not like this aspect, and it brought it back to us. We are saying that the Levy will apply even to people with other incomes. However, Clause 4(2)(a) talks of an employee's gross salary, which is okay and practical; it can be done. However, Clause 4(2)(b) talks of the gross income of a person received or accrued, which is not subject to the Levy under Paragraph (a). It has two meanings. It may mean that this applies to a person who is not salaried, or it may also mean that even if you are salaried and you still have another income, that income will still be subject to the Levy. Is that exactly what we mean in this Bill? I have a problem with this.

Clause 11 provides for how the allocations of the Levy shall be done. It states that 30 per cent will go to the National Housing Corporation and 30 per cent to slum upgrading, maintenance and rehabilitation. Now, you have a Board for this Fund but have also distributed it to other institutions. In Clause 12, how will the Board manage funds in other institutions with their own boards? That is defective. You cannot set up a Board, establish its mandate and functions, and then distribute the money to other institutions that have their boards. Technically, that is defective.

On the eligibility criteria, the Bill states that one should be a Kenyan over the age of 18 years and should have proof of availability of deposit, which is 10 per cent of the house's value. After that, one will apply to the agencies that will make the selection. We are talking of affordable housing, yet you are asking *mama mbogas* and *hustlers* to pay a deposit of 10 per cent. The Leader of the Majority Party said that when they went out, people were very keen to voluntarily accept contributing to the Levy. These people think they will get a house if they pay the Levy. I do not think these people realise they can pay the Levy for years and might never get a house. It is even more problematic because they are expected to pay an initial 10 per cent deposit while still contributing to the Levy, and are expected to pay back the remaining balance.

In Clause 38, an eligible person who may not raise the 10 per cent deposit will be deemed illegible.

The Temporary Speaker (Hon. David Ochieng'): Hon. (Dr) Nyikal, there is a point of order by the Leader of the Majority Party.

Hon. Leader of the Majority Party, it better be a point of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, Hon. Nyikal has invited me by referring to what I said about public participation. But clearly, he has not read the outcome of that public participation in the Committee's Report. All the issues he is speaking to, like eligibility, are proposed amendments by the Committee. This includes his question of 10 per cent deposits which is well articulated in the Committee's Report. Kindly

take some time to read so that you understand where I was coming from when I spoke about public participation.

Hon. (Dr) James Nyikal (Seme, ODM): That is exactly my point. You have reminded me of another reason why I reject this Bill at this point. The Mover and the Secunder did not discuss the Bill. They were discussing the report, which means that, to a large extent, without it, this Bill cannot pass. It makes it possible that by the time we proceed to amendments, there will be too many that we may have to draft the Bill again.

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Nyikal.

(Hon. Kimani Ichung’wah spoke off the record)

Order, Leader of the Majority Party. This is a report of the Bill. The report cannot stand without the Bill; it is a report of the Bill. I believe that the report informed the debate on the Bill. Therefore, I do not want us to waste time on this. I will allow you to proceed with your debate.

Hon. (Dr) James Nyikal (Seme, ODM): Yes, I will.

The Temporary Speaker (Hon. David Ochieng’): Do not get distracted.

Hon. (Dr) James Nyikal (Seme, ODM): I have reviewed the report and the format. First, it came late, and so we had no time to read it. But looking at it, a report of this nature should have a clear schedule of what amendments are proposed. It is almost a verbatim report indicating what someone said and the observations of the Committee. If you read the report, you do not clearly get... It ends on page 190 and having tendered the Bill and the submissions from the members of the public and stakeholders, the only Committee recommendation is that the House approves the Bill with amendments. This is the report. It is technically defective. As we had said, people may not afford it, but in Clause 10, a loan can also be made available. Look at this Bill; you are paying money, also want to take a loan and make a saving. What structures can we have for this Fund?

The Temporary Speaker (Hon. David Ochieng’): We will now have the Member for Jomvu.

(Hon. Mishi Mboko spoke off the record)

Hon. Bady Twalib (Jomvu, ODM): Nitaongea. Hakuna shida.

Asante sana, Mhe. Spika wa Muda, kwa kunipatia nafasi hii ili nichangie hili jambo. Kwanza, Katiba yetu imeruhusu kuwa na haki ya makao. Vilevile, sisi kama Chama cha Azimio, haki ya makao pia ilikuwa moja ya ajenda zetu. Kama vile Kiongozi wa Chama cha Walio Wachache, Mhe. Wandayi, alivyosema, haoni ni kwa nini pia mimi ninaunga mkono. Kwa nini ilikuwa tuende haraka kwenye jambo hili? Kwa shauri, jambo hili si kuwa ni mbaya. Lipo katika Katiba na pia katika ajenda yetu, na hivi sasa limeletwa. Ni sawa, lakini namna lilivyoletwa lazima liangaliwe. Kwa mfano, leo hii kwangu Mombasa pahali panaitwa Buxton, mpango huu ulifanywa na hata Rais akaja hapo. Nyumba zilivunjwa na kulikuwa na watu wanaoishi hapo. Vilevile, nyumba zilivunjwa Likoni kwa Mhe. Mishi. Juzi, kwa masikitiko makubwa ya mzee wetu, Mhe Omar Mwinyi, alifiliwa na bibi yake. Ndani ya wiki mbili akiwa anaomboleza, tingatinga zilivunja nyumba za watu wake wa Changamwe. Tulilaani kitendo kile sana.

Mhe. Spika wa Muda, ndugu yangu, Mhe. Owen Baya, ambaye yupo hapa, anaijua Mombasa vizuri. Kama nilivyosema mwanzo, mpango huu haukuwa mbaya; lakini njia unavyofanywa ndio mbaya. Kwa nini nyumba zivunjwe Buxton, Likoni ama Changamwe? Pale Jomvu, kuna eneo kubwa la Serikali ambalo zamani lilikuwa likitumiwa kama *holding*

ground ya veterinary, ambapo nyumba zile zingejengwa bila kusumbua watu. Dadangu, Mhe. Irene Mayaka amezungumza hapa. Kwa nini Serikali haikuweza kusimama...

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of information.

The Temporary Speaker (Hon. David Ochieng'): Hon. Bady, do you want to be informed by the Leader of the Minority Party?

Hon. Bady Twalib (Jomvu, ODM): Absolutely. Mhe. Wandayi anijulishe kila mara. Yeye ni kiongozi.

(Laughter)

The Temporary Speaker (Hon. David Ochieng'): One minute.

Hon. Bady Twalib (Jomvu, ODM): Nimempa ruhusa anieleze.

Hon. Opiyo Wandayi (Ugunja, ODM): Ningependa kumweleza Mbunge wa Jomvu, Mhe. Bady Twalib, *Fula Ngenge*, kwamba nyumba nyingi zimebomolewa hata kule Milimani, Kaunti ya Kakamega, eneo bunge la Lurambi.

(Hon. Bady Twalib stood up in his place)

The Temporary Speaker (Hon. David Ochieng'): Hon. Bady, please resume your seat.

Hon. Opiyo Wandayi (Ugunja, ODM): Vilevile, nyumba zimebomolewa katika Kijiji cha Msambweni, Eno Bunge la Voi. Nilikuwa na nafasi ya kufika mahala hapo, na nikajionea mimi mwenyewe wananchi wakihangaika na kufurushwa kutoka katika nyumba zao. Hata Changamwe, mwenyewe nilizuru mahali pale pamoja na kiongozi wangu, Mhe. Raila Amolo Odinga. Nilisikitika sana.

The Temporary Speaker (Hon. David Ochieng'): I believe he is now informed.

Hon. Bady Twalib (Jomvu, ODM): Asante sana.

(Hon. Kimani Ichung'wah spoke off the record)

The Temporary Speaker (Hon. David Ochieng'): Order!

Hon. Bady Twalib (Jomvu, ODM): Asante sana, Mhe Spika wa Muda. Msiniongezee; mtachukua muda wangu jamani.

The Temporary Speaker (Hon. David Ochieng'): Order, Majority Whip, and the Leader of the Majority Party. You will listen to Hon. Bady.

Hon. Bady Twalib (Jomvu, ODM): Mtachukua muda wangu sana. Katika haya ninayosema, nilisikitika sana kwa sababu Jomvu na Changamwe ni kama mjomba na shangazi. Ni maeneo Bunge yaliyopakana. Katika mpango huu, Mhe. Omar Mwinyi, ambaye ni mjumbe wa hapo, leo akiwa katika maombolezi, watu wake wanavunjiwa nyumba. Jambo hilo halikuwa sawa. Lakini kama mjumbe wa Jomvu, kitendo kile tulikilaani kwa kuwa si cha ubinadamu, hata kama alikuwa anataka kufanya jambo lolote. Kwa hivyo leo, imani yangu inanituma. Wale wakaazi wa nyumba hizo, ilikuwa badala ya kuwa wapangaji, wakatiwe pesa pole pole ili wawe wamiliki baadaye, kuliko kuvunjia watu katika sehemu ambazo pia zina shauku.

Leo nyumba zimevunjwa Buxton, na si ajabu kuwa pengine mwenye kufanya kazi alichukua hati miliki ya pale ambayo hakununua, akapeleka benki, akapata pesa kisha akajenga nyumba zile. Mahali kwengine pia ni vivyo hivyo. Leo ninauliza, *1.5 per cent* ama moja nukta tano kwa 100 ambayo watu wanakatwa na waajiri... Hata wafanyi kazi wangu wanakatwa hiyo pesa. Mhe. Injendi amesema wakichelewa kidogo wameambiwa watakatwa *3 per cent*.

Hii *levy* ilipoanzishwa, ofisi yangu haikuwa na *operating cash*. Wafanyi kazi walikuja kwangu niwakopeshe pesa ya *Housing Levy*. Kama hali ni hiyo kwa wafanyakazi, je wale wengine ambao hawafanyi kazi, hali itakuwa gani? Lazima hali hii iangaliwe kwa sababu watu

wameambiwa wakatwe hii pesa kwa pamoja. Kwa Kizungu tunasema wamekuwa *generalised*. Lakini kwa wanaokatwa kuna mmoja ambaye ako na mkopo na mwingine hana. Kwa hivyo, yule ako na mkopo ana mzigo mkubwa. Hatuungalii huu mzigo alionao anaukabili vipi, ila tu tunamkata hizo pesa.

Mapendekezo yangu ni kuwa pesa hizi ziwe ni kwa mwenye kutaka ama kwa Kizungu *optional*. Kwa sababu inavyoendelea kuna uwezekano wa watu wengine kukatwa wakapata nyumba na wengine kukosa. Ikawa ni wengine kupanda kwa migongo ya wengine ili kufaidi na hali wengine wasifaidi.

Sheria moja ni kuwa lazima uwe Mkenya. Dada yetu, Mhe. Irene Mayaka, aliuliza swali moja. Kama mtu anatoka mashambani na aende pale Pangani, Buxton ama pahali popote na kusema pia yeye ni Mkenya anataka nyumba, hiyo ni hali ya kuchanganyikiwa ya aina gani? Aliyeko pale aachwe na mwingine apewe. Hii inamaanisha hata yule aliyembali, kabla afikiwe atakuwa ashakufa, mwanawe na mjukuu wake pia akatwe ndio wafikiwe.

Tuko na mzigo mkubwa na mwanzo lazima tuangalie kabla ya kufanya haya. Tuko na deni la *Standard Gauge Railway (SGR)*, *Expressway*, na madeni mengine kama Dongo Kundu. Mhe. Kimani Ichung'wah, Kiongozi wa Walio Wengi Bungeni yuko hapa, na alikua Mwenyekiti wangu kwa *Budget and Appropriations Committee*. Leo mimi niko katika Kamati ya Kiidala ya Uchukuzi na Miundomisingi. Tunadaiwa Ksh1 bilioni na kampuni inaitwa Fujita Corporation ambayo imejenga Dongo Kundu. Kwa nini Ksh63 bilioni ambazo tumechukua kwa *Housing Levy* na hatujui itajenga nyumba gani isiende mwanzo kulipa madeni ndio kisha waangalie mambo mengine?

(Hon. Kimani Ichung'wah spoke off the record)

Mhe. Spika wa Muda, nichunge. Mhe. Kimani Ichung'wah ananirushia maneno na....

Mhe. Kimani Ichung'wah (Kikuyu, UDA): Hoja ya nidhamu, Mhe. Spika wa muda. Amenitaja.

Spika wa Muda (Mhe. David Ochieng'): Bwana Bady atamaliza mchango wake. Ningependa amalize.

(Loud consultations)

Basi tumpatie Kiongozi wa Chama cha walio Wengi dakika moja.

Mhe. Kimani Ichung'wah (Kikuyu, UDA): Asante Mhe. Spika wa Muda. Mhe. Bady Twalib amesema kuwa tuko na Ksh63 bilioni ambazo hazijulikani zitajenga manyumba wapi. Kwa hivyo, mbona tusitumie hizo fedha kulipa madeni ya *pending bills* ya wenye kandarasi wa Fujita Corporation, ambao wanajenga barabara huko Dongo Kundu katika eneo lake la Bunge. Lakini Mhe. Bady Twalib alipitisha sheria hapa na kusema hizi fedha za *Housing Levy* haziwezi kutumika kwa mahitaji mengine yoyote, hata kulipa madeni ila tu kazi ya ujenzi wa manyumba na mambo ambayo yanaambatana na huo ujenzi. Kwa hivyo, Mhe. Bady asiwafanye Wakenya waamini kuwa mimi ndiye nimekataza Fujita Corporation kulipwa. Sijui ako na nia gani na Fujita Corporation. Kufuatia Kanuni za Kudumu 90, atwambie anamjua aje huyu Fujita Corporation. Mbona anamtetea yeye tu alipwe?

Spika wa Muda (Mhe. David Ochieng'): Asante. Unaweza ongea na Bwana Opiyo Wandayi akwambie *pending bills* ni nini kwa Kiswahili. Mhe. Twalib uko na sekunde ishirini kumaliza mchango wako.

(Laughter)

Mhe. Bady Twalib (Jomvu, ODM): Mhe. Spika wa Muda, ninaomba kando na nafasi yangu, uniongezee dakika kidogo ambazo zimechukuliwa kwa kuwa nimetatizwa kidogo.

Spika wa Muda (Mhe. David Ochieng’): Uko na sekunde thelathini kumaliza mchango wako.

Mhe. Bady Twalib (Jomvu, ODM): Sawa. Sina *interest* ama jambo lolote na Fujita Corporation. Nimetaja tu hali ilivyo. Nikiwa mwanakamati wa Kamati ya Kiidala ya Uchukuzi na Miundomisingi, ninajua ni wapi tunadaiwa, hatujamaliza kazi na hatuendelei mbele.

Kununua nyumba hizi, inatakikana utoe asilimia kumi. Hii inamaanisha kama ni shilingi milioni tano uwe na Ksh500,000. Mama mboga na bodaboda watatoa Ksh500,000 wapi? Ninaona huu ni ufisadi unakuja. Kwa Mbunge Ksh5 milioni ni mswaki na kwa hivyo, Mbunge anaweza kuchukua pesa na kuweka arbuni ya nyumba kumi....

(Hon. Bady Twalib’s microphone was switched off)

Spika wa Muda (Mhe. David Ochieng’): Asante. Katika hali hiyo ya Kiswahili, twende Likoni tuskie. Tubaki kwa Kiswahili bado. Bwana, Mugabe tunakuja kwako. Kiswahili kitawale kidogo.

(Hon. Bady Twalib spoke off the record)

Muda wako umekwisha. Wakati huu ni wa Likoni.

Hon. Mishi Mboko (Likoni, ODM): Thank you, Hon. Temporary Speaker. From the outset, the issue of affordable housing is a noble initiative because our Constitution talks about the right to shelter.

Spika wa Muda (Mhe. David Ochieng’): Lakini mbona unaniangusha? Nilifikiri tulikuwa kwa Kiswahili bado.

Mhe. Mishi Mboko (Likoni, ODM): Mhe. Spika wa Muda ikiwa unataka niongee kwa Kiswahili, wacha nifanye hivyo. Lakini leo ninataka kuongea Kiingereza.

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): You can use any language.

Hon. Mishi Mboko (Likoni, ODM): Lazima wangu uregeshwe vile ulivyokuwa maanake nimepata usumbufu mwingi sana.

From the beginning, the issue of housing is a noble initiative because the Constitution talks about the right to shelter for Kenyans. This idea was recklessly rushed. That is why you saw during public participation majority of Kenyans objected paying for Housing Levy. We have also had some negative ruling from our courts. I want to ask whether we have proper legal framework to ensure there is accountability, transparency and management of the Housing Levy. This is a big fund which needs to be monitored and proper mechanisms put in place to ensure there is oversight. I think we are not ready for this right now.

In the Bill, I have seen the Cabinet Secretary will have extra power to exempt some people or category of persons. Where are the details showing those who will benefit from the exemption? Are we not leaving a loophole for the Cabinet Secretary to abuse power and give his friends and cronies in the pretext this is in the Bill?

Hon. Temporary Speaker, looking at those people who are retiring in two or five years and have made contributions, after retiring, it means they will not be in a position to contribute. What will happen to their contributions? Will they be eligible to get a house or not? How shall we identify the beneficiaries; those who will be given the units? I am saying so because a Member stated that we should have a cluster or targeted persons maybe, those in the slums or living in abject poverty. This can be another way of ensuring that those given the units are the right beneficiaries. Rather than just living like that, we have some cartels that know who is who

in that docket and have godfathers and godmothers. They take advantage and buy the houses and resell them at a higher price to Kenyans.

Right now, I am also thinking that the project has only kicked in a few counties and more so in only urban areas. We are asking ourselves, ‘what about the rural folks? Are they not Kenyans? Are they not going to be beneficiaries?’ According to me, only those within those counties where the projects have kicked are going to be the beneficiaries of this project. As a Kenyan, I am looking, for instance, in the long run, if one keeps paying the Levy and at some point they feel that they have paid so much and have not been given the house, is there a mechanism where they can submit their complaints or appeal so that they get the house or get back the monies they paid through the Housing Levy?

I feel sick when I see how Kenyans are being evicted in an inhumane way. For instance in Voi, more than 3,000 Kenyans were left in the cold just because their land was needed for the housing project. You all saw on the television what happened in Changamwe, Kakamega, and other parts of this country. We want to empower Kenyans to have shelter yet we destroy the shelters that Kenyans used their monies, struggled to take mortgage and loans to acquire for their families. We need to go back to the drawing board and see how we are going to ensure affordable housing in a way that we are not hurting many Kenyans. Many days ago, we had municipalities (current county governments) that used to build affordable houses and yet there was no Housing Levy. People used to buy them as there were very good instalment schemes whereby one paid a little amount monthly and after a certain period of time they would get the ownership of that house.

As Kenyans, we need to debate this issue in a sober manner so that we are all winners. We should have a win-win situation. Yes, we need affordable housing for our Kenyans who live in the slums and those that do not have shelter. It is not right for a developing country like Kenya not to have such a project. However, we cannot do it in a way that we are putting Kenyans in a tight rope. Today, very many Kenyans have taken mortgage. A house is not a priority to many of them. They want to take their children to universities and colleges. Maybe they want to open up a business empire so that they can have income generating activity and have some fun. Today, if we keep taxing Kenyans, it will not empower our country in terms of economy. How many companies have closed today and sacked very many Kenyans in this country just because of the issue of taxation? So, any time we come up with a noble idea, let us look at the legal framework which will be applied so that it is a win-win situation to the Government and Kenyans.

On the issue of land, we all know the categories of land: the national land and the land vested under the county governments. Tomorrow, somebody will say: ‘This was a community or a public land. How has it changed to a private land after somebody has been given a unit of a home?’ There are very many other issues in terms of the legal perspective which we need to address before we agree on how to ensure that Kenyans have shelter in this country.

Hon. Temporary Speaker, I am also looking at the 2 per cent money for administration. To me as a layperson, that is big money because we are talking about billions of money in the Housing Levy funds. Now, you are taking about 2 per cent for administration. We all know that administration costs are just a small part of the operating costs. Where will the surplus money be channelled to? If we leave it idle, some cartels will steal it and it will become a scandal. Before we pass this Bill, let us have a bipartisan approach so that we first talk, discuss and find the right way to implement this project, so that Kenyans are not annoyed with us.

Many employees in the formal sector have nothing on their payslips because of the many deductions. Many Kenyans are getting depressed. Mental illness has become rampant in this country. Why is that so? It is because people do not believe what they see on their payslips. Many people earn a lot but more than 60 per cent of their salary goes to the Government. You

are left to ask yourself what you can take home to your family. What is left over from your salary which you can take to your family?

We should first talk about good ideas and discuss them thoroughly. Any time that we want to do something good and beneficial for this country which will not be rejected, we should first talk and get better ways of ensuring that noble ideas are employed.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Igembe South.

Hon. John Paul Mwirigi (Igembe South, UDA): Thank you very much, Hon. Temporary Speaker....

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Yes, Hon. Wanjala. What is out of order?

QUORUM

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, there is no quorum.

*(The Temporary Speaker (Hon. David Ochieng’)
consulted with the Clerks-at-the-Table)*

The Temporary Speaker (Hon. David Ochieng’): I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, let us proceed.

(Loud consultations)

Order. I gave six Members from this side a chance to contribute without giving a chance to anybody from the other side. Let us be fair to all of us.

*(Hon. Raphael Wanjala and Hon. John
Paul Mwirigi, spoke off the record)*

I order the Quorum Bell to stop so that we can proceed.

(The Quorum Bell was stopped)

Hon. Member for Igembe South Constituency.

Hon. John Paul Mwirigi (Igembe South, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Bill.

Hon. Temporary Speaker, if this project keeps being postponed, we will not develop this country. Bearing in mind that this is a developing third world country, we should support this Bill so that Kenyans who are in need of jobs can get jobs in construction sites. Artisans

and masons will be privileged to get jobs in the construction sites that are ongoing in the country.

I commend the Committee for the public participation exercise that they conducted across the country. It was one of its kind because there has never been enough public participation conducted. This public participation informs the support of this Bill. Most Kenyans who participated in the exercise said there is need for us to pass this Bill for the construction of these houses to continue. For example, in Nairobi we have very many slums. There is need for these slums to be improved. If you listen to the people from the slums, they were all in agreement that the affordable housing project should continue. So I do not see any need of opposing the Bill. Kenyans are in agreement that this Bill should be implemented. The only worry of Kenyans is whether the Levy they are being charged will be utilised well. That is one of the reasons why this Bill is here, so that we can rectify some of the areas that were left hanging that Kenyans are worried about like the money they contribute. I support this Bill and I urge other Members to support it. If there is anything from my colleagues that will enrich this Bill, let them contribute so that the Bill is enriched when we pass it and Kenyans can benefit from the construction of affordable houses.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute on this very important Bill. I rise to support this Bill for the reason that we are actualising Article 43 of the Constitution on access to housing. The question that we need to ask ourselves is: how did the court injunct the affordable housing programme on the ground that there was no proper legislation before the house? When this matter was brought before the house, I raised a fundamental issue that there was no legal framework governing the affordable housing programme. One of the fundamental issues that we must remember as Members of this House is that, party loyalty must not compromise our oversight role as Members of Parliament.

(Applause)

If any Bill or programme comes before this House, we must rise up as Members of this House and ask ourselves whether that Bill or programme is anchored in proper legislation. We should not make a mistake in future. If government programmes are injuncted by the courts for lack of proper legal and institutional framework, it is an embarrassment of monumental proportions. There is someone who is failing the Government.

(A Member spoke off the record)

How comes we have a law or programme in this House that does not have a proper legal framework? I have raised it here so that we avoid this issue in future. We have an Attorney-General in this country who is the Chief Principal Legal Advisor of the Government. The other day he said that he was not aware and was not consulted which is shameful. It should never happen. Any government programme that comes before this House must be properly anchored in law. We will stand up and tell the Government the truth; there is a problem here. We will not blame the President on the housing programme. He had very good intentions but a few people misadvised the House and brought a programme that had no proper legal anchorage.

Thank you, Hon. Temporary Speaker.

(Applause)

The Temporary Speaker (Hon. David Ochieng’): Member for Likuyani.

Hon. Innocent Mugabe (Likuyani, ODM): Thank you very much, Hon. Temporary Speaker. I know you have asked me to summarise my 10 minutes submission to three minutes. I will try.

I rise to oppose this Bill for a number of reasons. It tries to address issues of affordable housing which cannot be gainsaid. However, if you look at it, is it addressing the root cause of affordability and availability of housing? The answer is no. It tries to justify and give a legal backing to Housing Levy and has totally nothing to do with affordability and availability of housing. I thought it would look at issues of land tenure system, physical planning and regulations. If it does not look at all that, then we are not addressing the real issues of affordable housing. Clause 11 of the Bill basically says that the biggest problem is financing and nothing else. The question is on whether the housing problem will be solved by public financing through over-taxation of Kenyans which I do not agree with. As a Government, I wish we can look at other alternative methodologies of addressing housing issues.

Can we enable people to build their houses by providing the necessary infrastructure like sewer systems, electricity and proper policies? Should we over-tax Kenyans to have these houses? We should work with Public-Private Partnerships (PPP) to enable private partners to build up houses. The Government can help in subsidising land and other components to allow Kenyans to own them. Another element that needs to be addressed which is not clear is land. This can be looked as a scheme to grab high premium public land because it is being transferred to private developers. As a country, we do not have proper land banks. If we want to do development for public good in future, where will we get this land? Are the counties getting compensation for it? These issues must be addressed adequately before we table this Bill.

Another component is public participation. Who participated in that? The most pained person in all this exercise is the employee and, to some extent, private employers. What did they submit? These people are paying this Levy. If you go to the streets, take *chokoras* or street children and other people to a hall, and ask them if they want affordable housing, they will say yes because it does not pain them anywhere. They do not pay anything. It is the employee of this country struggling with over-taxation. We are going to levy them more.

As we move, another component is that the Bill is trying to address the court ruling on discrimination.

The Temporary Speaker (Hon. David Ochieng’): Hon. Baya, what is out of order?

Hon. Owen Baya (Kilifi North, UDA): I stand on a point of order on language and decorum. You know members of the public elected Hon. Mugabe. Today because he is opposing this Bill, he is calling them *chokoras*. I am perturbed that he can stand in this House and call the people who brought him to this House *chokoras*. You should not use words like those to people who elected you.

Hon. Innocent Mugabe (Likuyani, ODM): I think you got it out of context.

(Several Members spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Baya. Take your seat. Order. Did you use the word *chokoras*?

Hon. Innocent Mugabe (Likuyani, ODM): I withdraw the term *chokora*.

What I am asking is: How will the contributions of people not affected by this Levy be of value to this Bill when we are not addressing people who are pained by paying for this Levy? The Bill is just trying to address the court ruling that the Levy is discriminatory. Clause 4(2)(b) tries to address that issue but there is no clear criterion on how to levy the people who are not salaried or employed. Clause 6(b) gives the Cabinet Secretary for the National Treasury and

Economic Planning powers to exempt from applications of Section 4, but it does not give a proper list or criteria on how to exempt. Because it is eminent that they cannot properly tax the informal sector, what is likely to happen is that the Cabinet Secretary can decide to exempt that category. We will go back to where we are right now. These are some of the issues we want addressed.

There are issues of eligibility. Clause 30 opens the gates of corruption. It means anybody can apply and be eligible for housing. That would mean the people who have will get the houses and the have-nots will not get the houses. There is no clear criteria to enable the people who need those houses to afford or purchase them. I submit.

The Temporary Speaker (Hon. David Ochieng’): Hon. Mbadi.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Temporary Speaker. We agreed that I would take exactly five minutes. I want to live to that.

The Temporary Speaker (Hon. David Ochieng’): You have less now.

Hon. John Mbadi (Nominated, ODM): It means I will take all the time left. I want to say on record that I was part of the team working on the Azimio Manifesto. I have heard many of us talking about what we had provided in our Manifesto. This is the problem of stealing other people’s ideas and implementing them wrongly. This is not what we intended or envisaged in our plan to provide affordable housing. Kenya Kwanza is lacking in creativity. I want to put the following on record.

One, if you look at Article 43, the idea behind this Article was not for the Government of Kenya to provide houses to Kenyans. That was not the objective. If that was the objective, how do you start taxing or levying fees on Kenyans today to provide houses yet this Article talks about other things? One of them is that Kenyans should be free from hunger, and have adequate food of acceptable quality. The other one is a right to clean and safe water. Are you telling us that tomorrow after this Levy, we should expect another levy to provide food to Kenyans, and others to provide safe and clean water and social security to Kenyans? That is not the way to do it.

Hon. Temporary Speaker, this House must rise to the occasion and stop the Government of Kenya from extorting employed Kenyans, because this is extortion. We are having a government that is turning itself into an extortionist. You cannot force Kenyans to pay money to provide houses when they have not asked you that they need them.

You are telling us that these houses will be provided even in the rural constituencies. That you will go to Ukwala in your constituency, Hon. Temporary Speaker, and move Ugenya people to reside in Ukwala. Who told this Government that the people of Ugenya want to go and stay in Ukwala? Who told them that my people in Suba South which I have represented for 15 years want to go and reside in Sindo, Magunga or Nyandiwa? That is not what they want. Most of my constituents have houses. There are just a few who do not have houses. Some are widows and others who are utterly poor. Where has this Government conducted a survey to provide the number of Kenyan households which are lacking houses? Where is that data? What Kenyans need is housing, not houses. Who told you that when we come to Nairobi, we want houses in Nairobi? I just want where I can stay. Housing is what Kenyans need.

You go to Brazil and understand the way the country was developed. What the Government needs to do is very simple. Forty per cent of the cost of a house is land. If you add that to social amenities, it goes beyond 50 per cent. What a responsible government would do is to have money; rearrange the budget of the Government to provide money through our taxes which we have already paid anyway. Remove corruption in the Government and make money available. Get land and once you have it make sure that there are roads leading to it, and there is a railway leading to it. You should also make sure that there is electricity and water. After that, arrange with private developers and agree on a system where they would come and

develop houses and you agree and sign a contract that for a period of these years, they will charge this amount of rent.

Hon. Temporary Speaker, I want to put it on record as a professional in matters finance that investment in housing or real estates is not a productive way of investment. The payback period for investing in a house is usually not less than 35 years. That is without factoring in time value of money. Therefore, you need not to take...

(Hon. Owen Baya spoke off the record)

You know you are shouting when I am talking. You do not have any knowledge of economics, Hon. Baya. Keep quiet so that I finish my contribution. I only have one minute. Stop shouting. I am your teacher.

Hon. Temporary Speaker, I am saying that the payback period for real estate is 35 years and above. If you are forcing someone who is over 50 years to have a home, this person is not...

(Hon. Owen Baya spoke off the record)

You know these kinds of interruptions...

The Temporary Speaker (Hon. David Ochieng'): Hon. Baya, allow Hon. Mbadi to finish...

Hon. John Mbadi (Nominated, ODM): This is not how I trained you. You are now Deputy Leader of the Majority Party, Hon. Owen Baya. You are deputising Kimani Ichung'wah. Please keep quiet when Members are making their contributions. Take notes so that when the time comes, you respond.

Because there is no time, Hon. Temporary Speaker, I will have to continue next time. I do not want to finish my time now. I do not want to stop. I still have my five minutes now. I want to say very clearly and categorically that you should look at this Bill critically. You are simply taxing Kenyans. It is taxation. We have fines, fees, taxes and levies. What the Government of Kenya is doing is fining Kenyans who are employed. The Government of Kenya is fining Kenyans who are employed at the rate of 1.5 per cent. Why levy or fine employees of this country? What have they done to the Kenya Kwanza Government that they should be fined 1.5 per cent of their gross salary to provide houses which they do not need?

If you want these Kenyans to be philanthropic, there is a way of enforcing philanthropy. You cannot force people to be philanthropic. You have to persuade them in church, by preaching to them so they get converted and understand they have a social responsibility to take care of other Kenyans. Since the Government which is taxing them is eating the money that is supposed to provide these services to, now they want ordinary Kenyans to contribute money to a fund and help other Kenyans get money. This is simply philanthropy, if that is what they want.

Hon. Temporary Speaker, I will continue.

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng'): Thank you, Hon. Members. You have had a very robust debate on this matter this afternoon. Hon. Mbadi will have a balance of four minutes when this business is next slotted for debate.

The time being 7.01 p.m., this House stands adjourned until Tuesday, 20th February 2024 at 2.30 p.m.

The House rose at 7.01 p.m.

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