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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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SPECIAL SITTING

(Convened vide Gazette Notice No.15183 of 5th December 2022)

Thursday, 8th December 2022

The House met at 10.00 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

BUSINESS FOR THE SPECIAL SITTINGS OF THE NATIONAL ASSEMBLY

Hon. Deputy Speaker: Hon. Members, I take this opportunity to welcome you to the Special Sittings of the House which have been conveyed pursuant to the provisions of Standing Order 29 relating to the procedure for convening Special Sittings of the House during recess.

I acknowledge that these sittings may have interrupted your schedules as this is the period you find time to engage with your electorate as well as your families. Nonetheless, it is important that we dedicate this one day to ensure the conclusion of certain priority business of the House. In this regard, I wish to report to the House that on 2nd December 2022, I received a request from the Leader of the Majority Party requesting for convening of Special Sittings of the National Assembly to facilitate certain crucial business. The business include, among others, consideration of a Special Motion on approval of nominees for appointment to the position of Member of the Commission on Revenue Allocation (CRA) and consideration of the Report of the Committee on Delegated Legislation on the Public Finance Management (Public Investments Management) Regulations, 2022 (Legal Notice No.54 of 2022).

Hon. Members, recognising the urgent nature of the business specified in the request by the Leader of the Majority Party, and recalling my earlier directive of 29th November 2022 to the Departmental Committee on Finance and National Planning regarding conclusion of the approval hearings on the nominees for the Commission on Revenue Allocation, I acceded to the request. Consequently, vide *Kenya Gazette* No.15183 of 5th December 2022, I informed all Members of the National Assembly and the public of the Special Sittings of the House to be held today, Thursday, 8th December 2022 commencing at 10.00 am in the case of the morning sitting and 2.30 p.m. for the afternoon sitting.

Hon. Members, for clarity, the business to be transacted by the House during the Special Sittings is as specified in the gazette notice and notified by way of newspaper notifications published by the Clerk of the National Assembly in the local dailies on Monday, 5th December 2022. Accordingly, the Special Sittings of the House today Thursday, 8th December 2022 are properly conveyed.

Thank you.

PAPERS

Hon. Deputy Speaker: Proceed, Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

1. List of nominees to four National Government Constituencies Development Fund (NG-CDF) from the National Government Constituencies Development (NG-CDF) Board for the following constituencies –

- (a) Mbeere North;
- (b) Turbo;
- (c) Ikolomani; and,
- (d) Makadara.

2. Report on the status of the Kenyan economy from the Ministry for National Treasury and Planning.

3. The National Government Constituencies Development Fund (NG-CDF) Board Report for the First Quarter of the Financial Year 2022/2023.

Thank you, Hon. Deputy Speaker.

Hon. Kimani Kuria (Molo, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Finance and National Planning on consideration of nominees for appointment as Members of the Commission on Revenue Allocation (CRA).

Thank you, Hon. Deputy Speaker.

NOTICES OF MOTIONS

APPROVAL OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE COMMISSION ON REVENUE ALLOCATION

Hon. Kuria Kimani (Molo, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the Vetting of Nominees for Appointment as Members of the Commission on Revenue Allocation laid on the Table of the House this morning, Thursday, 8th December 2022 and pursuant to the provisions of Articles 215 and 250 of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act of 2011, this House approves the appointment of the following persons as members of the Commission on Revenue Allocation:

1. Mr Benedict Muasya Mutiso;
2. Mr Wilfred Koitamet Olekina Nchoshi;
3. Mr Jonas Misto Kuko;
4. Dr Isabel Nyambura Waiyaki;
5. Ms Hadija Nganyi Juma;
6. Dr George Jalang'o Midiwo; and,
7. Hon. Fatuma Gedi Ali, CBS.

Hon. Deputy Speaker: Chairperson of the Departmental Committee on the National Government Constituencies Development Fund (NG-CDF).

APPROVAL OF NOMINEES TO CONSTITUENCY COMMITTEES OF NG-CDF

Hon. Kassim Tandaza (Matuga, ANC): Hon. Deputy Speaker, I beg to give notice of the following Motion:

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THAT, pursuant to the provisions of Section 43 (4) of the National Government Constituencies Development Fund Act, 2015 and paragraphs 5 (2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following four constituency committees of the National Government Constituencies Development Fund laid on the Table of the House on Thursday, 8th December 2022:

1. Mbeere North Constituency;
2. Turbo Constituency;
3. Ikolomani Constituency; and,
4. Makadara Constituency.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: Hon. John Kwanjiku, Member for Kiambaa.

STATEMENT

DEMISE OF HON. STANLEY MUNGA GITHUNGURI

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Hon. Deputy Speaker, I rise pursuant to Standing Order 259D (2) (a) with profound sorrow to report the untimely passing on of the former Member of Parliament for Kiambaa Constituency, Hon. Stanley Munga Githunguri, on Wednesday 30th November 2022 while undergoing treatment at a hospital in Nairobi.

The late Hon. Stanley Munga Githunguri was born on 17th February 1945 in Kamwanga, Rukwa District, Tanzania. He attended Gacharage Primary School from 1954 to 1957 and Karura Intermediate School from 1958 to 1961. He thereafter joined St. Mary's Mission High School in Alaska in the United States of America. Hon. Githunguri studied Political Science and Economics at the Yampa Valley College in Steamboat, Colorado and the Emporia State College in Emporia, Kansas, where he graduated with a Bachelor of Arts in Economics and Political Science in 1967.

Hon. Githunguri began his career as an Administrative Officer in the Office of the President in the then Eastern Province in mid-1967. He was later posted as District Officer in Meru, Chuka, Isiolo, Coast and later in Tana River. Hon. Githunguri joined the National Bank of Kenya in 1969, where he rose through the ranks to Executive Chairman of the Bank. He later went into private business and was a skilled entrepreneur with an eye for diverse business opportunities. His most notable business is the Lillian Towers located in the Nairobi Central Business District.

Hon. Githunguri joined politics in 1997 where he vied for the Kiambaa parliamentary seat but lost. In 2007, Hon. Githunguri vied again and was elected to represent Kiambaa Constituency, where he served his term diligently; and, most notably, through the Constituency Development Fund. In 2013, Hon. Githunguri retired from politics after he unsuccessfully vied for the Senatorial seat in Kiambu County.

The late Hon. Githunguri was an astute civil servant, a respected family man, an admirable politician, a successful businessman and a mentor to many. He is survived by his six children and 10 grandchildren.

On my own behalf and that of my family and the people of Kiambaa Constituency, I wish to take this opportunity to condole with the family of the late Hon. Stanley Githunguri, the people of Kiambu County at large, all his relatives and friends and Kenyans at this difficult time.

Hon. Deputy Speaker, with your indulgence, I request that we all stand to observe a minute of silence in honour of our departed colleague.
May his soul rest in eternal peace.

(Hon. Members observed a minute of silence)

Thank you.

Hon. Deputy Speaker: Hon. Members, I will allow for comments for half an hour. Each Member speaking will have three minutes. I see there is an intervention by the Leader of the Minority Party, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, let me join the Member for Kiambaa, the people of Kiambu County and Kenyans at large in expressing my very deep sympathies and condolences to the family of Hon. Stanley Munga Githunguri.

Just as we have heard, Hon. Githunguri belonged to the post-Independence generation of nationalists who took it upon themselves to nurture our then nascent civil service. He contributed immensely to the civil service as we know it today. He was also an astute businessperson, going by the record he has left behind. He is one of those entrepreneurs that any upcoming businessperson would want to emulate. Going by the stories we hear of how he battled the then one-party state or system to survive in business, is a testament to the fact that he was resilient.

More importantly, Hon. Githunguri was a democrat. He contributed immensely to the fight for the second liberation as many of us know. He was very close to, and worked very closely with, the leadership of the Second Liberation Movement, especially the Forum for Restoration of Democracy (FORD). In fact, many times, he housed the pro-reform movement and its leaders in his premises. Therefore, as we send him off, it is a challenge to all of us to reflect on what we can do in furtherance of the very progressive ideals that Hon. Githunguri cherished while he was alive. What can we do to enhance the national unity that Hon. Githunguri was so passionate about during his time on earth?

With those very many remarks, I say *pole kwa familia*. May the Almighty God rest his soul in eternal peace.

Hon. Deputy Speaker: Hon. Member for Saku, Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I join other Kenyans in conveying my deep condolences to the people of Kiambaa.

Hon. Stanley Githunguri was among the forefront entrepreneurs in Kenya. He engaged in legitimate business but he never remained in business. He became the frontier of leadership in Kenya where you can do legitimate business but also become a politician.

As the Member for Kiambaa, he attempted to do many things, particularly in terms of empowering both businesses and the youth. This is a day for reflection on what many of us living in the second or the third generation should be doing. How do you pay back your people?

May the Almighty God rest his soul in eternal peace.

Hon. Deputy Speaker: Let us have the Member for Tharaka Nithi, Hon. George Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. I am the Member for Tharaka, in Tharaka Nithi County. Allow me to join Hon. John Kwanjiku and the great people of Kiambaa in mourning the passing on of an icon from that particular constituency. Mr. Stanley Munga Githunguri was well known in almost all circles. He worked in Chuka, Tharaka Nithi County as an administrator and folklore has it that he was quite astute. When his seniors tried to make him change the curtains in his house so that he could host the President when they were not funding the exercise, he actually refused. As punishment, the then Provincial Commissioner (PC), Mr. Mathenge, posted him to Mombasa

– a development that turned out to be a blessing in disguise because we are told he started to develop his business acumen from there. Afterwards, he resigned and became a businessman with great connections with our founding President, Mzee Jomo Kenyatta. Eventually, from the National Bank, he put up the Lillian Towers. He will be remembered as one of the greatest businessmen the country has produced. We, who are alive today, should emulate him in making both our lives and those of fellow Kenyans better than they are now.

May the soul of Stanley Munga Githunguri rest in everlasting peace.

Hon. Deputy Speaker: We will now have Hon. Richard Yegon, Member for Bomet East.

Hon. Richard Yegon (Bomet East, UDA): Thank you, Hon. Deputy Speaker. I join the nation and my colleagues in condoling with the people of Kiambaa for the loss of their former Member of Parliament, Hon. Stanley Githunguri. This is a condolence message I am conveying from my constituents. He is an individual who contributed immensely in this country, going by the kind of business he has done in the entire country, especially in Nairobi and Kiambu counties. I would like to pass my sincere condolences to Kenyans at large for losing this great individual.

May his soul rest in eternal peace.

Hon. Deputy Speaker: Hon. John Kiragu, Member for Limuru Constituency.

Hon. (Eng.) John Kiragu (Limuru, UDA): Thank you, Hon. Deputy Speaker. I take this opportunity to condole with the people of Kiambaa, and particularly the family of the late Stanley Githunguri. I came to know him in 2007, when I joined politics. He did not know the boundaries between Kiambaa and Limuru. He had a lot of interest in Limuru as well as friends in the region, and had done a lot of things in support of the people of Limuru. As I stand here, I remember somebody who had a very good heart for this nation. He was a person who believed in this nation and invested a lot in every part of this country. Today we remember a person who demonstrated confidence in the future of this country. Therefore, I convey my condolences to the family. As they lay him to rest today, we are with them in spirit.

May God rest his soul in eternal peace.

Hon. Deputy Speaker: Next is the Member for Gatundu South.

Hon. GG Kagombe (Gatundu South, UDA): Thank you, Hon. Deputy Speaker for giving me this opportunity to join the people of Kiambaa, the larger Kiambu County and the people of Kenya in mourning the life of a renowned politician and businessman.

Mr. Githunguri was a very good example to the people of this country because he took a first line in education. A lot of people may not know that he supported so many people within Kiambaa Constituency and the greater Kiambu. He supported many young people who had a dream of becoming something in this country. He was a mentor to many. I remember when I was running for the position of Secretary-General of the Student Organization of Nairobi University (SONU) in 2007, I went to his office and he gave me very good advice about politics. He joined a lot of other old men in mentoring budding politicians like myself and Hon. Babu Owino. I join the people of Kiambaa in condoling with the family, who are laying him to rest today.

May his soul rest in eternal peace.

Hon. Deputy Speaker: Let us have Hon. Simon King'ara, the Member for Ruiru.

Hon. Simon King'ara (Ruiru, UDA): Thank you, Hon. Deputy Speaker. I take this opportunity to mourn with the great people of Ruiru, whom I represent; and especially the family of Hon. Githunguri, who I knew well. I came to know him in 2013, when we were vying for parliamentary seats. He was a great man who even in his old age worked with people of all age groups. Therefore, we should learn from him on how to live with people at whatever age, especially to diversify. When we were young we knew Hon. Githunguri as an administrator

but later on, he became a very prominent entrepreneur. This means our minds can actually be broadened to expand our capacity to do many things in this world.

As we mourn him, may his soul rest in peace.

Hon. Deputy Speaker: Let us have the Member for Kilifi North, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. I would like to join Hon. Kawanjiku in condoling with the people of Kiambaa for the passing on of our great politician, entrepreneur and leader, Hon. Stanley Munga Githunguri. Note that apart from being a good politician and one of the people who shaped Kenya at its nascent stage, he was also a great entrepreneur. A lot of people in this country have found jobs and have incomes because he invested his resources and developed businesses. As a country, we have lost a leader both in business and politics. I would like to thank his family for giving Kenya an opportunity to have a leader like Hon. Stanley Munga Githunguri. He was also well known for his passion in education, and passion for nurturing new and young leaders. I would like to join his family and the rest of Kenyans in mourning him.

May God rest his soul in eternal peace.

Hon. Deputy Speaker: Hon. (Dr.) Makali Mulu, the Member for Kitui Central.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Deputy Speaker for giving me this opportunity. On my own behalf and on behalf of the good people of Kitui Central, I join my colleagues to convey my sincere condolences to the people of Kiambaa for the loss of this important son of the soil. The late Hon. Githunguri has left a very rich legacy in the business and political arenas but he will be remembered most in the business arena. I thank the people of Kiambaa for giving us this important son. Even as we mourn with the people of Kiambaa, let me remind Kenyans that if given a chance to serve, you need to do your best so that when you are gone people will have something to talk about you.

With those many remarks, I wish the people of Kiambaa God's grace even as they mourn and lay this important son to rest.

May his soul rest in eternal peace.

Hon. Deputy Speaker: Hon. (Dr.) Robert Pukose, the Member for Endebess.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. On behalf of the great people of Endebess, myself and my family, I join Hon. Kawanjiku in sending condolences to the people of Kiambaa following the death of Hon. Stanley Munga Githunguri.

When I got to the University of Nairobi in 1990, Lilian Towers was the landmark along University Way. This is one of the landmarks that will remain for a long time in Nairobi. We will always remember the late Hon. Stanley Munga Githunguri for being a pioneer in the hotel industry because he set up a hotel that has stood the test of time. So, I want to join the people of Kiambaa as they lay him to rest today.

May his soul rest in eternal peace.

Hon. Deputy Speaker: Hon. Abraham Kirwa, the Member for Mosop.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Deputy Speaker. On behalf of people of Mosop, allow me to also join Members and the people of Kiambaa to send my condolences on the passing of the late Hon. Stanley Githunguri. This is a man who rose from a humble background to become something big in this country. He is a gentleman who was born in Tanzania but later came back to Kenya. He lost his father at the age of 13 and his mother really struggled to raise him single-handedly. His mother gave him the best she could and he became somebody. Later on, he went to study in the United States of America and eventually came back to serve this country. We ought to appreciate what the late Hon. Stanley did. He named Lilian Towers in honour of his mother.

Today I join the people of Kiambaa in passing my condolences to the family and wish them well even in this moment as we send him off. I pray that God, in his own time, will sustain his family.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Marwa Kitayama, the Member for Kuria East.

Hon. Maisori Kemero (Kuria East, UDA): Ahsante sana Mhe. Naibu wa Spika kwa kunipa nafasi hii. Ninaomba nichukue nafasi hii kutoa rambirambi zangu kwa familia ya mwenzake na vile vile kwa watoto wake. Siku nyingi watu wengi hawatambui kwamba kwa sababu wazazi wao hutekeleza majukumu ya kitaifa, watoto hawa hubaki bila kushughulikiwa kama vile watoto wengine wa kawaida.

Vile vile, ninatoa rambirambi zangu kwa wananchi wa Jamhuri ya Muungano wa Tanzania kwa kuwa imebainika hapa kuwa marehemu Mhe. Githunguri alizaliwa Tanzania na baadaye akarudi nyumbani na kuweza kutenda makuu tuliyosikia hapa. Pole kwa familia, kwa watu wa Kiambaa na kwa Wakenya wote kwa jumla. Kwa niaba ya wakaazi wa Kuria, nasema pole kwa majirani wetu kutoka Tanzania kwa sababu wao pia wameshiriki katika msiba huu. Mwenyezi Mungu aweze kutusaidia sote kwa sababu uongozi huambatana na kujitolea. Marehemu Mhe. Stanley alijitolea na ametutangulia. Wacha Mungu azidi kuitwa Mungu.

Ahsante sana.

Hon. Deputy Speaker: Hon. Andrew Okuome, the Member for Karachuonyo.

(Technical hitch)

Hon. Adipo Okuome (Karachuonyo, ODM): Hon. Deputy Speaker, I am sorry, I have been tossed here and there to get a working microphone. At last, I have one.

On my own behalf and that of the people of Karachuonyo, I register our condolences to the people of Kiambaa and to the family of the late Hon. Githunguri.

I first heard of his name when Lilian Towers was coming up. It is a landmark for which Kenya will remember him for a long time.

My condolences to the family of the late.

Hon. Deputy Speaker: Member for Molo, Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Deputy Speaker. I would like to take this opportunity to condole with Hon. Kwanjiku and the great people of Kiambaa on the loss of this great gentleman of the Republic of Kenya.

Hon. Deputy Speaker, I was doing my research on *The Hansard* and the last contribution that Hon. Stanley Githunguri made on the Floor of this House was around this time in December. He reminded all Public Service Vehicles (PSV) drivers to be very careful on the road during the festive season. He had noted that too many accidents had happened around that time. He looked forward to the elections that were coming the following year because he was vying for the Senate seat in Kiambu County. Unfortunately, he did not win. However, looking at the contributions that he made in this House, he was hardworking, and he was always on time in coming to the House. He took time to articulate issues of the people of Kiambaa and the people of the Republic of Kenya generally.

I note that after losing his father at the age of 13 and being brought up by a single mother, he went to school with the help of an American priest. I cannot underpin the importance of religious leaders like priests, especially those from outside the country who have helped quite a number of Kenyans to go through school. Those Kenyans have become great leaders like the late Hon. Githunguri.

I am a beneficiary of an American philanthropist, namely Rev. Lans Landowk. I can name very many other people I went to Kenyatta University with, who got education through sponsorship by this great priest. You can see that people who got assistance from people who are not even members of their families end up supporting many other people. It has been said in this House that Hon. Stanley Githunguri sponsored very many people to get education. It is

a reminder to all of us that if someone held our hand and lifted us, we should also hold the hands of other people when we get a chance to do so. That way, this country can move forward.

With those few remarks, I condole with the people of Kiambaa, hoping that we will emulate the late Hon. Stanley Githunguri.

The Deputy Speaker: Leader of Majority, since you are a neighbour of the late Hon. Githunguri, I will give you a chance to condole with the family before we proceed to the next Order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker, for your indulgence. Let me join the great people of Kiambaa Constituency in Kiambu County and our nation at large in condoling with the family of the late Hon. Stanley Munga Githunguri.

It is indeed true that the late Hon. Stanley Munga Githunguri was a very astute businessman and a good leader in our country. He served not only the people of Kiambaa but also the people of Kiambu and this country at large. I remember the first senatorial elections in 2013. It was the first time I had an opportunity to interact with Hon. Githunguri as he ran for Senate. He turned out to me as a leader who was very focussed and people-centric on the issues that he intended to pursue on behalf of the people of Kiambu as Senator.

Hon. Deputy Speaker, I pay great tribute to this fallen hero. On my own behalf and on behalf of the people of Kikuyu and Kiambu County at large, I conclude by conveying my very sincere condolences to the family, friends and relatives and all the people of Kiambaa Constituency, including their Member of Parliament who has brought this matter to the House, Hon. Kawanjiku.

Thank you, Hon. Speaker.

The Deputy Speaker: Next Order. Chairperson of the Committee on Delegated Legislation, Hon. Chepkonga.

MOTION

ADOPTION OF REPORT ON THE PUBLIC FINANCE MANAGEMENT (PUBLIC INVESTMENTS MANAGEMENT) REGULATIONS, 2022

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Public Investments Management) Regulations, 2022, laid on the Table of the House on Wednesday 30th November, 2022 and pursuant to the provisions of Section 24 (4) of the Public Finance Management Act, 2012, approves the Public Finance Management (Public Investments Management) Regulations, 2022 published as Legal Notice No.54 of 2022.

Hon. Deputy Speaker, the Committee tabled its report on 5th December 2022. The Report is available in the Table Office. The Regulations were first tabled in this House in May 2022 before the House adjourned *sine die* to pave way for the general elections. So, these Regulations have been pending in the House. They were considered by the Committee in its sitting last week.

The importance of these Regulations is to provide for a standard approach in project cycle management in terms of guiding the national Government and the county governments and their entities on the project identification and planning, pre-feasibility and feasibility studies, budgeting, implementation, monitoring, evaluation, reporting, closure, sustainability and impact assessment of viable projects that meet the development needs of Kenyans.

The Regulations are intended to establish and maintain a public investment management information system to involve decision making in all public institutions with regard to investments in those particular areas. It also seeks to clarify the roles and responsibilities of various institutions in the public investment management process so that it includes all those who will be using public monies that are drawn from the Consolidated Fund, including projects under the NG-CDF, the National Government Affirmative Action Fund (NG-AAF). This will also ensure that it enhances transparency, accountability and prudence in the use of public resources as well as promote public participation as required by the Constitution.

The Committee was notified that the promulgation of these Regulations will occasion very minimal expenditure to operationalize them – expenditure which can be accommodated within the current sector ceilings set out by the Ministry of National Treasury and Economic Planning. So, it will not entail any additional costs in terms of its implementation.

The Committee was notified that over the recent past, the Government has been increasing public investments at both levels of governments, specifically in the last five financial years. Cumulatively, the Government allocated over Ksh4.2 trillion in the Development Budget to finance public investment projects across that country. These Regulations will provide a comprehensive approach to project identification, planning, appraisal, selection, budgeting, implementation, monitoring and evaluation; reporting and project closure.

The Committee considered these Regulations as provided for in the Statutory Instruments Act, and in particular Section 2 thereof, and we were satisfied that the Regulations meet the threshold that is provided under the Public Finance Management Act and the Constitution.

Hon. Deputy Speaker, pursuant to Section 15(1) of the Statutory Instruments Act, as read together with Section 10 (3) and (4) of the Excise Duty Act No.23 of 2015 and Standing Order 210, Clause 4 (b), the Committee recommends to the House to approve these Regulations on the basis of the reasons that I have given.

On behalf of the Members of the Select Committee, I seek concurrence of the House and its approval of these Regulations as expounded in the Committee Paper that has been laid on the Table of the House.

With those remarks, I beg to move and request Hon. Komingoi to second.

Hon. Kibet Komingoi (Bureti, UDA): Hon. Deputy Speaker, as I second the Motion, I would like to state that these are timely Regulations that are going to help us manage the assets and investments that county governments and the national Government are making in their projects.

It is worth to note that in providing the project management cycle and the inventory of the information management of all projects, this country is going to have a well-coordinated approach to management of our investment portfolio in all sectors. Of particular interest will be the categorisation of all projects within the regulations that we will have large, medium, small and mega projects which will help assist in sourcing and funding these projects.

I second. Thank you.

(Question proposed)

Hon. Deputy Speaker: Leader of the Majority Party.

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

I rise to support the passage of these Regulations and thank the Select Committee on Delegated Legislation for the work they put in within a very short time to ensure that these Regulations are considered by the House.

As the Chairperson has said, these Regulations are providing us with a framework that will ensure the efficient and effective use of public investments especially in ensuring all Government projects, be it national Government projects, projects of State corporations or county government projects, are financially viable. Pre-feasibility studies are being done before the commencement of Government projects to ensure that all public investments are done in a way that ensures that we derive maximum value for the people of Kenya and their taxes. These Regulations will go a long way to ensure that the people of Kenya, whether they are public investments or just Government resources that are being utilised or even in public private partnership investments, derive maximum value.

These Regulations are timely. Members of this House will recall that our country has not implemented a number of public private partnership (PPP) projects. The first rather successful PPP that we can see is the Nairobi Expressway. However, the manner in which the Expressway was contracted and carried out leaves a lot of questions in our minds, and the minds of Kenyans. It is good to have such a beautiful project that is enhancing mobility across the city between Mlolongo and ABC Westlands. This project was built as a PPP project. I remember them telling us that no public funds will go into this project. Details coming out of the level of public investment in that project are astounding to Kenyans. Members will be shocked by the kind of tax exemptions that were extended to the contractor and the investor in that project including VAT and Import Duty.

Hon. Deputy Speaker, you will be shocked that with such an investment, Kenyans are still not able to tell how much the contractor is collecting on a daily basis. All these Members will tell you that to use the Expressway, you can only pay in cash. You cannot even use M-Pesa because somebody does not want to be accountable to the people of Kenya. Somebody does not want the people of Kenya to know how many people are using this facility and how much money they are collecting.

With the Hustler Fund that was launched the other day, people access it by only registering. The last time I checked, it was the day before yesterday, and over 12 million Kenyans had registered. You can even track the transactions per second. In this day and age, for an investor to tell us that they cannot allow us to track how many vehicles are using that super highway or the Nairobi Expressway and not show transactions per second leaves a lot to be desired. It is, therefore, imperative that we pass these Regulations to ensure that even in public private partnerships agreements like the one of the Nairobi Expressway, there is actual transparency and accountability as to what is going on in terms of the public investments that are made.

Throughout the negotiations of the Nairobi Expressway, the lower deck of Mombasa Road right from ABC to Mlolongo, all the negotiations for that contract are minuted that the contractor was to do the upper deck and restore the lower deck to either an equal or better standard than the upper deck. However, shockingly because of the absence of such regulations, at the last minute of signing the contract, that particular clause was dropped. You will be shocked that a week after the elections, somebody was pushing the Kenya National Highways Authority's (KeNHA) management to award the same contractor another contract of Ksh9 billion to do the lower deck without following any procurement process.

These Regulations, therefore, are, indeed, very timely. It is the absence of such regulations that has made public officers capture the State and ensure people are only implementing projects that are not viable to the country, but are of their own personal interests.

I urge this House to support the passage of these Regulations because they would create a clear framework that will ensure that you, indeed, consider the feasibility of a project before implementation. I want to challenge the Chairperson and the Members of the of the Departmental Committee on Transport, Housing and Public Works, Hon. George Kariuki (GK), I do not know if he is in the House, and the Departmental Committee on Finance and

National Planning, that in as much as the Nairobi Expressway project has been completed, we must get to the bottom of it. We must know why we cannot pay by M-Pesa and why we cannot have an efficient and an accountable system where we know how much money this contractor is paid. The Departmental Committee on Finance and National Planning needs to check whether the tax exemptions that were extended to that contractor were in line with our Constitution and laws. They must also check whether the contractor is paying due taxes from the money we are paying. I can see the Chair of the Departmental Committee on Finance and National Planning behind me. There are things that they must look at. They should check whether VAT and other taxes are being paid on the money Kenyans are paying for use of that road.

With those very many remarks, may I beg that we join the Chairperson of the Delegated Legislation Committee to pass these very important Regulations for the sake of our country and the sake of our public investments and ensure that we safeguard what we are sent here to do in terms of taxes and the resources of the people of Kenya.

With that, I beg to support.

Hon. Deputy Speaker: Hon. Charles Onchoke, Member for Bonchari.

Hon. Charles Onchoke (Bonchari, UPA): Thank you, Hon. Deputy Speaker.

I rise to support these Regulations. It is good practice to define and specify projects as opposed to adopting a general approach which becomes very expensive, cumbersome and a problem to the entire nation. We have seen resources not being used properly for the purpose they are intended for because of lack of specificity. It is also gratifying to know that these Regulations provide for the definition of the objectives, outputs and outcomes, so that we know from the word go what is intended to be achieved out of each of the projects the Government is undertaking. It is also a good thing to assign responsibilities, so that we can hold those to whom the responsibilities have been assigned accountable at every stage of the project.

We want from the word go to know how much money has been allocated and appropriated for the projects. In the absence of regulations, we have witnessed in the past a lot of projects being started and somewhere along the way are abandoned because of inadequate budget. We will now have projects conceived and implemented to completion, so that they can serve Kenyans and deliver the service that Kenyans need.

Introducing the monitoring and evaluation aspect in the regulations is a good thing. It makes it possible to monitor and evaluate the effectiveness of the project, how it is progressing and where we are going wrong so that mistakes and problems are captured at the right time and corrections are made. Equally, it will be important that when undertaking projects, those who are responsible, particularly in drawing contracts, do them faithfully. The wastage witnessed in the past is because some of the contracts are drawn in a skewed manner. They are sloppy and punitive to the country and only benefit those who draw them.

With those few remarks, Hon. Deputy Speaker, I support the approval of these Regulations. Thank you.

Hon. Deputy Speaker: Hon. Agnes Pareyio, Member for Narok North.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to add my voice to this Motion. I support it because when we have regulations in place, we will use them as a monitoring tool to know where we are and where we want to go. We will also use them to monitor the resources that have been used in these projects.

I support. Thank you.

Hon. Deputy Speaker: Hon David Kiplagat, Member for Soy Constituency.

Hon. David Kiplagat (Soy, UDA): Thank you very much, Hon. Deputy Speaker. I support the Motion brought by the Committee on Delegated Legislation on regulations that are meant to support public investments. It is very important that as Parliament, we are apprised of all regulations for the functioning of the Government. Let us ensure that all regulations guarantee that our finances are well managed. I support the Motion on the Committees' Report.

It is important that we pass these Regulations so that the Government can work in an orderly manner and benefit from the investments it is making.

Hon. Deputy Speaker: Member for Baringo County, Hon. Florence Jematiah. She is not there. People place their cards and then leave. Member for Kangema, Hon. Peter Kihungi.

Hon. Peter Kihungi (Kangema, UDA): Thank you, Hon. Deputy Speaker. I support the Committees' Report on the Regulations to manage public private partnerships (PPP). As the Leader of the Majority Party has put it, investors have come into the country and have done their investment without guiding regulations. We have seen the case of the Nairobi Expressway. Without regulations, even the contractors who have been working remotely as subcontractors in those contracts have suffered because the procurement process does not clearly give guidelines on how a contractor can raise issues of termination of the contract if they are not happy with the pay or how they are handled by the investors. Regulations are therefore, very critical and important.

As majority of the Members have put it, they were given good tax exemptions. The Government put in a lot of money because the investors came with the money, but it was our taxes that were used to acquire land. The Nairobi Expressway was done inside the town. A lot of money was used on relocations of power, pipelines and other facilities. It cost billions of our taxpayers' money. The investor cannot account for all the investment that the Government has put in place. His work was to put up the Nairobi Expressway. The land that was acquired belongs to the Government. Some people were compensated. Water and electricity systems were relocated. It cost Kenyans billions of shillings. Whenever the contract comes to an end, we do not know how they used the money. They do not pay taxes on the Nairobi Expressway. Where will the Government recover its money?

We need regulations. Even if the contractor spent his money, he needs to understand that we have put our money as a Government and we want to see our finances being recovered. I wish to support the Regulations because it will make clear how the investors are working and how the Government's money that is put on PPP is used and recovered.

Hon. Deputy Speaker: Hon. Lydia Mizighi, Member for Taita Taveta County.

Hon. Haika Mizighi (Taita Taveta, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute. From the outset, I congratulate the Committee for the work well done. I support the regulations because it is through them that we can have good accountability. We can oversee well when we have regulations in place.

Thank you for this opportunity, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Beatrice Elachi, Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. I support this Motion. I also want to thank the Chairperson and his team. As our Leader of the Majority Party has just said, this country is in debt because many public investments became projects of individuals in the Government who open their own companies, do businesses and become beneficiaries of many of the projects that we have seen. When I look at the Nairobi Expressway, as the Leader of the Majority Party said, there are many things that we need to question. Number one, when shall Kenyans be the owners of the road? If the committees can

interrogate the matter, we can know whether the road can become a resource of the Government in four to five years, so that the Government can use its resources to repay other debts.

We also need to appreciate that these Regulations are going to help us on many other PPP programmes and projects. The Government will determine how the projects are run. More importantly, if, indeed, the Nairobi Expressway project was exempted from tax, then we must go back to the contractors to pay tax so that the Government can get revenue to use and pay other debts. We find ourselves in a situation where we have very many opportunities which we kill ourselves. If you are in the Government and want to do business, it is okay, but remember this is your country. Do not just do business to kill other people so that you remain alone. Do not make many other people poor for you to benefit. It will not help you at all. I hope the 13th Parliament can change the situation and bring back the opportunities that Kenyans have lost such as seeing Qatar going to Rwanda. Many investors get disappointed with our country because of how we run things. These Regulations must support them. We should stop having bottlenecks. We should stop killing businesses and job opportunities for young people and start appreciating that it is our responsibility to revive the Kenya's economy.

With those few remarks, Hon. Deputy Speaker, I beg to support.

Hon. Deputy Speaker: Hon. David Ochieng', Member for Ugenya.

Hon. David Ochieng' (Ugenya, MDG): Thank you so much, Hon. Deputy Speaker. For the last 15 to 20 years, we have spent enormous resources and competences trying to raise the ease of doing business indices. In the last Parliament, for example, we passed the Companies Act, a new succession law and new investment laws. All these are geared towards attracting investments to the country. The paradox is that the investments we are now making in the public sector have become the new Goldenberg scandals. They have become the new corruption fronts.

At the advent of devolution in 2013, we saw people who were white and others not so white signing agreements with county governments. If you went to Uasin Gishu County, you would be shown a private investor doing something. I remember there was one investor who went to Homa Bay County to build houses for Ksh2 billion. There were others who went to Kisumu and Busia counties to provide waste management services. Most of these projects ended up as corruption scandals because there is no framework through which the Government can process such ideas. For example, we have an issue with the Yala Swamp in Siaya County. If you are going to give the swamp to the private sector, how do you select the private investor? Is there a system where two or three people can come on board? There are 50,000 acres of prime land. Which companies want to invest in it? How do you choose the best company? How does the public participate in these processes? Do we have a public repository of information from where we can tell investors in aquaculture or the blue economy or in sugar?

In the housing project the Government is implementing, if we are not careful, we will end up with a similar problem. In the last three weeks, I have seen several adverts for housing projects. Most of these are public investment projects being done across the country. How I wish this is done when these Regulations are in force. I have seen housing projects being launched in Komarock, Siaya, Homa Bay and other places. Are we ensuring the people we are giving public resources to invest on have the capacity to finish the projects so that they do not become white elephants?

It will be important, even as we pass these Regulations, to ensure that this Parliament and the relevant committees keep a tab on all these investments, be they in housing, lands, agriculture or energy. We must follow up and ensure that we get value for money and above all, create jobs and promote transparency.

Hon. Deputy Speaker, I support. Thank you.

Hon. Deputy Speaker: Member for Saku.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I wish to add my voice to the debate. Over the years, we have seen loss of public funds through projects. We end up with white elephant projects and then we ask when the rain began to beat us. It is because there are no regulations. Individuals, whether in the Executive or politicians like ourselves, sit in the corner of a room and cut deals. Those deals are not about Kenyans or services that must accrue out of actualisation of that project.

This country is looking at things like foreign direct investment (FDI), joint ventures and PPPs that involve colossal amounts of money. If there are no regulations, how will there be accountability and transparency? Going forward, we need to have manuals. If I want know the status of a project, there should be a guide. If I am in charge of a department or a ministry, I should have sufficient understanding that what I am doing is within the ambit of the law of the land. I support what the Committee has proposed. I suggest that we do not leave it at the regulation level, but develop manuals.

(The Deputy Speaker (Hon. Gladys Boss) left the Chair)

*(The Temporary Speaker
(Hon. (Dr) Racheal Nyamai) took the Chair)*

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Francis Sigei, Member for Sotik.

Hon. Francis Sigei (Sotik, UDA): Thank you, Hon. Speaker, for giving me an opportunity to contribute to this important Motion. As the Mover stated, the Government has undergone a lot of hurdles in raising maximum revenue. This is because regulations have not been put in place. I stand here to support passing of this Motion so that we can collect maximum revenue effectively.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Thank you. Hon. Jerusha Momanyi, Member for Nyamira.

Hon. Jerusha Momanyi (Nyamira County, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity to support this Motion. It is obvious that in any house, if there are no rules and regulations, then there will be a lot of confusion and as a parent, you may not be able to account for anything from your children. As Members of Parliament, it is our role to ensure that if we are going to oversee anything, then we need to have a regulation or a rule that will assist us. I want to support these Regulation so that it is one of those that will give us a way forward on how to oversee all projects that are undertaken by the Government. As Members of Parliament, we should understand that we are the people who are entrusted in making laws. We should be ahead in making sure that anything which happens within our country is anchored in law and we understand how to go about in overseeing it.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. John Waweru, Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Temporary Speaker. I will be very brief. From the onset, I want to put it on record that I support the Public Investment Management Regulations of 2022. There needs to be a framework for how this country is going to go into investments that are funded either through public-private partnerships, joint ventures or any other investment that will be requiring us to go beyond what is provided for by the Exchequer. This becomes so critical especially when we realise that in the last few years, some investments have ended up becoming liabilities. The space of how the Government interacts with private investors to bring public goods ought to have a solid and

robust legal framework. I want to commend the proponents of these Regulations. I also want to commend the Committee that has presided over the framing of these Regulations especially with the speed in which they have brought them here.

Hon. Temporary Speaker, while moving this Motion, the Leader of the Majority Party alluded to a project in the name of the Nairobi Expressway which was intended to clear congestion in the city. A lot of investment went into it and some of the records are telling us that on the Nairobi Expressway, we were building one kilometre of road for Kshs1 billion. Even in the strangest country, no one can be in support of such an investment. The framework with which we shall be paying for this project, whether it shall be through tolls or clauses that were changed in the last minute that require the country to pay straight from the Exchequer if the tolls do not meet the target that is expected for repayment, this arrangement cannot be allowed to be repeated. In my opinion, the investment that went into the Expressway was enough to decongest this city if it had been invested well in a mass transit system and in trams that could have been laid down across the city. We have, however, found ourselves in a situation where there is a beautiful upper deck that is serving a very select part of the population in the city yet the masses are traveling in the lower deck which is in unmotorable condition. You will recall that in the last Parliament, I brought a Question and asked the ministry how they intended to repair the lower deck of Uhuru Highway where most of the hustlers in the city use. The upper deck is a preserve of the few who can afford to pay the toll.

Hon. Temporary Speaker, I am in full support of a framework that will bring regulations to public investments so that our investments become actual investments and not liabilities that shall be tied round the neck of the taxpayers for years that we cannot count. I am in support of the Public Investment Management Regulations of 2022.

Thank you very much, Hon. Temporary Speaker, for the opportunity.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Makali Mulu, Member for Kitui Central.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker, for this opportunity to also add my voice into this debate on the Public Investment Management Regulations. This House passed the Public Finance Management Act of 2012 and in the Act, there are a lot of articles discussing matters of public investment. The Regulations we are discussing this morning are very important because they provide the operational framework for implementation of public investment initiatives. Any investment, either by a country or by an individual, is expected to generate some revenue for the country except those ones that are of public good. In the old days when I worked in the Treasury, we used to have public investment programmes where there were technical people who looked at all aspects of investments and advised the Government and in a priority manner, listed projects that rank priority number one, two and three. Overtime, we seem to have lost that chance of ranking our public investments. I see these Regulations are putting us back to the right track in terms of making sure that whatever we invest in as a country benefit Kenyans. I am supporting this because the Regulations would give us the operational framework and I expect that before any public investment is moved to the future, there would be a very clear criteria in terms of how we assess the viability of that public investment, either through a feasibility study or project appraisal. This will ensure that before we invest, we are sure that wherever we are putting in public money, it is something which is going to benefit majority of Kenyans.

In these Regulations, I am imagining that we will have a chance to discuss the funding framework. As I listen to Members debating this, you will realise that as we fund these public investments, we can do so using our own resources which are generated through taxing Kenyans. However, some of these public investments are being funded through external sources. In my opinion, there should be a very clear distinction in terms of funding our public investments through external support. In such a case, it is very important that where funding is

done using external resources, there is a clear framework in terms of discussing the local component. You will realise that at times when we negotiate for this funding as Kenyans, we do not provide for that local component so that Kenyans can participate in such a big project. I have heard Members complain about the Expressway and I have asked myself this: As we developed this infrastructure, was there a local component for Kenyans, such that as we say that this was done by this country, Kenyans also contributed to some extent? Through these Regulations, I look forward to a situation in Kenya where for any project coming to the country in future, there would be local and external components more so, where funding comes from outside the country.

You will be surprised because most of our public investments have become a drain to the Exchequer. Why am I saying so? If you look at the records of this country at the Central Bank of Kenya (CBK), we pay so much money under the title “commitment fee”. This is money which the country has borrowed through getting into commitments, in terms of loans, but we have not started using them because we borrowed before we were ready for implementation. Our friends; the World Bank and International Monetary Fund (IMF), charge this country commitment fees for not using money.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. (Dr) Pukose, Member for Endebess.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I stand to support the Motion on Consideration of the Public Finance Management (Public Investments Management) Regulations, 2022 which was tabled by the Committee on Delegated Legislation.

What does the Legal Notice seek to achieve? It provides a standard approach in project cycle management to facilitate the national Government, county governments and their entities in the project identification and planning, pre-feasibility and feasibility studies, selection and budgeting, implementation, monitoring, evaluation, reporting, closure, sustainability and impact. Projects are started in this country without pre-feasibility study, feasibility study and proper planning. This is common in the county governments. When we started implementing the Constitution 2010, we had conditional grants for Level 5 hospitals which were formally referred to as Provincial General Hospitals. Then, without public participation as per Article 10 of the Constitution and as clearly ruled out by our Supreme Court, and Article 110 of the Constitution, the governors started building new hospitals calling them referral facilities. Even in Trans Nzoia County, we spent more than Ksh2 million building a hospital which has not been functional within the 10 years of the previous county government.

Instead of Kakamega County improving the infrastructure of the former Provincial General Hospital, they constructed a new hospital which is not operational. We have many other examples of projects that were started without public participation, feasibility studies, how they would be implemented and even their closure.

This legal notice also establishes and maintains Public Investment Management Information System to inform decision making on public investments. This will help us to go into the information system and understand how we will finance public investments. I am very clear about health. We have a project by the Arab Bank for Economic Development in Africa (BADEA) for a burns unit at Kenyatta National Hospital which was supposed to be funded by the Government of Saudi Arabia, Organisation of the Petroleum Exporting Countries (OPEC) and a part of investment from the Government. Hon. Temporary Speaker, you are aware of it because you were the Chair of that Committee in the 11th Parliament. Up to today, that project is not complete. It is 40 per cent done and yet we have a contractor who was given the work. The latest information is that he is asking for about Ksh500,000 for idle equipment within the facility. How do we move around these kinds of projects?

This legal notice also seeks to clarify roles and responsibilities of various institutions in the public investment management process. You must look at the role of the national Government and county government. For example, look at Managed Equipment Service (MES) project. Governors complain because some of the equipment lie idle within those facilities and there is no value for money. This is a framework that we must support. I support it. I hope it will make everything clear.

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well, Dr. Pukose. Hon. Members, before we proceed, I would like to acknowledge the presence of a delegation from Josef Korbel School of International Studies, University of Denver, Colorado, United States of America (USA), who are on an exchange programme at the University of Nairobi. The delegation is at the National Assembly to observe the plenary proceedings. I request each member of the delegation to stand up when called out, so that they may be acknowledged in the National Assembly tradition.

1. Prof. Singumbe Muyeba, Leader of the Delegation
2. Prof. Abigail Kabandula
3. Ms Micael Parker
4. Ms Natalie Impraim
5. Mr Benjamin Willis Gavin
6. Ms Ruth Byrens
7. Ms Madison Wickett
8. Ms Brenda Fay Semerenko
9. Mr Austin Mild
10. Mrs Millicent Wairimu
11. Mr Christian Muyeba

Hon. Members, on behalf of the National Assembly and on my behalf, I welcome the delegation to the National Assembly and wish them well for the remainder of their exchange programme.

Hon. Members, I would like to give the next opportunity to Hon. Tim Wanyonyi, Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice to this Motion on the Consideration of the Public Finance Management (Public Investments Management) Regulations, 2022. From the outset, I support it. One of the objectives of these Regulations is to enhance transparency, accountability, prudent use of public resources and public participation.

Many decisions are made by public officers without involving the public. We find that resources are not managed prudently. Information is hidden from the public. These Regulations will enhance transparency and involve public participation which are constitutional requirements. It is mandatory for any public project in a particular region or area to involve people on whether it is prudent and necessary or not.

These Regulations will also bring order in the management of resources in public investments. Sometimes people make decisions unilaterally without considering any other opinion. When people raise opinions, it looks like they are fighting the Government or that particular agency that is doing the investment. When these Regulations come into force, we will have prudent management of public resources. As the Leader of the Majority Party said, when the Nairobi Expressway was conceived during President Kibaki's time, the investment was supposed to cost Ksh25 billion all the way from Mlolongo to Rironi. However, few years later, the same project was built at a cost of Ksh65 billion which is something that cannot be explained. What happened at the time the project was approved by the Cabinet? Now, it covers only 25 kilometres and the cost of building it almost tripled. The same applies to the Standard

Gauge Railway (SGR). During the Grand Coalition Government, the SGR was supposed to start from Mombasa all the way to Kampala. However, later on, it was built from Mombasa to Nairobi with a cost that was almost five times more than it was originally. So, it is good that we approve these Regulations, so that we can oversee public investments and ensure that public resources are well managed.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Westlands. Hon. Abraham Kirwa, Member for Mosop.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Temporary Speaker, for this opportunity to support this Motion on the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Public Investments Management) Regulations, 2022. It is unfortunate that for a very long time, our nation has continuously operated in a way that has no regard to public finances. It is unfortunate that regimes that come in always look for opportunities to make money and make a few people rich. Coming up with these Regulations on how to manage public finances is a crucial step to our nation.

I want to believe that all of us as Members of Parliament and officials have the best interest of this country at heart. No one should take advantage of any position to change some things to enrich themselves. We discussed a few minutes ago about the Nairobi Expressway. Every time I use the expressway, I ask myself who actually uses it. Very few people use it. We have sunk lot of public money into it, but the general population does not use it. The Leader of the Majority Party said a few minutes ago that you are not allowed to use your credit card and M-pesa to pay. You have to pay cash and you cannot trace how many people use the expressway in a day. So, why is it that in a nation like ours that has advanced technology, we cannot account for what we are getting? At the end of the day, how will you know how your taxes are levied on this project when you try to figure that out if it is cash transactions? I think there is more to it than what we know. Somebody should look into it and a team formed to investigate on how the tender of the Nairobi Expressway was awarded, who was behind it, who is getting the money and for how long are we going to pay for it. I know for sure the Government put in a bit of money. This is a debt that we will continue to finance for a long time.

These Regulations are supposed to help us as a nation. I support the Report of the Committee and the suggestions they have given. More than anything, we need to revisit the issue of the Nairobi Expressway. We may be enriching a few individuals at the expense of a whole nation. That is not something that we will accept. I support the Report.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. Donya Dorice, Member for Kisii County.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker. These Regulations are good. If, for example, a Member of Parliament starts a project, members of the public will think that it belongs to the Member of Parliament and not them and when a new Member of Parliament takes office, he will believe that the project belongs to the former Member of Parliament and not him. Therefore, the project will remain stagnant. If we have these Regulations, it will be clear that leaders have to finish projects that were started by their predecessors. If you go around the country, you will realise that many projects have stalled because there are no regulations. With these Regulations in place, the members of the public will trust our officers because they will know, for example, that if a project is being started under these Regulations, it will be followed up until it is finished and its money will be monitored. I support this Motion and the Committee for coming up with these Regulations. I believe that our country projects will be run well.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. Richard Kilel, Member for Bomet Central.

Hon. Kilel Richard (Bomet Central, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion. I would like to support the Regulations. In the past, we have witnessed projects being undertaken and then abandoned. With these Regulations, I do not think the country will invest in projects that are not viable. So, I support these Regulations and I thank the Committee for coming up with them.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. Edith Nyenze, Member for Kitui West.

Hon. (Ms) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Temporary Speaker, for giving me this opportunity. From the outset, I support these Regulations proposed by the Committee on Delegated Legislation. Management of public investment is crucial for improving infrastructure and economic growth of a country. These Regulations will give guidelines on how such infrastructure will be governed and monitored. The Nairobi Expressway has given a good image to our country. We can say that Kenya can be compared to other developed countries. However, we do not just want to see structures. We want to see structures that will help us economically, improve our revenue and help us settle some of our debts. If left alone without being regulated, the public-private partnerships (PPPs) will be mismanaged and the money will go to other countries. That will not help us economically. With these Regulations, there will be set guidelines on how to effectively and efficiently run infrastructures that with time will result in giving us revenue. Therefore, I support these Regulations.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Member for Nandi County, Hon. Cynthia Muge.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for this opportunity to contribute on the Motion before the House. I am in support of the Public Finance Management (Public Investments Management) Regulations, 2022. Like it has been said from the outset, these Regulations are supposed to bring sanity and ensure that the people of Kenya get value for their money for any project that is undertaken. These Regulations will give a stable footing to every person who wants to invest using public money. It will ensure that that money is used prudently and for the benefit of the people of Kenya. So, I support this Motion and urge the committee to look into the issues raised and ensure they are implemented. I have said time and again that this country does not have shortage of legislations and regulations; it only lacks implementation.

I support this Motion and urge Members to do the same so that we can bring sanity back to this country. We should not be standing in this House as Members saying the people of Kenya cannot use the expressway and yet we do not know how money is being collected. So, anyone setting foot in Kenya and wants to do business here must know the irreducible minimums this country requires. I support the regulations and hope they will be implemented in their entirety.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. Kassim Tandaza, Member for Matuga.

Hon. Kassim Tandaza (Matuga, ANC): Asante sana, Mhe. Spika wa Muda. Kwanza ningependa kutoa shukrani kwa kamati husika kwa kuja na mwongozo mwafaka vile mali ya Umma itatumika kwa manufaa ya nchi yetu. Kwanza, masikitiko yangu ni hili neno ‘mali ya Umma’ ambalo hutumika kila tukizungumzia miradi ambayo ni ya Umma ama *public* kwa kimombo. Mara nyingi wanaohusika hawaichukulii kama ni miradi ambayo wao pia inawahusu. Kwa muda mrefu tumekuwa tukifikiria mali ya Umma ni mali ambayo haina mwenyewe. Kwamba ni ya kufujwa na kila mtu anaweza kuifanyia atakavyo. Katika mwongozo huu ambao umetolewa na hii kamati, tungeanza na wale wanaohusika na kutia

sahihi utekelezaji wa miradi ya mali ya umma. Wasitie sahihi tu wakisema mradi ni wa Umma! Sharti wajue kwamba wao pia ni wahusika. Na endapo hiyo miradi haitafanyika vizuri basi wao binafsi.... Nafikiri kungekuwepo na mwongozo kwamba ikiwa mtu ana *sign* kama Waziri ama mhandisi, a *sign* mara mbili. Kwanza ana *sign* kiofisi na pili yeye mwenyewe anaelewa na kuridhika kuwa mradi ule utafanyika kwa wakati unaofaa na rasilimali zitatumika vyema.

Huwa haingii akilini kwamba mradi unaweza kutiwa sahihi na mkandarasi kutoka nje, kwa mfano, Uchina ilhali bado haujafanyiwa tathmini kuwa utanza lini. Katika eneo Bunge langu la Matuga tumekuwa na mradi wa maji. Umetiwa sahihi, mkandarasi amekuja, ameweka mali yake pale na pia vyongozi wa serikali wamekuja kuuzindua. Lakini kuna mgogoro baina ya Wizara inayohusika ya Maji na Wizara ya Misititu. Wizara ya Misititu haijatoa idhini kwamba mradi ule ufanyike lini lakini tayari sahihi zishatiwa. Ninavyo fahamu kama mweledi wa nyanja hii, kuna kipengele kinachosema kwamba mradi tu nimetia *sign*, kuna pesa italipwa kabla ya mkandarasi kuanza kazi. Na isipolipwa basi itagharimu riba ndani yake. Mara nyingine unapata kwamba kwa sababu mradi umechelewa, ile riba ambayo mkandarasi anadai hata inazidi ile pesa ambayo angekuwa analipwa kufanya hii kazi.

Hivi sasa kuna mradi tunaita Dongo Kundu kule eneo la pwani. Mkandarasi amefanya kazi kufikia asilimia 94; imebaki tu asili sita. Ingawa hivyo anadai fedha ambazo amepena cheti kwa muda wa zaidi miezi sita sasa. Kulingana na mkataba kuna riba mle ndani kwa sababu hajalipwa kwa wakati unaofaa. Riba inazidi ile pesa anayo dai. Tusingahau kwamba anadai pesa hii kwa kiwango cha sarafu ya kigeni ambayo ni ya dola. Saa hizi, ukiangalia ubadilishaji wa pesa kati ya dola na shilingi za Kenya tunazungumzia mabilioni ya shilingi za Kenya kama deni. Lakini anadai pesa ya kigeni na deni inazidi kuongezeka.

Kwa hivyo, nikimalizia kuunga mkono Hoja hii, wale wanaotia sahihi pia wanastahili kuwajibika kibinafsi. Wasifikirie hii ni pesa ambayo haina mwenyewe ilhali ni pesa ambayo kila mwananchi, hata yule wa chini, amechangia.

Asante sana, Mhe. Spika wa Muda kwa kunipatia fursa hii.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Farah Yakub, Member for Fafi.

Hon. Farah Yakub (Fafi, UDA): Thank you, Hon. Temporary Speaker. I want to support the Motion and Report by the Committee. The matter of Public Investments Management Regulations is of great importance to this country. I believe the loss of money through corruption has been precipitated by lack of regulations. For me, the most important thing that attracted my attention is the information system. Most projects done by the county governments and national Government are scattered all over. There is no information system apparatus to follow up these projects.

As parliamentarians, our work of oversight has been curtailed by lack of an information system. I think this is of great importance to us. Most public investment projects done through World Bank like Kenya Development Response to Displacement Impacts Projects (KDRDIP), Hunger Safety Net Programme, Climate Smart Agriculture, and other needy projects are scattered all over and it is difficult for us to oversee them. We have to run from one place to another. This will give us a quick platform, enable transparency, oversight, and accountability not only for Members of the National Assembly but all Kenyans.

The other aspect is project evaluation, initiation and implementation. This will give us a clear path on where the project stands, how it come into inception, where it is heading, the status of payments and other aspects. I think the Report and regulations forwarded by the Committee are of much importance to us and will help the Government. These regulations are long overdue and should have been there before investments were made. Most of the debts we are having cannot be accounted for. That is why you see some Cabinet Secretaries say they will bring reports but they are hidden under the tables or somewhere they cannot locate. So,

these regulations are overdue and will help us to oversee what is happening in the Government of Kenya.

You will also realise most county government projects have been done without budgets, that is why there are pending bills all over. These regulations will help the County Executive Committees (CECs) when implementing a project to live within the framework of these regulations. Despite the fact that it is not our mandate to oversee county government, they will help citizens to see where their money is going at the county level. I support this Motion and regulations. This is a parameter of substance. It is of great importance to this country and, indeed, long overdue.

I support the Committee regulations. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. Owen Baya, Member for Kilifi North.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I stand to support these regulations. First, I want to thank the committee for a job well done within a very short time. I commend them for bringing these regulations which are very important. What we need within government projects is to ensure we provide a framework for efficient and effective public investment.

As it stands now, a lot of project identification being done is from the supply side and not demand side. Sometimes, Government projects are implemented not because there is need but because people want to make money out of it. So, one of the important things about these regulations is focus on public project identification and project planning. Other important aspects which these regulations bring are: pre-feasibility and feasibility studies, selection and budgeting, monitoring and evaluation, reporting and closure, sustainability and impact assessments to ensure there is value for money and optimal use of public resources.

Hon. Temporary Speaker, there are things we have seen in this country that have drained public resources, especially in the road sector and specifically at the Kenya National Highways Authority (KeNHA). I will give you an example of the Mombasa-Malindi Road, which is now being re-done entirely as an East African Community road. Six months ago, one contractor was putting shoulders on both sides of that road in a huge multi-billion-shilling project. Before they had even completed, another contractor began removing the whole road. A new contract had been signed and they were removing the whole road while another contractor on the other side was putting shoulders on it. They were removing the road plus the new shoulders. That is wastage of Government money. If you travel there today, the shoulders have been removed because there is a new project to dual the road. You ask yourself whether a feasibility study for putting the road shoulders was done and when the new design of the road was done. Three years ago, Kenya knew that there would be an East African Community road being constructed there but money was still allocated by KeNHA to shoulder the road, which is a great waste.

Hon. Temporary Speaker, if you go to the road just before you get to the Integrity Centre, the Nairobi Metropolitan Services (NMS) had put walkways on both sides of the road. They had put red tiles and they looked very nice. Less than six months before the road was even commissioned, they removed all that cabro pavement and put in new tarmac. Did they not know that they would put tarmac before they put the cabro? That tells you that there was no agreement. People did not talk and there was no organ that looked at it. There are a lot of things that the NMS did in this city that are now being removed even before being used. That is wastage. There is a section of the Nairobi Expressway that was recently carpeted. They removed the tarmac and now they are putting it back. That is wastage.

Hon. Temporary Speaker, these Regulations will help us stop wastage in this country. I support these Regulations because this is the way to go. Before projects are done, we need to look at their entire scope so that we get value for money for them. I commend the Committee.

The National Treasury should not use these Regulations as a bottleneck to fund projects. They will say that a certain project cannot be done because of one reason or another, but if you go there and speak to them nicely, they might fund the project. These Regulations should not be used as a bottleneck to fund new projects.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. Beatrice Adagala, Member for Vihiga County.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also add my voice to this Motion by the Committee on Delegated Legislation. I congratulate them for tabling the Regulations. We have had cases whereby contractors are given work, there are no proper guidelines and most of them take ages to complete the work. This is a good way to go. I support the Motion on Public Finance Management (Public Investments Management) Regulations, 2022.

Hon. Members have talked about the Nairobi Expressway. The Regulations should be in such a way that charges are reduced so that many people can use the Expressway. The country will then repay its debts quickly so that the Expressway reverts to Kenyan management as early as possible.

Another issue is that if these Regulations are adopted, counties will be able to pay any pending bills they owe. Counties are giving contractors work that they have no money to pay for. For instance, there are contractors who constructed Competency Based Curriculum (CBC) classrooms, which they completed a long time ago but they have not been paid to date. Once the framework and Regulations are passed, most of the contractors will be paid. Also, once these Regulations are put in place, they will ensure that most investors who come to invest in our country are given better rates and tax rebates so that more people can invest.

I congratulate the Committee on Delegated Legislation for the good work that they have done. I support the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Member for Tetu, Hon. Geoffrey Mwangi.

Hon. Geoffrey Wandeto (Tetu, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to add my voice to the Public Investments Management Regulations, 2022.

First, I would like to congratulate the Committee for the good work that they have done in preparing these Regulations. I must admit that they are overdue. The history of this country is littered with very many white elephant projects. In the past, we have been obsessed with activities at the expense of outcomes. So, we have had very many investments where we cannot demonstrate the returns on investment. There has also been a lot of duplication of projects. Therefore, these Regulations will bring sanity to the whole sector of public investments.

Hon. Temporary Speaker, my quick observation on these Regulations is the provision for a public investments' portal. This will bring transparency and accountability in the way we execute our projects. From the outset, we need to ensure that all public investments are published way before they are executed so that every Kenyan can see what is happening in each and every part of this country. Tenders must also be published publicly so that every Kenyan can see what is coming up. We must adopt a framework of standardised project pricing or costing.

It is also very important that we build the capacity of our people, especially those in counties who have taken up a lot of roles in these Regulations. It is very important that there is adequate capacity-building in counties by the national Government so that projects are implemented up to standards. We go to very many places in this country and even if you are not an engineer, you can tell that a road, a classroom, or a water project is being constructed at subpar standards. It is also very important that we incorporate in these Regulations some sort of body to set standards or conduct an audit so that we ensure that once every project is

completed, we audit it and see whether it meets the requirements of the different engineering standards for different projects.

It is also very important that we ensure timely payments of our contractors. One of the reasons that contractors give for overcharging or why projects in this country are expensive is that once they do any piece of work, they are not very sure when or if they will ever be paid. It is very important that we also ensure that there is timely payment of contractors and that in every project, there is an audit to ensure that we get value for money. As we fight corruption and wastage, it is very important that we put in place regulations such as these ones to ensure that the public gets value for money for each shilling. Hon. Temporary Speaker, in this country we normally say that we only get about 60 cents value for every shilling spent. In these new regulations we must get, at least, 80 cents if not 100 per cent of every shilling that we spent.

Thank you very much, Hon. Temporary Speaker. I rise to support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well.

Let us have Hon. Beatrice Kemei, Member for Kericho County.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I support the Motion and thank the Committee for bringing it up. Regulations are very important as they play a crucial role in our country for effective functioning of society and for the improvement of the economy. Just to add my voice about the expressway, I am one of the people who use it. We call it express yet sometimes we line up for long hours just because people are not allowed to use M-pesa but cash. This takes long because perhaps somebody does not have the cash. When we have these regulations in place the expressway will be efficient. It will have quality control and accountability.

So, I support and thank the Committee. I pray that it moves very fast to pass it. I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Very well. Let us have Hon. Jared Okello, Member for Nyando.

Hon. Jared Okello (Nyando, ODM): Thank you very much, Hon. Temporary Speaker for the opportunity. At the outset, allow me to flag an issue of concern to all Members of Parliament in this House: the inordinate delay in remission of funds from the Parliamentary Service Commission (PSC) to our workers on the ground. Hon. Temporary Speaker, it has been three months since they signed new contracts and most of the constituencies have not been bearing that money. It is a concern that these people have families to take care of, school fees to settle, and many other attendant issues. Your good office needs to help us look into this even as we also pursue the National Government Constituencies Development Fund (NG-CDF) and the National Government Affirmative Action Fund (NGAAF). I am a Member of the Delegated Legislation Committee and this important Public Finance report is stemming from my Committee.

We have had issues with the identification and planning of projects and this is one of the areas we would expect this report to address. Just a while back we had issues with two very important dams that were meant to address the lack of water in certain areas: the Arror and Kimwarer Dams. If we had properly looked into what was addressed in this report, issues of Arror and Kimwarer, which siphoned public money and yet there was no value for that at the end of the day, could have been addressed at the right time.

Hon. Temporary Speaker this report relates to pre-feasibility and feasibility studies. When you do that, many Government agencies will be involved such as the National Environment Management Authority (NEMA) to look at the health standards of that project. Recently Hon. Temporary Speaker, we have seen buildings tumbling down and killing Kenyans just because at certain times pre-feasibility and feasibility studies are not properly carried out.

Budgeting has been a big issue in this country since time immemorial. We have had cases where those who sing to the tune of the Government of the day tend to benefit more to the detriment of those whose major responsibility is to express dissent, which is a constitutional matter. That has been used to sideline people and deny them projects that are meant for the populace that they serve. So, this report is meant to address issues of budgeting that will feed into lots of considerations before we get to that level. There will be the element of monitoring and evaluation which is key even as we implement various projects. Hon. Temporary Speaker most people benefitted from the last regime's Technical and Vocational Education and Training (TVETs). Up to now most of them are yet to be completed and we ask why that delay has been in place yet they were budgeted for. Constituencies gave out what was due to them amounting to Ksh10 million per constituency, but up to now there is no value for the money.

There will be the element of reporting in good time and closure, which relates to payments to these contractors. I know this country is grappling with issues of non-payments and delays in paying contractors. On that element of sustainability and impact assessment, if we are not able to sustain projects then it negates the very purpose of having this project to begin with. Finally, Hon. Temporary Speaker, there is the value for money and optimal use of public resources. I know public resources tend not to be spent prudently, but with this report we will be going forward....

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Your time is up Hon. Member. Hon. Liza Chelule, Member for Nakuru County. Please, give her the microphone or move to the nearest microphone that is on. You are going too far yet there is one just next to you.

Hon. Liza Chelule (Nakuru County, UDA): Thank you, Hon. Temporary Speaker for allowing me also to add my voice to this Public Investment Regulations Report. I support these regulations because they will act as a roadmap to any kind of project in our counties and the national Government. I am speaking about these regulations because of what happened with the expressway. This was a nice project but at some point there is something that was not done. If these regulations were in place, you would have discovered a lot as the people of this country. Hon. Temporary Speaker, the expressway from Mlolongo to the Capital centre was done in a way that... It was not supposed to exit at the Capital Centre. This is because we all exit from one point. You can use five minutes from Mlolongo to the exit at the Capital Centre. However, from there to the Central Business District (CBD) it will take you three hours. There will be no point in having an expressway if you cannot be in town on time.

Hon. Temporary Speaker, had these regulations been in place, the expressway would have exited at Bunyala Road Roundabout. I support these Regulations because they will bring awareness to the people of this country especially at the country level. There are so many projects that have been funded by different people: there are projects being funded by development partners and some being funded by the government. But, you know what? The people of a particular area will never know the source of funds to these projects and in that case they cannot be able to supervise. Many Kenyans have been suffering because they do not know the source of funds. Sometimes money is allocated by the Government and at the same time it is allocated by development partners but because there are no regulations, people will never differentiate the funds that have been given either by the national or county governments. I want to thank the Committee on Delegated Legislation for coming up with such Regulations. It is a different thing to come up with regulations and another thing to create awareness among the public.

I want to request the Committee on Delegated Legislation to find a way of creating awareness about the Regulations because it is the only Committee that has powers to do regulations on everything that is happening in our country. It could be good to have the best regulations, and we always have the best policies, but the implementation is the problem. So,

I request the Committee on Delegated Legislation to create awareness to the people of this country on the good regulations that they are coming up with.

With those few remarks, I support.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. (Dr) John Mutunga, Member for Tigania West.

Hon. (Dr) John K Mutunga (Tigania West, UDA): Thank you Hon. Temporary Speaker for the opportunity to also comment on the Public Investments Management Regulations, 2022. If anything needed management in this country, it is public investment. Public investment has been going on without very clear standards and regulations and the fact that the Committee has thought of going the Project Cycle Management (PCM) way, I believe this is where we are going to pick up our pieces and put them together in order.

In the past, most investments avoided serious thinking, scrutiny and assessment. The stages outlining the pre-appraisal, appraisal, project planning development, negotiations, funding/financing, implementation, monitoring and evaluation, audit, and all the others in the project management cycle are very key. Every stage is taken up at any one given time and given sufficient time for it to be thought through. That enables the group or the people planning a project to think through that particular project. They look at the viability of the project and how it is going to help the people. There is also the issue of how sustainable the project is.

I would like to say that, most of the projects funded by most of the key development institutions go through this process and sometimes they are a bit tedious because they avoid some of the things that happen quickly. Because they do not happen that fast, people avoid that particular process. I am happy that the Government has decided that the way to go is the PCM way and I will tell you the reason. One of the things that we have observed today is that a PCM cycle creates simplicity. Simplicity is very important in the sense that it simplifies the project itself for people to understand. It creates better understanding of that particular project and understanding yields better implementation which in turn yields better results.

The second issue about PCM is improved productivity in the sense that we are able to utilise time effectively. It is said that if you cannot manage time better, you can manage nothing. So, most projects will run in the specified time and therefore they will give the desired results. This leads to successful implementation and execution and realisation of the results in due time. It also helps us to realise the planned targets. Every project must have targets and these targets are time-based and therefore when realised sequentially, we see the extent to which we are realising the project as per the results anticipated at the beginning.

The other issue that PCM brings in is the aspect of transparency. Transparency has been an issue in this country and it is important that project cycle management is going to be used now in investing public money. Transparency encompasses communication and laying things bare. PCM as an approach basically outlines, implementation, cost, anticipated output and outcomes and even the impacts that will be there in the future. It enables clear communication within the people who are implementing the project and also the stakeholders who are key beneficiaries of the project and therefore, it helps us to be able to realise this project in a better way and the best way possible. It helps nurture the expectations of stakeholders. Sometimes the stakeholders see a project going on, they do not know what is going in. PCM will have a clear way of communicating what aspects of the project are anticipated at any one particular point in time and it will also be able to give people a clear way forward.

Hon. Temporary Speaker, these Regulations have come at a time when we are in the process of investing. Investments in this country need to be focused, tailored in a way that everybody understands and perceives them correctly. Because if they are not perceived correctly, especially by the actors, then we end up wasting money. We will not have white elephants because PCM will make sure that every aspect of the project is taken care of.

I support the Regulations and back the Committee.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Beatrice Elachi, Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you Hon. Temporary Speaker. I rise to support these Regulations. I just want to give a short process that many people have gone through in the Public Finance Management (PFM) Act. I hope that even as we look at these Regulations, we try to look at what the Public Procurement Administrative Review Board (Board) has also been doing. You may find contractors that have won projects working very closely with the Board and a project they are working on might find itself in a lot of challenges because of the Board's interference. So, I am hoping as we do these Regulations, we also realign the powers so that when the Government awards a project the Board does not become an impediment.

So, even as we look at the PFM Act, one of the things we must ask ourselves is whether the Regulations will assist the Government to complete a project within the time frame that has been given. One issue that this House must look at, and that is one of the challenges we have faced, is the many pending bills. Projects start at a particular time frame.

If we want to see the Government achieve and our constituencies to be developed, we must ensure that the time frame of the cycle of that project from planning to implementation is taken into consideration even if the project will have challenges on the way. So, the Regulations must guide the Government and the different institutions that are part of a project.

The other thing that we appreciate about having regulations is that they bring in transparency. They assist us to see what is happening and the Members of Parliament are able to go and look at data and ask why a project has not moved to the level specified. The Member of Parliament can then push Government to complete the project and avoid people suffering.

In the morning, we spoke about Regulations on public investments and now we are talking about the PFM Act. These things go together. We are hoping our officers in Government will appreciate that we have regulations that guide us and ensure that when a project is awarded, money will be spent in a transparent, effective, and efficient way. Why NG-CDF has been one of those projects that move and you can see results is because of how strictly this House decided to put and itemize how the projects should move.

As we move on, we also need to talk to the National Treasury. That it is time it itemizes the projects so that people understand the projects. It is one thing that has killed this House that we have a budget that is in billions of shillings but you are never told in an itemized way how one can achieve the budget. All these tools that we are getting are meant to support us to get a budget that is more transparent and able to move us forward. With those few remarks, Hon. Temporary Speaker, I beg to support.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Dorothy Ikiara, Nominated Member.

(Technical hitch)

I think we may need to give you a different microphone. Please, give her a different microphone. Move to the next one.

Hon. Dorothy Muthoni (Nominated, UDA): This is okay. Thank you Hon. Temporary Speaker. I rise to support this very important Committee on Delegated Legislation for coming up with the Public Finance Management (Public Investments Management) Regulations, 2022. We are all aware of what has happened in Kenya in the past. Investors come, they are given projects and they do them in a manner that nobody understands.

As I likely got it from the Committee, this regulation is meant to guide on how public resources will be used. It is very important because there will be transparency, accountability and prudent use of public resources will be captured here. I am saying this because we have

realised most of the projects stall because of the bureaucracies that sometimes take place in the award of tenders, in the way this work is done and the projects end up using more money than it was meant to and yet there is no way of accounting for it.

I do know that Kenyans are struggling with very high taxes simply because of the debts that we have incurred as a country. All these debts that Kenyans are paying today...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Eckomas Mutuse, what is out of order?

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Hon. Temporary Speaker, I apologise. Somebody must have been or was mischievous.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): An error?

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Yes. I apologise. I will be requesting to contribute on the regulations.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): In that case Hon. Dorothy Ikiara, you may proceed.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you Hon. Temporary Speaker. These regulations have come in handy and at the right time. I support the regulations.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gideon Kimaiyo, Member for Keiyo South.

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you Hon. Temporary Speaker. I rise to support this Motion on the Public Investments Management. From the onset, I thank the Committee on Delegated Legislation for the work they have done on these regulations. These regulations will assist in curing the issue of wastage as well as pending bills and corruption in that it will check on issues of transparency and accountability.

As we talk about this Bill, Members of Parliament here have talked about the expressway. Coming from Elgeyo/Marakwet, I am at pains, and my people as well, because of the issue of Arror and Kimwarer Dam scandal. Had there been regulations such as these ones, my people from Kimwarer and Arror would be enjoying water in their homes. As we know the project stalled because there was lack of feasibility study. As we move forward, I ask the Executive and the President to check into it and if proper measures are taken I know the project will come to life.

This Bill is important in that it specifies the roles of each individual or institution. For example, in the county it will check what the County Executive Committee Member (CEC) does or the County Assembly. In the National Government it will also keep what the accounting officer in terms of Ministry of Finance and National Planning and the National Assembly will do. At the same time, this regulation...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I have a point of order. What is out of order Hon. (Dr) Pukose?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, without interrupting my colleague from Keiyo South, I stand on Standing Order No. 95 that since all of us have a massive support for this Bill, that the Mover be now called upon to reply. That since we have a lot of support on these regulations and these are very important regulations, I request that the Mover be now called upon to reply. Thank you.

The Temporary Speaker (Hon. Rachael Nyamai): Hon. Member for Keiyo South you may conclude then I will check whether that is the mood of the House. Please conclude your debate on this report. You had a remainder of about two minutes. Conclude.

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you Hon. Temporary Speaker. My worry with these regulations is on the exemption. On the miscellaneous part of it, the regulations talk about exemptions. The Minister for Finance and National Planning has been given leeway on the exemptions. I am afraid that the same may be abused by whoever will be given the exemptions but all in all I support the regulations.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Honourable Members, the Hon. (Dr) Pukose, Member for Endebess, has raised a point of order that the Mover be called upon to reply and I would like to establish whether that is the mood of the House. Is that the mood of the House?

(Question that the Mover be now called upon to reply, put and agreed to)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover.

Hon. Ruku GK (Mbeere North, DP): Thank you Hon. Temporary Speaker. I rise to reply and as you note, these PFM Regulations are set out to give guidelines on project cycle management to maintain public management information systems and to help in decision making as far as public investments are concerned, as well as to allocate responsibilities to various institutions as far as public investment management processes are concerned. This will enhance transparency, accountability, prudent use of public resources and increase public participation. These are ingredients which have been missing in the past public investment management. With these regulations, investments will be taken care of in the most prudent and appropriate manner.

I thank the Members of my committee led by my very able Chairperson, Hon. Chepkonga. I also thank the office of the Clerk for the secretarial services they offered to this committee. I also thank the Members of this House for their contribution and support of these regulations which will ensure that there is a paradigm shift in the Republic of Kenya, as far as Public Finance Management is concerned.

Hon. Temporary Speaker, I beg to reply. Probably, I can donate...

(Loud consultations)

I beg to reply. Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): You would have done that before you replied. You do not have the opportunity now.

Hon. Members, having established that we have the requisite numbers, I now put the question.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, there being no other business, and the time being 12.43 p.m....

(Loud consultations)

Hon. Members, order! There being no other business, and the time being 12.44 p.m., this House stands adjourned until today Thursday, 8th December 2022, at 2.30 p.m.

The House rose at 12.44 p.m.

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