



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 101**

## THE HANSARD

Tuesday, 19<sup>th</sup> November 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Serjeant-at-Arms, you may ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Members, we now have the quorum to transact business.

### COMMUNICATION FROM THE CHAIR

*(Several Members walked into the Chamber)*

**Hon. Speaker:** Members on your feet, please, take your seats.

Hon. Members, you will also note that we have a Supplementary Order Paper in circulation that we will use for business this afternoon.

*(Hon. Parashina Sakimba walked into the Chamber)*

Hon. Parashina, take the nearest seat.

### DELEGATION FROM THE TRANSITIONAL NATIONAL LEGISLATURE OF SOUTH SUDAN

**Hon. Speaker:** Hon. Members allow me to recognise three different delegations on the Speaker's Row. The first one is a delegation from the Transitional National Legislature of South Sudan - the newest Republic in the world.

*(Applause)*

I am pleased to introduce to you a delegation from Public Accounts Committee of the Transitional National Legislature of South Sudan, seated in the Speaker's Row. They are:

1. Hon. Justin Joseph Marona, MP – Chairperson/Leader of the Delegation;
2. Hon. Henry Omai Akolawin, MP;
3. Hon. Bidali Moses Onesimo, MP;
4. Hon. Joseph Ojuku Ikarak, MP;
5. Hon. Peter Shabak Gatluak, MP;
6. Hon. Joy Kwaje Eluzai, MP; and,
7. Hon. Majok Mading Dier, MP.

The delegation, accompanied by one parliamentary staff, is on a benchmarking tour to learn best practices and share experiences with their counterparts in the National Assembly's Public Accounts Committee.

On my behalf and that of the National Assembly, I extend a warm welcome to the delegation and wish them fruitful engagements and an enjoyable stay in our country.

*(Applause)*

DELEGATION FROM THE NATIONAL ASSEMBLY OF THE  
REPUBLIC OF THE GAMBIA

Hon. Members, next is a delegation from the National Assembly of the Republic of the Gambia in West Africa. Those of you who do not know where Gambia is, it is a piece of island in Senegal, touching on the Atlantic Ocean.

I wish to introduce to you a delegation comprising Members of the Committee on Gender, Children and Social Welfare in the National Assembly of the Republic of the Gambia, who are seated in the Speaker's Row. They are –

1. Hon. Fatoumata Njai, MP – Head of the Delegation;
2. Hon. Amie Colley, MP;
3. Hon. Fatou K. Jawara, MP;
4. Hon. Maimuna Ceesay, MP;
5. Hon. Suwaibou Touray, MP;
6. Hon. Kebba T. Sanneh, MP;
7. Hon. Abdoulie Ceesay, MP;
8. Hon. Omar Jobe, MP;
9. Hon. Omar Jammeh, MP;
10. Hon. Sainey Jawara, MP;
11. Hon. Samba Jallow, MP; and,
12. Hon. Alieu Baldeh, MP.

Hon. Members, the delegation is accompanied by three technical staff and one development partner of the National Assembly of the Republic of the Gambia.

The delegation is in the country on a study visit to understand the role and impact of women representatives in light of Kenya's constitutional provisions regarding women representation and gender sensitive legislation.

On my behalf and that of the National Assembly, I welcome them to the National Assembly and wish them fruitful engagements during their stay in the country.

*(Applause)*

DELEGATION FROM THE WORLD SCOUT PARLIAMENTARY  
EXECUTIVE UNION

The last delegation is one that is attending the 2024 World Scout Parliamentary Union Executive Committee Meeting in Nairobi.

Hon. Members, I am pleased to introduce to you a delegation comprising of the Executive Members of the World Scout Parliamentary Union (WSPU), who are seated in the Speaker's

Row. They are:

1. Hon. Gyu Back Ah – President, WSPU and Member of the National Assembly of Korea (Leader of the Delegation);

2. Hon. Dael Chul Park – Member of WSPU and Member of the National Assembly of Korea; and,
3. Hon. Jan Dziejczak – Executive Committee Member of the National Assembly of Poland.

The delegation, accompanied by three staff of the parliamentary union, is attending the 2024 Global Executive Committee Meeting of the WSPU to be held at the National Assembly of Kenya today, 19<sup>th</sup> November 2024.

On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements.

Thank you!

*(Applause)*

Hon. KJ, you have one minute.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Speaker, for your hospitality in hosting this esteemed delegation. Among the members of this delegation is Hon. Stephen Kent, a former Member of Parliament from Canada.

Hon. Speaker, you are the Patron of the World Scout Parliamentary Union Caucus, which has great representation in this House. This delegation has had the pleasure of experiencing Kenyan hospitality, including a visit to Nyeri, renowned as the scouting town of the world. They have also been graciously hosted by Hon. Charles Nguna, Hon. Dorice Donya, and all the other esteemed members of the WSPU.

I welcome the Executive Committee to the Kenyan Parliament. All the deliberations we have had regarding legislation for the youth, the future, technology and humanity will be prosecuted on the Floor of this House.

Thank you for giving me the opportunity to welcome this delegation.

**Hon. Speaker:** Thank you, Hon. KJ. The House Business Committee met this afternoon and adjusted our sitting times. Consequently, the Speaker has directed the Leader of the Majority Party to bring a Procedural Motion to effect those changes. Due to a backlog of work and with the end of this Session approaching, the HBC has agreed on the following sitting schedule for the House:

On Monday, we will have two sittings: one in the afternoon and another in the evening. The afternoon session will run from 2:30 p.m. to 6:30 p.m., followed by the evening session from 6:30 p.m. to 9:00 p.m. Depending on the availability of members and the business to be transacted, we may extend the sessions until the end of the day. We will also sit on Tuesday morning, Thursday morning and Friday morning and afternoon next week. The following week, we will have sessions every day, from Monday through to Friday, before we break to travel to Mombasa for the East Africa Legislative Assembly (EALA) games.

I invite all members to join us in Mombasa for the friendly games of the East African Region. Legislators from the eight East African countries - Kenya, Uganda, Tanzania, Rwanda, Burundi, DR Congo, South Sudan and Somalia - will be present. I encourage our colleagues from Mombasa to lay out a good welcome for your colleagues in Kenya and from the region. I directed and I want to repeat...

*(Hon. TJ Kajwang' shook hands with another hon. Member)*

Order, Hon. Kajwang'. Part of your business in this House is not to shake hands with colleagues.

*(Laughter)*

Hon. Members, as much as possible, we are implementing cost-cutting measures. Therefore, we will all travel to Mombasa *via* the Standard Gauge Railway (SGR). Hon. Members, you will organise with the Clerk's Office and the Table Office. The clerks will assist you to indicate when you want to travel. You will all go by SGR, including the Hon. Speaker, to cut down on costs, so that we can facilitate as many of you as possible to go to Mombasa and participate in the Games. As many as of that opinion say Aye. Those descending say Nay. The Ayes have it.

**Hon. Members:** Division! Division!

**Hon. Speaker:** Order! The call for Division is unlawful. Next Order.

Yes, Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana Mhe. Spika. Nachukua fursa hii kuwakaribisha Wabunge wote wa Bunge la Kumi na Tatu katika Kaunti ya Mombasa. Mje mfurahie na mtuletee biashara katika Kaunti yetu. Pia nachukuwa fursa hii kukushukuru sana kwa kukaa na Kamati andalizi na kuamua Michezo ya Afrika Mashariki ichezewe Mombasa. Umetupa hadhi kubwa sisi wakaazi wa Mombasa. Mimi kama Mama Mombasa, nawakaribisha nyote na Afrika Mashariki nzima. Nitawaandalia madafu. Mje mfurahi na tulate ushindi nyumbani.

Ahsante sana, Mhe. Spika.

**Hon. Speaker:** Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I want to thank Hon. Zamzam for inviting us to Mombasa. I want to just declare that because she has spoken in Kiswahili, we do not all have to speak in Kiswahili.

Having said so, I wish to thank you for even acknowledging the delegations that are visiting us. There are very many of my friends from Gambia who are visiting. They honoured me when I went to Gambia and so, it was just important for me to also acknowledge my friends who are visiting from Gambia.

Because I am also in the Friendship Group with Hon. Shakeel and the China group, I also wish to welcome all the delegations that are here.

Thank you.

**Hon. Speaker:** You will also tell them that their former Attorney-General, Ami Bensuda, was my classmate at the law school.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Yes.

*(Laughter)*

**Hon. Speaker:** Not this Bensuda! This Bensuda was not in any law school.

*(Laughter)*

Yes, Hon. Muhia. Kajwang', was she in any law school?

**Hon. Members:** No.

*(Hon. Atieno Bensuda spoke off the record)*

Yes, Hon. Muhia.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Mhe. Spika, kama vile Mama Zamzam amewaeleza Wabunge kwamba anawakaribisha kule Mombasa, mimi pia kama Mwenyekiti wa mambo ya Jumia ya Afrika Mashariki nawaomba Wabunge wenzangu wajitolee kwenda kule Mombasa na washiriki kwenye michezo ya Afrika Mashariki. Kule kuna Wabunge kutoka

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Mabunge manane, likiwemo Bunge la Somalia. Naona Mhe. wa Chama Kikuu Bungeni akicheka, kisa na maana, nimesema kuwa mimi ni Mwenyekiti wa Jumuiya ya Afrika Mashariki. Hata kama mimi ni Mwenyekiti kwa wakati huu...

*(Laughter)*

Nataka kusema mimi ni Mwenyekiti kwa wakati huu, kabla nitolewe. Nachukuwa nafasi hii kuwakaribisha ili wajionee. Kwa kiingereza tunasema katika Jumuiya tunashirikiana kwa kuteremsha na kupanua ushirikiano (*Deepen and widen the intergration*).

**Hon. Speaker:** You are wrong. It is called, “Deepen, widen and tighten the integration of East Africa.”

*(Applause)*

Next Order.

### PAPERS

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

**Hon. Owen Mbaya** (Kilifi North, UDA): Thank you, Hon. Speaker. It is in the spirit of widening, deepening and tightening.

*(Laughter)*

I would like to welcome the visitors and also welcome the Members not only to Mombasa, but also to Kilifi, which is a neighbouring county. We have very good accommodation and good people in Kilifi and Mtwapa. You know Mtwapa is in Kilifi. They do not know that. There are very good people in Mtwapa. Thank you very much.

I beg to lay the following Papers on the Table:

1. Financial Year 2024/2025 Additional Expenditure granted under Article 223 of the Constitution from the National Treasury.
2. Annual Report of the State of the Judiciary and the Administration of Justice for the Financial Year 2023/2024 from the Judiciary.
3. The Quarterly Economic and Budgetary Review for the first quarter of the Financial Year 2024/2025 from the National Treasury.
4. Reports of the Auditor-General and Financial Statements for the years ended 30<sup>th</sup> June 2021, 30<sup>th</sup> June 2022, 30<sup>th</sup> June 2023, and the certificates therein in respect of:
  - (a) Gachie High School;
  - (b) Thika High School;
  - (c) St. Anne’s Secondary School;
  - (d) Gatei Mixed Secondary School;
  - (e) Gakoe Mixed Secondary School; and,
  - (f) Giakanja Boys High School.

**Hon. Speaker:** The Chairperson of the Select Committee on Member’s Services and Facilities, Hon. Karani.

**Hon. Wachira Karani** (Laikipia West, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of the Select Committee on Member Services and Facilities on an inspection visit to constituencies and county offices in Kilifi, Kwale, Mombasa, Laikipia, Nyandarua and Machakos counties.

**Hon. Speaker:** Chairperson, Select Committee on Regional Integration, Hon. Wanjiku.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Mhe. Spika, naomba unipee dakika mbili nifanye mawasiliano na *Clerks-at-the-Table*.

**Hon. Speaker:** You have told me that you wanted to give notice of motion in Kiswahili.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Ndiyo, Mhe. Spika.

**Hon. Speaker:** It is written in English. I will permit you to give notice in English, but direct on *the Hansard* that when you move the Motion when it comes, you can do so in Kiswahili, so that you save our time.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Ahsante, Mhe. Spika. I beg to lay the following Paper on the Table:

Report of the Committee on Regional Integration on the inspection visit to the Semi-autonomous Institutions of the East African Community and Central Corridor in the United Republic of Tanzania.

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

**Hon. Speaker:** Thank you, Hon. Wanjiku.

Next Order.

## NOTICES OF MOTION

**Hon. Speaker:** The Chairperson of the Select Committee on Member's Services and Facilities, Hon. Karani.

### ADOPTION OF REPORT ON INSPECTION VISIT TO CONSTITUENCY AND COUNTY OFFICES IN KILIFI, KWALE, MOMBASA, LAIKIPIA, NYANDARUA AND MACHAKOS COUNTIES

**Hon. Wachira Karani** (Laikipia West, UDA): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Member's Services and Facilities on the inspection visit to constituency and county offices in Kilifi, Kwale, Mombasa, Laikipia, Nyandarua and Machakos counties, laid on the table of the House on Tuesday, 19<sup>th</sup> November 2024.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Wanjiku, the Chairperson of the Committee on Regional Integration.

### ADOPTION OF REPORT ON INSPECTION VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAC AND THE CENTRAL CORRIDOR IN THE UNITED REPUBLIC OF TANZANIA

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Regional Integration on the inspection visit to the semi-autonomous institutions of the East African Community and the Central Corridor in the United Republic of Tanzania, laid on the Table of the House on Tuesday, 19<sup>th</sup> November 2024.

**Hon. Speaker:** Thank you, Chairperson. Clerk-at-the-Table, skip Order No. 7. Call out Order Nos. 8, 9 and 10 we put the Questions before we get back to No.7. Call Order No.9. Hon. Owen, hold on. Your boss is just behind here. Call Order Nos. 9, 10 and 11 first.

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**MOTION****CONSIDERATION OF REPORT ON THE TECHNOPOLIS BILL**  
(National Assembly Bill No. 10 of 2024)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Technopolis Bill, (National Assembly Bill No. 10 of 2024).

*(Moved by Hon. John Kiarie on 14.11.2024)*

*(Resumption of consideration interrupted on 14.11.2024)*

Order, Hon. Members.

*(Hon. Yusuf Adan and Hon. Haika Mizighi walked into the Chamber)*

Hon. Yusuf, take your seat. Hon. Haika, take your seat. The nearest seat.

*(Question put and agreed to)*

**BILL***Third Reading***THE TECHNOPOLIS BILL**  
(National Assembly Bill No. 10 of 2024)

**Hon. Speaker:** Is it the Mover Hon. KJ, or the Hon. Leader of the Majority Party?

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, I thank you for giving me the opportunity. I would like to say a big thank you.

**Hon. Speaker:** No. Just say, "I beg to move that the Technopolis Bill..." KJ, go ahead *baba*.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, I beg to move that the Technopolis Bill, (National Assembly Bill No. 10 of 2024), be now read a Third Time.

I also want to request Hon. Millie-Mabona Odhiambo to second. She was part of the process and part of the Committee of the whole House.

**Hon. Speaker:** Give Hon. Millie the microphone.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I second.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read  
a Third Time and passed)*

**Hon. Speaker:** Next Order.



**BILL***Second Reading*

THE CO-OPERATIVES BILL  
(National Assembly Bill No.7 of 2024)

*(Moved by Hon. Silvanus Osoro on 13.11.2024 – Afternoon Sitting)*

*(Debate concluded on 14.11.2024)*

*(Question put and agreed to)*

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

Let us go back to Order No.8.

**PROCEDURAL MOTION**

## RESOLUTION TO SIT ON OTHER DAYS

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Orders 30(b) and (c) (Hours of Meeting), this House resolves to hold Sittings on the following days for purposes of debate on the President’s Address and consideration of priority business ahead of the long recess—

1. On Monday, 25<sup>th</sup> November 2024, commencing at 2.30 p.m. for the afternoon sitting, and 6.45 p.m. for the evening sitting;
2. On Tuesday, 26<sup>th</sup> November 2024, commencing at 9.30 a.m. for the morning sitting;
3. On Thursday, 28<sup>th</sup> November 2024, commencing at 9.30 a.m. for the morning sitting;
4. On Friday, 29<sup>th</sup> November 2024, commencing at 9.30 a.m. for the morning sitting;
5. On Monday, 2<sup>nd</sup> December 2024, commencing at 2.30 p.m. for the afternoon sitting;
6. On Tuesday, 3<sup>rd</sup> December 2024, commencing at 9.30 a.m. for the morning sitting; and,
7. On Thursday, 5<sup>th</sup> December 2024, commencing at 9.30 a.m. for the morning sitting.

Hon. Speaker, I do not need to explain the basis of that Procedural Motion since you had already indicated the reasons to the House in your earlier Communication. As agreed and directed by you and the House Business Committee (HBC) this afternoon, I was to move this Procedural Motion to allow us time to first consider the President’s Address.

As Members are aware, we will have the State of the Nation Address on Thursday, which will be a Joint Sitting of both Houses of Parliament. In line with our Standing Orders, we should have, at least, four sitting days to consider the Address by His Excellency the

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President. Therefore, to allow as many Members as possible an opportunity to contribute, we want to have those extra sitting hours in the mornings of Tuesdays and Thursdays, the mornings of Fridays, except this Friday, and the afternoons and evenings of Mondays to allow us to consider the State of the Nation Address and a lot of pending and urgent business that is before us before we go on recess.

As invited by Hon. Zamzam and as host of the East African Legislative Assembly (EALA) Games, I hope that we will all join the Speaker on 6<sup>th</sup> December at 6.00 a.m. on the Standard Gauge Railway (SGR) train to Mombasa. The Speaker will be on that train, and we expect to join him. We want to ensure that we conclude all the business that is before us. As Members are aware, we are going for the long recess and the Christmas break. We want to avoid calling Members back for a special sitting during that long recess by all means possible. That is the only time that our very hardworking staff from the Office of the Clerk and the entire National Assembly can take their break. Our staff are not able to take any other break throughout the year except in December. Therefore, we want to indulge them and not call them back for a special sitting to conclude all the business.

We also do not want to interrupt the EALA Games. As the host, all the 349 Members of the National Assembly are expected to be in Mombasa, as you indicated in the HBC. As Hon. Zamzam has promised, she is ready with *mahamri, korosho na madafu*,

*(Hon. John Kiarie spoke off the record)*

*(Laughter)*

I have not said what I hear Hon. KJ saying from behind me. *Mambo ya Fatuma mimi siyaelewi.*

With that, I beg to move and request the Leader of the Minority Party, Hon. Junet Mohamed, who is also a Member of the HBC, to second the Procedural Motion.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I rise to second the Procedural Motion. I urge Members to take very seriously the State of the Nation Address by the President.

*(Hon. Linet Chepkorir consulted with  
Hon. Francis Sigei while on her knees)*

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is out of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. My concern is not Hon. Junet, my Leader of the Minority Party. Hon. Toto is kneeling. I know that the Member she is speaking to is very honourable and much older than her, but is she in order to kneel before Hon. Sigei? I know that Hon. Sigei is older than Hon. Linet but, in this House, we are presumed to all be equal. So, as much as it shows respect culturally, it is not in order; not in the House.

*(Laughter)*

**Hon. Speaker:** Hon. Millie, if you read *The Hansard*, the last time the word “kneeling” was used in this House, a Vice-President, Josephat Njuguna Karanja, lost his job. Do you want my comrade, Ambassador Sigei, to lose his job? Go on, Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I am told that Hon. Toto has just come back from Uganda, and she must have learned how to kneel before men from there.

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*(Laughter)*

That is the way it should be. That is on a light note, Hon. Speaker.

*(Loud consultations)*

**Hon. Dorice Donya** (Kisii County, WDM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Donya.

**Hon. Dorice Donya** (Kisii County, WDM): Hon. Speaker, that statement might be taken seriously and when we go back home, our men might demand for us to kneel before them. You will be ruining our marriages. It is men who should kneel before women, and not women kneeling before men. Women should not be told what to do in the 21<sup>st</sup> Century.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Donya. Hon. Members, Hon. Jack Wamboka, the Member for Bumula, can tell you that from the community where he and I come from, women kneeling before their men is an ordinary course of things in their houses. Go on, Hon. Junet.

*(Loud consultations)*

Order, Hon. Donya. You are now becoming disorderly. Take your seat. I never talked of any other community. I talked of Hon. Wamboka's community. Go on.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, we are just giving out the tactics of how to spice up marriages. We are not doing anything bad. We are giving suggestions on how marriages can be better. There are places where even men kneel, but they cannot say it on camera.

Members must take the State of the Nation Address by the President very seriously. Members should understand that it is a constitutional requirement. It is not just any other event. The President comes to Parliament and addresses the nation on issues that have been stipulated in the Constitution such national security, international obligations and the economy. At the end of his Address, he will hand over a set of documents to the Speaker. That tells you how important the Address is. That is why the National Assembly has allocated four sittings to discuss the State of the Nation Address by the President.

It is a very serious constitutional obligation. It is not like any other issue that the President comes here to talk to us about. It is one of the constitutional ways that this House holds the President accountable. Every year, he comes here to tell us what he has achieved in the last year in those four areas. It is my wish that Members take that Address very seriously and attend in their numbers, so that we can listen to the President. After that, we can use the four sittings that follow the Address to dissect it and tell Kenyans what our thoughts are on the issues that the President will have addressed in the House.

With those few remarks, I beg to second.

**Hon. Speaker:** Hon. Junet, Hon. Irene Mayaka was very excited when you were talking about women kneeling before men.

*(Laughter)*

*(Question proposed)*

*(Question put and agreed to)*

## QUESTIONS AND STATEMENTS

### REQUESTS FOR STATEMENTS

#### DELAY IN OPERATIONALISATION OF ADMINISTRATIVE UNITS IN KISUMU CENTRAL

**Hon. Speaker:** Member for Kisumu Central, Hon. Joshua Oron.

**Hon. Joshua Oron** (Kisumu Central, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the delay in the operationalisation of administrative units in Kisumu Central Constituency.

Hon. Speaker, on 21<sup>st</sup> July 2017, the Ministry of Interior and National Administration gazetted administrative units in 1,200 locations and 2,400 sub-locations. Among those gazetted were two locations: Kanyakwar and Nyalenda, and four sub-locations: Obunga, Kanyakwar, Dunga and Lower Milimani within Kisumu Central Constituency. Those areas, designated as administrative units, were intended to bring essential Government services closer to the residents, enhance security and facilitate efficient delivery of public services.

However, nearly eight years later, the units are yet to be operationalised, resulting in the residents travelling long distances to acquire essential Government services.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following:

1. A status report on the operationalisation of the administrative units in Kanyakwar and Nyalenda locations; and Obunga, Kanyakwar, Dunga and Lower Milimani sub-locations as per the gazettelement of 21<sup>st</sup> July 2017; and,
2. The measures that have been put in place by the Ministry to ensure those administrative units become fully operational, thus enabling the local population to access essential national Government services conveniently and efficiently.

I, thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I will give a response possibly on Thursday next week. I, however, do not think that the Cabinet Secretary would give a better response than the obvious issue of the budget. It is not just in Kisumu County, but all over the country.

**Hon. Speaker:** Bring the response on Thursday next week.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Well guided, Hon. Speaker.

#### STATUS OF PROJECTS UNDER THE EQUALISATION FUND IN GARSEN

**Hon. Speaker:** Hon. Ali Wario Guyo, Member for Garsen.

**Hon. Ali Wario** (Garsen, ODM): Thank you, Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the status of projects under the Equalisation Fund in Garsen Constituency and Tana River County.

Hon. Speaker, the Equalisation Fund, as established under Article 204 of the Constitution, was introduced to address the historical marginalisation of certain regions by providing 0.5 per cent of the National Government's annual revenue to fund essential services such as water, roads, health and electricity. Those services are intended to bring the level of

public services in marginalised areas like Garsen Constituency and Tana River County at par with the rest of the country.

Hon. Speaker, a committee was identified to undertake the responsibility of selecting the most deserving projects for funding. That committee is chaired by the County Commissioner and includes the chairman and managers of the National Government Constituencies Development Fund (NG-CDF). Despite the efforts by that committee to identify critical projects, their implementation has not been carried out. Concerns have arisen over issues such as tendering, public participation and the overall transparency of the process.

Hon. Speaker, it is against this background that I request for a statement from the Chairperson of the Department Committee on Finance and National Planning on the following:

1. Clarification on how the tenders for those projects were issued and confirm whether due process as outlined in the Public Procurement and Asset Disposal Act was followed;
2. Clarification on whether the mode of advertisement for those tenders was conducted in a transparent manner that allowed for the fair participation of local contractors;
3. The extent to which public participation was conducted in the identification, prioritisation and implementation of those projects in line with Article 10 of the Constitution;
4. A detailed update on the current status of all projects under the Equalisation Fund in Garsen Constituency and Tana River County, including the expected timelines for completion; and,
5. An account of the total funding allocated to those projects under the Equalisation Fund, detailing how much has been utilised so far and the balance.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Wario. The Chairman, Departmental Committee on Finance and National Planning? Who is the Vice-Chairperson? Hon. Naomi, can you communicate to the Chairman, Department Committee on Finance and National Planning to bring a response before next week, Thursday?

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, I will communicate and I hope they will be able to bring the response by Thursday as directed.

*(Hon. Sabina Chege consulted with several Members along the gangway)*

Members standing in the walkway, order! Hon. Sabina Chege, you have just walked in, and already causing disorder. Order, Members. Take your seats. Go ahead, Hon. Manduku.

**Hon. Speaker:** Hon. Daniel Manduku, Member for Nyaribari Masaba.

#### STALLED ROAD PROJECT IN NYARIBARI MASABA

**Hon. Daniel Manduku** (Nyaribari Masaba, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Roads and Infrastructure regarding the stalled Kenya-Sosera-Ekona-Ramasha-Suguta-Junction Road in Nyaribari Masaba Constituency.

Hon. Speaker, the construction of the said road was launched in 2018 and commenced thereafter. Unfortunately, the project stalled in 2019 after the construction of only two kilometres of the total approved length of the said road.

Additionally, the contractor had extracted murrum from Sosera Primary School and hence, a large pit filled with stagnant water which has become a breeding ground for mosquitoes and a safety risk to pupils was left behind.

As a result, the area has experienced a rise in malaria cases. A tragic accident was experienced in 2020 when a child drowned in the hazardous pit. The incomplete road has also severely affected residents by disrupting access to essential services.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. A report detailing the status of the Kenyena-Sosera-Ekona-Ramasha-Suguta Junction Road, the circumstances for stalling of works, and when the road will be completed.
2. Measures being taken to address the safety concerns of the residents and students in Sosera Primary School regarding the hazardous pit.
3. The relief measures the Government is putting in place to mitigate the health and safety risks that are posed by the stagnant water in Sosera Primary School.

I thank you, Hon. Speaker.

**Hon. Speaker:** Chairman of the Departmental Committee on Transport and Infrastructure? Is Hon. GK here? Yes, Hon. Zaheer, are you able to bring a response on this issue?

**Hon. Zaheer Jhanda** (Nyaribari Cache, UDA): Yes, Hon. Speaker. I have the response.

**Hon. Speaker:** Did you anticipate it? He has just raised it now. How did you have it? What you want to respond to has not come yet. Can you try and bring a response to Hon. Manduku before we break?

**Hon. Zaheer Jhanda** (Nyaribari Cache, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** We will go to responses starting with Hon. Njeri Maina's request for statement. Yes, Member for Moyale.

**Hon. (Prof.) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Speaker. I asked for a statement from the Chairman of the Departmental Committee on Administration and Internal Affairs on 18<sup>th</sup> October 2024. You gave instruction that they should come back with a report in two weeks. It is almost one month and there is no response two weeks down the line.

**Hon. Speaker:** *Ndiye huyu.* Hon. Tongoyo, can you start by telling Professor when you will respond to him as you respond to Hon. Njeri?

**Hon. Gabriel Tongoyo** (Narok West, UDA): It is true that the Member of Moyale asked for a statement. Of course, it is two weeks down the line. I just beg for a little bit of patience because the Ministry is still working on it. It is work in progress. I promise to have the statement on the Floor next week. Kindly.

**Hon. Speaker:** Thank you. Go on and respond to Hon. Njeri.

#### MURDER OF MR DERRICK GACHOKI AT KIANDAI SHOPPING CENTRE IN KIRINYAGA

**Hon. Gabriel Tongoyo** (Narok West, UDA): I want to respond to the request for statement asked for by the Member of Parliament for Kirinyaga County, Hon. Jane Njeri Maina. She specifically wanted to know the status of investigation into the death of Derrick Gachoki, and whether the police officers who were involved in his killing are known. She wants to know the measures the Government has put in place to address extra-judicial killings and the use of excessive force by police officers.

On 19<sup>th</sup> May 2024 at around 1.30 p.m., police officers on patrol found Bar One Club in Kiandai Shopping Centre operating beyond stipulated operating hours. The officers cordoned

off the bar with a view of arresting revellers and owners of the bar for contravening stringent measures the Government has put in place to control sale and consumption of alcohol and drinks as stipulated under the Alcoholic Drinks and Control Act of 2010. Revellers started to run away when the officers entered the bar through a side gate. Some were jumping over the iron sheet perimeter fence. In the ensuing melee, unfortunately, a firearm discharged an ammunition. Derrick Gachoki Munene was fatally injured.

On the second question, immediately after the shooting, PC No.241024 called Hannah Mwangi was arrested and placed in police custody vide OB No.1119052024 at Kiamaciri Police Station in Mwea West Sub-County. She was later released on bond pending the finalisation of an investigation by IPOA. It commenced by recording statements from relevant witnesses and assembling relevant exhibits for prosecution.

On 10<sup>th</sup> June this year, the firearm of the suspected police officer and a spent cartridge were forwarded to the ballistic station of the Directorate of Criminal Investigations (DCI) at the National Forensic Laboratory for forensic analysis. The inquiry file will be forwarded to the Office of the Director of Public Prosecutions (ODPP), once the analysis is completed.

On the third question, the Government has put in place adequate stringent laws and regulations for lawful use of force and firearms by police officers vide the Service Standing Order CAP 47 and the National Police Service Act of 2010. The officers are under stringent instruction to restrain from the use of excess force against members of the public. They may only use firearms in justifiable instances such as protection, protecting the life of another person who is in danger or self-defence. The Service is also overseen by IPOA.

In conclusion, the Government does not condone acts that are contrary to the law and the Constitution. All acts that appear contrary to the law are investigated thoroughly and appropriate action is taken against any officers that are found culpable. IPOA also investigates to ensure fairness and justice to the family. Further, the Government has no policy on extra-judicial killings. However, the Government is aware that there are isolated instances where police officers are subjected to investigation for instances of murder in which they are suspected to be involved. In such circumstances, the law takes its course. The Statement is signed by the then Cabinet Secretary, Hon. (Prof.) Kithure Kindiki.

From the Statement, it is true that it was an accidental shooting. The gun released the ammunition. Unfortunately, the victim got shot. I condole with the family. I will ensure that investigation is underway. Appropriate action will be taken against the responsible officer once the investigation is completed.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Njeri.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Speaker. Well, I thank the Hon. Chairman for responding. I take great exception to paragraph three where he says that a firearm discharged ammunition. Firearms do not discharge themselves. They do not have any robotic capacity. The policemen, who are supposed to guard the lives of Kenyans, discharge weapons on unarmed and innocent Kenyans.

I visited and condoled with the family of the late Derrick Gachoki, a young student who was waiting to join university this year. I note that the firearm of the police officer and the spent cartridge were purportedly sent for analysis on 10<sup>th</sup> June 2024. We wanted a ballistic report so that further investigations could be concluded and the file presented in court. The same has not been done. The officer is roaming freely while a young student who was waiting to join university lies dead and the grieving parents are waiting for justice.

I am requesting a follow-up update on the report within 30 days. If it surely took five months to investigate who shot a young student who was waiting to join university, it could take forever. I request an update on the same within 30 days so that I can go to the grieving

family in Kirinyaga County and update them that their son will get justice, although he will not come back to life.

Thank you.

**Hon. Speaker:** Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I acknowledge and admit that the shooting from the firearm of the police officer happened accidentally. I want to just tell the Hon. Member that it happens. That is an accidental shooting. When a pistol or whichever gun is cocked, and the safety pin has not been locked or engaged, an ammunition can discharge itself. It is rare, but it can happen. Investigations are ongoing. I have just mentioned that the ballistic analysis is going on.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, even though I have not trained in guns and shooting, I know that the Chairman of the Departmental Committee on Administration and Internal Affairs has no such training. He is taking it upon himself in this House, before cameras and Kenyans, to explain how it happened. Is he really in order? I think there should be a fair and more deliberate way given that the life of a young Kenyan was lost.

Thank you.

**Hon. Speaker:** Yes, Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Speaker. Indeed, there is accidental discharge which happens in any firearm, from a pistol to a machine gun. If you look at the movement of that particular weapon, you will note that the trigger can easily pull the round forward and cause it to discharge. From experience, I can confirm that it happens as my Chairman has said.

**Hon. Speaker:** Yes, Hon. Njeri.

**Hon. Njeri Maina** (Kirinyaga, County): Hon. Speaker, I do not think any Member or the Chairman is a ballistic reports expert, but I am kindly requesting that after 30 days, I get follow-up feedback from the Chairman on whether the report is complete and has been forwarded to the Directorate of Public Prosecutions (DPP), so that the prosecution can start.

Thank you.

**Hon. Speaker:** Thank you. Hon. Tongoyo, did you say there is an inquest?

**Hon. Gabriel Tongoyo** (Narok West, UDA): The issue of the gun that discharged the ammunition truly belonged to the officer. We said it was accidental. For the majority of us who own guns, you know that when you have not engaged the safety pin, the ammunition can discharge...

**Hon. Speaker:** Order, Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Stop giving evidence on facts that you are not privy to. I know many issues of such kind will come to you. As a lawyer, Hon. Njeri knows that when a citizen loses a life in the circumstances you have described, the law requires an inquest to be carried out. This is where the police will place material evidence before a court of law, and a magistrate will decide whether anybody is culpable for the loss of life or not. Such an inquest will ordinarily result into either a closure of the file or a prosecution of anybody who is found culpable. Otherwise, from where you stand, you have no capacity to give evidence on how a gun discharged a bullet.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Yes. I think I was very clear that the ballistics section of the Directorate of Criminal Investigations (DCI), and the forensic laboratory are still doing the forensic analysis. So, when the analysis is completed, the inquiry file will be forwarded to the DPP.

**Hon. Speaker:** Thank you. Hon. Njeri, we leave it there. Next is the Chairlady of the Departmental Committee on Social Protection to respond to a statement sought by Hon. Marianne Kitany.



## DISBURSEMENT OF THE WOMEN ENTERPRISE FUND

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Speaker. This is the response to a statement sought by the Member for Aldai Constituency, Hon. Marianne Kitany, regarding the disbursement of the Women Enterprise Fund (WEF). In her request, she raised two questions. The first question was on the rationale behind reducing the borrowing limit especially considering the Fund expanded resources, and the fact that it specifically targets women groups. The second question was on the measures that are being put in place to ensure that the Women Enterprise Fund remains an effective tool for supporting women entrepreneurs. I wish to respond as follows:

The Fund introduced digital loan and savings products on the 1<sup>st</sup> July 2023. The product targets a group of 10 to 30 women. The loan is offered through a digital platform by dialling \*254#. Upon compliance with the terms and conditions, the turnaround time is instant. The group can access the WEF group through two processes:

1. Dial USSD \*254# and select Women Enterprise Fund; and,
2. M-PESA App, then Grow tab, then select Financial Inclusion, Mini-app, under development.

During the pilot phase between 1<sup>st</sup> July 2023 and 16<sup>th</sup> September 2023, the Fund disbursed Ksh941,901,505 to 18,955 women groups with Ksh257,464,445, being repaid as of 31<sup>st</sup> May 2024. Only first cycle of Ksh50,000 was activated for the pilot phase to allow the Fund to monitor the trends to inform rollout of the rest of the borrowing amount. From the trends, the loan demand under digital is many times higher than the manual model, as evidenced by the near Ksh1 billion that was disbursed under the two months, thus putting extremely high pressure on the limited cash available for lending. This implies that with a bigger loan limit, only a few groups will benefit, and the resources are depleted. In policy, the Fund has approved bigger loan limits, but introducing them will need enhanced funding to the Fund to sustain cash flows and continued service to the women entrepreneurs.

On the second question on measures that have been put in place to ensure that WEF remains an effective tool for supporting women entrepreneurs, I want to respond that the Fund is implementing several measures, key among them:

1. Improving financial sustainability. Financial sustainability is crucial for any organisation to continue offering services to its clients. To achieve sustainability, the Fund seeks to grow its value to Ksh10 billion by ensuring efficient management of operation costs.
2. Improving accessibility to loans by women entrepreneurs by re-engineering loan delivery channels. The agenda of the Government is to ensure an inclusive financial landscape. Fundamental to this are initiatives that enable the inclusion of women in the financial services. The Fund aims to expand financial access for 5 million women entrepreneurs in all parts of the country who are riding on digital platforms. Moreover, the Fund aims at diversifying the products and services to serve a wider market.
3. Enhancing financial and entrepreneurial skills for women entrepreneurs. The training for women Micro, Small and Medium Enterprises (MSMEs) facilitates Small and Medium Enterprises (SMEs) expansion and enhances profitability, productivity and competitive advantage. The Fund will enhance capacity for 515,000 women entrepreneurs on entrepreneurship, financial literacy, value addition, Access to Government Procurement Opportunities (AGPO) and business counselling. The Fund will channel out different training services on various platforms.

4. Improving market access for women entrepreneurs. Some of the interventions that are critical in enabling market access include domestic and international trade facilitation, coordination of linkages with major market players and provision of commercial infrastructure, among others. The Fund aims to improve market access for 105,500 women entrepreneurs through linkages, market facilitation and decent workplace to support the women to achieve their market goals. Core to those measures is: Financial sufficiency driven by high disbursement volumes and introduction of modest interest rates at 6 per cent per annum reducing balance, operation efficiency that is propelled by digitisation and digitalisation, enhanced resourcing, improved productivity and prudent financial management.

Hon. Speaker, digitisation is the process of converting analogue data into digital form, while digitalisation is the use of digital technologies to change a business.

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

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

Thank you, Hon. Temporary Speaker. That is the response for Hon. Marianne Kitany.

**The Temporary Speaker** (Hon. Omboko Milemba): Is Hon. Marianne Kitany in the House?

**Hon. Marianne Kitany** (Aldai, UDA): Yes.

**The Temporary Speaker** (Hon. Omboko Milemba): Proceed.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Speaker. I have listened to the response from the Hon. Chairlady of the Departmental Committee on Social Protection. I am totally dissatisfied by the response for three reasons.

One, I raised an issue about the rationale behind the reduction of borrowing limit. The Women Enterprise Fund (WEF) was started in 2007. From the year 2007 to last year when that rationale was changed, the borrowing limit was not an issue. I do not know why they have decided to reduce or bring in limit reduction. They also brought in cycles. Therefore, that has not responded to the issue of the rationale. If a system was working, why change what was and is already working?

The second issue is this: I wanted to find out about the method they use to give out those funds that have gone digital. As much as I appreciate going digital, and as much as we appreciate that we are now digital in nature, we are talking about women. The objects of why the WEF was created need not be lost in the process of disbursing money. It was not just about money. Usually, women meet and talk about many things, including their social affairs. They also encourage each other to do business after which they can then disburse the money. The next time they meet, they look at how far they have gone with the monies that they borrowed.

However, if we digitise the process of borrowing that money without considering the real objects of why the WEF was created, we will lose the real objective of the fund. It is not any different from a group or an individual who is going to a bank to borrow money. The WEF is more social in nature as opposed to the actual funding.

Therefore, Hon. Temporary Speaker, I am totally dissatisfied with the responses they have given. I wish that, perhaps, this matter be taken further by the Chairlady of the Departmental Committee on Social Protection and the Cabinet Secretary so that we can really understand if they lost the objectives or they forgot why the WEF was created in 2007 under Legal Notice No.127 or what happened. What changed? If there were any changes, none of the changes as to the objectives was brought to the National Assembly for ratification.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Yes, Hon. Chairlady.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Temporary Speaker.

I have heard what my good friend, Hon. Marianne Kitany, has said. As we speak, we do not have a Cabinet Secretary in that Ministry. However, as a Committee, I can organise for a sitting with the Principal Secretary so that we can iron out this matter once and for all. Even as much as I have read this Statement, I do not agree with it. I do not agree with it because I also witnessed when the cheques were being given to women and they could borrow up to Ksh1 million and pay back. However, from the Ministry's Statement that I have read, they can only give loans of up to Ksh50,000. We, therefore, took the women backward rather than progressing.

We can have a sitting with the Principal Secretary, go through this and see whether it is achieving the intended purpose. Before, women could borrow Ksh500,000 to Ksh1,000,000. Right now, the amount has reduced. Even as they borrow, it is transferred to them digitally.

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Deputy Leader of the Majority Party?

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, it is very unfortunate that a Chairperson of a Committee, especially on the Majority Side, can read a Statement, present it as a fact on the Floor of the House, but when she is questioned, the next minute she says she does not believe in it. The honourable thing to do is to expunge it from the record of the House and withdraw it. She should do that instead of reading a Statement, giving information to the House and then cycle back and say: "I actually do not believe in it." I request the Hon. Chairlady, whom I have a lot of respect for, to request this House to expunge that Report so that we get the right report.

I think that will be the set procedure, other than to hold onto a report on record which the Chairlady does not believe in because she thinks it is erroneous, and still give it to the Hon. Member. Therefore, I would like to request the Hon. Chairlady to, please, withdraw the Statement, request it be expunged from the record and say that she will bring another one another time. The way we are going is not honourable at all.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Let me hear from, Hon. Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-Kenya): Hon. Temporary Speaker, I agree with the Deputy Leader of the Majority Party.

It is not fair for a Statement from the Government to be read by a Chairlady of a Departmental Committee before us, as the whole nation is watching and listening to what the Chairlady is saying, and then she says she does not agree with the response. We are the representatives of the people. Therefore, it is out of order for the Chairlady to say that she does not have confidence in it. She must extract that Statement from the record. It is unfair and wrong to do so.

**The Temporary Speaker** (Hon. Omboko Milemba): Very Well. We have heard you. Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. The last two weeks have been of telling the truth, and nothing else but the truth.

To be honest, we are also experiencing the same challenges in our constituencies concerning WEF. The response the Hon. Chairlady has given is underwhelming and completely off the mark. It is oblivious of the challenges that we are facing. This is one of the absurdities we have in the current dispensation where Hon. Chairpersons are given written statements and they are obliged to come and read them here. Honestly, as much as we want to

interrogate the Hon. Chairlady on the veracity of the Statement, we are basically flogging a dead horse.

From what she has pointed out, I suggest that they invite the Hon. Member who asked the question to the Committee where the Principal Secretary can appear so that there can be intense interrogation. Honestly speaking, if I were the one, I would not have read the Statement. If I were to be cajoled to read it, I would have clearly told them I do not even believe in the Statement.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very Well. Lastly, *Daktari* Nyikal, let us hear from you on this.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker.

Sometimes, I feel very bad because the things that were working are no longer working. I did not get the question, but I have got the drift. Let me tell you what happened. Let the truth be told. When the WEF was started, I was there at that critical moment. It was run in two ways.

In the first one, it was to be given to groups that were formed by the then Ministry of Gender and Social Services and registered by the Ministry of Culture and Social Services. It was for that purpose that we created a society that registered those women so that they can get the funds.

The other part of the fund was to be given to middle institutions like banks who would then give it to individual women who wanted large amounts of money. With time, it turned out that the interest on the money that was given to banks and co-operative organisations to be given to women was supposed to be 8 per cent. The banks were giving women their own money and keeping that money because they did not want them to benefit from the 8 per cent interest rate. That slowed down almost to a stop. The one for the women groups flourished. The problem came when there was a decision that the system should be digitised. When they digitised, the process was hurried. It was supposed to be through a presidential order. They digitised so quickly and women groups were formed digitally. Applications and disbursement were digital. They disbursed a lot of money very quickly – almost a billion shillings. When it came to repayment, it was realised that repayment rate dropped from 86 per cent when they were doing things manually to 26 per cent. They went out to find out what had happened. They found out that the groups were merely digital; they did not exist. That is why nobody was paying. Apparently, that money was lost. When the proper statement is brought, we would want to know how much money was lost.

In their response, they decided to stop the issuance of the Women Enterprise Fund, because the digital system was not working and they were losing money. They stopped and women had since then not been getting money. We were told that the banks subsequently restarted issuing money, but the information I am getting from Members is that the process has not started. It was a hurried process that caused problems. So, they stopped. I do not know whether they have corrected it so that the women can get money. The Fund was very popular with women. You would get Ksh100,000 the first time and Ksh200,000 the second time, if you paid back the first loan. By the time the banks stopped lending, there were women in my constituency who were getting Ksh700,000 and doing a good job. It is the hurried digitisation that caused the problem. Let us face it.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well *Daktari*. You have made your point quite clearly.

**Hon. (Dr) James Nyikal** (Seme, ODM): It is the truth. That is what is also killing the Social Health Authority (SHA). We are not telling the truth.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, *Daktari*. You have made your point. I can see that the Deputy Leader of the Majority Party still has an interest in this matter. What is it?

**Hon. Owen Baya** (Kilifi South, UDA): Hon. Temporary Speaker, I do not want to use the word that I should use, but it is not correct for us to discuss a statement which has been disowned by the presenter. We are discussing a statement which the presenter has said they do not believe in. We are debating an erroneous statement.

**The Temporary Speaker** (Hon. Omboko Milemba): Order.

**Hon. Owen Baya** (Kilifi South, UDA): The honourable thing is that the statement be withdrawn and then we can debate.

**The Temporary Speaker** (Hon. Omboko Milemba): We have heard you and, courtesy of your earlier assertion, I allowed a few Members to weigh in on the matter. I want to hear the Chair before we can proceed with any ruling. Before we hear the Chair, Hon. Millie, what is it?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Speaker, from a procedural perspective, what has just happened is a bit interesting. I was with you in the House Business Committee earlier on. You remember that I was willing to move Hon. Kaluma's amendments that I disagree with to my Bill, but the Speaker said we cannot do that. In the same light, if a Chair does not believe in what a Ministry has brought, why would he or she bring it here? The Speaker may need to give guidance on how to proceed when we do not agree with what a Ministry brings to the House. Our role is oversight. We are not just a conduit. If a Chair does not agree with a statement, it should not be brought here.

The other thing is to ask us, as a country, to introspect. I do not know whether we are bewitched or what is wrong with us. We work very hard to destroy everything that is working. The WEF was working well. We are working hard to destroy it. The National Government Constituencies Development Fund (NG-CDF) is one of the best funds in this country, especially in marginalised and rural communities. The first time I saw a nice school in my rural home was courtesy of NG-CDF. Younger people do not realise that because they do not see what the difference was. Why are we destroying the things that people come from other countries to emulate? We are busy destroying what is working and coming up with other things that are not working. Can we rethink such issues?

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Let us hear the Chairlady.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Temporary Speaker. I noticed the shortcoming, but I want to tell the Deputy Leader of the Majority Party that I do not want to withdraw the statement because my work as the Chairlady is to transmit the response from the Ministry to the Member. This is not a committee report that we interrogated so that, once I present it here, I cannot disown it. When I read this Statement, I said I am going to invite the Principal Secretary and the Member to the Committee so that we can discuss this issue. It is not fair – and it is not in order – for the Deputy Leader of the Majority Party to tell me to withdraw the statement because I am the Chair. I am not the one who wrote this Statement. It came from the Ministry. If it is not correct, I cannot stand here to say it is correct because it came from the Ministry. I also do not agree with it. I only read what was transmitted to me. I am only transmitting it as chairpersons do. This is not a document that came from our Committee.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. We have heard from the Chairlady and we do not need to have more bites on this matter. The Chairlady is clear that she is also a Member of Parliament and her main role is to oversee. Indeed, you saw that she could not commit herself to an issue she did not believe in. This challenge came to this House

when we changed our Standing Orders to enable Departmental Committee Chairpersons to present statements in the House on behalf of Cabinet Secretaries.

I rule that this particular matter be taken back to the Committee. Invite the Cabinet Secretary and the Principal Secretary involved and the Member who raised the matter, and have a candid discussion. If that does not work, escalate the matter into a substantive Question so that the Cabinet Secretary can be invited to appear before the House to deal with it. It is of concern to not only all Members of Parliament, but also to the many women who were effectively using the Fund.

We can rest that matter there.

**The Temporary Speaker** (Hon. Omboko Milemba): Let us hear another response to a request for statement by Hon. Wanjiku Muhia. Do we have the Chairman of the Departmental Committee on Transport and Infrastructure in the House?

UNMARKED BUMPS ALONG FLYOVER-NJABINI-  
KIPIPIRI-OL KALOU-NYAHURURU ROAD

**Hon. Zaheer Jhanda** (Nyaribari Chache, UDA): Hon. Temporary Speaker, on behalf of the Chairman of the Departmental Committee on Transport and Infrastructure, Hon. GK Kariuki, I would like to respond to the request for a statement by Hon. Wanjiku Muhia.

Hon. Temporary Speaker, on Thursday, 17<sup>th</sup> October 2024, the Member for Kipipiri, Hon. Wanjiku Muhia, requested for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding unmarked bumps along the Flyover-Njambini-Kipipiri-Ol Kalou-Nyahururu Road. In the request, Hon. Wanjiku Muhia sought to establish, among other things, plans to ensure that all bumps erected along the road are clearly marked and proper signage provided; what actions are being taken for the provision of proper signage and reflective markers along the road; and a report on the exact timeline for marking the bumps and placing signage along the said road. The Committee received a response from the Ministry of Roads and Transport, through the Clerk of the National Assembly, on 23<sup>rd</sup> October 2024, which I now wish to present.

With regard to plans to ensure that all bumps erected along the road are clearly marked and proper signage provided, I wish to state that all bumps on the road section of Magumu to Njabini (Road B110) have already been marked and proper signage installed.

Furthermore, the section from Njabini to Ol Kalou (Road B20) is currently under newly awarded maintenance contracts. The Ministry has already identified a number of illegal bumps along the road, and they will address the issue of unmarked bumps alongside the removal of the illegal ones by mid-November. The section between Ol Kalou and Nyahururu (A4) Road recently underwent surface dressing as part of the ongoing maintenance work scope for the road. The works have been completed and the contractor is now in the process of marking the road, including all the speed bumps.

Regarding the actions being taken on provision of proper signage and reflective markers along the Flyover-Njabini-Kipipiri-Ol Kalou and Nyahururu Road, as indicated above, all signages on the road section on Magumu-Njabini (B110) Road have already been installed. The hybrid contract allows the contractor to maintain and replace any vandalized signages. Signages on the road section between Njabini and Ol Kalou (B20) Road, and Ol Kalou and Nyahururu (A4) Road are currently under installation and are expected to be completed by the end of November, 2024.

Concerning the report on the exact timelines for the marking of bumps and placing signages along the said road, I submit that all the outstanding works will be completed by the end of November, 2024.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Wanjiku Muhia.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you very much, Hon. Temporary Speaker. I thank the Departmental Committee on Transport and Infrastructure. I can confirm that I travelled through that road over the weekend. It is true that the bumps that were very risky have been marked and signages placed very well. However, in my statement request, I not only meant the bumps that were being repaired, but all the other bumps as well. They have left two bumps unpainted, and they pose a serious threat to road safety. Since the Committee has reported that the Ministry will complete the construction of the Road on 30<sup>th</sup> November, I expect the two bumps to be among the bumps that will be dealt with. They have left a very critical area called Njiret, which was the source of my statement request because that section has killed so many people. There are neither bumps nor signages. Nothing has been marked.

I seek the intervention of the Committee. If they can consider that place by the end of November, I am sure the residents of Nyandarua will be very happy. Once more, I thank the Committee.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. This is a positive one. Hon. Chairman, what will you do about the section that has remained?

**Hon. Zaheer Jhanda** (Nyaribari Chache, UDA): Hon. Temporary Speaker, we will engage the Ministry and request them to facilitate the same.

Thank you.

#### MEMBER'S GENERAL STATEMENT

**The Temporary Speaker** (Hon. Omboko Milemba): Is Hon. Adow in the House? There is a general statement to be made by Hon. Njeri Maina.

#### RAMPANT ABDUCTIONS AND FORCED DISAPPEARANCES OF KENYAN YOUTH

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker.

*(Hon. Zaheer Jhanda crossed the Floor without bowing to the Chair)*

Hon. Zaheer is trying to distract me, but I am very focused on representing Kenyans and the people of Kirinyaga County.

I rise to issue a general statement regarding the rampant....

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Zaheer. What is your point of order, Hon. Oundo?

*(Hon. (Dr) Ojiambo Oundo spoke off the record)*

Hon. Zaheer is completely out of order. Go back all the way, show respect for the House and then come back.

Thank you, Hon. Members, for noticing that. This is a House of order. Come all the way.

*(Hon. Zaheer Jhanda went to the bar and bowed to the Chair)*

Very well. Hon. Njeri, you may proceed.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I rise, pursuant to the provisions of Standing Order 43 (1), to issue a general statement regarding the rampant abductions and forced disappearance of Kenyan youth in the country.

The Constitution of Kenya recognizes human rights as inherent and inviolable. However, in recent months, there has been a disturbing increase in abductions, unlawful arrests and disappearances, particularly targeted at the youth. According to the Kenyan National Commission on Human Rights, there have been over 60 reported cases of extra-judicial killings and over 71 cases of forced disappearances. Those include a tragic incident during the protests of 25<sup>th</sup> June 2024, which resulted in several deaths and the abduction of, at least, 72 individuals.

Those incidents violate Article 26 (1) of the Constitution on the right to life. Government agencies such as the Independent Policing Oversight Authority (IPOA), Office of the Director of Public Prosecutions, Directorate of Criminal Investigations, and the Inspector-General of Police are tasked with preventing such injustices. However, they have been alarmingly slow to respond. The arbitrary arrests have also attracted concerns from the international community.

Despite cordial interventions addressing the issue of forced disappearances, the trend continues to threaten the stability of Kenya's democracy and the well-being of future generations. Urgent institutional reforms are necessary to ensure that the criminal justice system is responsive and adheres to the set constitutional parameters. As a signatory to the International Convention for the Protection of All Persons from Forced Disappearance, I urge that Kenya ratifies that Convention in compliance with Article 2(6) of the Constitution to strengthen the national framework that is aimed at ending those inhumane practices.

I thank you, Hon. Temporary Speaker.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I am not so sure under what Standing Order the Hon. Member has read out her Statement but, I can raise an issue in relation to that later on. I thank Hon. Njeri for issuing that Statement. There is an Hon. Member who is trying to distract her, but this is not the time for men to see young and beautiful women here. You can see her afterwards.

Hon. Njeri is doing extremely well. Keep up on that path. You are a very young and visionary woman who is doing very well. Having said that, all Members of Parliament of goodwill should be concerned on this issue. I am concerned when I see the number of messages of missing persons. I do not know what is going on. I do not want to ascribe blame, but the Government needs to take this issue seriously. There are very many missing persons. I do not know what is going on. I share their information every day. There are some who are young children who are eventually found. However, there are adults who are missing. We do not know what is going on. Even if it means forming a commission of inquiry or whatever we need to do, there is a problem that needs to be addressed. There are enough people who are disappearing in this country. We need to pay attention and take action.

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Of course, general statements do not require discussion by the House. Let me hear the Chairperson of the Departmental Committee on Blue Economy and Irrigation very briefly. The rule on general statements does not give us a leeway to debate the matter. However, as Hon. Members, you have a chance to even move a Motion of Adjournment to discuss the matter.

**Hon. Kangongo Bowen** (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. I want to congratulate Hon. Njeri for raising that issue. Besides what Hon. Njeri has just said about abductions in the country, we need to look into the security of this country. This should



go to the Ministry of Interior and National Administration. A few weeks ago, an individual who is not Kenyan acquired a Kenyan identity card through dubious means and travelled all the way from Ethiopia to Eastleigh, where he killed four women. That is what we were told. The individual has since been identified as an Ethiopian. How he acquired Kenyan citizenship is questionable. Apart from that one, if you go to the pastoral areas, where some of us come from, the insecurity in those areas is at an alarming state. Even as we address the issue of abductions in the country, we need to look at the general issues of security in the country.

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

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Yes, Leader of the Majority Party, what is your point of order?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, this was a general statement, but I am hearing a lot of reference to abductions. Even the Member on the Floor, the Chairperson of the Departmental Committee on Blue Economy and Irrigation, is speaking about abductions. However, the example he has given, of the person he has spoken about, is the work of criminal elements. Those are issues I thought the Member and all of us should – even as we express our concern on the rate of crime in the country – be careful not to use the Floor of this House to admonish our security agencies and not recognize the good work they have done. For instance, it took very few days from the day the Eastleigh killings happened, and the young lady was unfortunately killed in Kilimani, to when the Directorate of Criminal Investigations (DCI) apprehended the suspect and for the Member on the Floor to get the information.

It is, therefore, not fair to describe all those things as abductions. I know it is politically expedient and very good for the public gallery to be speaking about abductions. There is a trend in this country today where even individuals who are legitimately arrested by police, booked into known police station cells and arraigned in courts of law are being described as victims of abductions. We should probably define what 'abduction' is. We had a case the other day of somebody's wife in Nairobi who was also 'married' to another man in Narok. The husband in Nairobi reported that the wife had been abducted. I do not know whether that was an abduction or a case of people 'stealing' other people's wives. If tomorrow Hon. Bowen moves to Marakwet East with my wife, will I report my wife as having been abducted or do I say that I have been unable to do certain things that Hon. Bowen has managed to do? I am only saying this to emphasize on the need for us to be careful as leaders because we have a national platform. We must be cautious about the adjectives we use to describe incidences. When a murderer murders people, that is a murderer. When someone is abducted by criminals and the police apprehend the criminals, let us also have the decency of congratulating the police.

I want to take this opportunity to congratulate the head of DCI, Mr Amin, and his team of officers for moving with speed to apprehend criminals. When the Kware killings happened, it took the DCI less than a week to apprehend the main suspect. However, it took some wayward officers within the National Police Service a very short time to allow that suspect to escape from lawful custody. Those are the issues I would expect us, as leaders, to address. Let us commend our officers when they do a good job. We should encourage them to do better in terms of apprehending suspects and avoid the temptation of branding every criminal activity as an abduction. I know that there are also elements amongst us who want to make all those things look like they are abductions by the police. I appreciate what Hon. Millie Odhiambo has said — that there are even persons who just disappeared and who were subsequently found. There are those who were arrested but who said they were abducted. Criminals must be arrested – they will, indeed, be arrested – and arraigned in courts of law in accordance with our Constitution.

Hon. Temporary Speaker, I want to encourage Members that, since this was just a general statement; even as we engage in such discussion, let us be cautious. Let us not use such opportunity to play to the gallery by speaking to what we think is politically expedient to excite people out there. Let us be responsible as leaders.

Thank you.

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Very well said, Leader of the Majority Party. Hon. Bowen, you will take just one minute.

Hon. Members, I will give chance to one Member on my right and another Member on my left and then we will proceed to other business because this is not a substantive Motion.

**Hon. Kangongo Bowen** (Marakwet East, UDA): Hon. Temporary Speaker, I want to be clear that even as our security officers address issues of abductions in the country, issues of insecurity and banditry must be addressed equally. How come it took the DCI less than two days to apprehend the Ethiopian guy who killed four women? Why have the security agencies not arrested the insecurity situation in the Kerio Valley? There are no criminals or bandits who have been arraigned in court. Why is the Government not addressing the banditry issue the same way it is addressing issues of abductions?

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Very well. Let us hear Hon. Fatuma.

**Hon. Fatuma Masito** (Kwale County, ODM): Thank you, Hon. Temporary Speaker. I want to thank the Hon. Member for raising this matter. Some of those things bother us so much as leaders and Kenyan citizens. I want to encourage the people whose loved ones are missing and give them hope that it is just a matter of time before they will find them. The other day, we found someone who had been missing for two years. He came back. We are, therefore, hopeful that some of the persons who are still missing will come back. There is a case of a Member of County Assembly (MCA) from my county who has been missing for the last two-and-half months. We agree that the security agencies are doing a tremendous job in this country, and we applaud them. We agree with them that...

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Hon. Member, please make it short. We are not debating.

**Hon. Fatuma Masito** (Kwale County, ODM): Hon. Temporary Speaker, thank you for the guidance. I am reminding this House again that in Kwale County, we have been missing a Member of County Assembly for two-and-half months. We called the immediate former Cabinet Secretary for Interior and National Administration, the Inspector-General of Police and the Director of Criminal Investigations, but we are yet to find the MCA. As we ventilate on the matter for abductions and forced disappearances of persons, we also need to talk to the security agencies to ensure that some of those cases have a closure.

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Very well. Chairperson of Departmental Committee on Agriculture, I am coming to you. Then the Chairperson of the Departmental Committee on Administration and Internal Affairs will take two minutes only to respond.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, thank you very much for giving me an opportunity to speak today. As a House of records, and a House that is supposed to defend Kenyans, we should be data-oriented. We should use facts. Any statement that comes here should have verifiable data with names. I come from an area where we have had cattle rustling issues. We have a record of how many people we have lost, how many have actually died, how many animals have been stolen, and how many have been recovered. We have all the data, and it is verifiable.

Hon. Temporary Speaker, when we make a statement in this House, we should not just be making blanket recommendations and statements for the sake of political expediency. We need to be very careful about what we say. For example, if we say 60 people have died. Do we

have their names? Can we verify who they are? An Hon. Member from the North Eastern Region has said that someone got lost two years ago, but he has returned home. Let us do sufficient investigations and come up with verifiable data to support our statements.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Farah, you have one minute. We will then conclude with the Chairperson, Hon. Tongoyo.

**Hon. Farah Maalim** (Dadaab, WDM): Thank you, Hon. Temporary Speaker. I also want to join my other colleagues in commending the DCI for acting swiftly lately. They brought to book some criminals who engaged in horrendous activities like the Kware and Eastleigh murders.

There is no statute of limitation of a crime. I know that from 2014 to 2022, in excess of 1,200 Kenyans have disappeared. Many of them disappeared even before there was a change of guard between the Government of Hon. Uhuru and the current Government. Bodies ‘turned up’ in Yala River and in many other places. Personally, I cannot account for eight relatives, some whom were business people. Nobody knows of their whereabouts.

Therefore, there is need for us to establish a commission of inquiry to investigate disappearances of people dating back to 2014 to today. The commission will ask people with missing members of their families to come forth. That way, we will put to closure the search of missing persons who have disappeared over the years. I am not focusing on what has been happening in the last couple of months. I know many people are obsessed with those matters. I regret what happened. I want to assure the affected families that we feel their pain. Let us investigate from 2014 to-date so that we put to closure the search of missing persons.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Twalib, I give you one minute before the Departmental Committee Chairperson responds.

Give him the microphone.

**Hon. Bady Twalib** (Jomvu, ODM): Ahsante sana, Mhe. Spika wa Muda. Nimesimama kumuunga mkono Mhe. Njeri.

Mengi sana yamesemwa hapa. Nimemsikia Mhe. Farah Maalim akisema kwamba amepoteza watu wanane katika familia yao. Humu nchini, watu wengi sana wamepotea. Ni lazima Serikali ishughulikie mambo haya kwa sababu ni jukumu lake kutoa ulinzi kwa watu wake. Hivi sasa, hatuna waziri wa usalama. Pendekezo langu ni kwamba Mhe. Kimani Ichung’wah awe waziri wa usalama siku zijazo.

Ahsante, Mhe. Spika wa Muda. Mungu akubariki.

*(Laughter)*

**The Temporary Speaker** (Hon. Omboko Milemba): Finally, Chairperson of the Departmental Committee on Administration and Internal Affairs.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Temporary Speaker. I appreciate the big concern that has been raised by Hon. Njeri about missing Kenyans. It is true that we have cases of missing persons in this country.

I want to go on record that last week, the Departmental Committee on Administration and Internal Affairs had very extensive interactions with the Inspector-General of Police and the entire internal security organ. We went step by step through all the alleged missing persons. We are quick to accuse our security officers whenever something wrong happens, but we forget to appreciate them when they do exemplary work.

The Inspector-General confirmed that they have recovered more than 85 per cent of the listed missing persons, alive. I was so shocked by the statement made by Hon. Bowen. When the Kenya Kwanza Government took office, the issue of insecurity in the Kerio Valley,

specifically in his own area, was extremely alarming. In the last five months, we have had relative peace and calm in that area – specifically in Tiaty and Baringo. In as much as we feel the pain for Kenyans who have lost their loved ones, we should differentiate between abduction and arrest. The two are different. Hon. Njeri knows the difference because she is a lawyer.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Chairperson, make it short.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Possibly, Hon. Njeri is practising opposition politics on the Floor of the House for populist...

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Chairperson, you should not go in that direction.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon Temporary Speaker, let me finish.

**Hon. Njeri Maina** (Kirinyaga County, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Chairperson. There is a point of order. Take your seat. Give Hon. Njeri the microphone. She is raving to go.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. It is insulting that, having made a general statement on abductions, to which the Chairperson admitted while responding, he goes ahead to say that I am practising opposition politics. I am simply defending Kenyans as mandated when I took the Oath of Office as the Member for Kirinyaga County. It is important that he retracts his remarks. There is nothing wrong with opposition politics. Therefore, he should not reduce the issue of abductions and missing persons in this nation to opposition politics.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. We have heard you. Let us hear the Chairperson of the Departmental Committee.

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

Leader of Majority Party, we are winding up on this matter. There is no need of name-calling. You know what the Standing Orders say about mentioning other Hon. Members.

Give the microphone to the Chair of the Departmental Committee for one minute.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Temporary Speaker. I want to go on record by saying that we should appreciate the good work that is being done by our security officers. When the murder of a staff member of Wells Fargo happened in Siaya County in recent past, it hardly took 24 hours for the security officers to apprehended the perpetrators. When murders happened in Eastleigh, they acted swiftly and apprehended the suspects. Hon. Njeri should differentiate between abductions and arrests. The two are different.

When we raise the issue of missing persons or abductions, we should substantiate by providing names of the missing persons, Occurrence Book (OB) entry numbers and police station where specific cases were reported. It is not enough to say that a certain number of people were reported missing or abducted. We should not use the Floor of this House for other reasons.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you, Hon. Chairperson. That should suffice as we bring this matter to rest for now. However, Hon. Members, you still have a chance to bring a Motion of Adjournment because this matter is of immense public interest. We can have an hour or more to speak and discuss it.

Next Order.

## BILL

### *Second Reading*

THE COUNTY GOVERNMENT (REVENUE RAISING PROCESS) BILL  
(National Assembly Bill No.11 of 2023)

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move: THAT, the County Government (Revenue Raising Process) Bill, (National Assembly Bill No.11 of 2023), be now read a Second Time.

Hon. Temporary Speaker, this Bill gives effect to the Provisions of Article 209(5) of the Constitution. As we all know, Article 209 of our Constitution delineates the respective functions of the two levels of government on imposition of taxation. On one hand, Hon. Temporary Speaker, Members are aware that the Income Tax, the Value Added Tax (VAT), the Customs Duty and other duties of import and export of goods like the miscellaneous levies and taxes that we impose here through the Finance Bills of the House, fall under the ambit of the national Government. That is why we legislate on the Finance Bill and other tax laws that impose taxation on Kenyans and other people who may be doing business or working in the country.

The same Article goes further to define the role of our county governments in terms of the kind of taxes they may impose such as property taxes, entertainment taxes and other taxes that may be authorised to be imposed by county governments through an Act of Parliament. Those taxes as imposed by the county governments must be done in a way that they do not jeopardise the national interests of a country. If you read Article 209(5) of our Constitution, it states that it is very important to safeguard taxation that is imposed by both levels of the government and answers a number of questions in relation to the position of taxes. Some of the questions that Article 205(9) answers are:

1. Could there be instances where there might be a clash or disruption in the imposition of taxes between the two levels of the government?
2. How do we secure our national interests so that a county does not jeopardise the entire country's greater interest in an attempt to impose tax at the county level?
3. The same article answers the question on how we can secure the movement of goods, services, capital and labour within and across the counties within the sphere of the national space for trade, without inhibiting international protocols and agreements that are intended to ease regional trade.

This afternoon, Hon. Temporary Speaker, we were discussing the issue of enhancing, deepening and tightening our regional integration. Part of the work in deepening and tightening our regional integration issues is around trade. It is possible for the County Government of Kajiado which neighbours our neighbouring country, Tanzania, or the County Government of Busia, to impose certain taxes that may either inhibit movement of goods and services from a neighbouring country within our regional trading block or even trade. For instance, the City of Nairobi may impose taxes that inhibit movement of goods, labour and services between a county like Mombasa and a county as productive as the County of Nandi. The farmers in Nandi grow tea both in small and large scale, but they cannot consume all the tea. They have to transport the tea through the counties of Nakuru, Uasin Gishu, Kiambu, Machakos, Makueni and Taita Taveta before it gets to Mombasa for shipment for them to get value of their tea. All those county governments in between may impose certain taxes that may inhibit not just the movements of those goods and services, but also international regional trade. This Bill therefore, seeks to cure such happenings.

If you read Article 205(9) which I have referenced, it says; "The taxation and other revenue-raising powers of a county shall not be exercised in a way that prejudices national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour." The word I would want to emphasise is "shall not." Meaning, it is mandatory.

Hon. Speaker, it is against this background that the Bill gives effect to the constitutional requirement of Article 209(5) of our Constitution by defining how the national Government...

**The Temporary Speaker** (Hon. Omboko Milemba): Leader of the Majority Party, it is Article 209(5).

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Article 209(5). Sorry, I am confusing Articles 209(5) with 205(9).

As I was saying, this is by defining how the national Government, through the National Treasury and Economic Planning, may exercise its policy oversight role. The Bill further establishes the process whereby county governments may exercise their taxation authority. The national Government, through the National Treasury and Economic Planning, exercising its policy oversight role is bringing to effect or giving life to the provisions of that Article in our Constitution. The National Treasury and Economic Planning has a duty and a mandate to ensure that not a single county government, when it is imposing either a tax, levy or miscellaneous fees, will do so in a way that would jeopardise the greater national economic policies. The National Treasury and Economic Planning has that over-arching view or the bird's eye view of the country across all the 47 counties. They have a supervisory and policy oversight role, which we are giving light to, with this Bill.

Hon. Temporary Speaker, the Bill further regulates the exercise by county governments of their power to impose taxes, levies and duties by providing for the compliance by a proposed county government tax, fee, levy or miscellaneous charges, with the Constitution and the provisions of this Bill, and to ensure that the county governments' proposals are dealt with as per Article 6(2) of the Constitution.

Hon. Temporary Speaker, it is important to inform this House that the Bill does not set specific taxes that a county government may enact. As I have already pointed out, Article 209 of the Constitution is clear in terms of the kind of taxes a county government may impose, and those of the national Government. This Bill does not in any way try to set specific taxes that may be imposed by county governments. That is important because I heard when this Bill was being read for the First Time, and the Committee went for public participation, some concerns were raised that the national Government may want to impose taxes that would be determined by our county governments. That is already provided for in the Constitution. As I said in my opening remarks, no county government can impose VAT or Income Tax on anybody, but they can impose property taxes which is already provided for in the Constitution, and we are not seeking to do that in this Bill.

The Bill is primarily concerned in regulating the process by which county government's taxes would be imposed - just the process - so that in exercising that oversight role that I mentioned, county governments do not jeopardise our national interest or the other regional interests, because we are in the era of regional integration. This is possible just like I used the case examples of counties that border our regional neighbours who may impose charges. For instance, people in Loitokitok import tomatoes or onions from Tanzania. The County Government of Kajiado may impose charges on onions or tomatoes that are imported from our neighbouring country and jeopardise that greater interest of regional integration. There is a lot of mobility of both labour, capital and goods from this country to our neighbouring countries and, therefore, we must safeguard it.

Hon. Temporary Speaker, Clause 2 of the Bill provides for the definitions of words or expressions used in the Bill in a technical sense. Members, therefore, need not to get confused as to the provisions of certain definitions as used in the Bill.

Clause 5 of the Bill contains provisions relating to waivers and variations. It states that tax or licensing fee including fine or a penalty may not be varied except by a legislation. It contains important checks and safeguards for waivers or variations of any tax or licensing fees such as indicating reasons or policy objectives for the variation of waiver, the impact of the

variation or waiver on revenue collection and the likely economic impact of the variation or waiver. The Cabinet Secretary in charge of the National Treasury could even waive taxes, levies or licensing fees under the old Constitution before 2010. Even the Cabinet Secretary lost that power under the new Constitution. Indeed, it is only this House that has the power to waive or even impose taxes. That is why Clause 5 of this Bill has provisions that relate to waivers and variations. Again, it is to guard against abuse of processes.

You may find chief officers, chief finance officers, county executive committee members or even people in our National Treasury varying and waiving fees, penalties and interests. Without anticipating debate, that is why you find one of the Bills, namely, the Tax Procedures Bill, currently undergoing public participation after being read for a First Time last week, has a particular provision dealing with tax amnesty. As I said, it is only through Parliament that you can waive penalties or interest on tax arrears that the public owes the Kenya Revenue Authority (KRA) or other Government agencies.

I look forward to the Second Reading of the Tax Procedures Bill when it comes up for debate. I know many Kenyans are owed tens of billions of shillings across the country, especially members of the public who did business with many of our county governments. They cannot be paid and yet, KRA is on their necks demanding taxes, and imposing penalties and interests, on what they are owed simply because they invoiced. They were supposed to pay taxes against those invoices. However, those invoices are yet to be settled by the Government agencies or even county governments. Therefore, KRA continues to impose penalties over penalties. As I said, we seek to help those people through some provisions in the Tax Procedures Bill and the tax laws that will be coming before this House. That is what I am saying, without anticipating debate.

I am just trying to move quickly. Clause 8 of the Bill contains very critical provisions for the Cabinet Secretary to establish and compose the Inter-agency Transitional Committee to review all fees and charges that are imposed by county governments prior to the commencement of the Act. The Bill proposes a five-member committee consisting of representatives from the National Treasury, the Commission on Revenue Allocation, the Inter-governmental Relations Technical Committee and the KRA. The committee's role shall be to review taxes, charges and fees that are imposed by a concerned county.

Again, I appreciate that Parliament may have delayed enacting legislation that would create the process we are seeking to create to regulate how we impose taxes at both levels of government. As I was giving examples, it may happen that there are county governments across the country that may have imposed certain levies, fees and taxes that may jeopardise our national interests. To cure that for those that may have been imposed ahead of the enactment of this Bill, we are saying that we will create an Inter-agency Transitional Committee to be appointed by the Cabinet Secretary. We will have representation from the agencies and institutions that I have mentioned. They include the Inter-governmental Technical Relations Committee to review all those that had been done before to make sure they align with the greater national goals and interests.

In summary, let me not belabour this point because this is a very self-explanatory Bill. The Bill is very important. I urge all Members to support it. I know it concerns our county governments. Therefore, it will be going to the other House. Even as the Bill finds its way to the other House, I expect them to pass it in the greater interest of both our counties and the national Government, so that we can create that complementary role of the two levels of government, not only to impose taxes, but also to ensure that the taxes imposed at the national Government level are not duplicated at the local level through the imposition of taxes, levies and fees by our county governments. Equally, so that certain fees, levies and licenses our county governments are imposing at the county level are not duplicated when we pass our tax and finance laws. This is to avoid elements of double taxation.

As I said and in conclusion, the Bill gives effect to Article 209(5) of our Constitution. This is to ensure that taxation and other revenue powers of a county shall not be exercised in a way that prejudices national economic policies, the economic activities across our regions in the country and the boundaries in our region outside the country do not in any way inhibit national mobility of goods, services, capital or even labour.

Counties can even impose fees that limit how people move. In some counties, you may lack labourers who do certain chores probably because of cultural reasons. People from one county may not do certain chores unless through the labour mobility of moving people from other counties. You may even find counties imposing restrictions on how people move.

We want to ensure that there is national mobility of labour and capital. There must be mobility of capital for all our counties to prosper and grow. There must be mobility of goods, services and labour. That is why some of us never believed in the politics of dividing our country along regional, ethnic or county boundaries. For instance, we believe that the people of Kilifi need the people of Kericho to feed them. Probably, the people of Kericho need the people of Kilifi moving their capital from the Coast to invest in Kericho and grow food that can get back to feed their people in Kilifi. We are speaking to those issues in this Bill. We should grow our country by allowing free mobility of goods and services, and capital and labour so that Kenyans from across all corners of our country can feel free to go and invest anywhere.

The beautiful beaches along the shores of Lake Victoria impressed me during my last visit to Hon. Bensuda's Homa Bay County. I was impressed that the people of Homa Bay are very aggressive in fishing. However, I noticed there is a deficiency in tourist resorts along the beaches of Lake Victoria. I imagined the days I had some money and I would have been a very good close friend of Hon. Bensuda to make sure she gives me part of her assets near the lake to invest in tourist-class holiday resorts.

*(Laughter)*

Hon. Temporary Speaker, I am using Hon. Bensuda because I know how passionate she is about attracting capital to Homa Bay County. She wants to provide employment opportunities to her young men and women. I had an evening with Hon. Bensuda and Governor Gladys Wanga after the investment conference in Homa Bay County. Those two gracious and great ladies from Homa Bay County are doing great things. Probably, governors should first pass through the National Assembly and hopefully chair the Departmental Committee on Finance and National Planning like Governor Wanga. Governor Gladys Wanga is doing much besides growing her own-source revenue.

Governor Wanga is a former Chair of the Departmental Committee on Finance and National Planning. She is also the former County Woman Representative of Homa Bay County. But because of her experience in the National Assembly, especially as the Chairlady of the Departmental Committee on Finance and National Planning, she has managed to move her own-source-revenue by leaps and bounds in a period of less than two years. I take this opportunity to commend Governor Wanga because she is not raising own-source-revenue in a way that jeopardises our national interest, but one that promotes national interest and encourages labour and capital mobility out of other places into Homa Bay County. I thank God that she has the support of very great and gracious Members of Parliament from Homa Bay County. I was impressed by the manner in which the leaders in Homa Bay County exhibited co-operation during the Homa Bay Investors Conference that we all attended. I am using that county as an example because the kind of co-operation I saw touched my heart and being. The event was televised across the country for other governors to see and learn that if they work



with their Members of Parliament, County Woman Representatives and members of county assemblies (MCAs), then it is only for the benefit of the people who voted for them.

I encourage all governors to work with their Members of Parliament. I know there are those who are interested in running for county government seats. I have always said that I will never run for any county government seat. Therefore, my governor can rest assured that I will never run for that seat. But, please, do not fear. I know our governor fears the Member for Thika Town because she portends the potential to be another ‘Gladys Wanga’ in Kiambu.

*(Applause)*

I have also said without fear of contradiction that I believe in the power of women leaders because they are doing great things as governors. It is not just Governor Wanga, because even my party Chairlady, Governor Cecily Mbarire, is also doing great things in Embu, even with sabotage from a few of us. It may not be everybody who is doing well, and I do not have that latitude to determine. I am not here on a praise and worship session for governors, but I encourage them to work with other leaders and MCAs even as we actualise the provisions of this Bill. They need to use it to encourage not just the co-operation of other leaders, but also of their neighbouring counties and other counties at large.

I look forward to the day the governors of Wajir and Marsabit counties will work with the governors of Kiambu, Nyeri and Kericho counties to ensure that things that are not available in their counties are exchanged. There should also be free mobility of labour and capital so that even those of us who come from crowded counties like Kiambu, Kisii and Nyamira, where Hon. Irene Mayaka comes from, will feel free to go and invest in Marsabit, Turkana or Wajir counties. I must commend our brothers and sisters from the far north who are investing across the country. That is the kind of country we all yearn for. I pray that with the enactment of this Bill, and with the support of Members of the National Assembly and the Senators, we shall create better revenue raising measures for our county governments. We should establish measures that do not jeopardise our national interests, but those that encourage not just inter-county trade and mobility of both capital and labour, but also promote business, trade and the prosperity of all of our counties and the nation at large.

Hon. Temporary Speaker, with those many remarks, I beg to move and request my very able deputy to second. When I say, ‘my very able deputy’, Member for Kilifi North, Hon. Owen Baya, I mean it. He is ‘my very able deputy’. He cannot even be impeached because he is very able.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Oluoch, just for the record, you are the first in the list here, but the Leader of the Majority Party was within his time. He has just demonstrated how a Bill should be moved. It should not be a situation where you move a Bill for Second Reading in two statements and sit down.

The Deputy Leader of the Majority Party, proceed.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker.

From the onset, I second this Bill. Firstly, this is a timely Bill because it regulates and gives power on what to do in terms of revenue raising measures. This Bill gives effect to Article 209(5) of the Constitution, which defines the manner in which the national Government, through the National Treasury, may exercise its policy oversight role. It also establishes the processes where the county governments may exercise their taxation authority. There has been this idea that the national Government may not oversee county governments and that, it is only the Senate that can do that. But when it comes to money Bills, the National Assembly has the power to exercise oversight authority and policy on county governments. That is aptly done by this Bill. The Senate thinks that it has exclusive mandate to oversee county governments.

However, this Bill defines that the National Assembly has an oversight role in terms of policy on revenue raising measures. It also establishes the process whereby county governments may exercise taxation because it is a money matter, and money matters have their residence in this House.

Secondly, this Bill further regulates the exercise by county governments of their power to impose taxes, levies and duties. County governments have power to do that, but this House has the power to regulate the exercise. Why do I say that this is a very important Bill? I will give a very good example.

Sometimes back, the President chaired the Port Users Association meeting in Mombasa Port, which brought together all the port users in Mombasa County. I had the privilege to be in that meeting, together with Hon. Bady Bady and Hon. Ichung'wah. The port users, mostly the business people, including those from Uganda, Rwanda and other countries, informed us that if a container is in Mombasa and you transport it, once it leaves the Port, Mombasa County will charge a levy. When it gets to Taita Taveta, the county will also charge a levy. The same container will also be charged once it gets to Kajiado County. By the time it is crossing to Uganda, the trader has lost so much such that it defeats the purpose of having a port in the country because there is no regulation on how to charge levies. Each county decides the amount of money to charge. They informed us that it was too expensive to use Mombasa Port and so, they would rather shift to Dar-es-Salaam Port and other ports in the region because counties were charging a lot of money. If that container passes through 10 counties, then you have a problem.

I like the way Hon. Ichung'wah has put it. Sometimes, counties may impose levies in a manner that jeopardises the country's progress. I would like you to hear me on this. The house construction industry is very important and the raw materials come from certain counties. Therefore, if those counties just charge levies, then they may make the building industry very expensive. For example, my county of Kilifi is known for having shellac and clinker. If a county government charges high levies on clinker, shellac, quarry dust and all those other things, what then happens to the price of cement in this country? It goes up!

**The Temporary Speaker** (Hon. Omboko Milemba): Or price of sand from Ukambani.

**Hon. Owen Baya** (Kilifi North, UDA): Yes. Or the price of sand from Ukambani. What happens to the construction industry that we want to grow in this country? It makes housing very expensive to construct and increases interest rates because of the demands for loans. The interest rates will go up because counties are levying high charges.

This Bill, however, gives us an opportunity to regulate what counties are doing. We are not stopping them from levying, but we are telling them that, as they are charging those levies, they should understand that they also have a national duty to anchor the economy of the country very well, by ensuring the levies they are charging are good.

Another example is that counties charge levies on bed occupancies in hotels. That can make it very expensive for tourism to grow in a country. The people who would want to invest in the hotel industry, for example, would say that if a county is charging them that much, apart from the levies that are charged by the national government, then they may not want to invest in such a country because of heavy levies and charges from a county.

Land rates are determined by counties. If we impose high land rates on plots and properties, or make all properties in a country rentable, then investors would not want to invest in such a country and especially the coast area. Land becomes expensive due to the rates that are being charged. Who is regulating this, in order to ensure that we do not make investing in this country very expensive? This is the reason why this Bill is important. We need to vote for this Bill, pass it and have it assented to, so that we can ensure that this country grows and counties do not inhibit its growth.

I was talking about bed occupancy in hotels. For example, a tourist comes and he is charged levies, he pays for his bed and then he is told that he has to pay county rates. He then asks himself, supposing he went to Zanzibar, would he pay the same? We have that kind of problem in this country where we do not have repeat visitors or guests. It makes marketing very expensive because the rates that are charged in hotels are very high. For example, we have a county charging a small hotel Ksh25,000 a month for garbage collection. That is passed by the county assembly in their finance bill. The same hotel plays music, and the county charges money for the music and noise pollution. The same county charges trade and public health licenses. I hope I am getting understood. When we put all those levies together, it makes it very expensive for one to operate that office because it is not regulated.

In the ease of doing business in our country, Kenya is ranked as one of the countries that are improving, with the one-stop-shop where you pay all levies and taxes at one place. The issue of tax and levy administration itself becomes very expensive if it is not regulated. This is a very important piece of legislation that we must hasten, so as to make this country one that has good index in terms of ease of doing business. That is so as counties do not continue to impose levies.

**The Temporary Speaker** (Hon. Omboko Milemba): You are excitingly supporting this Bill and Kenyans are following. So, how is the Bill moderating or regulating this?

**Hon. Owen Baya** (Kilifi North, UDA): This Bill provides for the definition of words or expressions that are used in it. I do not want to go into the clauses, but it also makes it possible to harmonise taxes and it makes it possible to exercise Article 209(5) of the Constitution to ensure that we have a seamless way of taxation, both at the national and county level.

I second and support this Bill. It is, therefore, high time we passed it in order to make Kenya a good investment destination, and one that many people would want to do business in, including the port users, so that they are not frustrated because of the many levies that counties are levying.

**The Temporary Speaker** (Hon. Omboko Milemba): Put him on record to second.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I beg to second.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well.

*(Question proposed)*

The first bite goes to Hon. Anthony Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Speaker. I want to begin from the question that you asked the Deputy Leader of the Majority Party, on what specific aspects of this Bill the public will be interested to know that would enhance the principles of taxation and the principle of finances that are set out in the chapter on finances. I want to start by picking out two issues.

One, is the role that it has delineated in terms of marking the delineation of the authority and jurisdictions of both the national and county governments in respect of the duty to collect taxes. That is important because between the two levels of government, this Bill puts a marker on the ground by saying that the primary duty for the imposition of levies and taxes lays with the national Government.

It then delegates to the county government the role to levy taxes and also puts limitations. This has been clearly provided for in Clause 4 of the Bill. It puts an overall oversight caveat that the county government shall, within ten months of imposition, levying of taxes or putting proposals for collection of taxes, submit to the National Treasury or the Kenya Revenue Authority (KRA), the proposals that it intends to use for collection of taxes, levies or fees.

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One important point under Clause 4 of the Bill that is very crucial is that those proposals will have to specify certain things that are key to prudent use of financial resources that are set out under Articles 200 up to 210 of the Constitution. One of those is that there must be particulars of the authority under the county government that is going to collect the tax.

Why is this important? It is important to know what mechanism, entity or organ is entrusted to collect tax. We have a situation in which county governments engage private companies to collect fees for them, fees which we do not know how, to what extent, how much or how they are remitted. It says here that, other than specifying who the collecting entity is, the method likely to be used in enforcing compliance, and the compliance burden on tax payers, it should specify the impact on individuals and businesses. One of the things that must come out clearly in this Bill, and which I think we should propose in the Third Reading, is what we find under Articles 201-209 of the Constitution. The benefits of taxation must be shared equally. As we delegate the power to collect taxes to county governments, it cannot be that the people who did not vote for or support a current county government will suffer under-development arising out of taxation that everybody without exception is required to share the burden of. The benefits and distribution of county government levies and fees must percolate down to every corner of the ward.

One of the key tenets of our Constitution, especially in Article 118, is a requirement to consult, seek views and have public participation. Right now, the National Assembly is embarking on an amendment to the Finance Bill. It is important to note that very extensive public participation is required to be conducted. It behoves the county governments to ensure that, as they collect views, which they will submit to the KRA and the National Treasury on the fees that they will levy, the people must be consulted on what the fees are, their extent, the impact and the pitfalls that are likely to come as a result of the imposition of the fees.

One other provision that I found very interesting is under Clause 5 on waiver and variations. The caveat in this is what needs to interest us. In collection of taxes, one of the things we have had to deal with in this Parliament, whether it was waiver on importation of sugar or fertiliser, is the arbitrariness.

**Hon. Wanami Wamboka** (Bumula, DAP-K): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Member for Bumula?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Temporary Speaker, this is a House of rules. We have protocols that guide how we dress. Is the Member for Funyula properly dressed to be in this House? He looks like a village circumciser from western Kenya. I want you to find him out of order. That is not proper dressing. He is in a combat trouser as if he is going for war. Look at his shirt. He is making some people get scared. He looks like a circumciser, and you know what that means.

**The Temporary Speaker** (Hon. Omboko Milemba): Member for Bumula, looking at the Member for Funyula, I can see the only unique thing about him is that he is dressed in the infamous or famous Kenya African National Union (KANU) shirt. I think he is joining the KANU Party. The rest of what you have said, if that is how circumcisers look like, then they are not that dangerous.

Proceed, Hon. Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Temporary Speaker, I was on Clause 5 on waivers and variations. I was bringing to the attention of this House how notoriously the power to issue waivers has been misused, especially on importations. This Bill says that whenever a county government issues any waivers or variations on licences, it must indicate the reasons, the economic impact and a record must be kept. There should be a public record on the justifications for the waivers and variations that are imposed. It must not be that

variations are used to take away what essentially would otherwise be revenue accruing to the county government and then end up in the pockets of rich business people and eventually into the pockets of county government officials.

The last point is that one of the things that is important about this Bill is to guard against the principle of double taxation. The principle of double taxation has been defined as the levying of tax by two jurisdictions on the same income, persons or financial transactions. This is important to the first point I made. There must be an oversight entity between the national Government and county governments. The reason why we must guard against double taxation is to avoid inhibition of people who want to enter into business. People who want to start up business or young people or foreigners who want to enter our jurisdiction would be stopped from coming into the country to invest because of double taxation. This is otherwise a good Bill.

The final point is that Article 94(5) of the Constitution says that no body or entity has the power to make law other than Parliament. This means that whatever county governments do in terms of variations and waivers of fees must find themselves in the National Assembly so that we can have an opportunity to put our stamp of authority on them before they become law. Otherwise, I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Mishi Mboko

**Hon. Mishi Mboko** (Likoni, ODM): Thank you, Hon. Temporary Speaker. I stand to support this Bill. It seeks to give effect to Article 209(5) of the Constitution. My justification for supporting this Bill is based on five points.

First, is on the issue of standardisation and transparency in revenue collection. This Bill seeks to introduce a standardised process for the 47 county governments in terms of imposition, variation or waiving of taxes, fees, levies and other charges. By doing so, we will ensure consistency and transparency across all the 47 counties. Clause 5 of the Bill outlines a clear procedure for introducing new taxes or fees. It states that a county needs to submit a detailed proposal to an inter-agency committee. The inter-agency committee is going to be established through this Bill. It will have representatives from national and county bodies. This means that there will be consultations before we make the final decisions in terms of taxes, fees, levies and other charges. There will be consultations to ensure that we do not jeopardise national policies in terms of economic activities.

Second, is in terms of enhancing oversight through the inter-agency committee. Clause 4 states that the Bill is going to establish an inter-agency committee on county taxes and charges. As I said, the committee is going to have membership from the representatives of both national and county bodies. This committee is going to review and approve all fees and charges that are imposed by a county government to ensure that they are fair, justified and in line with national economic policies and activities. By doing so, we will avoid duplication of taxation. We will also assist Kenyans not to be burdened by taxes which are unrealistic.

Third is on the issue of improved economic impact assessment. This Bill mandates the county government to do a thorough assessment in terms of economic impact of revenue collection and the processes. Clause 5(2)(e) requires county governments to provide details on estimated revenue to be collected and the economic impact on individuals. We need to know how revenue impacts individuals, businesses and the economy at the national level. We need to know how it impacts businesses and the economy nationally. This will also lead to informed decision-making and help prevent the implementation of counter-productive revenue measures. We have seen some counties put up measures for revenue collection but, in the end, the results are not favourable. So, it is like there is a component of regulation that ensures that any measures that are put in place are the correct measures that will give very productive results.

My other point is on alignment with the constitutional legal framework. As you know, this country is governed by the rule of law. We have the Constitution and other related laws.

Today, you cannot have processes that go against the Constitution and other related laws. Kenyans are very enlightened. They will litigate to ensure that everything is complied with as per the Constitution and the rule of law.

This Bill is addressing current challenges in county revenue collection. As we know, our county governments face different challenges in terms of revenue collection. One is weak revenue administration structures. Do we have the correct structures? Are the structures effective? Do the structures follow the rule of law? Do they follow the Constitution? In most counties, the structures are still as they were during the administration of municipalities. When you look at them, they are not effective. The revenue raised is not what is targeted.

Furthermore, the Bill supports implementing the national policy to enhance county governments' own source revenue. We need to know what kind of resources counties have. A county cannot set a target for what it will collect and yet, its resources are limited, and it does not generate the anticipated income. So, whenever counties set targets, they need to be very realistic, and the available resources should be such that they can generate the expected revenue.

This Bill will also assist in fighting corruption, addressing the existing gaps in the collection, and raising and imposing taxes and levies. It will also ensure that Kenyans are not burdened. A county government can wake up one day and say it is imposing a levy or a charge without proper procedure and public participation, which is supposed to make citizens aware of what is happening and prepare them to pay the proposed increment in terms of taxes. I support the Bill.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Bernard Kitur, Nandi Hills.

**Hon. Bernard Kitur** (Nandi Hills, UDA): Thank you very much, Hon. Temporary Speaker, for allowing me to contribute to this very important Bill - the County Governments (Revenue Raising Process) Bill. This is a very timely Bill. It breathes life into Article 209 of the Constitution. It provides for how county governments can work with the national Government on revenue-raising measures. Article 209 on power to impose taxes and charges states that county governments must have taxes that allow national mobility of goods, services, capital or labour and equity across their counties.

When I say this Bill is timely, it is because it is before us now. It is going to create the harmonisation of how county governments will impose taxes. There will be no more haphazard imposition of taxes. If any county wants to impose a tax, there will be a set-out means of doing so. It will have to explain why it wants to impose a tax or levy, amongst many other things that it will have to explain. It also has to submit the same to the national Treasury. The Inter-Agency Transitional Committee – to me, it is very representative – will have the national Treasury officials, the Commission of Revenue Allocation (CRA), the Inter-governmental Relations Technical Committee (IGRTC) - which works to actualise what has been given for the county governments and the national Government to work together - the Council of Governors (CoG), and the Kenya Revenue Authority (KRA), which is the body that excises taxes. When all those agencies work to make sure that any tax that any county imposes is harmonised, it will create a level playing ground in this nation in terms of taxation.

I am also impressed that the Committee has been given a two-year period to harmonise the various county taxes and levies. The period can still be extended if it does not finish its job within that time. However, this indicates that in under two years or so, we will have a very harmonised tax regime in various counties in our country. That, to me, means a lot. We have had cases where county governments have, sometimes, engaged the revenue authority or any other designated persons for revenue collection. In some counties, business tills and pay bill numbers have been created for various things. We have been told that, sometimes, the payments are re-routed to private entities. Those are some of the things that this Bill will cure.

I want to mention a bit about the transitional provisions, especially where it says that within three months upon commencement of this Act, a county government shall submit a list of all taxes, fees and charges that are imposed prior to the commencement of this Act to the Cabinet Secretary for onward transmission to the Inter-agency Transitional Committee. What that means is that any of the taxes or levies that will not meet Article 209(5) of the Constitution will be cured by that Committee. As I have said, that will harmonise and clean up the uneven landscape of the tax regimes in various counties.

On the aspect of waivers and variations, indeed, those existed in the past, where waivers were not well articulated. At times, they were not done based on a proper policy and in an objective manner. In this part, there are no taxes or licence fees. There will be no waivers unless a record of why they are being granted is provided. They will be reported to the Auditor-General within three months when they are granted. This means that there is a procedure that has to be followed for any waiver to be granted. It must also explain the economic impact of such variations or waivers, including potential shifts in tax burden and benefits. Any variation and waivers that have to be made must be done in an equitable manner. It will not be on the whims or feelings of the political class. It shall be standardised. When I look at all this, it is a very timely Bill that will even the tax regimes and guide how the county governments will continue to impose taxes. The business people will have a predictable environment when they are doing their business.

I thank you, Hon. Temporary Speaker. I support this Bill.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. I seek your indulgence. It is unfortunate that the Mover of the Bill or whoever is representing him is conspicuously absent. Whatever we are talking about here is probably just music to our ears. Nobody cares to listen and ensure that it is transmitted to him. I do not know when you became a representative of the Leader of the Majority Party.

This Bill raises fundamental issues that must be interrogated soberly, objectively and devoid of romantic obsession with the day's politics. The country, in its wisdom, created two levels of Government. The people made safeguards to ensure that all levels of Government operate independently and in complementarity. I see this Bill as a mere duplication of the existing Acts of Parliament. I draw the attention of the National Assembly, the Leader of the Majority party and Kenyans that whatever this Bill purports to address or cure is already taken care of under the Public Finance Management Act. Likewise, when you look at the provisions of the Constitution, they are explicitly clear on the processes to be undertaken and followed in the preparation of budgets and imposing revenue collection measures. So, this Bill cures nothing. This year, on 28<sup>th</sup> June 2024, the National Assembly passed the County Licensing (Uniform Procedures) Act No.8 of 2024. It was assented to by the President on 28<sup>th</sup> June 2024. It will come into operation on 29<sup>th</sup> December 2024. Whatever this Bill is trying to do is already covered.

When you go to the Public Finance Management Act, all the way from Section 132, which deals with revenue-raising measures of county governments, the processes and stages to be undertaken are explicitly clear. Everybody is wondering about the purpose of this particular Bill. Article 209(3) of the Constitution of Kenya provides that the counties are authorised to raise taxes in the form of property rates. This House passed the mediated version of the National Rating Bill last week, which I believe is already assented to by the President. So, essentially, whatever this Bill purports to cure here is already taken care of by that particular Act of Parliament. The county governments are also authorised to impose entertainment taxes and others that are permitted by legislation. Those aspects are already covered under the County Licensing (Uniform Procedures) Act.

Under Articles 209 and 210 of the Constitution, there is nowhere that requires Parliament - the National Assembly or the Senate - to generate any Bill or legislation to guide how the county governments will impose taxes. There are principles of national economic policies, economic activities across county boundaries or national mobility of goods, services, capital or labour. The Constitution does not domicile the determination of whether a tax is against the national economy or policy under its economic activities across the boundaries or affects the mobility of goods and services either in the National Treasury or any amorphous body that is being purported to be here. It does not also recite those powers under the Commission on Revenue Allocation (CRA).

The most hilarious part of the Bill is Clause 8. It purports to create an Inter-Agency Transitional Committee to review the taxes, charges and fees that are envisaged under Clause 7 of this Bill. It says the taxes that have been imposed will be taken to be properly imposed. They are imposed in compliance with legislation as provided for under Article 209(5) of the Constitution. The purported Inter-Agency Transition Committee is actually usurping the powers of the Inter-governmental Budget and Economic Council (IBEC) as established under the County Governments Act. What are we talking about? Allow me - and I will seek your indulgence - Section 132 of the Public Finance Management Act, in relation to county governments, says that not later than 90 days after passing the Appropriation Bill, shall the county assembly consider and approve the Finance Bill with or without amendments.

The Bill says that if a county government intends to impose any revenue-raising measure, it must submit its proposal to the National Treasury and CRA 10 months before the imposition. However, the Public Finance Management Act talks about 90 days. Is this not a contradiction? Are we purporting to amend the Public Finance Management Act? Then, in that event, the memorandum of objects and reasons of the Bill should clearly state that we are trying to oust the provisions of the Public Finance Management Act and impose a new one. As I said, we are so quick to legislate to resolve a matter of no national importance. Whip of the Minority Party wondered loudly a few hours ago in this afternoon Sitting. When Hon. Millie does that, it should concern the fabric of this nation. Why are we in a hurry to break, fix, spoil and damage things that are working so they do not work? This Bill purports to literally superintend the national Government or National Treasury and county governments in blatant contradiction to the Constitution.

Just give me a second to conclude, Hon. Temporary Speaker.

Again, under Clause 9(2), the Committee shall, in consultation with the public, review the taxes, charges and fees under section 7 and make recommendations on the allowable list of such taxes, charges and fees to the Cabinet Secretary for consideration. What if the commission or the committee says the fees, licenses, charges and taxes that we imposed prior to the coming into effect of this Bill were unconstitutional, against the public spirit, and were rejected by the people of Kenya?

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Oundo, you have had your bite in 10 strong minutes. You have made a very strong case. Let us hear from Hon. Muge.

**Hon. Cynthia Muge** (Nandi, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this Bill that is on the Floor of the House. As outlined in the introduction of the Bill, the purpose of this Bill is to regulate the process of tax imposition by the county governments. When you read the title of the Bill, you might think that you are overstepping the mandate of the Senate regarding their function to look at the issues and the interests of the county governments. However, this House also has a policy oversight role that has to look into the issues that are affecting this country, whether in the county government set-up or the national Government set-up. In any case, those two levels of government exist inter-dependently, and we cannot separate them.



Hon. Temporary Speaker, having gone through this Bill, I have noticed it has 11 clauses. It is packed and short. This Bill does not set specific taxes that the county governments have to levy. It does not take away the innovativeness of the county governments and leadership to think outside the box and know where to levy taxes. This Bill speaks to the process of ensuring that the tax imposition, be it in the national Government or the county government, is not only standard, but also friendly and conforms to the Constitution.

I have noted that this Bill has endeavoured to define several words. I happen to have had an opportunity to serve in the county assembly previously. While there, we used to have a lot of issues, back and forth between the definitions of some of those items, especially when it came to the PFM Act and the County Governments Act, and I am glad that this particular Bill has endeavoured to define some of those words technically to provide exactness so that we do not have litigations. This is because most of the litigations that we have are majorly on interpretation of some of the explanations that have been given to some of the words that are used in these Bills.

The process for introducing taxes and other measures has been assigned a specific timeline, requiring it to be completed 10 months before the start of the financial year. There have been problems with budgets in the county governments. The people in the county governments have an insatiable need to run after time, like someone who has booked a ticket, the flight leaves at 6:10 a.m., and they are busy running with their bags to the airport at 6:11 a.m. This is exactly what they do down there, and we end up with a circus and mayhem in the counties where the money is not there. Therefore, the people who offer services that are integral to the people down their tools because of inefficiencies. I hope that the provision that stipulates that it has to be provided 10 months before the financial year commences can help somehow — but not entirely. That is because there is an array of issues in that matter — to bring some sanity so that people can settle on what they are going to tax, how much and then be able to do their budgets and the bills for the next financial year.

The Bill also tries to address the issue of double taxation, which I appreciate because we often go through double taxation. I come from a county that has the multinationals — the Tea Zones. We have had a problem for four years, which persists due to the levies. We wanted them to give some of the levies to the county governments, but they are constantly challenged in court on the grounds that it is double taxation. You cannot tax items that are set aside to be taxed by the national Government, and you come again as a county government to tax it. I believe this will help address the issue of double taxation and other items and services that cross county borders. I hope this is going to help in that part.

We have a transition clause that I am a bit jittery about. The IBEC has the responsibility to deal with those matters. The Bill proposes a five-member Inter-Agency Transitional Committee to be established by the Cabinet Secretary to review all fees and charges to be imposed by county governments prior to the commencement of this Act. I have a little problem with this. As much as the IGRTC, in a sense, is able to relate the national Government and the county government here, I still feel the provision is inadequate. Of course, I would like to see whether we can amend this part so that it makes more sense and does not look like it is overstepping. Of course, there is some wisdom in it, but I do not entirely agree with it.

Lastly, there are so many loopholes in the county governments with regard to taxes. I appreciate the governors who have done their bit to ensure that they are able to make maximum use of the local own source revenue. Each of our counties has the capacity and the ability to run most, if not all, of their programs using their own source revenue, if only they can seal the loopholes between the collection and use of taxes. I think those are the responsibilities of county governments and the leadership, and they should seal loopholes. If that happens, it will reduce the pressure on the shareable revenue from the national Government. It will reduce the

pressure on the demands, some of which are unsubstantiated on the national Government and the National Treasury.

All in all, I support this Bill apart from a small reservation I have regarding Clause 8, which refers to the Inter-Agency Transitional Committee. I support it, and I hope it goes to fruition so that we can have better processes for collecting revenues in our counties.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Zamzam Chimba.

**Hon. Zamzam Mohammed** (Mombasa, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipa nafasi hii ili nami nitoe mchango wangu kwa huu Mswada ulioletwa hapa Bungeni.

Kwanza, nimeangalia vipengele ambavyo vinazungumzia mambo ya *waiver* ya kutoa msamaha. Kwa hivyo, napinga Mswada huu. Ukitembea kwenye kaunti zetu, utapata ile *fine* ni nyingi sana kushinda ile ambayo mwananchi anafaa kulipa. Kuna sheria ambazo tunaweza kuweka za *ku-regulate* badala ya kusema *waiver* iweze kuondolewa maanake wakati huu, utapata *tax* ya Mombasa iko juu, na pengine ya Lamu iko chini. Yaani, hawafanyi kitu kwa pamoja. Hii inadhuru wanabiashara sana.

Nimemskia Mhe. Owen Baya akisema kwamba *containers* hulipiwa *cess* zikivuka kila kaunti. Sijaskia kuhusu *containers*, lakini nimeskia kuhusu chakula. Malori ya kubeba chakula kutoka mashambani yakifika Nakuru ama Naivasha, yanalipishwa. Hii inaleta hasara kubwa sana kwa mwanabiashara. Tukitaka kukuza uchumi, lazima tupatie *production* nafasi ya kujiinua.

Kitu ambacho naunga mkono katika *Mswada* huu ni zile *structures* za kuhakikisha *collection* inafanywa sawasawa, na inafwata sheria. Lakini, kuna *issue* ambayo Mheshimiwa mmoja amezungumzia kuhusu *by-laws* za kaunti. Kila kaunti iko na *by-laws* ambazo wanafwata. Basi, mwananchi akipata sintofahamu, aweze kwenda kortini kushtaki na apate haki yake. Sijui zitawiana vipi na sheria za *national Government*.

Jambo lingine ni kuwa juzi nimeona wakaazi wa Mombasa wakilalamika, wakisema wameletewa *public participation* wakati tayari ile *tax* ishaongezwa. Kuna mtu alisema walikuwa wanalipa ile *licence* Ksh26,000, na akiangalia kwa *system*, tayari imefika Ksh40,000 na bado *public participation* haijafanywa. Sio Mombasa tu! Hii inatendeka sehemu nyingi. Uchumi umekua mgumu sana. Kabla tufanye jambo lolote katika kaunti, ni bora tuhakikishe kwamba sheria inafuatwa. Inafaa *public participation* ifanywe kwanza ili tuone maoni ya wananchi ni yapi. Juzi, nimeona *Chairperson* wa Kamati ya Fedha na Mipango ya Kitaifa akizunguka Kenya nzima kuhusu maswala ya *Finance Bill*. Kwa hivyo, wafanye *public participation* kwanza.

Hii yote, imeletwa na utepetevu katika kaunti zetu, ambapo wanaleta *taxes* nyingi sana na wananchi wanaumia kule chini. Kwa mfano, kabla ya *waiver*, ile *fine* ilikuwa pesa ngapi? Pengine, mtu alifaa kulipa Ksh7,000 kwa mwaka. Kwa hivyo, usimpige *fine* ya Ksh21,000, ambayo ni mara tatu. Ongeza *one per cent, something that is very reasonable*. Sio kumfanya mwananchi, halafu sheria inamfanya zaidi ili aweze kulipa ile *fine*. Maanake hapa, tunaieleza kuwa watoe sababu ya kumtolea mtu *waiver*. Wakenya wana matatizo mengi. Inaweza kuwa muda wa kulipa umefika, lakini mtu hajapata pesa za kulipa. Kwa hivyo, aongezewe *fine* kidogo ambayo ni *reasonable*. Katika Bunge hili, tunasema wapatiwe mwanya wa kukusanya zile *finances* bila *waiver*. Lakini *fine* huwa pesa nyingi zaidi ya ile pesa walikua wanafaa walipe.

Kenya inahitaji ushuru ndio tujenge taifa. Lakini, sasa twende hatua baada ya hatua, tusimfinye mwananchi sana. Inafaa Wakenya waelewe kuwa bila kutoa ushuru, hatuwezi kulijenga taifa. Kwa hivyo, kama wewe ni mwanabiashara, toa ushuru mapema ndio ujenge taifa, na upate maendeleo kama ujenzi wa barabara na mashule. Lakini tukikwepa kulipa *tax*, tutaliregesha taifa nyuma. Kama nilivyosema pale mwanzo, hata ile *Finance Bill* inayozunguka isiwe ya kila mwaka. Mkenya apatiwe mwanya wa kupumzika. Ile *Finance Bill* iweze kutusukuma miaka miwili au mitatu. Baadaye, tukiona uchumi umekuwa sawa, tunaweza *introduce Finance Bill* nyingine. Lakini ya kila mwaka itakua inawafinya wananchi.

Kwa hivyo, naona hii Bill iko *very harsh* kwa mwananchi, na ina *contradictions* nyingi. Naomba walioileta waipige msasa na warekebishe sehemu ambazo ziko na utata ndio wailete hapa tuijadili ikiwa sawa na kuipitisha.

**The Temporary Speaker** (Hon. Omboko Milemba): Kwa hivyo, unaunga mkono ama hauungi?

**Hon. Zamzam Mohammed** (Likoni, ODM): Kwa sasa, napinga hadi ipigwe msasa.

**The Temporary Speaker** (Hon. Omboko Milemba): Let us have Hon. Gichimu Githinji speak on this.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Speaker. Let me start by saying that this Bill is squarely and properly before this House. If I may read, Article 209 (5) of the Constitution states:

“(5) The taxation and other revenue-raising powers of a county shall not be exercised in a way that prejudices national economic policies, economic activities across the county boundaries, or the national mobility of goods, services, capital or labour.”

It is rightly in this House because the economic policies, processes and procedures must be understood by all 47 county governments. This Act does not in any way dictate where the county governments will get taxes. It is just giving a guide and every county will follow the procedures prescribed in this Bill. Before, county governments did not submit tax proposals to the National Treasury and the CRA. This is a very important aspect. So, as county governments proceed to make tax proposals and raise revenue, the National Government, which is the custodian of national policies, Kenyans and residents of that county, will know where their taxes will be applied and how they will be collected. So, that uniformity is exercised across the country.

I beg to differ slightly with Hon. Oundo when he said that whatever is covered under this Bill is also covered under the County Licensing (Uniform Procedures) Act. This Act talks about how counties can uniformly license across the country. An entity can have businesses in different counties. For example, when I apply for a licence in Kirinyaga, that procedure should also apply in Kakamega, Vihiga and any other county. In this Bill, a county government is tasked to have its ways of raising taxes, which should not be levied by another county. This also depends on their sources of revenue. So, it is a bit different.

Going into the meat of the Bill. I support the idea that every tax and waiver must be legalised to avoid arbitrary decisions being made by the person in leadership on where and when to waive. So, this Bill requires that every waiver or taxation must be put into the legislation. This is the right way for all counties to go to avoid arbitrary decisions being made, depending on who is in power and leading a county government.

However, Hon. Temporary Speaker, some areas require amendments in this Bill, like I would be proposing an amendment under Clause 10, whereby the term of the Committee has been indicated to be a period of two years or as may be determined by the Cabinet Secretary. That clause ought to be amended so that we can have a clear term for that Inter-Agency Transition Committee, which is also very important because before this law comes into force, some counties already have their revenue-raising measures and must be given time to transit into this Act. It cannot be left at the whims of the Cabinet Secretary to say because they may also say that the life of that agency might even be 10 years, and it might not serve any purpose.

Another amendment I would also be seeking is that regulations cannot be made to cover the areas that this Act has not covered. Regulations can only be made to make it possible to implement the Act, but they cannot be made to cover the gaps that this Act has not addressed. We should amend the Act to ensure that we cover all the areas. However, we cannot give the Cabinet Secretary an opportunity to make a law that would be substantial, just like the Act. I

would seek to amend Clause 11 so that the Cabinet Secretary will only have powers to make regulations generally or specifically for implementing this Act.

Hon. Temporary Speaker, so that I can also pave the way for other Members to make contributions, this is a fairly short Bill. I support and will be proposing amendments to the areas that I have indicated or any further that I feel will enrich this Bill for the benefit of Kenya and all the counties.

Thank you, Hon. Temporary Speaker, for giving me that opportunity.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. As a lawyer, you used to be very keen on debate. I thought somebody should speak on legislation in retrospect. But let us hear Hon. Bady Bady on this.

**Hon. Twalib Bady** (Jomvu, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipa nafasi hii nichangie Mswada huu wa 35 wa 2024, juu ya utaratibu wa uokotaji wa ushuru katika gatuzi zetu (*County Governments (Revenue Raising Process) Bill (National Assembly Bill No. 11 of 2023)*).

Mhe. Spika wa Muda, naunga mkono kwanza kwa kusema kuwa hali hii sio hali mbaya. Hii ni hali itakayoweza kutusaidia ili kuona kuwa sio wote katika gatuzi zetu wana uwezo wa kuamka siku moja na kusema kwamba wanataka kutoa ushuru wa jambo hili au lile. Kwa hivyo, naona Mswada huu utaweza kuthibiti zile kaunti juu ya jambo gani ambalo linatajikana kutolewa ushuru, na litamfaidi vipi wananchi.

Vile vile, kwenye jambo hili, kuna wale Madiwani wa mara ya Kwanza, yaani *first timers*, ambao katika kila gatuzi, kuna sheria zake ambazo zinaitwa *bylaws*. Vile vile, hao madiwani kuona kwamba zile *bylaws* zikipitishwa, zisiwaumize mwananchi ambaye anamwakilisha katika sehemu yake. Lakini kuna mambo ambayo nitatofautiana kidogo na ndugu yangu, Mhe. Owen Baya, ambaye amenitaja kwa jina, na vile vile akamtaja Mhe. Kimani Ichung'wah. Amesema kuwa tulikuwa katika *forum* moja ya *Port users*, na tukasema kuwa jambo hili la kuwatoza watu ushuru kila mahali linafanya biashara iwe ngumu hapa Kenya. Ningetaka kumwambia ndugu yangu, Mhe. Owen, kuwa sisi kama *County Government* ya Mombasa, mpaka leo, bado tuna-*demand* na kusema kuwa ni haki yetu kupata ushuru unaotoka katika Bandari ya Mombasa.

Kule Marekani, kuna bandari inayoitwa Long Beach, inayozalisha mapato kwa *municipality* ya pale. Kule Afrika Kusini, kuna bandari inayoitwa Durban Port. *Municipality* yao inayoitwa Thekwini inazalisha mapato kutokana na Durban Port. Ukiangalia mahali kama Port of Antwerp, watu wanalipa ili watumie *Port* hiyo. Kwa hivyo, *Port City* ya Mombasa ina haki ya kupata ushuru kama vile nchi nyingine zinapata ushuru kutokana na *port cities* katika sehemu zao.

Kitu ambacho Mhe. Owen amekitaja na nataka nikirekebishe, ni kuwa *container* ikiletwa, watu huwa wanatozwa ushuru mara mbili. Hii ni *double charge*. Mojawapo ya hizo *charges* ni *Terminal Handling Charge*, ambayo ni ya kuanua mizigo. Inalipwa kwa *the Kenya Ports Authority (KPA)*. Vile vile, katika *shipping line*, kuna *charge* nyingine inayoitwa *Delivery Order Fee*. Ukileta *container*, unapewa *Bill of Lading*, inayomaanisha kuwa wewe ndiye mmiliki halisi wa *container* hiyo. Ukifika katika *shipping line*, una-*surrender Bill of Lading and in return*, unapewa *Delivery Order* kwa bei ya USD\$80. Hayo ndiyo mambo yanayofanya gharama ya kufanya biashara kuwa juu. Ndio maana leo hii tumepoteza biashara tuliyokuwa nayo kutoka Goma, Butembo, Kinshasa, Lubumbashi, Kampala na Rwanda. Wengi wao wanakimbilia Bandari ya Dar-es-Salaam kwa sababu Bandari hiyo imeondoa *Terminal Handling Charges (THC)* na *Delivery Order Fee*. Mtu akipeleka *Bill of Lading* yake, inajulikana kuwa hiyo ni mali yake.

[The Temporary Speaker (Hon. Omboko Milemba) left the Chair]

*[The Temporary Speaker (Hon. Farah Maalim) took the Chair]*

Jambo la muhimu ni kuwa katika kukusanya ushuru, lazima kuwe na *regulations*. Tusiache serikali zetu za ugatuzi ziseme kuwa kuna *charges* tofauti tofauti... Nazungumza kama Mjumbe. Vile vile, namshukuru Mungu kwa kunipatia nafasi ya kuhudumu kama diwani. Kwa hivyo, najua Kaunti ya Mombasa katika hali hiyo. Leo hii, kile ambacho serikali za kaunti zitaokota kama ushuru, sharti zikimu mahitaji ya sehemu zao. Kwa hivyo, naungana mkono na Mama wa Kaunti, Mama Zamzam, aliyesema kuwa ni muhimu watu walipe ushuru, kwa sababu Serikali haiwezi kuendelea bila ushuru. Kulipa ushuru ni kujitegemea.

Hata katika ile Michezo ya Bunge ya Afrika Mashariki inayokuja, Wabunge wote wakifika Mombasa, waangalie kile watachokitumia na walipe ushuru. Hata kule kukaribishwa na Mama Zamzam mjue sio bure. Mhe. Zamzam, Mama wa Mombasa Kaunti amewakaribisha nyote. Na vile ninavyomjua, mtakula matobosha, viazi vya nazi, samaki wa kupaka na mitai. Mambo mengine ambayo yamesemwa hamna.

*(Hon. Jane Ikiara spoke off the record)*

Mhe. Jane amekubaliana na mimi. Mtakula mishikaki na shawarma. Kando na yale tutakayokula Mombasa, nawaomba kwa unyenyekevu tuwe wangwana tutakapofika pale, kwa maana sisi pia ni wangwana. Msije mkawanyemelea wasichana wetu. Mhe. Owen, nakusihi uangalie hayo maswala. La muhimu ni makubaliano, wala yasiwe ya kushawishi. Msiwashawishe wasichana wetu bure. Cha kuwasawawisha tu ni walipe Ushuru katika Serikali ya Mombasa.

Namuona Mhe. Ndugu yangu, Mjumbe wa Meru, akiniangalia.

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Hon. Owen Baya? *Zungumza, lakini hoja yako ya nidhamu ni ipi?*

**Hon. Owen Baya** (Kilifi North, UDA): Ahsante sana, Bwana Spika wa Muda. Ndugu yangu, Mhe Bady, anasema kwamba Wabunge watakapofika Mombasa, wasiende kuwalazimisha mabinti wao. Baadhi ya Wabunge wako na ndoa zao na kwa hivyo, hawawezi kuwanyemelea wasichana. Wanaenda Mombasa kushiriki kwenye michezo. Michezo hiyo itachezwa pale uwanjani mchana, na hamtakuwa na maneno mengine yanayowahusu wasichana. Sisi tutawapelekea pesa tu. Hawa Wabunge hawana haja, tamaa wala chochote kuhusiana na wasichana wa Mombasa.

Hivyo basi, nataka kuwaambia wasichana wa Mombasa waje pale ili wapakulie wageni chakula na wafanye biashara zao. Yetu ni kuwaombea Mungu pekee.

Ahsante.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Mhe. Zamzam, hoja yako ya nidhamu ni ipi?

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe Spika wa Muda, nafikiri Mhe. Owen Baya amemuelewa vibaya Mhe. Bady. Sisi tuko na tabia ya kuwalinda watoto wetu. Pengine kuna mtu aliyekuwa na wazo tofauti kando na michezo. Njooi Mombasa, na mtakapofika, mjifurahishe vilivyo. Kuna kaimati, mahamri na mambo mengi mazuri. Watoto wetu watawahudumia kwa tabasamu. *Do not take advantage of them* maana nao pia ni watoto wetu. Baadhi yao wameolewa na wako sawa. Mje mfurahi kisha mrudi nyumbani.

Ahsante sana, Mhe. Spika wa Muda.

*(Laughter)*

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Daktari Mutunga.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, I am very disappointed that we are discussing an issue of no consequence in this House. Those games were taken to Mombasa deliberately because Kenya has to showcase to the East African countries, especially the East African Legislative Assembly (EALA), the kind of white sand we have at the Coast, hotels, recreation facilities and playing grounds.

I sit in the Departmental Committee on Sports and Culture, and I can confirm that there is no mission - and that there has never been any inclination - to bring up that kind of thought. Such comments dishonour the Members of this House before the international community by making them imagine that we are going there to do anything else other than sports.

Thank you very much.

**The Temporary Speaker** (Hon. Farah Maalim): Dadangu, Mhe. Muge, nafasi ni yako. Utazungumza kwa lugha ya Kiswahili au Kingereza?

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Temporary Speaker, I come from a place where Kiswahili is far from anything that I can handle. I must state my disappointment; that in a discussion where there are objects like food on the table, someone has to find a way of putting women and girls on that same table as part of the objects to be discussed. This is a nationally viewed House and forum. We, therefore, cannot try and insinuate that women are objects that come as part of a package.

Hon. Temporary Speaker, we will, therefore, not accept nor agree with it. No one can convince me that it is some sort of language or style. It is as plain as black and white. Therefore, this Honourable House must stop it.

**Hon. Gichimu Githinji** (Gichugu, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Mjumbe wa Gichugu.

Mbunge wa Jomvu, nilifikiri ushamaliza kuchangia?

**Hon. Bady Twalib** (Jomvu, UDA): La.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order?

**Hon. Gichimu Githinji** (Gichugu, UDA): My point of order is on relevance. The matter that the Member has introduced is irrelevant to the matter of County Government Revenue Raising Measures that are being discussed. He should confine himself to the debate that is before the House. It is not the first time Members of this House and staff are going to Mombasa. We always go there for Committee meetings.

**The Temporary Speaker** (Hon. Farah Maalim): Let us have Mheshimiwa Alice Ng'ang'a. Your point is taken, Member of Gichugu. I have given the Floor to Hon. Alice Ng'ang'a.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): When we are discussing important issues on the Floor of the House, I usually do not understand why we bring up women's issues as if they are something to play with or like we do not have feelings. Must you drag women across to make your statement with finality when you want to put something across? How come we do not talk about men? Is it only ladies who serve? If they serve, why did he have to pick only beautiful ladies? Our young men and women also work there. When we are discussing important issues, it is not in order to bring up women as if they are objects all the time. We are not objects.

**The Temporary Speaker** (Hon. Farah Maalim): Order. I have given the floor to Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Ahsante Mheshimiwa Spika wa Muda.

Naomba ndugu yangu aondoe aliyoyasema. Wakati huu Wakenya wanapojipata katika shida nyingi, ni vibaya sana kuwaambia kuwa sisi Wabunge tunaelekea Mombasa kwa starehe na kula hela zao. Aombe msamaha katika hii Nyumba na aondoe aliyoyasema.

**The Temporary Speaker** (Hon. Farah Maalim): Let us hear the nominated lady.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker.

I stand very disappointed with the Member this evening. I want him to withdraw and apologise for that careless and reckless statement that mentions women and very dignified Members of Parliament as going for other businesses in Mombasa and yet, they are going to an international event. Our core business to Mombasa is games and interacting with other regional member countries. Nothing beyond that. Let him apologise.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mathenge. Hon. Bady Twalib, I will give you a moment.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): I am a sportsperson of this House. I have played volleyball in Mombasa, Changamwe and the Makande Stadium right from my young age. We conduct ourselves with a lot of dignity and honour as sportsmen and women. It is shameful and an abuse of our integrity as sportspersons for one to impute the kind of motives he has alluded to. It is important the allegations and claims are withdrawn and expunged from the record of this House.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Naomi is the last.

**Hon. Naomi Waqo** (Marsabit County, UDA): It is unfortunate that people think about this other business when people think of the East African Inter-Parliamentary Games. It is important for people to know that many people have many other important things to deal with than the relationships and the business some men think about. When we go to the East African Inter-Parliamentary Games, some of us have no other business other than to represent this Government in the best possible way. It is even a shame in our Parliament today that we are discussing the behaviour of Members, thinking that they are going to misbehave with girls in that place or do other things. It is important for the Member to withdraw because it is an insult, especially to the ladies and women of this country. That is not the only business women are good at. We have other important things to do.

**The Temporary Speaker** (Hon. Farah Maalim): The very last one is the Member of Buuri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): It is very unfortunate, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): I will give a direction on this. Just raise your point of order.

**Hon. Mugambi Rindikiri** (Buuri, UDA): It is very unfortunate that we have a dad, husband, Member of Parliament and a brother bringing that kind of allegation. I am an old man, not by age but by wisdom. I urge my very good friend, Hon. Bady, to maintain the dignity of this house.

I am the Golf Captain and we are a highly disciplined team. If we are going to play in Mombasa, we will carry ourselves with a lot of dignity. Kenya will not be the first country for the players to visit because we have been to eight other countries. We cannot continue with this discussion...

*(Hon. Mugambi Rindikiri spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Very well. The Temporary Speaker has that discretion. I think we have had sufficient points of order. Hon. Bady, you can clearly see the mood of the House. The relevance of what you have discussed...

**Hon. Bady Twalib** (Jomvu, ODM): No, Hon. Temporary Speaker. I have to explain myself before you rule. Please.

**The Temporary Speaker** (Hon. Farah Maalim): What is the explanation?

**Hon. Bady Twalib** (Jomvu, ODM): Mhe. Spika wa Muda, katika yale ambayo nimesema, yanishangaza kama kuna kitu ambacho kimekoseka pale. Nafikiria labda Kiswahili ndicho ambacho kiliwapita. Kama wanavyosema: ‘Kiswahili si mdomo chao’.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order!

**Hon. Bady Twalib** (Jomvu, ODM): Ngoja. Mhe. Spika wa Muda...

**The Temporary Speaker** (Hon. Farah Maalim): Order! He is responding to a point of order.

**Hon. Bady Twalib** (Jomvu, ODM): Mhe. Spika wa Muda, nilivyoeleza mimi ni sawa alivyoeleza Mama Zamzam, kuwa sisi tuna desturi ya kulinda wasichana wetu. Hatukusema kwamba Wabunge watakuwa wameenda Mombasa kufuata wasichana. Kwa kuwa watapeleka ushuru, tulisema...

**The Temporary Speaker** (Hon. Farah Maalim): Order! Hon. Bady. Those comments were inappropriate. It is imputing improper motives on fellow Members of Parliament. Although you did not single out a Member by name, you collectively imputed. The direction of the Temporary Speaker is that you apologise and withdraw.

*(Loud consultations)*

Order! I direct that this be expunged from the records of *The Hansard*. Proceed to apologise and withdraw.

**Hon. Bady Twalib** (Jomvu, ODM): Mhe. Spika wa Muda, kabla sijakubaliana na hilo...

**The Temporary Speaker** (Hon. Farah Maalim): Order! Hon. Bady. The Temporary Speaker’s ruling is final. Please apologise and withdraw, and then continue with your contribution.

**Hon. Bady Twalib** (Jomvu, ODM): Samahani na nawakaribisha Mombasa. Mkifika kule, mje sehemu inayoitwa...

**The Temporary Speaker** (Hon. Farah Maalim): Order! Hata ingawa sikuelewa Kiswahili hicho, ningependa kusema kwamba una ufasaha sana. Maana ya *kuapologise* ni kuomba msamaha, *kuwithdraw* nayo ni... Is it *kurudisha*?

Hon. Bady, saidia Bunge. Withdraw in Kiswahili is?

*(Several Members spoke off the record)*

Kurudisha basi. Endelea hivyo.

**Hon. Bady Twalib** (Jomvu, ODM): Kwa hivyo, Mhe. Spika wa Muda, kulingana na amri yako, nimekubali kuomba msamaha na kurudisha ama kutolewa katika kunukuliwa katika Ratiba ya Bunge...

**The Temporary Speaker** (Hon. Farah Maalim): *Endelea*. The point is taken.

**Hon. Bady Twalib** (Jomvu, ODM): ...maneno yale ambayo nimesema.

**The Temporary Speaker** (Hon. Farah Maalim): Endelea.

**Hon. Bady Twalib** (Jomvu, ODM): Mhe. Spika wa Muda, nimechukuliwa wakati wangu mwingi sana...

**The Temporary Speaker** (Hon. Farah Maalim): Nitakupa nafasi zaidi. Endelea.



**Hon. Bady Twalib** (Jomvu, ODM): Utanipa nafasi niweze kujieleza. Mpaka sasa, ni kweli...

**The Temporary Speaker** (Hon. Farah Maalim): You have two more minutes. Proceed.

**Hon. Bady Twalib** (Jomvu, ODM): Kama alivyosema Mhe. Rindikiri, ni ukweli yeye ni rafiki yangu sana. Tulipanga kwamba akifika Mombasa, atakuja sehemu inayoitwa, ‘Kwa Ndege Ya Bady’. Hata wewe, Mhe. Spika wa Muda, umeingia kwenye ndege yangu.

Kwa hivyo, tunawakaribisha watu watakaokuja pale Mombasa. Kwa wakati kama huu, mimi nikiwa Mjumbe, nimemsikia Mhe. Spika Wetangula akisema sisi viongozi wa Mombasa tuwe tayari kuwapokea wenzetu. Tutawapokea wenzetu kwa roho safi. Maneno niliyoyasema hapa Bungeni ni kuteleza kwa mdomo. Lakini sote tunapendana kama kitu kimoja na mkija tutawaonyesha ustaarabu na uungwana wa watu wa Mombasa. Lakini Mhe. Spika wa Muda, nachukua fursa hii kuunga mkono Mswada huu, lakini upigwe msasa ili sehemu nyingine ziratibiwe ziwe katika hali nzuri.

Vile vile, ningependa Mswada huu usiue kujisimamia kwa kaunti na kwa *national Government* ili mambo yachanganywe pamoja. Sheria ya Katiba ya 2010 imepatia sehemu za ugatuzi uwezo wa watakatoyafanya.

Kwa hivyo, Mhe Spika wa Muda, nakushukuru sana kwa kunipatia nafasi hii. Vile vile, ninashukuru Mhe. Owen pamoja na kiongozi aliyelea Mswada huu ili tushirikiane, tuupige msasa na watu walipe ushuru ndio Kenya yetu iende mbele na *Broad-Based Government* iendelee washikane pamoja. Uchumi ukiwa mzuri, Kenya itaendelea mbele...

**The Temporary Speaker** (Hon. Farah Maalim): Mhe., nidhamu. Ukianza na Kiswahili, unasema kila kitu kwa Kiswahili. Kwa hivyo, hiyo *Broad-Based* pia sema kwa Kiswahili. Umpata nusu dakika. I have given you one minute

**Hon. Bady Twalib** (Jomvu, ODM): Haya. *Broad-Based* Mhe. Spika wa Muda ni serikali ya kuungana kiupanuzi kwa Pamoja.

(*Laughter*)

Kwa upanuzi, *Broad Based* ni kuona kuwa Serikali yetu inaweza kwenda mbele. Kwa hivyo, tunaipongeza Serikali ya William Ruto na vile vile watu wakilipa ushuru Serikali itaweza kwenda mbele.

Ahsante, Mhe. Spika wa Muda kwa kunipa nafasi hii na *Members* wenzetu wote. Njoooni Mombasa tutakuwa tayari. Kwanza Mhe. Spika wa Muda, pole. Kuna kitu sijamaliza. *Standard Gauge Railway (SGR)* iko kwangu. Mimi ndio Mjumbe wa sehemu hiyo. Kwa hivyo, nitawawekea sengenya hapo. Nitawaekea ngoma za mchechemko hapo na nitawawekea ngoma ya asili hapo.

(*Applause*)

Na *Officer Commanding Station (OCS)* wa hapo kwangu ni mjomba wake Mhe. Rindikiri. Atafanya kazi kisawa na tutaendelea vizuri. Ahsanteni na Mwenyezi Mungu atubariki.

**The Temporary Speaker** (Hon. Farah Maalim): Mhe. Dr. Mutunga.

(*Laughter*)

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, I am happy to be part of this discussion today to actually support this Bill and also to hear our brothers and sisters from the Coast.

County governments were created as units of development and any development worldwide requires resources. So, it is in order for counties to basically collect revenue.

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The other issue is this: It is important for us to realise that county governments are in competition to raise revenue. Already, we have the order of things in terms of the performance of different counties and we actually laud some of the great performers in revenue collection. But revenue collection must be very well thought through in order not to mess up with the status quo of a country. This country is not measured by the status of the counties or the performance of the counties, but it is measured by the performance of the country, as it were.

Article 209 of the Constitution basically restricts taxation and other revenue-raising measures to adherence to the policies of the country. If the policies are not properly followed, then we will be making a big mistake. We also know for a fact that counties are recognised as further units of devolution and countries have the liberty to interpret further their own regulations and their own conduct of business at the county level. So, in this particular case, this Bill comes at the right time to try and provide some guidelines on how to structure out revenues. Counties collect levies, rates, fees and taxes. In collecting all those revenues, they need to have innovative ways of doing it without increasing the cost of doing business in Kenya. There is no business that is done in Kenya without being done in a county. In other words, we are saying that any businessman who will ever target this country to do business or any investor from this country - and we are busy promoting Kenya for foreign direct investment - will land in a county. If the cost of doing business in a given county is high, then it will reduce the possibilities for investors to come and do business in Kenya. We do not want to have punitive costs as a result of the competition to raise revenue at the county level.

There are various products from different parts of this country. Products produced in northern parts of Kenya like in the North Rift or in West Pokot, will cross very many counties before they reach Mombasa. There was a time when those products were being charged fees or cess when they crossed county boundaries. That is extremely punitive. When the products land in Mombasa, they will be very costly. This Bill seeks to moderate some of those excesses. It seeks to reduce the levies and taxes that are charged along the way. It seeks to manage that particular process in the country so that we have a unified way of guiding counties on revenue collection or making money.

Kenya is doing very well in terms being an investment destination because our cost of doing business has been going down. Kenya is one of the preferred destinations for investment and we need to make it even better. The only way to make it better is to moderate the excesses in terms of the cost of doing business. In order to legitimise revenue sourcing for counties, we need this particular Bill. In order to create predictability, which is important for any foreign direct investor or any Kenyan who may want to invest in a specific county, we must be able to show what kind of taxes, fees and levies are expected in a given county. Therefore, this Bill seeks to moderate that development.

Counties are at different levels of development and the demands for money are different. County governments will, therefore, be justified to imagine ways of raising money. In their imagination, we do not want to leave county governments to think through and come up with proposals. We would like them to be guided as it were. In order to enhance the principle of fair taxation and in order to have a guided country, we need to moderate roles of county governments in revenue collection. That is why this Bill is important.

It is becoming very difficult for Kenya as a country, and for the national Government in particular, to educate Kenyans on revenue collection. There are about six or seven ways of how a government can get revenue. One of them is to get money from philanthropists. Counties can access that kind of money. The other way is doing business, like selling goods and services. We get revenue from the sales in form of taxation. The other way is the strengthening or weakening of the value of the shilling. It impacts on the amount of money we can get. The key way is taxation. Taxation has been a difficult thing to explain to Kenyans. Every Kenyan today, old or young, speaks about taxation. They speak about the load of taxes without even realising

that there are certain economic parameters that a country uses to measure the cost of living. One of them is the inflation rate. This country is living in a time when the inflation rate is around 2.7 per cent. The last time Kenya was living under those circumstances was before the 2007/2008 skirmishes. The inflation rate is now extremely low, which means that if you go to the market with some money, you can come back home with a reasonable amount of goods. What that tells us is that the country is not really at an extremely difficult situation. But we are not very patriotic as a people. We need to speak to the facts as they are and say the truth as it is.

Our goods are also tiered. When you go to a shop, you can buy a coat at Ksh20,000 or Ksh50,000 or Ksh100,000, depending on where you want to buy it. Someone else can get the same coat at Ksh5,000, Ksh2,000 or even less. The market is structured in a way that gives provision for everyone to participate.

Hon. Temporary Speaker, this means that the economy is not as bad as people are talking about it. It is time for Kenyans to become patriotic. When this Bill goes to the Senate, it needs to be looked into through the lens of whether we need a Kenya where everybody is given the opportunity to take the space or, whether, at the county or national level, to do their business well.

With those very few remarks, I support this Bill.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Omboko Milemba, followed by the Member for Turkana North.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, thank you very much for giving me this chance to contribute. I begin with Article 109(5) of the Constitution. There must have been a reason the drafters of the Constitution were very clear and remembered to put an entire statement on how taxation should be done. When county governments are imposing taxes, they should take care of certain national issues which must be protected. This is a country. Everything that a county does must then be in the holistic good of the State. Therefore, this Bill seems very timely on that basis. It will bring harmony on the taxation trends and trajectory that will be put by the county governments. Therefore, I support it.

The Bill will take care of the differences in taxes from one county to another and double taxation, which is very common. This will be very good so that we promote business. There is a tendency for leadership within the counties - which I want to become part of - to think that we must tax our goods very highly so that we sell them to the other counties. This will kill the holistic good of national development and the general development of the economy. There is also the challenge of double taxation which many Members will speak on. I would like to speak most on implementing this Bill. When I had a chance of sitting where you are, I thought as we do this, which is a very good idea, we make sure that we take care of how the counties will be dealing with those taxes at different levels. This is very important. We must not do it in a way that injures the independence of the counties and also hurts their existence.

Recently, *Baba* spoke very expressly about counties and almost vilified Parliament. I do not wish to reply, but I sympathise with him. I also thought he remembered our history. We had those county government systems in what was called *Majimbo*. But around 1964 or 1965, they were just killed because there was a lot of rivalry, like we see today, between the Senate and the National Assembly. Then, the people went overboard and killed the Senate. However, the counties have been very helpful. They need to be protected. I stand here as a protector of counties, as I look at this law which is very good for the tax regime that we will set.

As we do this, we must make sure that we do not kill the counties. Remember, we were talking about the division of revenue today. One of the challenges the counties face is the flow of monies from the National Government to the county governments. What is also at risk and being discussed is how much are the funds? Recently, we had the deficit which we said could not be achieved. The mitigating factor for the deficit we have for the revenues within the

counties should be those county own revenue processes and generation. We are not talking about it to kill it. Counties must generate their own revenue. They must levy taxes in a processed manner that is good for everyone, without injuring the entire economy of the country, other counties around them and the people. This is not impossible, despite the fact that we have put several hurdles because it happens in other jurisdictions like the United States of America.

In America, the GDP and economy of States, which operate like counties in Kenya, is much bigger than even the Kenyan economy. Florida is a very good example. They can even give a loan to Kenya as a State, despite the fact that they are just a State within America. It is an equivalent of a county in Kenya, but its economy is bigger. That is what we must have envisioned, especially myself given my background in history and government. That is where our counties should go. So, we should still do it in a manner that encourages collection of taxes so that they fill in the gap that we have in terms of revenue within the counties. This is because we expected that, at one time, they should be even more independent than they are. Currently, they are fully dependent on the national Government. That causes a challenge such that when funds have not been disbursed to counties, there are threats to shut them down for example, by Monday. It is so absurd when I see a leader saying that they want to close counties by Monday, like the closure and the operation of counties depend on a statement by one particular leader. So, we need to encourage the collection of revenue.

I also heard something which we must correct and deal with. Do we make laws in retrospect? This is because in this Bill, there is an introduction of a committee of five, the transition committee, which will review all the other taxes that were done before this law was made. Allow me to use the example of the Westminster. We do not make laws in retrospect. So, how shall we go back? According to Article 209 Constitution, we should have left this to the counties themselves to re-do what they had done. This is because progressive parliaments can make laws that can nullify the ones that were made by previous governments. So, we do not necessarily need a committee that will supervise them. But if the law goes through and they are given timelines, their own assemblies can bring those as Bills and deal with them in their own governments. Every Parliament is supreme and independent and is not bound by the previous Parliament. So, this is an area where we shall discuss with the Mover - all of us not just myself - so that we see how to amend it without necessarily looking like we are making this law in retrospect.

Therefore, as I support this Bill, there are areas which we shall look into so that in the implementation, we do not kill the spirit of devolution.

Thank you, Hon. Temporary Speaker. I support.

**The Temporary Speaker** (Hon. Farah Maalim): Those are times when the Speaker would wish to be on the Floor to contribute. Your points are very well taken. As a matter of fact, for the information of Members of Parliament, Kenya is one of the least taxed countries in the world. Our tax revenue to GDP ratio is 7 per cent. Countries like France go up to 46 per cent. I have heard that from Hon. Mutunga and now Hon. Omboko. Those are some things we need to seriously study ourselves and get our economists to give lectures to Parliament so that we do not live in isolation but in the globe.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, what is your point of order, Hon. Alice Ng'ang'a?

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Speaker, I stand on a point of order.

*(Hon. Mugambi Rindikiri spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Rindikiri, do not harass Hon. Alice.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Temporary Speaker. I rise under Standing Order 95 that the Mover be called upon to reply.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Alice. The Chair has that discretion. There is a lot of interest in this. I have a full screen. I will allow Hon. Ekwom followed by Hon. Mayaka.

*(Hon. Alice Ng'ang'a spoke off the record)*

**Hon. Paul Nabuin** (Turkana North, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Bill.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. This is a House of debate. In a debate on matters like taxation, there is a lot of knowledge and information that comes out. Let us not look like a mechanical House that just passes Bills straight away. Kenyans would want to see a serious debate on all matters.

Proceed, Hon. Nabuin.

**Hon. Paul Nabuin** (Turkana North, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Bill. It has been brought because of how counties have been collecting revenue. There are gaps in the way they have been imposing taxes on consumers and producers at the same time. Some counties that are far from production areas make consumers to buy goods expensively. That is because transit goods which go through different counties are levied such that, the gap between the production price and selling price is high.

This Bill is trying to seal those gaps. It is also making the systems of revenue collection clear. To that extent, it is defining how revenue will be collected, processed and the people to collect. It has also given the institution that is supposed to collect revenue, apart from Kenya Revenue Authority (KRA). The Cabinet Secretary for the National Treasury and Economic Planning promised Kenyans that he will review the structures and systems at KRA.

I will propose an amendment to this Bill whereby KRA will be the institution that supports or facilitates revenue collection for counties. From experience, we have realised that most counties use different methods and institutions to collect revenue, thus, creating loopholes for corruption. Therefore, this Bill is specifying the institution that is supposed to collect revenue on behalf of counties, so as to seal the corruption loopholes.

Thank you, Hon. Temporary Speaker. With that, I support.

*(Hon. Mugambi Rindikiri spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Rindikiri, what is your point of order?

**Hon. Alice Ng'ang'a** (Thika Town, UDA): On a point of order, Hon. Deputy Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Alice, what is your point of order? The microphone is right next to you.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Temporary Speaker. I rise under Standing Order 95, that the Mover be now called upon to reply.

*(Question, that the Mover be now called)*

*upon to reply, put and agreed to)*

**Hon. Owen Baya** (Kilifi North, UDA): Before I reply, I would like to give three minutes to Hon. Irene Mayaka.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Baya.

**Hon. Owen Baya** (Kilifi North, UDA): I would also like to donate two minutes to Hon. Emaase.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Baya. The rules are that when you are called upon to reply, you cannot donate any minutes, unless they have been changed.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, the tradition in this House is that in replying, we can donate time, unless Hon. Temporary Speaker is a stranger in Jerusalem.

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

**The Temporary Speaker** (Hon. Farah Maalim): I have been made to understand that the rules have not changed. This debate did not end normally. It is a premature ending. When there is a premature ending, you cannot donate. When somebody rises under Standing Order 95, you cannot donate. Proceed.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, in closing this debate, we have had discussions and there are important things that need to be done to improve this Bill. We will allow that to be made in the Third Reading.

This is a fundamental Bill that is going to ensure that there is seamless integration of what national and county governments can do in terms of revenue-raising measures to ensure that we do not stifle development and growth of the economy because of several taxations that have happened along the way. To have a seamless integration of that process, it is important that we have policy and regulations. That is what the National Assembly will do in this Bill.

We welcome criticism and improvements on this Bill. At the end of the day, we will have a Bill that is good for the country and counties. Therefore, we can get revenues collected properly without having to infringe on each other's space.

With all those many remarks, I beg to reply. I request that the question be put tomorrow so that at the end of the day, this Bill is done. We move to the Coffee Bill, which is an important piece of legislation that we must move on, plus the Co-operative Bill...

**The Temporary Speaker** (Hon. Farah Maalim): Unfortunately, we will still be having about two or three minutes. It is too short for us to move to the other Committee stage. Somehow, you have to prolong your contribution.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, what I would like to say is this: That we have rules in this Parliament. Rules bound, but you have a discretion under Standing Order 1. Sometimes, we ask you to use your discretion under Standing Order 1 so that, as we donate time, we also know that you have authority and power under that Standing Order.

**The Temporary Speaker** (Hon. Farah Maalim): Order! The tradition of the House expressly provides that if a debate is ended prematurely, the Mover cannot donate.

**Hon. Owen Baya** (Kilifi North, UDA): It is okay, Hon. Temporary Speaker. I want to respect the ruling that you have made. Therefore Hon. Temporary Speaker, I reply.

**The Temporary Speaker** (Hon. Farah Maalim): We will not put the question now. We will have to put the question on an appropriate moment in the future as it shall be decided.

*(Putting of the Question deferred)*

Next Order.

## BILL

### *Second Reading*

THE KENYA REVENUE AUTHORITY (AMENDMENT) (NO. 2) BILL  
(National Assembly Bill No. 35 of 2024)

**The Temporary Speaker** (Hon. Farah Maalim): The Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, due to time, we are only left with one minute, I beg that we reschedule the order to tomorrow.

**The Temporary Speaker** (Hon. Farah Maalim): Order. That is a matter for the House Business Committee. The Order that has been called is something that you can always get. The Order that we have now for the moment is the Kenya Revenue Authority (Amendment) (No.2) Bill. Under the circumstances, Hon. Members, there is no sufficient time to move that as we have barely three seconds. We have only eight to six seconds.

*(Bill deferred)*

## ADJOURNMENT

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the time being 7.00 p.m., this House stands adjourned until tomorrow, Wednesday, 20<sup>th</sup> November 2024 at 9.30 a.m.

The House rose at 7.00 p.m.

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