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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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Thursday, 5th December 2024

The House met at 9.30 a.m.

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) in the Chair]

PRAYERS

QUORUM

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I order the Quorum Bell to be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Members I confirm that we are properly constituted so we may start the business of the House.

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Hon. Members I wish to notify the House that I am in receipt of a Message from the Senate on its consideration of the President's Memorandum on the County Allocation of Revenue Bill (Senate Bill No. 25 of 2024). The message from the Senate conveys its resolution on the President's Memorandum on the County Allocation of Revenue Bill 2024 passed on 4th December 2024. The message further conveys that the Senate passed the Bill with amendments.

Hon. Members to give a background on this matter, you will recall that the President's Memorandum was informed by the rejection of the Finance Bill 2024 which resulted in a revenue shortfall of approximately Ksh346 billion which had been shared between the national and the county governments.

To this end and in respect of the revenue shortfall to be borne by the county governments, on 10th July, 2024, His Excellency the President referred back the County Allocation of Revenue Bill 2024 to the Senate for consideration pursuant to Article 115 of the Constitution. The President's Memorandum proposed that the equitable share of revenue of the Financial Year 2024/2025 be reduced by Ksh20 billion from Ksh400 billion as allocated by the Division of Revenue Act 2024 to Ksh320 billion.

(Several Members stood at the Bar)

Members who are standing at the entrance kindly take the nearest seat.

However, as Hon. Members are aware last week both Houses approved the mediated version of the Division of Revenue (Amendment) Bill 2024 that allocated Ksh387 billion as the equitable share of revenue for that Financial Year 2024/2025. The Bill was subsequently assented to on 4th December 2024 by His Excellency the President.

Hon. Members, with this background, I wish to guide the House on the manner of consideration of the President's Memorandum. Article 115 of the Constitution as read with Standing Order 154 provides for the manner of consideration of the President's Memorandum. Article 115 of the Constitution provides, the Assembly shall either pass a Bill with amendments

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that fully accommodates the President's reservations or with amendments that do not fully accommodate the President's reservations. Where the House passes a Bill with amendments that fully accommodate the President's reservations, the amendments must be supported by a simple majority of the Members in the House present and voting in accordance with Article 122(1) of the Constitution. This implies a majority of the Members in the House present and voting.

However, if the House passes a Bill without fully accommodating the President's reservations, the amendments must be supported by a vote supported by two-thirds of all Members of this House.

Hon. Members with foregoing in mind, with respect to the President's Memorandum, the House must be cognisant that assenting to the Division of Revenue (Amendment) Bill 2024, His Excellency the President in effect consented to the set amount of Ksh387 billion as the equitable share of revenue to the counties which is to be allocated among the counties. Whether the passage of the County Allocation of Revenue Bill, 2024, based on the figure Ksh387 billion fully accommodates the President's reservation and recommendations becomes moot in light of the passage of the mediated version of the Division of Revenue (Amendment) Bill, 2024, and its subsequent assent by His Excellency the President.

Hon. Members, you will note that by having assented to the Division of Revenue Bill, 2024, His Excellency the President effectively agreed to the amount of Ksh387 billion being shared to and allocated to the counties. Indeed, it will be noted that the representatives of the National Treasury participated in the mediation and endorsed the agreed amount of the equitable share.

In light of the foregoing, I wish to guide that noting that the National Treasury participated in the mediation and endorsed the agreed amount of equitable share to the county governments and the fact that His Excellency the President conceded to the agreed figure by assenting to the Division of Revenue Bill, 2024, agreement with the President's Memorandum on the County Allocation of Revenue Bill, 2024, only requires a simple majority of the members present and voting subject to the attainment of quorum.

Given the urgent need of the House of Parliament to dispense with the Bill, I have instructed the Clerk of the National Assembly to include the consideration of the President's reservation and the content of the Message from the Senate in today's Order Paper for consideration. This will unlock the balance of the shareable revenue payable to our 47 counties without any further legislative delays.

The House is thus accordingly guided.

I thank you.

Hon. Members, those who intend to sit through the next business, please take the nearest seat.

(Hon. Peter Kaluma stood in the gangway)

Hon. Kaluma, you are taking too long to take the nearest seat.

MESSAGE

PASSAGE OF THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO.25 OF 2024)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, pursuant to provisions of Standing Order 41(4), I wish to report to the House that I have received a Message

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from the Senate regarding the passage of the County Allocation of Revenue Bill, Senate Bill No. 25 of 2024.

Hon. Members, the Message conveys that, on Wednesday 4th December 2024, the Senate considered and passed the President's reservations to the County Allocation of Revenue Bill, Senate Bill No. 25 of 2024, with amendments that do not fully accommodate the President's reservations.

Hon. Members, the reconsideration of the Bill was necessitated by the referral of the Bill back to the Senate by His Excellency the President on 10th July 2024, in accordance with the provisions of Article 115 of the Constitution. The Senate having concluded consideration of the Bill, this House is now required to consider the President's reservation to the Bill in line with provisions of Article 115(2) of the Constitution.

Hon. Members, the centrality of the County Allocation of Revenue Bill, 2024 in unlocking the budget process in counties for the Financial Year 2024/2025, calls for its expedited consideration. In this regard, as you have noticed, I directed the Clerk to schedule considerations of the President's reservation and recommendation to the County Allocation of Revenue Bill, 2024, and the contents of the Message from the Senate as Order No. 12 in today's Order Paper.

I, therefore, urge the leadership and indeed all Members to rise to the occasion and conclude the matter before the House proceeds on the long recess at the rise of the House today.

The House is accordingly guided.

I thank you.

PAPERS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, we will start with the Deputy Majority Whip. You may proceed.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

1. The following Legal Notices from the Ministry of Agriculture and Livestock Development:
 - (a) Legal Notice No. 190 of 2024 relating to the Pest Control Products (Importation and Exportation) Regulations, 2024;
 - (b) Legal Notice No. 191 of 2024 relating to the Pest Control Products (Disposal) Regulations, 2024 (Revoking Legal Notice No. 103 of 2024);
 - (c) Legal Notice No. 192 of 2024 relating to the Pest Control Products (Fees and Other Charges) Regulations, 2024;
 - (d) Legal Notice No. 193 of 2024 relating to the Pest Control Products (Inspection and Certification) Regulations, 2024 (Revoking Legal Notice No. 100 of 2024); and
 - (e) Legal Notice No. 194 of 2024 relating to the Pest Control Products (Labelling and Advertisement) Regulations, 2024 (Revoking Legal Notice No. 99 of 2024).
2. Annual Report and Financial Statements of the Privatization Commission for the financial year ended 30th June 2023;
3. The Fourth Annual Report for the Office of the Data Protection Commissioner for the Financial Year 2023/2024;
4. Report of the First Quarter of the County Governments Budget Implementation Review for the Financial Year 2024/25 from the Office of the Controller of Budget;

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5. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2024 and the certificates therein in respect of:
- (a) Resilient Sustainable Systems for Health (RSSH) KEN-T-TNT 2067 Sub-Recipient– Ministry of Health;
 - (b) Africa Climate Summit (ACS) Africa Climate Week– Ministry of Environment, Climate Change and Forestry;
 - (c) Kenya Youth Employment and Opportunities Project Credit Number: IDA-58120– National Industrial Training Authority (NITA);
 - (d) Kenya Primary Education Equity in Learning Program IDA Grant No. D991-KE and Credit No. 7067-KE and Grants NOS. TF C306-KE and TF C307-KE– State Department for Basic Education;
 - (e) Infrastructure Finance and Public Private Partnerships Projects-IDA Credit No.5157-KE– The National Treasury;
 - (f) Kenya Towns Sustainable Water Supply and Sanitation Program-Credit No. P-KE-E00-011(AFDB Loan No.200200000501) – Athi Water Works Development Agency;
 - (g) Women Empowerment for Gender Equality Project (WEGEP) – State Department for Gender and Affirmative Action;
 - (h) GOK-UNFPA 10th Country Programme Grant/Credit No.1000702818– State Department for Gender and Affirmative Action;
 - (i) Support of the Health Care Financing Strategy-Reproductive Health-Output Based Approach Project (Credit BMZ No. Kenya 201065853) – Ministry of Health;
 - (j) Kenya Transport Sector Support Project Credit No. 4926 KE and No.5410 KE– Kenya National Highways Authority;
 - (k) Thwake Multi-Purpose Water Development Program Phase 1 (AFDB) Loan No. 2100150029993, 2000200003351, AGTF NO. 5050200000501 and AFDB Grant No. 2100155025973– State Department for Water and Sanitation;
 - (l) Sirari Corridor Accessibility and Road Safety Improvement Project: Isebania-Kisii-Ahero-(A1) Road Rehabilitation– Kenya National Highways Authority;
 - (m) Kapchorwa-Suam-Kitale and Eldoret Bypass Roads Project (Kenya) ID No. P-Z1-DBO-183– Kenya National Highways Authority;
 - (n) East Africa’s Centre of Excellence for Skills and Tertiary Education in Biomedical Sciences-Phase 1(Loan No.2100150031997) Project-Ministry of Health;
 - (o) Multinational Kenya Tanzania Power Interconnection Project (Kenya Component) (ADF Loan No.2100150032846)-Kenya Electricity Transmission Company Limited;
 - (p) Olkaria-Lessos-Kisumu Transmission Lines Construction Project (JICA Loan No. KE-P28)- Kenya Electricity Transmission Company Limited;
 - (q) Kenya Development Response to Displacement Impacts (KDRDIP) IDA Credit No.6021-KE and Grant No. TFOA7762-KE -Ministry of East Africa Community (EAC), ASALs and Regional Development;
 - (r) 50MW Solar Power Plant in Garissa Project (GCL No.2015(10)-Rural Electrification and Renewable Energy Corporation;
 - (s) Safe Roads/Usalama Barabarani Programme Grant Number KE/FED/037-778 -National Transport and Safety Authority;

- (t) Northern Corridor Rehabilitation Programme-Phase III (Eldoret-Turbo-Webuye-Malaba Road Improvement Project)-Kenya National Highways Authority;
- (u) Kenya Informal Settlements Improvement Project (IDA Credit No.4873-KE, AFD CKE 1055 01J and SIDA -TF:018327) -State Department for Housing and Urban Development;
- (v) Asian Officers Family Pensions Fund – The National Treasury
- (w) Kenya Towns Sustainable Water Supply and Sanitation Program CR. No. P-KE-E00-11 (AFDB Loan No.20000501)- Central Rift Valley Water Works Development Agency;
- (x) Contingencies Fund – The National Treasury;
- (y) Lake Nakuru Biodiversity Conservation Project Grant No.201567916 and Loan No. 2016 65 116 (KFW-German Financial Cooperation)- Central Rift Valley Water Works Development Agency;
- (z) Centre of Excellence in Sustainable Agriculture and Agribusiness Management-Egerton University;
- (aa) NEMA-GCF Project Preparation Facility: Devolved Climate Change Governance to Strengthen Resilience of Communities in Target Counties -Credit No. KEN-PPF-010 – National Environment Management Authority;
- (bb) Strengthening Forest Management for Improved Biodiversity Conservation and Climate Resilience in the Southern Range Lands of Kenya -IUCN Project No. AVCH-000981 and GEF ID/10292 – National Environment Authority;
- (cc) Kenya Gold Mercury Free ASGM Project Grant No. GEF/UNDP/GOK-001088253-State Department for Environment and Climate Change;
- (dd) Strengthening Drought Resilience for Small Holder Farmers and Pastoralists in the IGAD Regional Project No. 03/Dress-EA/07/OSS-KE/20 – State Department for Environment and Climate Change;
- (ee) Integrated Programme to Build Resilience to Climate Change and Adaptive Capacity of Vulnerable Communities in Kenya (Credit No; KE/NIE/MULTI/2013/1) – National Environment Management Authority;
- (ff) National Agricultural Value Chain Development Project (Credit No. IDA-7064-KE)- State Department for Agriculture; and
- (gg) Multi-National Rural Livelihoods Adaption to Climate Change in the Horn of Africa (RLACC) (ADB/ADF Grant No.555001201)-State Department for Agriculture.

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

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Deputy Majority Whip. What is out of order, Hon. Millie Odhiambo?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. As a House, we do not do things in vain. I am wondering about all those Papers that have been laid. When do we get time to look at them? Two weeks ago, a non-Kenyan asked me if this is merely for cosmetic purposes or we look at them. We are always laying reports. Maybe we need to relook at what comes to Parliament. This is purely cosmetic, we need to do real work. Thank you.

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I do not want this to be a subject of debate. For your information, these Papers go to audit committees.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is anything out of order, Hon. Kangogo?

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. I agree with you that these reports go to audit committees. So many reports are tabled in this House, including reports from the Auditor-General and they are examined by the Public Accounts Committee (PAC). Sometimes, they raise issues to do with expenditure in ministries.

The reports from the Auditor-General and those from audit committees should be used during the budget-making process to inform the budget, if the Auditor-General has raised concerns of misappropriation of funds in a particular ministry. This will mean that ministry had excess money. Therefore, during the budget-making process, the allocation should be slashed by an equal amount as raised by the Auditor-General, otherwise, what Hon. Millie Odhiambo has said is true. All the reports tabled here are purely cosmetic. They do not inform any legislation in this House. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Murugara, you also want to weigh in on this matter? Member for the Tharaka.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. We have to be alive to two things as we discuss this issue. The observation by Hon. Millie Odhiambo is correct. These Papers are laid in the House but we do not consider all of them as required. The House may not consider all of them as required, but we must also be alive to the fact that some of these Papers are required to be laid on the Table as a way of reporting to Parliament by the various agencies that are overseen by Parliament. It is a requirement in the Constitution. It is also a requirement in the statutes. So, those particular Ministries, Department and Agencies (MDAs) must comply with the law. If Parliament does not have enough time to look at these reports, it has itself to blame because these Government agencies have complied with the law, they have brought their reports here and so it is for us to find time to examine them.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I would not like to encourage a lot of debate on this. Hon. Millie Odhiambo-Mabona has been in this House for a very long time and clearly the matter that she is raising is important and especially for Chairs of Committees. I think it is important for you to consider or to make sure that you do a follow-up on the Papers that are laid so that if it concerns your Committee, you get interested and follow it up. And also as individual Members, I think we have the freedom to ensure that this information is just not laid only for cosmetic purposes, as Hon. Millie is saying. So, I would like to end this at that.

Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. As you have said, I think it is worth noting that these reports are discussed in committees. Being the Vice-Chair of the Public Debt and Privatisation Committee, it is important to state that the Report on Privatisation by the Privatisation Commission which has been laid on the Table was discussed by my committee. We got an advance copy, discussed and made comments. Maybe what we should be asking ourselves is, once committees discuss these reports, do we have a mechanism to have them presented in the plenary? I think that is where the gap is. Committees are able to discuss these reports because the clerks do present them, but the question is, do we get then time in this plenary to discuss them? Maybe that is what we should be discussing.

I think it is the work of the House Business Committee to create time so that even if it is 10 minutes, the Chair of the Committees can come here and say what the reports entail and then inform Kenyans about some of the findings. But it is a very important role, it is our oversight role to comment on these reports. I submit.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie together with the House, I would like to refer to the Constitution, Article 229 on the Auditor General which states thus:

- “1. There shall be an Auditor-General who shall be nominated by the President and, with the approval of the National Assembly, appointed by the President.
2. To be qualified to be the Auditor-General, a person shall have extensive knowledge of public finance or at least ten years experience in auditing or public finance management.
3. The Auditor-General holds office, subject to Article 251, for a term of eight years and shall not be eligible for re-appointment.
4. Within six months after the end of each financial year, the Auditor-General shall audit and report, in respect of that financial year, on...”

Then all the roles are indicated. So, for the purpose of record, this being a House of records, I would like us not to have the words “presentation for cosmetic purposes”, because this is in our Constitution and it is clearly stipulated in Article 229. And when you go to (h), as I indicated earlier that these reports go to relevant committees, it states:

“(h) the accounts of any other entity that the legislation requires the Auditor General to audit.”

It is from one to four and then 4 (a) to (h) indicating all these various committees where these reports should go. And below there, No. 8 states:

(8) Within three months after receiving an audit report, Parliament or the county assembly shall debate and consider the report and take appropriate action.

Hon. Members, it is for this House to make sure that these reports are considered within stipulated timelines, that is three months to consider the reports and take appropriate action.

I think Hon. Millie Odhiambo-Mabona, who has a lot of experience, may have seen a matter that must be addressed. I would like to rest this matter at that.

Next Order.

Hon. Members, we have more reports to be tabled and now I would like to give an opportunity to the Vice Chairperson, Committee on Powers and Privileges. Chair, Hon. Lekuton. Not in the House.

Hon. Joseph Lekuton (Laisamis, UDM): I am here, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, please proceed.

Hon. Joseph Lekuton (Laisamis, UDM): Hon. Temporary Speaker, I beg to lay the following Paper on the Table;

Report of the Committee on Powers and Privileges on its consideration of the Parliamentary Powers and Privileges (Amendment) Bill, Senate Bill No. 5 of 2022.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Next is the Chairperson, Constitutional Implementation Oversight Committee. Maybe the report is not available.

Next is the Leader of the Delegation, Hon. Millie Odhiambo-Mabona. Please proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): And there I go, Hon. Temporary Speaker, laying another Paper.

Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the 149th Assembly of the Inter-Parliamentary Union and related meetings held in Geneva, Switzerland from 13th to 17th October 2024.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next Order.

Thank you, the Chairperson, Committee on Implementation. That one has not actually been tabled.

I go to Hon. Millie, Leader of the Delegation. You have a Notice of Motion. As Hon. Millie gets the document and before I come to you, Hon. Mwinyi, for the convenience of the House, I will reorganise the Order Paper.

After that Notice of Motion by Hon. Millie, we will move to Orders No. 8 to 11 and then we will go back to 7.

What is out of order, Member of Parliament for Changamwe?

Hon. Omar Mwinyi (Changamwe, ODM): There is nothing out of order, Hon. Temporary Speaker. Yesterday, Hon. Speaker directed that the Chair of Departmental Committee on Labour gives a full statement or full response to the statement that I raised in this House. I request this House to do exactly that, if you may allow.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): We have not reached statements. We have reorganised the Order Paper, so we will get there. When we get there, if there is a problem, you will raise it.

Hon. Omar Mwinyi (Changamwe, ODM): I am going for a Committee meeting, if you may consider that, please.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Member for Changamwe, you have a lot of experience. You know that this is the first business of the House. The House takes precedence over any other business so, the Order Paper has been reorganised.

Hon. Wanjala. What is out of order, Hon. Wanjala? Please pass the microphone to him. Go to the microphone on your left.

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, after Millie Odhiambo, I am supposed to be the one who follows and you have “jumped” me.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Are you referring to Hon. Millie Odhiambo-Mabona?

Hon. Raphael Wanjala (Budalangi, ODM): Yes, Hon. Millie Odhiambo.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Minority Whip?

Hon. Raphael Wanjala (Budalangi, ODM): Yes.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Then you have to speak properly.

Hon. Raphael Wanjala (Budalangi, ODM): Minority Whip. It is me who is supposed to be laying the Papers, but you have “jumped” me.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Wanjala, maybe you had stepped out. You may proceed and lay the Paper.

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Committee on Implementation of the following:

1. Third Report on the implementation status of reports on petitions and resolutions passed by the House.
2. Attendance of the GSMA Mobile World Congress and the 2024 Africa Health Tech Summit in Kigali, Rwanda, from 29th to 31st October 2024.

Hon. Temporary Speaker, I also beg to give notice of the following Motion.

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Wanjala, you laid the Paper. End it at that first.

Hon. Millie Odhiambo, please proceed. For the record, Hon. Millie Odhiambo is the Whip of the Minority Party.

NOTICES OF MOTIONS

NOTING OF REPORT OF THE KENYA DELEGATION TO THE 149TH ASSEMBLY OF THE IPU IN GENEVA, SWITZERLAND

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am the Head of the Delegation to the Inter-Parliamentary Union (IPU), for the purposes of this report.

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

THAT, this House notes the report of the 149th Assembly of the IPU and related meetings held in Geneva, Switzerland, from 13th to 17th October 2024, laid on the Table of the House on Thursday, 5th December 2024.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much.

Hon. Wanjala, you may now proceed and give the notice of Motion.

ADOPTION OF THIRD REPORT ON IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Third Report of the Select Committee on Implementation on the implementation status of reports on petitions and resolutions passed by the House, laid on the Table of the House on Thursday, 5th December 2024.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Wanjala. Next Order is as per the reorganised Order Paper.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF A SPECIFIED BILL

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

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. On behalf of the Chairman of the Departmental Committee on Health, I beg to move the following Motion:

THAT, pursuant to provisions of Standing Order 120(1)(c), this House resolves to reduce the publication period of the Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024) from 14 to nine days.

This is a very important Bill dealing with the Primate Research Institute, which is doing a lot of work on primate research including on vaccines. It has been working without structures that we need to put in place. Also, on the need that we had all agreed we should fast-track some of these Bills, it would be necessary that we reduce the publication period so that even when we are on recess, the Committee can start to work on public participation and do research work

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over that period. Therefore, I request the House to support this so that we can move the publication and start this process going on.

I ask Hon. (Dr) Oron to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Did you move the Motion, Hon. Nyikal?

Hon. (Dr) James Nyikal (Seme, ODM): Yes, Hon. Temporary Speaker. I beg to move and ask Hon. Oron to second.

Hon. Joshua Oron (Kisumu Central, ODM): Thank you, Hon. Temporary Speaker. I second the Motion.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Martha Wangari.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Temporary Speaker. I know we want to put the Question, but I want to support the Committee on reduction of the publication period on this specific Bill. Some of us come from areas where there are monkeys that are a menace to the community. I have areas called Gong and Acre Tano where farmers cannot farm because of monkeys. If you go to the KWS, you are sent to this Institute, which has no structures or money to move the monkeys back to the forest. It is quite something. It may look like a small thing, but monkeys can be a menace especially to women. They take food from *jikos* when women are cooking or even unhung clothes. The only way to deal with monkeys is to equip and facilitate this research institute. I support the Committee and I hope that we can get the Bill on the Floor as soon as possible.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I support the Motion. Part of the reason is what Hon. Martha has stated. We need to deal with monkeys. I stay next to a river and many times I get visits, sometimes when I am alone. We have not trained monkeys on gender issues. They have no regard especially for women. If my husband is around they run away, but when it is me, they do not care. We have to find ways of dealing with monkeys.

This is a short Motion and I do not want to say much. I congratulate the Departmental Committee on Health on the way they are organised and orderly. When the Chairman and the Vice-Chairman of the Committee are not in, there is Hon. Nyikal, who is an excellent medic, to move the Motion so that the Committee can expedite it. And there is Hon. Oron, a member of the Committee, ready to second the Bill. The only challenge is when it comes to my Bill. Suddenly the Chairman and Vice-Chairman are not there, Hon. Nyikal is suddenly totally unable to move the Bill. I have been in this House for long and I know when we are filibustering. Please do not filibuster on my Bill. I have encouraged my brother Hon. Kaluma, and I will speak to it when we get to my Bill. We can borrow the wording of Article 24(4) of the Constitution which says:

The provisions of this Chapter on equality shall be qualified to the extent strictly necessary for the application of Muslim law before the Kadhi's courts to persons who profess the Muslim religion in matters relating to personal status, marriage, divorce and inheritance.

We can use similar wording, export it to my Bill and pass it. I am the one who does not give birth and would want to give birth. Members delaying the Bill are going to make me have a child at 60 when I should have had a child at 40. Do not harass me. I need to have a child and I need to have a child now. I need a law that will enable me and other women to have children. Therefore, stop filibustering on my Bill.

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo, I know that this matter is very close to you, and I would like to confirm that I have worked with Hon. (Dr) Pukose. I was his Chairperson in the 11th Parliament. He is a very effective Chairperson. As you have said, the Committee is organised. I am also aware that the Bill has taken long.

Hon. Members, I would like to ask that we do not debate this matter. It is only a Procedural Motion, and I would like you to allow me put the Question.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will only give Hon. Peter Kaluma a chance. What is out of order?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, Hon. Millie Odhiambo has mentioned you in her Statement which was way out of the Motion that was before you. In fact, I do not know why you did not declare her irrelevant. It was just a Procedural Motion yet she is bringing in issues concerning her Bill, and contemplating debate on it. Now that I have been mentioned, I want to confirm to the House that I am ready to transact business pertaining the Assisted Reproductive Technology Bill.

Members, when you propose a Bill and bring it to the House, please, make it easy for your colleagues in the House to help you transact it. You remember this Bill...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): With all due respect, Hon. Kaluma, you are also debating the Bill.

Hon. Peter Kaluma (Homa Bay Town, ODM): I am not. I am just saying that Hon. Millie has accused some Members of filibustering or delaying a Bill. Am I in order to confirm to the House that it is her who is making it difficult for us to transact this Bill?

This Bill had been sent for harmonisation but she ran away from there. She wants to proceed before a report is tabled, and now she is blaming everybody yet she is the one pushing without adhering to the procedures set by the House for a quick and expeditious way of treating this Bill. Let us agree that this Bill can be transacted. Hon. Millie, be ready. We want to proceed as long as the people proposing the amendments are here.

I thank you, Hon. Temporary Speaker.

Hon. Members: Put the Question!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will avoid going to the matter of the Bill that Hon. Millie Odhiambo is raising.

(Question put and agreed to)

MOTIONS

ADOPTION OF REPORT ON INQUIRY INTO ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, laid on the Table of the House on Thursday, 7th March 2024.

(Moved by Hon. James Gakuya on 2.12.2024)

(Debate concluded on 4.12.2024 – Afternoon Siting)

(Question put and agreed to)

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You may take your seats because this is slightly long.

(Hon. Julius Rutto walked into the Chamber)

Hon. Rutto, please, take the nearest seat.

Hon. (Dr) James Nyikal and Hon. Tim Wanyonyi consulted loudly)

Order, Hon. Nyikal and Hon. Tim.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS
OF STATE CORPORATIONS (NYANZA REGION)

THAT, this House adopts the Report of the Public Investments Committee on Governance and Education on its Examination of the Reports of the Auditor-General on the Financial Statements of State Corporations (Nyanza Region) for the Financial Years 2018/2019, 2019/2020 and 2020/2021 laid on the Table of the House on Thursday, 25th July 2024 subject to:

(a) deletion of Paragraph 212 appearing on Page 41 of the Report and substituting therefor with the following new paragraph:

“The Committee recommends that the regular cash payments made for the casual works done amounting to Ksh2,308,996, be surcharged to the Governing Council of Kisumu National Polytechnic. The amount is to be paid within six months after the adoption of the Report by this House.”

(b) deletion of Paragraph 216 appearing on Page 41 of the Report, and substituting therefor with the following new paragraph

“The Committee recommends that the long-standing imprest of Ksh37,800, be written off from the institution’s books of accounts since no money was lost; it was as a result of the demise of the employee.”

(c) effecting the consequential amendments in the Report.

(Moved by Hon. Wanami Wamboka on 6.11.2024 – Afternoon Sitting)

(Debate concluded on 4.12.2024 – Afternoon Siting)

(Question put and agreed to)

BILL

First Reading

THE KENYA INSTITUTE OF PRIMATE RESEARCH BILL
(National Assembly Bill No.52 of 2024)

(The Bill was read a First Time and referred to the relevant Committee)

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, as per the reorganisation that we did earlier, we are going back to Order 7, on Questions and Statements.

QUESTIONS AND STATEMENTS

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Elachi.

REQUEST FOR STATEMENT

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation regarding the regulation of Starlink Satellite Internet Services in Kenya.

Hon. Temporary Speaker, Satellite Internet, which is powered by satellites in space, plays an important role in global connectivity by transmitting signals through a satellite dish installed in a user's premises.

In June 2023, Starlink, a subsidiary of Space X, launched its services in Kenya as a Satellite Internet Provider (SIP), offering competitively priced internet packages and speed. The Starlink project, which aims to provide global satellite internet coverage, enables unrestricted access to internet that overpass territorial regulatory frameworks. It may potentially pose a threat to personal and national security. The unlimited access to the broadband services could also jeopardise the protection of data for the users. The lack of clear policy and regulatory guidelines from the Communications Authority regarding the requirements and licensing for satellite internet providers has caused anxiety in the country.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation on the following—

1. A report on the regulatory regime under which Starlink is offering satellite internet services in the country, including the licences issued by the Government, if any.
2. The safeguards put in place to ensure that the Starlink does not breach privacy and data protection rights of subscribers as provided for in Article 31 of the Constitution and the provisions of the Data Protection Act. (Cap. 411C);
3. The measures put in place to integrate Starlink satellite internet services with local service providers, notably, Safaricom, Airtel, and Telkom, and to protect local internet providers from unfair competition likely to arise from Starlink's predatory pricing model and global competitive advantage.
4. The modalities for Starlink to remit applicable taxes to the Government.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Beatrice Elachi. Is the Chairman of the Departmental Committee on Communication, Information and Innovation, Hon. KJ, in the House? Is the Vice- Chairperson or a Member of that Committee in the House?

(Hon. John Kiarie walked into the Chamber)

I can see Hon. KJ running in. When will you be able to respond to this request for a Statement?

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Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, we will process the request for a Statement immediately. However, we will report to the House in the first week after we come back from recess.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is that okay, Hon. Beatrice Elachi?

(Hon. Beatrice Elachi spoke off the record)

Thank you very much. Hon. Lillian Siyoi, proceed with your request for a Statement.

DISAPPEARANCE OF TWO KENYANS
WORKING IN SAUDI ARABIA

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Hon. Temporary 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 Defence, Intelligence, and Foreign Relations regarding the disappearance of two Kenyans working in Saudi Arabia.

On or around 12th August 2024, a Kenyan, Ms Teresia Wanya Musangi of ID No.27314772, who was living and working in Saudi Arabia as a house attendant, went missing. Efforts to trace her were unsuccessful until 19th November 2024 when her relatives were contacted by the Ministry of Foreign and Diaspora Affairs informing them of her demise, which occurred on 13th August 2024. Her untimely demise has caused the family anguish, noting that she had been missing for three months and was in good health prior to her disappearance, according to the family.

Additionally, Ms Diana Marita Boyo of ID No.38318071, who had been working in Saudi Arabia for two years, went missing on 2nd November 2024. The family has been distraught as her whereabouts remain unknown.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

1. Action being taken by the Ministry to investigate the death of Ms Teresia Wanya Musangi and the disappearance of Ms Diana Marita Boyo, who were working in the Kingdom of Saudi Arabia.
2. Efforts being made to repatriate the remains of Ms Teresia Wanya Musangi, including providing relief measures to the family.
3. Efforts being made to ensure that Ms Diana Marita Boyo is expeditiously traced and reunited with her family.
4. Measures being put in place to address the frequent disappearances of Kenyans in the diaspora.
5. A report on the long-term strategies being put in place to streamline recruitment of Kenyans abroad in order to enhance accountability by recruitment agencies and employers on the welfare of Kenyans recruited to overseas jobs.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Let us have the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations. He is not in. Hon. Martha, you are a senior Member of that Committee.

Hon. Martha Wangari (Gilgil, UDA): Yes, Hon. Temporary Speaker. The Member has raised very critical issues. We can only respond after we get a comprehensive report from the Ministry, which has to be after we come back from recess.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is that agreeable with you, Hon. Lillian Siyoi?

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Thank you, Hon. Temporary Speaker. I do not think we can wait until we come back from recess because this lady died three months ago, and her family is waiting for her body. I wish that we can get the response as soon as tomorrow before the closure of the House, so that we know what to do.

(Hon. Martha Wangari spoke off the record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before we come back to you, Hon. Wangari, I would like to give a chance to the Member for Taita Taveta County, Hon. Haika.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. Many Kenyans have died or have gone missing in the diaspora. As the Chairperson of the Select Committee on Diaspora Affairs and Migrant Workers, I request that we have a joint sitting with the Departmental Committee on Defence, Intelligence and Foreign Relations, so that we can discuss those matters and iron them out. We need to come up with solutions to the issues affecting Kenyans in the diaspora. Some of them have even lost their lives. We can also involve the Departmental Committee on Labour.

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

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker. Allow me to add my voice to the request for a Statement by Hon. Lillian Siyoi. I support the suggestion by the Chairperson of the Select Committee on Diaspora Affairs and Migrant Workers that we should have a joint Committee. There are many issues that affect the people who go to Lebanon and Saudi Arabia. Some of them cannot be traced by their families, others are sick and cannot access healthcare, while others are in dire situations.

There are women who left this country to work in those countries, and somewhere along the way, they got children. Their children are stateless. There are 12-year-old, five-year-old and six-year-old children who are living in those countries, who cannot access basic education and healthcare because they are stateless. They cannot be processed for deportation because they do not have documents. How can someone who does not have documents and is stateless...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, just comment on the request for a Statement. Do not debate. I know it is a matter that calls for debate, but just comment in one minute.

Hon. Cynthia Muge (Nandi County, UDA): Hon. Temporary Speaker, I have another request for a Statement in the pipeline. Therefore, I will wait to present it, so that we can raise all those issues affecting our girls, women and young ladies in Saudi Arabia, Lebanon, and other countries. We will put all the issues together, and sort them out. We can then get closure on the matter.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Nandi. Hon. Millie Odhiambo, you have one minute.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. Before I came to Parliament, I conducted research on women and girls who are trafficked, and I even visited Lebanon when I was still in the Non-Governmental Organisation (NGO) sector. When I raised the matter with the Government at that time, I was told that NGOs like creating non-existent issues. It is now a real and existent issue. It has been more than 15 years since I came to Parliament and every year, questions about women and children who are suffering in those countries are raised. It behoves us as a House to take... Yes, even men. Actually, my research findings showed that men were also suffering in those countries.

As a House, we are failing this country by not taking firm action and ensuring that we provide a framework for migrant workers. That is why we even created the Select Committee

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on Diaspora Affairs and Migrant Workers. We need to bring back our people who are suffering even if it means communicating and having bilateral communication with host countries. We cannot continue having this issue all the time.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Haika, take half a minute. It must be a burning issue because you had already made your comment. Please, give her the microphone.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you once again. It is just to respond to a few things that have been said. I want to inform Hon. Millie what the Select Committee on Diaspora Affairs and Migrant Workers is doing. We are coming up with a Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie, do you want to be informed by Hon. Haika?

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Make it short.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you.

We are coming up with the Diaspora and Migration Bill. It is in the pipeline. We have been working on it and consulting. You can also help us. We shall consult you as well when the time is right so that you can bring your views. That does not stop us from speaking on the issue that we are discussing about the loss of lives of women. The Bill is coming, yes, but there are pending things. Yes, they need to be worked on.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. I will give a chance now to Hon. Martha Wangari bearing in mind the urgent matter raised by the Member and the fact that this House will not be sitting in another two months. What solution can you offer?

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Temporary Speaker.

I also want to agree with my colleagues that the matters raised are very weighty and urgent. I know just last week we had a Question from Hon. Agnes Pareyio also directed to the Committee. However, you also must consider that we are taking recess today and that the Question has just landed on the Committee. As a way forward, even as we wait for the comprehensive answer, the Committee should first endeavour to reach out to the Ministry on this specific issue. The Chair of the Committee may reach out to the Member in person and help the family. I have seen it happen even in other situations, including to a person from my constituency. The other comprehensive issues will be done in another Sitting if that is sorted out.

I agree on the joint sittings with the Select Committee on Diaspora Affairs and Migrant Workers. We have many shared and overlapping issues. I think having a joint sitting would be beneficial for the Committees and the House. That should not be a problem.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Siyoi, is that agreeable to you?

Hon. Lillian Siyoi (Trans-Nzoia County, UDA): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Even after passing a response to Hon. Lillian Siyoi, you will still table it when the House resumes. That is for the consumption of the House and the country.

The Member of Tarbaj, Hon. Hussein Abdi Barre, was here.

POOR INTERNET AND TELEPHONE CONNECTIVITY IN TARBAJ CONSTITUENCY

Hon. Hussein Abdi (Tarbaj, UDA): Thank you. This request for Statement regards poor internet and telephone connectivity in Tarbaj Constituency and the larger Wajir County.

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Pursuant to Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation regarding the poor internet and telephone connectivity in Tarbaj Constituency.

Tarbaj Constituency, which is strategically located in between some parts of Ethiopia and some parts of Somalia, faces significant social and economic challenges. Among its most critical issues is the severe lack of reliable internet and telephone connectivity. This persistent digital gap denies residents access to essential services, including mobile voice and data communication as well as vital government services that increasingly depend on internet-based platforms. The digital exclusion hinders the marginalised region from catching up with advantaged regions of the country.

It is with this in mind that I request the Chairperson of the Departmental Committee on Communication, Information and Innovation to address the following issues:

1. The specific plans by the government to improve mobile network and telephone connectivity in Tarbaj Constituency and the larger Wajir and the timelines for the implementation of connectivity projects in the area.
2. Measures being taken to ensure residents of Tarbaj Constituency and larger Wajir have equitable access to online government services and information through digital platforms.
3. A report on public-private initiatives, if any, that have been undertaken in enhancing connectivity in the remote and underserved regions like Tarbaj Constituency.

I thank you, Hon. Temporary Speaker.

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

Hon. Charles Nguna (Mwingi West, WDM): There is nothing out of order. I just want to add my sentiments.

If you travel in some parts of this country, you will realise some parts do not even have an existing network completely. I would like to ask the Chairperson of the Departmental Committee on Communication, Information and Innovation to make sure each and every village in this country is properly and adequately connected to Safaricom and other internet providers. I reinforce that they should not only investigate Wajir, but also the rest of the country to ensure Kenyans have the right to access proper communication network.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Charles Nguna, you know this is not your request for Statement. With a lot of respect, I will give you just like a minute because I want the Chair of the Departmental Committee on Communication, Information and Innovation to tell us when he is going to respond to the Hon. Member of Tarbaj. I am sure he is waiting to know. In a minute, please.

Hon. Charles Nguna (Mwingi West, WDM): I thank you. I just wanted to emphasise the issue of connecting the whole country with proper network so that each person can have access to information. Before I conclude, let me congratulate Arsenal for beating Manchester United 2-0.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Obviously, that is not relevant. The Chair of the Departmental Committee on Communication, Information and Innovation, when are you going to respond?

(Loud consultations)

There is nothing out of order, Hon. Members. In the interest of time and looking at the Order Paper, we have very serious business ahead. What is out of order, Hon. Murugara?

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Hon. George Murugara (Tharaka, UDA): We have a very, very serious Order Paper this morning. I think we are sometimes extending a little bit of our joy to where it should not be extended.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Point taken. Take your seat. Take your seat. Hon. KJ, the Chair of the Departmental Committee on Communication, Information and Innovation.

Hon. John Kiirie (Dagoretin South, UDA): I thank you. The Member for Tarbaj has raised a very serious issue. Hon. CNN gives us very good additional information.

The Committee shall engage the Communications Authority of Kenya. We shall also engage the Telcos and request that this Committee be accorded time, up to 28th January 2024 to make a response. That is so that we can understand the problem with connectivity, especially bearing the fact that this country reserves some money in the Universal Service Fund that should be covering such uncovered areas.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, give us the timelines when you are going to respond to the request for Statement.

Hon. John Kiarie (Dagoretti South, UDA): As I had said, we are requesting for time up to 28th January 2025 to come back with a comprehensive report.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Member for Tarbaj, is that agreeable?

Hon. Hussein Abdi (Tarbaj, UDA): Yes.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, I will give a chance to Hon. Yusuf Farah. Make your Request for Statement very quickly.

COMPENSATION OF VICTIMS OF WAGALLA MASSACRE

Hon. Yussuf Farah (Wajir West, ODM): Thank you for giving me this opportunity to request for a Statement regarding compensation of victims of the Wagalla Massacre.

Pursuant to provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs regarding compensation of victims of Wagalla Massacre.

The Wagalla Massacre that occurred on 10th February 1984 was a dark chapter in the history of our country. More than 5,000 people lost their lives after security forces rounded up and tortured men and male children over the age of 12 years at the Wagalla Airstrip. The quest for justice for the victims and survivors for the massacre remains an illusion. The survivors have spent decades demanding accountability from the Government without any resolution. In 2013, the Truth, Justice and Reconciliation Commission (TJRC) in its report, acknowledged the atrocities and recommended an official apology from the Government and establishment of an implementation committee to execute the recommendations. Although the fourth President, His Excellency Uhuru Kenyatta, publicly apologised for the atrocities during the 2015 State of the Nation Address, to date, none of the victims and their families have been compensated for the loss of their loved ones.

Hon. Temporary Speaker, it is against this backdrop that I request a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs on the following—

1. A report on the status of implementation of the recommendations by the TJRC specifically regarding recommendations on victims of the massacre.
2. Reasons for the inordinate delay in compensating the families and victims of the Wagalla Massacre.
3. Measures being put in place to provide support to the survivors, including providing psychological support and other rehabilitation programmes.

I thank you, Hon. Temporary Speaker.

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Chairman, Member for Tharaka.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. We promise to do this as soon as we resume because we have to get information from the relevant Government agencies regarding exactly how far it has been ascertained who is supposed to benefit, and if there are any provisions made on compensation of those victims. It was a very sad incident that occurred at that unfortunate time. We will give a detailed Statement on exactly what the position is today.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman. Hon. Yussuf Farah, is that agreeable?

Hon. Yussuf Farah (Wajir West, ODM): Hon. Temporary Speaker, this issue has been here for a long time. It is a very sad situation. The Government has promised to solve this issue so many times. I request the Committee, through you, to call the relevant agencies and invite me to that meeting to conclude this matter.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Do you agree with the timelines that he has given? Is that okay?

Hon. Yussuf Farah (Wajir West, ODM): No, it is too far.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You have just presented a Statement today. The Chairman has said that he will bring a response during the first week after recess.

Hon. Yussuf Farah (Wajir West, ODM): I am inquiring whether the Committee can sit during the recess period.

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

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. Yes, we may have time to sit because there is room after the vacation when the committees will be sitting. We do not know whether we will have a response by then. I request this Statement to be forwarded to the relevant Government agency immediately, and inform us as soon as a response is received. We will then look at it. If there is a need to summon the relevant Government officer, we will do so. There is no reason we should not do everything that should be done to bring this matter to a close.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Daudi, do you want to say something on this Statement? Please, do so in a minute.

Hon. Aden Mohammed (Wajir East, JP): Thank you, Hon. Temporary Speaker. As Hon. Farah has said, this was a dark chapter in our history. The more we darken it and kick the can down the road, the more it will fester. As Hon. Yussuf has requested, the Committee, of which I am a Member, should call these relevant agencies and invite the Member to thrash out those issues. After that, bring the response to the House instead of just waiting for us to get a very canned answer which says nothing. A lot of Members have been saying that Government agencies and Ministries give us very funny answers.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Daudi. Hon. Members, this House has faith in the leadership of Hon. Murugara. I assure you that this Statement will be responded to very well. Let us not prescribe to the Committee how or whom they will invite. It will also seek possibilities of sitting during the recess. But, we will go by the first week after recess, as the Hon. Chairman has indicated. Every other issue that has been said will be taken into consideration.

Hon. Members, we have responses to Statements. In the interest of time, I encourage you to summarise. If you look at the Order Paper, you will see the business ahead. We will start with the Chairman of the Departmental Committee on Administration and Internal Affairs. I can see Hon. Chairman is seated waiting to respond to the Statement by Hon. Bernard Kitur.

STATUS OF INVESTIGATION RELATING
TO KIDNAPPING OF MR PASGALIS KOSGEI,

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. This is a response to the Statement sought by the Member for Nandi Hills, Hon. Bernard Kitur. He wanted to know the status of the investigation relating to the kidnapping and torture of Mr Pasgalis Kosgei. He also wanted to know the steps taken by the Government to stop abduction and enforced disappearance. Lastly, he wanted to know when the Ministry will forward the International Convention for the Protection of All Persons from Enforced Disappearance to Parliament for ratification.

The Chairman of bodaboda operators in Nandi Hills, Mr Pasgalis Kosgei, reported that on 15th July 2024, at around midday, he joined local community members, together with the Member of Parliament for a peaceful demonstration around the town before proceeding to the Nandi Tea Factory. Later the same day, at around 2 p.m., he went to Embassy Hotel situated in Nandi Hills. He received a phone call from former Sub-County Criminal Investigations Officer (SCCIO) Nandi East, one Chief Inspector Rahamad Wasilwa. He inquired from him his whereabouts and whether he was among the people who had participated in the demonstration.

The victim stated that he left the hotel and was accosted by four men in a Toyota Fielder, Registration No. KBU 612. The abductors, who were armed with pistols, unsuccessfully attempted to force him into their car. He managed to escape from them and reported the matter to the Nandi Police Station via Occurrence Book No. 341507 of 2024. He further claimed that after he left the police station on the same date, on his way home, he was kidnapped again. He stated that he was kept by the abductors in their Saloon car. However, one of the abductors who spoke in Kalenjin language convinced the rest to spare him. However, they tortured and abandoned him beside the tarmac road between Mogoget and Nandi Hills Junction. He was found by Daniel Kemboi and his brother, Henry, while unconscious.

He informed the investigating officer that the abductors stole some items from him, including some cash, a debit card, a National Health Insurance Fund (NHIF) card and a mobile phone. The victim stated that the kidnappers accused him of assisting the Member of Parliament, Hon. Bernard Kitur, to convene the said meeting, championing for Koitaleel Samoei University College, and talking ill of Eastern Produce Kenya Limited, the tea company.

During the episode, the victim stated that he was held in the abductors' car. The police officers—under the command of the Inspector of Police Caroline Ndema—visited the scene. Consequently, a police inquiry file was opened by the SCCIO at Nandi Hills to establish the identity of the abductors with a view to prefer criminal charges against them. However, he informed them that he did not identify the abductors. By the time of writing and responding to this Statement, the investigation was still ongoing.

On the second question, the Government has employed measures to address abductions and all reported cases are investigated. They include surveillance, patrols and the sensitisation of the members of the public to report any suspicious activities.

On the last question, the object and the purpose of the International Convention for the Protection of All Persons from Enforced Disappearance is to prevent enforced disappearance. It started being enforced on 23rd December 2007. Kenya signed it on 6th February 2007, but it has not been ratified.

Under Section 4(a) of the Act, the national Executive is responsible for initiating treaty-making process, negotiation and ratification. This responsibility may be delegated to a relevant State department. Under Section 7 of the Act, where the Government intends to ratify a treaty, the Cabinet Secretary of the relevant State department shall, in consultation with Attorney-General, submit to the Cabinet the relevant treaty together with the memorandum. As far as

this treaty is concerned, the relevant ministries or State department are still consulting on which ministry or State department is to take the lead in the process.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Bernard Kitur, Member for Nandi Hills.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you, Hon. Temporary Speaker. I want to thank the Chairman of the Departmental Committee on Administration and Internal Affairs for the response.

However, in the first instance, I would have expected an apology for taking too long. He had made a commitment to present this almost a month ago, so that we take serious parliamentary promises. When a Chairman pledges that they are going to present a Statement at a particular time, they should do that and be serious about it. Nonetheless, apart from the entire analogy of the events of what happened in the abduction of Pasgalis, the only thing I heard at the end was investigation is still on. It is not true that there is an investigation going on because Pasgalis came to me and told me that he had been going to the police station over and over again. And since there was nothing that was happening, that is why I came to Parliament to try and get this a bit fast-tracked.

To date, Chief Inspector Wasilwa was transferred from Nandi Hills. He had been there for a long time. He knows the many bad things he did in Nandi Hills. When we came to power, he was transferred to Kitui. But when this matter happened, he appeared from nowhere because the former Eastern Province of Kenya had been using police administration sometimes to frustrate the locals of Nandi Hills. And so, on the day when this happened, we were demonstrating. Abductions are things that pain and are demeaning. I went and I saw Pasgalis in hospital and observed that he had been thoroughly beaten.

I am not satisfied with the Statement. I still need to hear today who has been arrested. Unfortunately, no one has been arrested. Have any perpetrators been called? Has even Pasgalis himself been called? No. For the people who were mentioned, no one has been called.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): So, you are now saying that the answer is not satisfactory?

Hon. Bernard Kitur (Nandi Hills, UDA): It is not satisfactory.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You need to ask specific questions to the Chairman. What is not satisfactory to you?

Hon. Bernard Kitur (Nandi Hills, UDA): I would like to find out why have the people who were mentioned not been called to even write a statement? None has been called. Why has that not happened? Why have Eastern Provincial officers not summoned and the security officers who were mentioned not called even to write a statement?

Finally, what is the government doing regarding the issue of adoption of the treaty for the abductions? If I heard the Chairman well, he said in the final part of the Statement that it is a process that is going on and it is not known which department is involved.

He needs to be very clear. I am sure it is the government's agenda that nobody should be abducted in any way or a person should not just disappear from anywhere. So, he needs to come out clear when the treaty will be brought to this House for ratification. Seriousness should be shown by calling the people that I mentioned to record statements other than the normal cliché of saying that investigation is ongoing. That is a very lazy statement.

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

Hon. Gabriel Tongoyo (Narok West, UDA): First and foremost, as much as I really understand the concern and the feeling of the concerned Member, the Statement is very express and clear that the inquiry file has been opened. That means that even members of the public are expected to report what they know so that police can do investigations.

However, there was mention of a chief inspector who was Senior County Commander Investigations Officer of Nandi Hills, which of course from the report, he said had contacted the victim. If it is true, I also agree that nobody is above the law. The same officer needs to have written the statement to say what he knows so that it can form part of the inquiry. But I should also encourage the Hon. Member that the investigations are a little bit complex. Criminals are also smart and they cover their tracks. So, it is a situation that we should just learn also to be patient. And I trust that in due course, the perpetrators will be brought to book.

On the issue of ratification of the treaty, the Statement is also very express that the consultation is ongoing.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Chairman, in the interest of time, can you give timelines on when this matter will be dealt with? Do you have an indication of timelines or you are telling him in due course?

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, one can never be precise on when. Because the inquiry file is open, he can as well help us to encourage members of the public to go and report because it can speed up and aid in the investigation.

Hon. Adan Keynan (Eldas, JP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kitur, you have one minute after a point of order by Hon. Keynan. What is out of order, Hon. Keynan?

Hon. Adan Keynan (Eldas, JP): Ideally, Hon. Temporary Speaker, there is nothing that is out of order, but I have heard the words ‘abduction’ and ‘disappearances’ being mentioned. The framers of the current Constitution, the great men and women who fought for the making of this important nation and State called Kenya never imagined at any one moment that under this generous Constitution, a time will come when adherence to the rule of law and constitutional order will be put aside and criminal elements in the name of anything will just abduct people, will make sure individuals disappear and then on the face of it, you are told we are not aware, we are investigating or we have opened an inquiry file. Hon. Chairman and Hon. Members, the only thing that separates the adherence of the rule of law is when everybody understands there is a boundary, there is a limitation to what one can do, whether you are in the security apparatus, whether you are a criminal element and so on.

As it is right now, an elected leader from Wajir has been missing since 13th September 2024. The trails and footprints have all shown that he is being held by our security apparatus. Nobody is talking about it and nobody has been brought to court as a criminal element involved. The police and all our criminal agencies are not saying this is what has happened.

Hon. Temporary Speaker, this is where we need to protect our country. There can only be two assumptions. If there are criminal elements hell bent on engaging in criminal activities, whose duty is it to protect Kenyans against these criminals? It is the duty of the security agencies. If the security agencies are involved, then they are also duty bound to adhere to the rule of law and take individuals suspected to have committed a crime to court. Both are not happening and that is what I want to ask the Hon. Chairman.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You have made your point.

Hon. Adan Keynan (Eldas, JP): My conclusion is this: I understand the intrigues and I really empathise with him because I know what he has been asked to convey, having been a former Chairman. I want the Hon. Chairman to put his foot down because he is a very important leader. Gabriel is not the making of anyone. In fact, he is on the list of those I call test-tube politicians. You are a self-made politician. Do not accept some of the answers that do not deserve to be brought to this House. Throw them out of the window. Demand for a proper answer that befits your stature and that of this House. That is what the Hon. Member is asking for.

Hon. Chairman, that MCA is still somewhere. Hon. Yusuf Hussein is yet to be brought to court. We want closure and nobody is talking about it yet he is a leader. If it can happen to

an elected leader and a State officer, tomorrow they will do it to you and it will be said it is the work of criminal elements. Go back to those people and tell them that we demand a plausible and reasonable answer to some of these questions that we raised. Telling us that it is an abduction does not make sense.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Keynan, you have made your point. Hon. Kitur, you have one minute and another minute for the Chairman.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you. Hon. Keynan, our senior and the Member for Eldas has put it as I would have wanted it to be. You will never understand this open-ended statement, “we will conduct an investigation”, until you are personally involved in it. When an abduction was done in Nandi Hills, leave alone the other side where we talk about insecurity issues, I requested for a Statement, then they have gone and written names of people who were involved and yet none has been called. And we hear that the file has just been opened. I do not think that is the way it should be.

On the issue of the ratification of this treaty, I would have expected the Chairman to say that maybe in six months this will have been done and brought to Parliament so that we show the seriousness that we do not accept the aspect of abductions. With this, I still feel that the file may be open, but I want the pro-activeness of the security apparatus to go back and call all those people who were mentioned to write the statement.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Clearly, he is not satisfied with the answer. I would like you to tell the House when you are going to give Hon. Kitur a more comprehensive one.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, I am hopeful that by the time we come back from recess, there will be much progress made on the inquiry. We will then be able to respond appropriately.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. When we come back from recess.

Chairman, Departmental Committee on Blue Economy and Irrigation, I kindly ask that you summarise your response. Hon. Members, I will not encourage debate on the matter that we have already closed. Is Hon. Gonzi Rai in the House?

(Hon. Gonzi Rai spoke off the record)

Okay, proceed.

STATUS OF IMPLEMENTATION OF MAKAMINI DAM PROJECT

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. Hon. Gonzi Rai is lucky because I had checked where he sits a few minutes ago, and he was not there. I thought that I would just table the answer. Now that he is in, I have the response.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): But please summarise it.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Gonzi Rai rose to ask a Question regarding Makamini Dam and I wish to state the following:

Makamini Dam Project is located west of Makamini Shopping Centre in Kwale County. The project is funded by the national Government and implemented through the Coast Water Works Development Agency. It aims to improve the access of water to more than 400 residents in Makamini, Kinangoni, Matumbi, Mtaa, Mabesheni, Bofu, Kabondogo, Mnyenzi and Mwabila sub-locations.

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The scope of the Makamini Dam includes the construction of a 12-meter high earth fill dam, with a crest length of 766 meters and a width of six meters, creating a reservoir with a capacity to harvest and store 4.2 million cubic meters of water. The project includes the treatment plan with the capacity of 2800 cubic metres per day with three water kiosks to complement the distribution lines.

Regarding the contract for the design and construction of Makamini Dam, Phase one was awarded a total sum of Ksh1.3 billion and commenced on 3rd November 2020. Following the signing of the contract on 6th October 2020, the works were originally scheduled for completion in six months, that is, from 2nd November 2023. However, the approved extension of time added four months, revising the completion date to 3rd March 2024.

A further 10 months extension has been requested due to the land compensation disputes potentially extending the completion date to 28th December 2024 and increasing the contract period to 15 months, subject to the resolution of land issues. Despite the challenges, the project faces a physical progress. Phase one is currently at 70 per cent. The progress was however put on hold as a result of land disputes arising from the communities around the project.

I wish to bring to the attention of the House that one of the significant challenges in Makamini Dam is land issues. Originally the land earmarked for the project was a ranch, but the ownership transitioned over time creating a dispute with the local community. On 20th February 2024, the community partially stopped the construction activities when the project had achieved 63 per cent physical completion rate. Despite these challenges, the contractor managed to push the progress to 70 per cent before the complete cessation of works was enforced by the community.

This stoppage has led to multiple notices and claims by the contractor for idle equipment, staff cost, price adjustment and the potential loss of profit. If work does not resume promptly, the cost associated with these claims are expected to escalate further adding to the project's financial strains. In addition, inadequate budgetary allocation and disbursement have significantly impacted on the project. For instance, in the Financial Year 2023/2024, while Ksh100 million was allocated to the project, only Ksh25 million was disbursed. There was no budget allocation made for the 2024/2025 Financial Year. To complete the project, an estimated Ksh550 million is urgently required.

Regarding the measures that have been put in place, the Ministry of Water, Sanitation and Irrigation has actively addressed the challenges facing the Makamini Dam as follows:

To secure adequate funding, the Ministry is working closely with the National Treasury and my committee to reinstate the project budget under the Supplementary II Estimates. To resolve the compensation issues, the Coast Water Development Agency has prepared a draft Resettlement Action Plan. This Plan identifies the persons affected by the project and details including the compensation for land, crops and disturbance allowance. The Plan has been submitted to the National Land Commission which has advanced in the process by publishing two Gazette Notices, including the intent to acquire the land under Notice No.3660 of 17th March 2023, conducting public inquiries, and Gazette Number 16976 of 8th December 2023. The final valuations are nearly complete.

To address the grievances, there is a grievances redress committee which was formed by the Ministry. This committee comprises representatives from the Coast Water Works Development Agency, the Kwale County Government and the County Commissioner's Office. The people in charge are the Land Commission Coordinator, the County Land Valuer and the Managing Director of the Water and Sewerage Company. Furthermore, the Coast Water Works Development Agency is engaging the local communities through the corporate social responsibility initiatives. This includes the construction of two classrooms in Makamini Primary School, which are 50 per cent complete and supplying of water to Makamini Health

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Centre on request, with over 100,000 litres of water already delivered. Plans are in place to build two community toilets and their location has already been identified. Additionally, the access road to Kizingo Dam has been completed, improving the community's ability to access water.

Lastly, the Ministry of Water, Sanitation and Irrigation has been collaborating with the National Land Commission in finalising the evaluation and inquiry reports. This will provide a basis for compensation of the project affected persons (PAPs) and resolve the land-related challenges. As mentioned earlier, the report is complete, awaiting the next steps of land acquisition and compensation. The Ministry is working closely with the National Treasury with respect to budgetary allocations so as to ensure timely availability of funds necessary for both compensation and completion of the project.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairman, I know it is very hard to summarise a document that is not yours. Please assist the House by summarising.

Hon. Kangogo Bowen (Marakwet East, UDA): In fact, I am on the last point. I want to state that the Ministry is determined to complete phase two of Makamini Dam and achieve the constitutional rights of water for the communities around the project. This report is signed by the Cabinet Secretary for Water, Sanitation and Irrigation, Eng. Eric Muriithi Muuga. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairman. What is your position Hon. Gonzi Rai, Member for Kinango Constituency in a summary?

Hon. Gonzi Rai, (Kinango, PAA): Thank you, Hon. Temporary Speaker. I will summarise. The report is good on paper but on the ground, things are bad. Over 160 families were affected by this dam in 2021. To date, they have not been settled. When will the Hon. Chairman visit the affected persons? He can call for a meeting with the Coast Water Works Development Agency, ministry and affected persons so that they can be given a timeline on when they will be compensated. They want to find a better place to stay. Currently, it is raining and they have not been provided with tents. So, if the Chairperson can just give an undertaking, I will appreciate. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, for summarising. Hon. Chairman, when will you address the issue of the PAPs?

Hon. Kangogo Bowen (Marakwet East, UDA): The Hon. Member is aware that the Ministry has constituted a grievance redress committee. It has composition from the Coast Water Works Development Agency, Kwale County Commissioner, Kwale County Government and the NLC.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): As the Chairman, are you able to deal with this issue? A committee has been constituted and NLC is in a different ministry.

Hon. Kangogo Bowen (Marakwet East, UDA): This is within the purview of the ministry because it is a multi-sectoral issue, which involves NLC, the ministry and Kwale County Government. I will follow-up with the ministry so that they can speed up the process.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): That is when the House resumes in good time?

Hon. Kangogo Bowen (Marakwet East, UDA): The first week after we resume.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Gonzi Rai, he will get back to you in the first week after we come back.

Hon. Gonzi Rai, (Kinango, PAA): This grievance redress committee has been there since 2021. I am requesting the Committee to give an undertaking because nothing has been done. People are suffering. So, the Committee should handle this matter. I will truly appreciate.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I will lead a visit to Makamini Dam, the second week after we resume. I will invite the Hon. Member for a meeting on the ground.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai) Thank you very much.

Hon. Kangogo Bowen (Marakwet East, UDA): I appreciate, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Racheal Nyamai): Hon. Chairman, you are also giving a response to a statement raised by Hon. Joseph Namuar. I can see him in the House. Proceed and summarise.

MEASURES TO CONTROL KALAWASE RIVER FLOODS IN TURKANA

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. This is an issue about Kalawase River floods in Turkana County. I wish to state the following: That the National Water Harvesting and Storage Authority has been carrying out flood control in Kalawase River. The objective is to divert the course of the river by excavating a 100 meters wide diversion channel and blocking the old course using gabions. This was done at a section in Kalawase River to protect the destructive flow of the river to Napatet Village in the surrounding areas.

They started building gabions at a place called Soweto. There was an allocation of about Ksh250 million for this project. But due to inadequate budget allocation, the money could not be disbursed all at once. In the Financial Year 2021/2022 only Ksh20 million was allocated to the Authority to undertake the excavation of 10 by 2 by 800 meters length at Napatet site.

In the Financial Year 2021/2022, the project was prioritised and an additional allocation of about Ksh42 million was disbursed to undertake the same. In the Financial Year 2022/2023, the budget was increased to Ksh.74 million. The works which were undertaken included expansion and diversion of the channel by 30 meters. Currently, because of financial challenges, that project is still ongoing. The last phase of redesigning of the project is ongoing. I have shared this response with the Hon. Member. There is need of an additional Ksh192 million to solve the flooding problem in that area.

Thank you, Hon. Temporary Speaker. I had given the Hon. Member a copy of this response.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairman for summarising. Member for Turkana Central is the answer satisfactory? Are you satisfied with the written response you received?

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Speaker. From the outset, at least the ministry is honest and sincere that this project has continued to fail in its implementation. On the ground the projects done were destroyed by the river which is inside Lodwar Town. As you know, this is the headquarters of Turkana County. The people of Napatet Village have lost their property including their ancestral land. Over 150 persons have been displaced and are now homeless. They live in some makeshift homes in the adjacent village called Lokori. In Turkana, when we say ancestral land, it means a huge chunk of land. I want to inform the Chairman of the Committee that the Government might lose Lodwar Airstrip if we are not going to stop this flooding.

The Government has lost Ksh138 million so far which is 55.2 per cent of the intended Ksh250 million. So, we are wasting resources because there is nothing tangible. The response is recommending a redesign. In the first place, they lacked skills to implement this project. They have raised the issue of funding but on the ground, it looks like the people who are implementing this project lack the required skills. I request we be given a budget that is not phased. In this case, when they give a small budget, the river destroys the gabions. I request

the Hon. Chair to visit together with his Committee and look at this project. It is ironic to find that the adjacent area that the Chinese did is doing very well, but Soweto...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please do not over-debate. I think you have done it very well.

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Temporary Speaker, this is very critical for me as a representative of that area. In that area, there are still internally displaced people (IDPs). People are homeless and this is because people are being told to implement some given project but nothing is happening. I want the Government to take this issue seriously. We can start with the Chair. He should visit and see what has been happening. It is a joke. We need some seriousness on this matter.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Chair, in a minute. How are you going to deal with this serious matter that has been raised by the Member for Turkana Central?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, it is true. I want to agree with Hon. Emathe that the budget issue is a problem. The Hon. Chair of the Budget and Appropriations Committee is here. Our budget is based on projections. Sometimes they say we are going to collect this amount and it does not materialise. Assuming this project was allocated Ksh250 million, but because of the budgetary issues, they started with Ksh20 million.

I will work with Hon. Ndindi here on that. That village has a very unique geographical formation where even if you work on a certain part of the river, it collapses when there is heavy rain. I am going to seek support from the Clerk's Office so that we can visit Turkana together with the ministry engineers so that they can see how they can address that challenge.

On the issue of budgetary allocation, I am going to talk with Hon. Ndindi so that we save that village and also Lodwar Airstrip.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairman. Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]

CONSIDERATION OF THE PRESIDENT'S RESERVATIONS TO THE COUNTY
ALLOCATION OF REVENUE BILL
(Senate Bill No. 25 of 2024)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we are now in the Committee of the whole House to consider the President's Reservations to the County Allocation of Revenue Bill (Senate Bill No. 25 of 2024) by the Hon. Leader of the Majority Party.

(Hon. Millie Odhiambo-Mabona spoke off the record)

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Hon. Millie, is it about this Bill? We are already in the Committee of the whole House for this specific one.

We have two sets. Under Order No. 12, we are only dealing with the President's Reservations. Then we will break it. Then there is another Order No. 15 that deals with the Person with Disabilities Bill then the Startup Bill and lastly the Assisted Reproductive Technology Bill.

Hon. Millie, I do not want us to get confused. We are only dealing with Order No. 12 now, which is on the President's Reservations to the County Allocation of Revenue Bill (Senate Bill No. 25 of 2024). Anything outside that is really out of place in this one.

First Schedule

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting the First Schedule and replacing it with the following new Schedule:

FIRST SCHEDULE

(S. 4(1))

Revised Allocation for Each County Governments' Equitable Share of Revenue Raised Nationally in the Financial Year 2024/2025

S / No.	County	2023/2024				Total equitable share	2024/2025				
		0.5 (Allocation ratio)		(Equitable share-0.5 Allocation ratio *(Formula)			0.5 (Allocation ratio*)		(Equitable share** -0.5 Allocation ratio) *(Formula***)		Total equitable share****
		Allocation ratio	Equitable share	Allocation ratio	Equitable share		Allocation ratio	Equitable share	Allocation ratio	Equitable share	
		Column A	Column B	Column C	Column D		Column E = B + D	Column F	Column G	Column H	Column I
1.	Baringo	1.61	2,547,825,000	1.804755	4,099,945,283	6,647,770,283	1.61	2,547,825,000	1.805755	4,002,044,213	6,549,869,213
2.	Bomet	1.74	2,753,550,000	1.859527	4,224,373,365	6,977,923,365	1.74	2,753,550,000	1.859527	4,123,501,123	6,877,051,123
3.	Bungoma	2.81	4,446,825,000	2.933936	6,665,157,910	11,111,982,910	2.81	4,446,825,000	2.933936	6,506,003,080	10,952,828,080
4.	Busia	1.9	3,006,750,000	1.967137	4,468,835,972	7,475,585,972	1.9	3,006,750,000	1.967137	4,362,126,298	7,368,876,298
5.	Elgeyo / Marakwet	1.22	1,930,650,000	1.263699	2,870,803,380	4,801,453,380	1.22	1,930,650,000	1.263699	2,802,252,533	4,732,902,533
6.	Embu	1.36	2,152,200,000	1.404035	3,189,611,152	5,341,811,152	1.36	2,152,200,000	1.404035	3,113,447,613	5,265,647,613
7.	Garissa	2.22	3,513,150,000	2.084563	4,735,598,039	8,248,748,039	2.22	3,513,150,000	2.084563	4,622,518,453	8,135,668,453

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S / No.	County	2023/2024				Total equitable share	2024/2025				
		0.5 (Allocation ratio)		(Equitable share-0.5 Allocation ratio *(Formula))			0.5 (Allocation ratio*)		(Equitable share** -0.5 Allocation ratio) *(Formula***)		Total equitable share****
		Allocation ratio	Equitable share	Allocation ratio	Equitable share		Allocation ratio	Equitable share	Allocation ratio	Equitable share	
		Column A	Column B	Column C	Column D		Column E = B + D	Column F	Column G	Column H	
8.	Homa Bay	2.13	3,370,725,000	2.094275	4,757,661,238	8,128,386,238	2.13	3,370,725,000	2.094275	4,644,054,813	8,014,779,813
9.	Isiolo	1.34	2,120,550,000	1.223064	2,778,490,974	4,899,040,974	1.34	2,120,550,000	1.223064	2,712,144,420	4,832,694,420
10.	Kajiado	2.03	3,212,475,000	2.239572	5,087,739,143	8,300,214,143	2.03	3,212,475,000	2.239572	4,966,250,910	8,178,725,910
11.	Kakamega	3.29	5,206,425,000	3.392202	7,706,221,946	12,912,646,946	3.29	5,206,425,000	3.392202	7,522,207,935	12,728,632,935
12.	Kericho	1.7	2,690,250,000	1.76643	4,012,880,610	6,703,130,610	1.7	2,690,250,000	1.76643	3,917,058,525	6,607,308,525
13.	Kiambu	2.98	4,715,850,000	3.306576	7,511,701,407	12,227,551,407	2.98	4,715,850,000	3.306576	7,332,332,280	12,048,182,280
14.	Kilifi	3.3	5,222,250,000	3.031567	6,886,950,761	12,109,200,761	3.3	5,222,250,000	3.031567	6,722,499,823	11,944,749,823
15.	Kirinyaga	1.34	2,120,550,000	1.452481	3,299,668,168	5,420,218,168	1.34	2,120,550,000	1.452481	3,220,876,618	5,341,426,618
16.	Kisii	2.46	3,892,950,000	2.361901	5,365,639,582	9,258,589,582	2.46	3,892,950,000	2.361901	5,237,515,468	9,130,465,468
17.	Kisumu	2.16	3,418,200,000	2.176122	4,943,596,848	8,361,796,848	2.16	3,418,200,000	2.176122	4,825,550,535	8,243,750,535
18.	Kitui	2.79	4,415,175,000	2.823516	6,414,311,696	10,829,486,696	2.79	4,415,175,000	2.823516	6,261,146,730	10,676,321,730
19.	Kwale	2.46	3,892,950,000	2.064999	4,691,153,597	8,584,103,597	2.46	3,892,950,000	2.064999	4,759,135,283	8,742,085,283
20.	Laikipia	1.32	2,088,900,000	1.439134	3,269,347,172	5,358,247,172	1.32	2,088,900,000	1.439134	3,191,279,645	5,280,179,645
21.	Lamu	0.82	1,297,650,000	0.853837	1,939,700,946	3,237,350,946	0.82	1,297,650,000	0.853837	1,893,548	3,191,033,548
22.	Machakos	2.45	3,877,125,000	2.495952	5,670,169,429	9,547,294,429	2.45	3,877,125,000	2.495952	5,534,773,560	9,411,898,560
23.	Makueni	2.34	3,703,050,000	2.091964	4,752,411,232	8,455,461,232	2.34	3,703,050,000	2.091964	4,638,930,170	8,341,980,170
24.	Mandera	3.23	5,111,475,000	2.870795	6,521,717,584	11,633,192,584	3.23	5,111,475,000	2.870795	6,365,987,913	11,477,462,913
25.	Marsabit	2.14	3,386,550,000	1.837286	4,173,847,458	7,560,397,458	2.14	3,386,550,000	1.837286	4,074,181,705	7,460,731,705
26.	Meru	2.54	4,019,550,000	2.585269	5,873,074,983	9,892,624,983	2.54	4,019,550,000	2.585269	5,732,834,008	9,752,384,008
27.	Migori	2.14	3,386,550,000	2.181096	4,954,896,513	8,341,446,513	2.14	3,386,550,000	2.181096	4,836,580,380	8,223,130,380

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S / N o.	County	2023/2024				Total equitable share	2024/2025				
		0.5 (Allocation ratio)		(Equitable share-0.5 Allocation ratio *(Formula)			0.5 (Allocation ratio*)		(Equitable share** -0.5 Allocation ratio) *(Formula***)		Total equitable share****
		Allocation ratio	Equitable share	Allocation ratio	Equitable share		Allocation ratio	Equitable share	Allocation ratio	Equitable share	
		Column A	Column B	Column C	Column D		Column E = B + D	Column F	Column G	Column H	
28.	Mombasa	2.23	3,528,975,000	1.907145	4,332,549,375	7,861,524,375	2.23	3,528,975,000	1.907145	4,229,094,038	7,758,069,038
29.	Murang'a	1.99	3,149,175,000	1.903651	4,324,611,893	7,473,786,893	1.99	3,149,175,000	1.903651	4,221,346,093	7,370,521,093
30.	Nairobi	5.03	7,959,975,000	5.331619	12,112,085,113	20,072,060,113	5.03	7,959,975,000	5.331619	11,822,865,133	19,782,840,133
31.	Nakuru	3.31	5,238,075,000	3.677942	8,355,350,700	13,593,425,700	3.31	5,238,075,000	3.677942	8,155,836,385	13,393,911,385
32.	Nandi	1.69	2,764,425,000	2.038462	4,630,868,268	7,305,293,268	1.69	2,764,425,000	2.038462	4,520,289,485	7,194,714,485
33.	Narok	2.54	4,019,550,000	2.278744	5,176,727,984	9,196,277,984	2.54	4,019,550,000	2.278744	5,053,114,820	9,072,664,820
34.	Nyamira	1.52	2,405,400,000	1.289228	2,928,798,788	5,334,198,788	1.52	2,405,400,000	1.289228	2,858,863,090	5,264,263,090
35.	Nyandarua	1.54	2,437,050,000	1.526987	3,468,926,889	5,905,976,889	1.54	2,437,050,000	1.526987	3,386,093,673	5,823,143,673
36.	Nyeri	1.71	2,706,075,000	1.663591	3,779,256,505	6,485,331,505	1.71	2,706,075,000	1.663591	3,689,03,043	6,395,088,043
37.	Samburu	1.46	2,310,450,000	1.445524	3,283,863,630	5,594,313,630	1.46	2,310,450,000	1.445524	3,205,449,470	5,515,899,470
38.	Siaya	1.83	2,895,975,000	1.922329	4,367,043,569	7,263,018,569	1.83	2,895,975,000	1.922329	4,262,764,558	7,158,739,558
39.	Taita/Taveta	1.34	2,120,550,000	1.285301	2,919,877,641	5,040,427,641	1.34	2,120,550,000	1.285301	2,850,154,968	4,970,704,968
40.	Tana River	1.85	2,927,625,000	1.700488	3,863,077,124	6,790,702,124	1.85	2,927,625,000	1.700488	3,770,832,140	6,698,457,140
41.	Tharaka-Nithi	1.24	1,962,300,000	1.06347	2,415,933,913	4,378,233,913	1.24	1,962,300,000	1.06347	2,358,244,725	4,320,544,725
42.	Trans Nzoia	1.82	2,880,150,000	2.033534	4,619,673,103	7,499,823,103	1.82	2,880,150,000	2.033534	4,509,361,645	7,389,511,645
43.	Turkana	3.33	5,269,725,000	3.466154	7,874,222,120	13,143,947,120	3.33	5,269,725,000	3.466154	7,686,196,495	12,955,921,495
44.	Uasin Gishu	2	3,165,000,000	2.315872	5,261,073,377	8,426,073,377	2	3,165,000,000	2.315872	5,135,446,160	8,300,446,160
45.	Vihiga	1.47	2,326,275,000	1.29449	2,940,752,717	5,267,027,717	1.47	2,326,275,000	1.29449	2,870,531,570	5,196,806,570
46.	Wajir	2.7	4,272,750,000	2.456659	5,580,905,707	9,853,655,707	2.7	4,272,750,000	2.456659	5,447,641,333	9,720,391,333
47.	West Pokot	1.58	2,500,350,000	1.793121	4,073,515,788	6,573,865,788	1.58	2,500,350,000	1.793121	3,976,245,818	6,476,595,818

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S / N o.	County	2023/2024				Total equitable share	2024/2025				
		0.5 (Allocation ratio)		(Equitable share-0.5 Allocation ratio *(Formula)			0.5 (Allocation ratio*)		(Equitable share** -0.5 Allocation ratio) *(Formula***)		Total equitable share****
		Alloca tion ratio	Equitable share	Allocati on ratio	Equitable share		Allo cati on ratio	Equitable share	Allocati on ratio	Equitable share	
		Colu mn A	Column B	Column C	Column D		Column E = B + D	Col umn F	Column G	Column H	
	Total	100	158,250,000, 000	100	227,174,618, 319	385,424,618,31 9	100	158,250,000, 000	100.0000 01	221,750,000, 000	380,000,000, 000
					227,174,620, 590	385,424,620,5 90				221,750,002, 218	380,000,002, 218

Hon. Temporary Chairlady, for us to be on the same page with all the Members, we passed the Appropriation Bill a few months ago and then we had the Supplementary 1 a month later. Before that, we had the Division of Revenue Bill which was Ksh400 billion. After we did Supplementary 1, it came to Ksh380 billion. Again, last week we passed the mediated Division of Revenue Bill version of Ksh387 billion.

All we are trying to do is align this document to be on the same figure. This is because, the County Allocation of Revenue Act (CARA) should be on the same figure with the Division of Revenue Act (DORA).

When we resume next year, we are going to align the two documents with the County Allocation of Revenue Bill, before it becomes an Act, so that we can have a consistent figure of the money that is going into our counties. That is the reason that we are considering this Bill. It has come from the Senate, already aligned. I am sure the amendment will be moved thereafter.

Hon. Temporary Chairlady, I beg to move.

The Temporary Chairlady (Hon. Martha Wangari): Okay, that is very well.

(Question of the amendment proposed)

Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Chairlady. I think this morning there was a very detailed Communication from the Hon. Speaker in terms of what has happened to this important Bill. What is interesting is that the President has assented to the Division of Revenue Bill, which now becomes an Act of Parliament. In that Division of Revenue Act, the figure was Ksh387 billion. It automatically means that he has changed the figure from Ksh400 billion to Ksh387 billion and not the Ksh380 billion which was bringing in reservations.

With that clarity, I support it. We should approve it.

The Temporary Chairlady (Hon. Martha Wangari): Thank you, Hon. Nyakundi.

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): Thank you, Hon. Temporary Chairlady. As much as we support devolution and support that the counties should be given money, I do not support the County Allocation of Revenue Bill. We are living in extraordinary times where the money that was supposed to be given to counties was reduced to about Ksh387 billion. In most of these counties, we do not see what these monies do, especially money allocated for roads. They wanted more money especially from Road Maintenance Levy Fund (RMLF) to go to counties. We want to say that the money that is used as RMLF by the Kenya

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Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) and Kenya National Highways Authority (KeNHA) should not go to counties because they have not shown us exactly what they do with their money compared to KeRRA. As we know, KeRRA has the capacity even in terms of competent engineers. I support the President's Reservations on the County Allocation of Revenue Bill.

The Temporary Chairlady (Hon. Martha Wangari): The Chair has moved the President's Reservations. The Deputy Majority Whip has an amendment to the same.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the President's recommendations to the First Schedule be deleted and replaced thereof with the following:

FIRST SCHEDULE
(s.4(1))

**Allocation of Each County Government's Equitable Share of Revenue Raised
Nationally in the FY 2024/25.**

SN	County	FY 2023/24	FY 2024/25				
		Total Equitable Share	0.5 (Allocation Ratio*)		(Equitable Share** - 0.5 Allocation Ratio) * (Formula***)		Total Equitable Share****
			Allocation Ratio		Allocation Ratio	Equitable Share	
		385,424,616,062		158,250,000,000		229,175,000,000	387,425,000,000
		Column A	Column B	Column C	Column D	Column E	Column F=C+E
1	Baringo	6,647,771,186	1.61	2,547,825,000	1.80	4,136,048,223	6,683,873,223
2	Bomet	6,977,924,070	1.74	2,753,550,000	1.86	4,261,571,755	7,015,121,755
3	Bungoma	11,111,983,608	2.81	4,446,825,000	2.93	6,723,848,599	11,170,673,599
4	Busia	7,475,585,295	1.90	3,006,750,000	1.97	4,508,185,582	7,514,935,582
5	Elgeyo/ Marakwet	4,801,453,188	1.22	1,930,650,000	1.26	2,896,082,019	4,826,732,019
6	Embu	5,341,810,744	1.36	2,152,200,000	1.40	3,217,696,832	5,369,896,832
7	Garissa	8,248,748,101	2.22	3,513,150,000	2.08	4,777,297,365	8,290,447,365
8	Homa-Bay	8,128,387,250	2.13	3,370,725,000	2.09	4,799,555,800	8,170,280,800
9	Isiolo	4,899,041,209	1.34	2,120,550,000	1.22	2,802,957,187	4,923,507,187
10	Kajiado	8,300,213,576	2.03	3,212,475,000	2.24	5,132,538,610	8,345,013,610
11	Kakamega	12,912,646,262	3.29	5,206,425,000	3.39	7,774,078,320	12,980,503,320
12	Kericho	6,703,129,925	1.70	2,690,250,000	1.77	4,048,215,302	6,738,465,302

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SN	County	FY 2023/24	FY 2024/25				
		Total Equitable Share	0.5 (Allocation Ratio*)		(Equitable Share** \times 0.5 Allocation Ratio) *(Formula***)		Total Equitable Share****
			Allocation Ratio		Allocation Ratio	Equitable Share	
		385,424,616,062		158,250,000,000		229,175,000,000	387,425,000,000
		Column A	Column B	Column C	Column D	Column E	Column F=C+E
13	Kiambu	12,227,552,449	2.98	4,715,850,000	3.31	7,577,846,674	12,293,696,674
14	Kilifi	12,109,200,498	3.30	5,222,250,000	3.03	6,947,593,476	12,169,843,476
15	Kirinyaga	5,420,217,528	1.34	2,120,550,000	1.45	3,328,722,719	5,449,272,719
16	Kisii	9,258,588,608	2.46	3,892,950,000	2.36	5,412,885,688	9,305,835,688
17	Kisumu	8,361,797,770	2.16	3,418,200,000	2.18	4,987,128,573	8,405,328,573
18	Kitui	10,829,486,936	2.79	4,415,175,000	2.82	6,470,793,099	10,885,968,099
19	Kwale	8,584,103,693	2.46	3,892,950,000	2.06	4,732,461,603	8,625,411,603
20	Laikipia	5,358,246,532	1.32	2,088,900,000	1.44	3,298,134,732	5,387,034,732
21	Lamu	3,237,350,707	0.82	1,297,650,000	0.85	1,956,780,723	3,254,430,723
22	Machakos	9,547,295,309	2.45	3,877,125,000	2.50	5,720,098,940	9,597,223,940
23	Makueni	8,455,460,962	2.34	3,703,050,000	2.09	4,794,258,272	8,497,308,272
24	Mandera	11,633,191,646	3.23	5,111,475,000	2.87	6,579,143,560	11,690,618,560
25	Marsabit	7,560,398,412	2.14	3,386,550,000	1.84	4,210,601,194	7,597,151,194
26	Meru	9,892,625,172	2.54	4,019,550,000	2.59	5,924,790,480	9,944,340,480
27	Migori	8,341,446,108	2.14	3,386,550,000	2.18	4,998,526,399	8,385,076,399
28	Mombasa	7,861,523,820	2.23	3,528,975,000	1.91	4,370,699,038	7,899,674,038
29	Murang'a	7,473,786,703	1.99	3,149,175,000	1.90	4,362,692,031	7,511,867,031
30	Nairobi City	20,072,059,115	5.03	7,959,975,000	5.33	12,218,736,957	20,178,711,957
31	Nakuru	13,593,424,693	3.31	5,238,075,000	3.68	8,428,922,646	13,666,997,646
32	Nandi	7,305,294,033	1.69	2,674,425,000	2.04	4,671,646,107	7,346,071,107
33	Narok	9,196,276,899	2.54	4,019,550,000	2.28	5,222,310,519	9,241,860,519

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SN	County	FY 2023/24	FY 2024/25				
		Total Equitable Share	0.5 (Allocation Ratio*)		(Equitable Share** - 0.5 Allocation Ratio) *(Formula***)		Total Equitable Share****
			Allocation Ratio		Allocation Ratio	Equitable Share	
		385,424,616,062		158,250,000,000		229,175,000,000	387,425,000,000
	Column A	Column B	Column C	Column D	Column E	Column F=C+E	
34	Nyamira	5,334,198,486	1.52	2,405,400,000	1.29	2,954,587,994	5,359,987,994
35	Nyandarua	5,905,976,056	1.54	2,437,050,000	1.53	3,499,471,652	5,936,521,652
36	Nyeri	6,485,331,051	1.71	2,706,075,000	1.66	3,812,534,255	6,518,609,255
37	Samburu	5,594,312,489	1.46	2,310,450,000	1.45	3,312,778,509	5,623,228,509
38	Siaya	7,263,019,462	1.83	2,895,975,000	1.92	4,405,498,431	7,301,473,431
39	Taita-Taveta	5,040,427,430	1.34	2,120,550,000	1.29	2,945,588,383	5,066,138,383
40	Tana-River	6,790,702,542	1.85	2,927,625,000	1.70	3,897,093,834	6,824,718,834
41	Tharaka-Nithi	4,378,234,821	1.24	1,962,300,000	1.06	2,437,208,312	4,399,508,312
42	Trans-Nzoia	7,499,822,440	1.82	2,880,150,000	2.03	4,660,350,922	7,540,500,922
43	Turkana	13,143,946,933	3.33	5,269,725,000	3.47	7,943,558,320	13,213,283,320
44	Uasin-Gishu	8,426,072,635	2.00	3,165,000,000	2.32	5,307,398,961	8,472,398,961
45	Vihiga	5,267,026,885	1.47	2,326,275,000	1.29	2,966,646,648	5,292,921,648
46	Wajir	9,853,656,422	2.70	4,272,750,000	2.46	5,630,049,041	9,902,799,041
47	West Pokot	6,573,866,403	1.58	2,500,350,000	1.79	4,109,385,714	6,609,735,714
	Total	385,424,616,062	100.00	158,250,000,000	100.00	229,175,000,000	387,425,000,000

* This refers to the sharable revenue allocated to counties in the Financial Year 2019/2020 of Ksh316.5 billion. Thus, the allocation to county governments under this component is one-half of the equitable share allocated to county governments in FY 2019/2020 amounting to Kshs158.25 billion.

** This is the equitable share of revenues raised nationally allocated to county governments in FY 2024/2025 amounting to Ksh387.425 billion. Once you net out one half of the amounts of Allocation Ratio or Ksh158.25 billion from the equitable share of Ksh387.425 billion, the resulting balance of Ksh229.175 billion shall be allocated among county governments using the formula.

*** Formula= 0.18*Population Indexi+ 0.17*Health Indexi+0.10* Agriculture Indexi+0.05*Urban Indexi+0.14* Poverty Indexi+0.08*Land Area Indexi+0.08*Roads Index i +0.20* Basic Share Index

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**** Sum total of equitable share to each county government, which is one-half of the equitable share allocated to county governments in FY 2019/2020 plus resulting balance of Ksh229.175 billion shared among county governments based on the Third Basis Formula.

This has been necessitated by the rejection of the Finance Bill 2024, as the Chair has ably explained. Initially, the proposed amount was Ksh400 billion, which was then reduced to Ksh300 billion. Following mediation between us and the Senate, the current figure we are now discussing is Ksh387 billion, which is intended for the counties, with the Senate overseeing these funds.

We must ensure accountability, and it is essential that the counties manage the resources at their disposal effectively.

With those few remarks, I move.

The Temporary Chairlady (Hon. Martha Wangari): Thank you. This gives life to what Hon. Makali Mulu talked about.

(Question of the further amendment proposed)

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

The Temporary Chairlady (Hon. Martha Wangari): What is out of order, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairlady, I seek your guidance on whether when one moves an amendment to President's reservations, there is a requisite number of Hon. Members needed on the Floor.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Millie, that was made clear in the Speaker's Communication. This does not require that threshold.

Hon. Ndindi.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Chairlady. I also thank Hon. Naomi Waqo for moving that amendment. The initial amount designated for counties as shareable revenue was Ksh400.1 billion. We amended that figure to Ksh380 billion in this House. When we presented it to the Senate, they suggested returning to a figure close to the original amount of Ksh400.1 billion. After further mediation, we reached a consensus on Ksh387 billion.

The current Division of Revenue Bill, which the President signed yesterday, reflects this figure of Ksh387 billion. This amendment aims to align that amount with the County Allocation of Revenue Act.

I would like to thank all the Members who participated in the earlier mediation process. Additionally, I want to emphasise that this House fully supports devolution. The matter we are discussing concerns the allocation of scarce resources. We are committed to allocating more resources to our counties, and the County Government's Additional Allocation Bill is now under consideration at the mediation stage.

In support of devolution, the Ksh387 billion represents 24.4 per cent of the 15 per cent constitutional threshold. We are just nine percentage points away from meeting this threshold.

I support the amendment.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Kawanjiku, has your Chair spoken for you?

Hon. Njuguna Kawanjiku (Kiambaa, UDA): No, thank you, Hon. Temporary Chairlady. I also rise to support the amendment by the Leader of the Majority Party. We need to move forward as a country. The revenue we were to collect from the Finance Bill 2024 reflects a shortfall. The amount of Ksh387 billion represents an increase compared to what was received last year, and we should support this amendment.

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The majority of the speakers before me are in support of devolution. However, we also need to see the value of the funds we allocate to the counties. Issues related to roads, health and drugs in public hospitals need to be addressed. County governments need to rise to the occasion as far as devolution is concerned. Currently, there is not much difference in the conditions across the counties; many roads are developed by agencies such as KeRRA, KURA, and KeNHA. We desire to see the fruits of devolution.

I support the amendment, and if there is an increase in the Finance Bill next year, we will review this amount accordingly.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(First Schedule as further amended agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the President's reservations on the County Allocation of Revenue Bill (Senate Bill No 25 of 2024) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON PRESIDENT'S RESERVATIONS
ON COUNTY ALLOCATION OF REVENUE BILL

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

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the President's Reservations on the County Allocation of Revenue Bill (Senate Bill No. 25 of 2024) and its approval thereof with amendments.

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I would also like to thank all the Members for their participation in this process and the related activities. When we allocate funds to our counties, we take into account several instruments. I appreciate all the Members who have contributed to the budget-making process, the appropriation, the division of revenue,

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and the current County Governments Additional Allocation Bill, which is currently in mediation.

This House fully supports devolution. We support our governors for the good work they are doing, even with the limitation of resources. We are all leaders playing for the same team and direction. We are playing and pulling in the same direction. Every effort we put in making sure that Kenya moves forward should be congratulated. Whatever we do as Members of Parliament and whatever governors and other leaders do is for the betterment of our country. That is why we always allocate resources and do justice in provisioning enough resources to our counties for them to give proper service to Kenyans.

Hon. Temporary Speaker, I request my brother Hon. Makali Mulu, with a PhD in Economics, to second the Motion.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I join my Chairman in appreciating those who have been involved in this process. It has not been easy to get to where we are today. I thank the Senate, the National Assembly and the mediation Committee for ensuring that we have this resource for counties. We need to note that all these resources we are appropriating, either for the national or county levels, are being used to make life better for Kenyans. We all serve the same Kenyans. I request accounting officers at different levels to ensure prudent management of public resources. That will help our economy to grow and make life better for all of us.

Hon. Temporary Speaker, with those many remarks, I second. Thank you.

(Hon. Kassim Tandaza consulted loudly)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Tandaza.

(Question proposed)

(Question put and agreed to)

(Consideration of the President's Reservations to the County Allocation of Revenue Bill passed)

The Temporary Speaker (Hon. Martha Wangari): Next Order. Chairperson of the Mediation Committee on the Conflict of Interest Bill, Hon. Murugara.

APPROVAL OF THE MEDIATED VERSION OF
THE CONFLICT OF INTEREST BILL
(National Assembly Bill No. 12 of 2023)

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023), laid on the Table of the House on Wednesday, 4th December 2024, and approves the mediated version of the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023).

Hon. Temporary Speaker, I urge Members present to read the Report of the Mediation Committee, which sat over a period of two weeks to mediate over the Bill. We can all recall that this House passed the Bill after which it was sent to the Senate and was returned to this

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House with amendments. The Speakers of the two Houses formed a Mediation Committee, comprising nine Members each from the National Assembly and the Senate. When we convened, by virtue of being the Chairperson of the Departmental Committee on Justice and Legal Affairs I was selected as the Chairperson of the Mediation Committee while the Chairperson of the equivalent Committee in the Senate was selected the Vice-Chairperson. The selection was based on the fact that this is a National Assembly Bill. That is the brief information of the constitution of the Committee.

Hon. Members, kindly read the detailed and elaborate Report. It solves most of the concerns that this House had. I confirm to the House that this mediated version of the Bill is in compliance with the requirements that this House put across, especially in disagreeing with the proposed amendments by the Senate. To a greater extent, the proposals by the Senate were put aside and the version of the National Assembly was adopted. This is what we are moving this morning.

I wish to point out a few salient provisions which are of importance to the House. The first one is Clause 5, where administration of the Act was put under two authorities. The reporting authority is the one in charge of a public officer and the other one is the Ethics and Anti-Corruption Commission (EACC). The two authorities will enforce the Act. This is because we would not have done away with EACC due to Article 75 of the Constitution. I also wish to confirm that most of the provisions are in the Leadership and Integrity Act (Cap. 185C) of the laws of Kenya. We tried to harmonise to ensure that what is in the Act is what we include in this Bill and not anything extraneous as the original Bill had tried to do and as Senators had contemplated.

I draw your attention to Clause 19. This is an important clause. It states that a public officer shall not be party to or a beneficiary of a contract for the supply of goods, works or services with his or her reporting entity. The proposal was that all public servants should never do any business with the government. However, we proposed an amendment to provide that you will only be stopped from doing business with your reporting entity. For example, if you work under the Parliamentary Service Commission, then you cannot do any business whatsoever with the Commission. That does not stop you from doing business with the Public Service Commission or any other entities to which you do not report. We tried to cure that conflict by introducing that provision so that nobody says that there is over curtailing of engagement with the government.

I draw your attention to Clause 32 on the body that will be a responsible commission for a public officer for the purposes of the Act. We have set out the list of commissions. Clause 41 is on complaints and conduct of investigations. Clause 41(3) provides that a reporting authority and EACC shall not conduct concurrent investigations over the same complaint. This means that the reporting agency investigates. For EACC to come in, there must be a complaint to it and it will have to establish that the reporting entity is not investigating the matter. For all intents and purposes, investigations will be done by the reporting authority. In our case, it is the Parliamentary Service Commission. For the Executive, it is the Public Service Commission while the Judiciary has the Judicial Service Commission.

Quickly, I will take you to the provisions of Clause 45, where there is a penalty. It is good to note what the penalty is on if you breach this Act. This is not different from what we have under the Leadership and Integrity Act. Therefore, if you offend this law and you are convicted, you are liable to a fine or a default prison term. Regulations will be made under Clause 50. This is very important because this is an Act of Parliament that flows from our Constitution. We now have to make regulations as a House. Those regulations will be made by the Attorney-General who will bring them to Parliament for approval through our Committee on Delegated Legislation.

From there, we moved to the Schedules. There was the introduction of a new Schedule, which we looked at and found it to be overreaching. It was overproviding, and so we went back to what you have been completing here, as your declaration of interest. This is what we have incorporated here. We have moved the Schedule from the Leadership and Integrity Act in here, to replace what was being proposed.

We then looked at registrable interests, and we went again to the Leadership and Integrity Act, because we felt that there was overprovision. There were too many interests that were set in. Justification could not be found. Since we have this law which we feel is the one that controls conflict of interest, we introduced the registrable interests as provided in the Leadership and Integrity Act.

Therefore, since the Senate has concurred with us on this, we now have a mediated version which I urge the House to approve.

With those remarks, I beg to move and request the Vice-Chairperson of the Departmental Committee on Justice and Legal Affairs, to second.

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

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker. I thank the Chairperson of the Departmental Committee on Justice and Legal Affairs, and also the Chairperson of the Mediation Committee on the Conflict of Interest Bill, Hon. George Gitonga Murugara, soon to be Senior Counsel.

As has been ably said by the Chairman as he has dealt on specifics, the House would remember that during the delivery of the State of the Nation Address by the President, the President challenged us, as Parliament, to fast-track the enactment of the Conflict of Interest Bill. He, in fact, wondered whether Members were conflicted in passing this Conflict of Interest Bill. Pursuant to that, we set in motion the Mediation Committee comprising of the National Assembly and the Senate.

I thank our membership because in a record time, we have agreed. It was not very difficult to develop consensus because the issues that were under mediation and under conflict, were clear-cut. As has been said by the Chairman, to a large extent, the mediated version of this Bill reflects what had been passed by the National Assembly. Therefore, the National Assembly should not have difficulty in agreeing with the mediated version that we have tabled before the House.

For the benefit of the Members, on a foundational level, two issues were fundamentally the cause of the problem. Number one, was whether the Ethics and Anti-Corruption Commission (EACC) ought to have a role in the management of conflict of interest, or that should be exclusively left to the reporting authorities. The Chairman has explained what reporting authorities under the Act are. It was the view of the National Assembly that that should be a shared role between the reporting authority and the EACC; and that the EACC should have the ultimate mandate on management of conflict of interest. This is because they are a Chapter 15 Commission that is created by the people of Kenya for the purposes of ensuring integrity and the fight against corruption. The Senate initially felt that the EACC should not have a role. But when we sat together, we convinced them that in compliance with the provisions of the Constitution, the EACC ought to have a great role.

Emanating from that, the next issue was whether we need to bring all the laws in terms of the conflict of interest under one Act. The Senate initially was of the view that we should not repeal the Public Officers and Ethics Act. We, however, convinced them that it is much better to have all the laws under one umbrella, which is the Conflict of Interest Bill. The

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moment those two foundational issues were resolved, it was then easy to go clause by clause, and that is where we developed the consensus easily.

The third issue, obviously, was to what standards public officials, State officers and public officers, should be held in terms of the fight against corruption, bearing in mind that conflict of interest is a major cause of corruption. Our view was that we need to have a very high standard which needs to be practical, not utopic but realistic. We also do not need to dilute. We need to safeguard against diluting the war on corruption by making provisions that make it very easy for people to go away with economic crimes. We also agreed on the standard, and that is why we have come up with a mediated law that is realistic. A mediated Conflict of Interest Bill that will propel this country to the next level and make it impossible for public and State officers to do business with the Government in a manner that compromises their holding of office.

For that reason, I beg to second. I request that we pass the mediated version so that it may go to the Senate, and that it may eventually become law. Remember, yesterday, we gave the EACC a new Chief Executive Officer (CEO). Therefore, it is also important that we empower them legislatively, to ensure that the Ksh2 billion that we keep talking about that is lost every day, the loopholes are sealed. Many of the loopholes are as a result of conflict of interest in terms of people who sit in offices and do things for themselves and not for the country.

I second and request that we pass the Conflict of Interest Bill as mediated by the Committee.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairman and the Vice-Chairman.

(Question proposed)

Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. I, of course, support the Bill as it is, but I am having a difficulty from what the Chairman has explained. He gave an example that for us here, where our reporting entity is the Parliamentary Service Commission, you could possibly do business with the other arms of the Government. But in this document on Part 1, preliminary up to where reporting entity means... on Part 'b', it goes on to say, 'the national Government or any organ or department of the national Government.' This means that the Parliamentary Service Commission, from my understanding, is an organ of the national Government. Does that not defeat what you initially said? Because certainly, the Parliamentary Service Commission is part of the Government. It is part of the national Government and it is an organ. By definition, does that not defeat that purpose?

Otherwise, as far as this Bill is concerned, it brings clarity. We know very well that even when it was said that doing business with the Government is a conflict of interest, people would use their relatives, sons, and spouses to do businesses and pull the strings from there. The Bill will lay bare the fact that you are doing business. You will be shamed or taken to court as a Government officer. People should give clear explanations. I am having a problem with the explanation.

I support the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Cynthia Muge.

Hon. John Kiarie (Dagoretti South, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. KJ?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I rise under Standing Order 95 because the business before us is critical and very important. However, the

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business landed on the Floor of the House because we had extensively debated the matter. It then went to the Senate, which attempted to change what we had come up with. It came back for mediation which was done in such a way that our proposals as a House prevailed. In the interest of time, it may not be in the interest of the House to belabour the point. The matters raised by the Chairman and seconded by the Seconder were substantive enough. They suffice as the thinking of the House in terms of the Bill. I request that we call the Mover to reply.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): That is noted, bearing in mind that this is a mediated version of the Bill. However, I would like to give an opportunity to Hon. Jematiah. She seems to be very keen to put a word on this subject.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I agree with Hon. KJ that we debated this Bill extensively. However, this is a mediated version of the Bill, which is different. That is why it has been brought back to the Floor of the House.

I support the Bill. It will cure most of the problems that this country is experiencing on matters corruption, such as the extensive practices by career civil servants in the Government. Many people complain about politicians because they think we are the most corrupt. However, people who always engage in business with the Government are usually corrupt. They may have worked in the Government for 10 to 15 years. They know all the procurement processes and how to bid on tenders. They interact with tenders and Government procurement processes on a day-to-day basis. They are guilty of conflict of interest.

We will be very keen to save resources with this Bill. The Chairman made it clear that if you are a Member of Parliament, you cannot engage in business with the Parliamentary Service Commission. For instance, if I work in the Ministry of Water, Sanitation and Irrigation, and I have tenders for construction of dams, I will be conflicted because I have all the information within the Ministry. The Bill will help us to curb issues of runaway corruption and embezzlement of Government resources. It is a good move.

The Bill should also go all the way to check on people who engage in business with the Government through proxies, but are still part of Government institutions. It should also ensure that we minimise or eradicate nepotism in Government.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Standing Orders belong to us. Hon. KJ rose under Standing Order 95. Therefore, I would like to ask if it is the mood of the House that I call upon the Mover to reply.

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

Mover.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker, the Vice-Chairman, and those who have contributed to the Bill. I would just like to clarify that there is a difference between a reporting authority and a reporting entity.

Please read the Bill. Somebody else may read it and misinterpret it. We may end up complaining out there tomorrow that we are not the ones who passed the Bill when we actually did. Let us not be misinformed.

With those remarks, I beg to reply.

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before we go to the next Order, I am informed that Hon. Millie Odhiambo wants to raise a matter. I can see you are on intervention. I will give you one or two minutes. Is anything out of order, Hon. Millie?

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POINT OF ORDER

PRIORITY IN CONSIDERATION OF BILLS IN COMMITTEE OF THE WHOLE HOUSE

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. Nothing is quite out of order, but I want to raise an issue in relation to the Orders of the day. I am raising this matter so that Members are informed before we move on to the next business.

Order No.15 is on the Committee of the whole House. The Assisted Reproductive Technology Bill (National Assembly Bill No.61 of 2022) by Hon. Millie Odhiambo is listed as the third Bill for consideration in the Committee of the whole House. I have been alerted by the Clerk of the Departmental Committee on Health that the Chairperson and the Vice-Chairperson of the Committee are not available. I have asked Members of the Committee who are present and they have all said that they do not have instructions to execute that business. I and other Members who had amendments are here. Because of that situation, that Order is not likely to take off. If I were to leave the chamber, I want it to go on record that I was here so that there is no misinformation.

The Bill was referred to the Departmental Committee on Health for winnowing in April this year, which was several months ago. I was available for every Committee meeting when the Members were winnowing the Bill. I was in agreement with two other Members, namely, Hon. Irene Mayaka and Hon. Shakeel Shabbir. Hon. Kaluma and I disagreed on several points in relation to the Bill. We agreed on some aspects of the Bill, but did not agree on a few fundamental areas.

On the last two occasions that I met with the Committee, Hon. Kaluma was not available. The Committee extensively canvassed the Bill and agreed that it should come to the House for consideration. One cannot winnow forever. I only disagreed with Hon. Kaluma on some issues. The Committee and I were in complete agreement. Members of the House will have to make a decision either for or against the Bill. That is why it was moved.

Hon. Temporary Speaker, I am raising this issue because earlier on, Hon. Kaluma seemed to infer that I had insisted on moving the Bill. I indicated that the Bill had been before the House since April. The Assisted Reproductive Technology Bill is not about how Jesus Christ will come to save the world because it would be okay for such a Bill to be stuck in the Committee for four years. This is a Bill on assisted reproduction which will help a segment of the society that does not have children like me. It does not touch on everybody.

It is wrong for me to feel frustrated by the House. I will give an example. The Bill is currently listed for consideration on the Order Paper, but two other Private Members' Bills are listed before it. I support both Bills. However, if it is an issue of seniority, those Members are younger than me. Why are their Bills being considered before mine? If it is an issue of procedure, a Bill which is already being considered takes precedence. Why is my Bill listed third? I may be forced to infer issues that I do not want to in my frustration.

Hon. Temporary Speaker, I am Whip of the Minority Party. As the Whip of the Minority Party, I try to be a good girl. However, the bad girl fire in me still burns and it will come out if we continue. I do not like the filibustering and gatekeeping I am seeing in relation to my Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Have you now changed from the bad girl to a good girl?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am only good when I am in the House as Whip of the Minority Party, not when my Bill is being frustrated. I and many other women who cannot have children do not have to go through this in the House. I am also a Seventh Day Adventist (SDA).

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(Hon. Peter Kaluma spoke off record)

Hon. Kaluma, I am on a point of order. Thank you.

My SDA church has not stopped me from having children through assisted reproductive technology. Let us use Article 24(4) of the Constitution to bring amendments that are conscious of other faiths that may not want to bring issues of assisted reproduction or surrogacy. However, but do not punish, discriminate and stigmatise couples, both men and women. It takes a lot for me to stand before Parliament and admit I am childless, as a woman in her fifties. We call it *lur* in Dholuo. Nobody talks about *lur* publicly. It is wrong for this House to subject me to this kind of humiliation. This is not right.

I am in the House Business Committee. I have been in this House long enough to know when filibustering is being done. Bring my Bill, even if it fails. Bring it. It will go on record that this House does not want to support women who do not have children. Let it go on record. Do not filibuster and gatekeep with my Bill. Use Article 24(4) of the Constitution and import wordings that exclude faiths that do not do surrogacy. I am a Seventh Day Adventist. Do not force on to me things which are not in my faith.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie, I can see that this is a very emotional matter. All of us are cognisant to the fact that this Bill has taken a long time.

(Hon. Peter Kaluma spoke off record)

Hon. Kaluma, I know you have been mentioned three times. I will give you a chance.

Nonetheless, Hon. Millie Odhiambo is right that this Bill has taken too long. I would like to give you assurance that what you have said is on record and this matter is going to be acted upon soonest possible. I also agree with you that it is listed. The fact is that the Chair or the Vice-Chair of the Departmental Committee on Health is not here. They have not delegated to anyone. You are right that we are unable to proceed.

You have spoken passionately on this subject, on record. This is not the first time you have spoken on it. I know people in this House and Members who have already left this House who would like this Bill to pass and benefit from it. I would like to give you assurance that this is going to be taken into consideration.

Hon. Members, Hon. Millie Odhiambo has mentioned Hon. Kaluma three times. It is only fair that I give him a chance to make comments. Hon. Kaluma, do not be as emotional as Hon. Millie. We will make a decision that can give us progress on the subject if you make comments without being as emotional as she was.

Hon. Peter Kaluma (Homa Bay Town, ODM): Do not worry. I never easily fall into emotional blackmail and traps. Hon. Millie, I hope you are not directing your messages at me.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): You have children. That is a fact.

Hon. Peter Kaluma (Homa Bay Town, ODM): Nobody stops you from getting children, even now.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): God has stopped me from getting.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Kaluma. Please do not exchange words with Hon. Millie. I have given you an opportunity to can make your comments because I know you also have interest in the subject.

Hon. Peter Kaluma (Homa Bay Town, ODM): Do not allow me to be blackmailed emotionally. Let me address the issue, Hon. Temporary Speaker.

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Thank you for giving me this opportunity. It has been mentioned that there were deliberate efforts to delay this Bill, particularly at winnowing. As a Member of the House Business Committee, you remember I am the one who requested for that. I do not know whether you were presiding that time. I know it was not the substantive Speaker. I was personally concerned at what happens in our procedures in Parliament when a matter goes for winnowing. This is important for me, that we mention it. You remember I said in the morning that it is Hon. Millie who has been frustrating progress with this Bill, contrary to her presentations before this House.

My understanding of winnowing is considering amendments in a Bill clause by clause. When you go for winnowing under the Standing Orders, the Members proposing amendments on a Bill state their positions clause by clause and seek to agree. That is why it is called harmonisation. That is not what happened before this Committee. I am saying this so that proper directions and perspective can be made. We went for winnowing and I remember Hon. Millie was there between Hon. Irene Mayaka and myself. Hon. Shakeel proposed amendments. While winnowing, I was told that my amendments would be dealt with later. I protested but they insisted. So, it was not winnowing.

The only time I was allowed to speak during winnowing was the day the Speaker called a Members' informal sitting here. Hon. Millie delayed coming to that meeting by over one hour. We had sat there waiting for her for a whole hour when she came. By that time, we were also rushing to this House for a Kamukunji. Hon. Millie can confirm we covered up to Clause 13 in that less than one hour we sat. We managed to persuade one another. I hope she will not deny this.

We left the Committee having agreed that we were to meet the following Tuesday. I approached the Speaker when I came to this House that very afternoon. That very afternoon is when I was informed that I was to accompany the Legislative Caucus on a trip to South Africa by the following day. We all know the delegation was going to deal with issues of the House, including the amendments you have seen being proposed.

Immediately after I spoke to the Speaker, the Hon. Millie seated there is the first person I informed that I would not be available for the meeting as agreed. I informed her "I am travelling out of the country tomorrow". I requested her we agree on a day to finish. We were moving towards finishing. Hon. CNN was there. Hon. Millie went to the Committee on Tuesday when I came. I also informed the Committee Clerk Assistant and the Chair of the Committee.

Hon. Millie went to the Committee, having been informed by me of that intervention. She insisted that the matter had to be proceeded with anyway. I came back, took the matter astride, and said that we would proceed before the House. I agreed to proceed. This is critical because my reputation is being attacked on something I am approaching in good faith. Under the Standing Orders, there should be a Report from a Committee when a matter goes for harmonisation. The Committee reneged on everything we had agreed on up to Clause 13. I did not mind. I agreed to proceed.

Hon. Temporary Speaker, you were in this House when we began. The other Members of the Speaker's Panel and the people representing the Hon. Speaker were here. We proceeded very well. Why should we be in a situation of being blackmailed despite proceeding?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kaluma, wind up now.

Hon. Peter Kaluma (Homa Bay Town, ODM): Let me wind up. When we enact laws in this House, we do so for the country. Hon. Millie is my niece. I have said it many times. I will not allow a wrong thing to pass because of emotional blackmail. Let me say that there is nothing stopping anybody from going for surrogacy if they want. Hon. Shakeel, you got your children through surrogacy.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kaluma, please do not go personal on this subject.

Hon. Peter Kaluma (Homa Bay Town, ODM): Let us avoid a situation where people bring Bills to the House and then they emotionally blackmail Members to pass them. Give us directions. I have been in the House since morning, to transact this Bill. I have even missed a trip I was to go to, Paris and Madrid, because the Bill is on the Order Paper. The directions I seek, which I thought Hon. Millie would seek, is whether we are proceeding or not. That is so that we can plan other matters.

Let us not be blackmailed about surrogacy and other things that other people can still go for. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You have made your point.

Hon. Members, I do not know whether to allow this debate because it is extremely sensitive. Hon. Members, I will not allow further comments on this matter.

(Hon. Millie Odhiambo shouted)

Order, Hon. Millie Odhiambo!

Hon. Members, Hon. Millie Odhiambo approached the House Business Committee on the subject matter of this Bill, which was listed on the Order Paper for this morning and afternoon sittings. That means that the House Business Committee has goodwill on the subject matter. As you may have noticed, the Chair, Vice-Chair and most Members of the Departmental Committee on Health are not in the House. However, we have not lost it all. The Bill will still be on the Order Paper of this afternoon sitting.

Hon. Millie, it is important to note that there is a possibility of losing most of the amendments, especially if the Chair is not there and there is no person designated to prosecute the proposed amendments. So, you have to balance that as the Mover and the House leadership. So, the Bill is still listed in the afternoon sitting Order Paper.

Thank you.

Next Order.

BILL

Second Reading

THE EQUALISATION FUND (ADMINISTRATION) BILL (Senate Bill No.14 of 2023)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Bill was deferred earlier in the day.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]

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The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we are now in the Committee of the whole House. We are supposed to consider three Bills. I have reorganised them in the Order Paper. We will start with the Startup Bill (Senate Bill No. 14 of 2022) by Hon. Irene Mayaka as a co-sponsor, the Persons with Disabilities Bill (Senate Bill No. 7 of 2023), and then the Assisted Reproductive Technology Bill.

So, we shall start with the Startup Bill, Senate Bill No. 14 of 2022.

THE START-UP BILL
(Senate Bill No. 14 of 2022)

Clause 3

The Temporary Chairlady (Hon. Martha Wangari): Chair of the Departmental Committee on Trade, Industry and Cooperatives.

Hon. Tom Oluoch, like I said earlier, we are starting with the Startup Bill. That is Roman number two on the Order Paper.

Proceed, Chair.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairperson. I beg to move:

THAT Clause 3 of the Bill be amended —

(a) in paragraph (c) by inserting the words “incubators, accelerators and investors” immediately after the word “startups”;

(b) in paragraph (e), by deleting the word “and”

(c) by inserting the following new paragraphs immediately after paragraph (f)—

“(fa) for recognition of startups;

(fb) for establishment, development, financial support and growth of startups;

(fc) for catalysing the growth of the startup ecosystem through infrastructural enhancement, innovation and talent development, entrepreneurial culture growth and ecosystem coordination;

(fd) enhancement of private sector investments in startups and Kenya’s positioning in the global innovation and startup economy; and”

The justification is that the amendment enriches the Bill by providing for further objects of the Act, including bringing in other players to support startups, for example, the private sector.

(Question of the amendment proposed)

*Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 3 as amended agreed to)

Clause 4

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The Temporary Chairlady (Hon. Martha Wangari): There is a proposed amendment by the Chair.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairperson. I beg to move:

THAT the Bill be amended by deleting Clause 4 and inserting the following new Clauses—

Role of the
Agency and the
Estate in
implementation
of the Act.

4. (1) The Agency and the Estate, shall develop a framework for collaboration among the startup ecosystem players including the county governments.

(2) The Agency shall—

- (a) formulate a national policy framework for the development of the business incubation and acceleration sector and startup system;
- (b) promote innovation;
- (c) facilitate the transfer of technology innovation;
- (d) create and develop a sustainable, globally competitive technology innovation sector that contributes towards the accelerated growth of the economy;
- (e) promote the linkages between universities and research institutions and the business community.
- (f) enter into partnerships with local and international business incubators and accelerators in order to promote the establishment and growth of startups in Kenya;
- (g) establish programmes for the certification and admission of incubators and accelerators into the incubation programmes;
- (h) setup mechanisms that promote the development of business incubation programmes and create an enabling environment for the promotion of business incubators including fiscal and non-fiscal incentives to incubators and startups;
- (i) establish online and other platforms for access to information including the establishment and development of startups, existing incubation programmes, access to fiscal and non-fiscal support and for this purpose, keep and maintain a directory of startups and incubator;
- (j) support any research and development activities undertaken by startups;
- (k) establish mechanisms for pre-incubation of entities and for this purpose, provide training and capacity building programmes to startups registered under this Act;
- (l) establish mechanisms to enable access to entities from marginalised groups through the use of quotas or mechanisms that match them to unused capacity in existing programmes; and
- (m) establish structures that ensure the protection of the innovations of startups at the national and international level.

- (3) The Estate shall —
- (a) develop a framework setting out modalities on funding for commercialisation of startups;
 - (b) support startups through partnerships/collaboration with relevant startup ecosystem players for commercialisation of startups;
 - (c) enter into partnerships to promote the startup ecosystem based on the Startup Maturity Framework;
 - (d) create an enabling environment for micro, small and medium enterprises to be innovative;
 - (e) design and implement training and capacity building programmes for startups, incubators, and accelerators in accordance with this Act;
 - (f) ensure all persons irrespective of their sex, disability or ethnicity is afforded an equal opportunity to establish and benefit from their innovation;
 - (g) promote the creation of employment and wealth creation;
 - (h) establish a database of all commercialised startups; and
 - (i) undertake any other function, which is incidental to the performance of any of the foregoing functions.

Establishment
and
Composition of
the Start-up
committee

4A. (1) The Cabinet Secretary shall establish a multi-agency startup committee that shall comprise of technical persons from the following institutions—

- (a) Kenya National Innovations Agency;
 - (b) Kenya Industrial Research and Development Institute;
 - (c) Micro Small Enterprises Authority, Kenya Industrial Estates
 - (d) Kenya Bureau of Standards;
 - (e) Kenya Industrial Property Institute;
 - (f) Institutions of Higher Learning, Technical, Vocation and Education Training Institutions; and
 - (g) any other institution or person the Cabinet Secretary may deem necessary for the implementation of this Act.
- (2) The committee under subsection (1) shall—
- (a) develop standards and guidelines to regulate the relationship between an incubator and a startup under this Act;
 - (b) prescribe a criteria for the evaluation of entities, programmes and structures set up for the purposes of implementing this Act.
 - (c) receive, assess, and issue labels to startups;
 - (d) receive, assess, and certify incubators and accelerators;
 - (e) create guidelines for incubation programmes run by public agencies;
 - (f) issue a framework for the establishment, revamping and operation of accelerators and incubation hubs in every county;
 - (g) accredit startups; and

(h) advise the Cabinet Secretary on offering of fiscal and non-fiscal incentives.

The justification is that the roles of the national Government agencies that will implement this law in this regard; the National Innovation Agency will coordinate players in the innovation conceptual phase, which includes idea generation, idea evaluation, requirement analysis, project planning, prototyping, testing, piloting, and proof of concept. You will notice that many agencies are being involved. Therefore, the Kenya National Innovation Agency will bring all these agencies together.

The Kenya Industrial Estates will then coordinate the ecosystem players in the commercialisation phase, including production, marketing, financing, and scaling up all these start-ups. For effective support to start-up phases, support requires a multi-agency approach. So, the start-up ecosystem has to be dealt with by several players.

The establishment of this multi-agency start-up committee also effectively helps to support the start-up support required in a multi-agency approach. The start-up ecosystem has to be dealt with by several players.

Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, if you are willing to speak on this, you can put your interventions as the clauses are read out.

Hon. Mayaka.

Hon. Irene Mayaka (ODM, Nominated): Thank you, Hon. Chair. I agree with the Committee on this particular amendment and many others that I do not necessarily have to come back and comment on. The introduction of the multi-sector and the private sector gives the Bill the support we wanted, considering that they will provide a lot of support to the start-ups. Therefore, having met with the Committee and agreed on some of these things, I support the proposed amendment.

Thank you.

The Temporary Chairlady (Hon. Martha Wangari): That is well noted.

Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Chair. I support the proposal by the Committee. My only concern is that if you look at the multi-agency start-up committee set up here, we have not taken care of the gender balance. The challenge is that we may find a situation where only women or men are brought into the agency. We cannot consider that now because of time, but we need to consider it in future amendments. We need to clearly state that there needs to be a gender balance when making the nominations.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Nandi.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Chairlady. I am just wondering. This being a start-up Bill, I am sure county governments also have other entities that they would want to run. So, provision (g) as it has been put: "...any other institution or person the Cabinet Secretary may deem necessary." will it cover the county governments in their domestication of the Bill? There are also other programmes that the county governments run.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Marianne.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Madam Chair. Yes, other agencies may be involved. Actually, there is a role that county governments have been given. That role is captured in clauses 30, 31, and 32. That is where the county governments' involvement is. As a Committee, we saw that the Start-Up Bill will be a national Government innovation process, especially at the funding stage. If you look at the entities being involved, they are all

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national Government entities, Therefore, at this stage, we require the national Government's involvement.

During the implementation stage, we will require the involvement of the county governments. These startups will start at various counties at the ward level. This is where the county governments will come in to help these innovations start. This is taken care of much ahead in the Bill.

Thank you.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): There is a proposed amendment by Hon. K.J which will fall if this amendment is carried. We will skip it.

(Proposed amendment by Hon. John Kiarie dropped)

(Clause 4 as amended agreed to)

Clause 5

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairlady, move the amendment.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 5 of the Bill be amended by deleting Clause 5.

The justification is that this provision of this clause has already been designated to the institutions introduced in part two of this Bill.

Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Basil, do you want to contribute to this amendment?

Hon. Robert Basil (Yatta, WDM): No.

(Question, that the words to be left out be left out, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The proposed amendment by Hon. John Kiarie falls because we have nothing else to amend.

(Proposed amendment by Hon. John Kiarie dropped)

(Clause 5 deleted)

Part III

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson.

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Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the title to PART III of the Bill be amended by deleting the words "REGISTRAR OF STARTUPS AND ADMISSION INTO INCUBATION PROGRAMME" and substituting therefor the words "ADMISSION INTO INCUBATION PROGRAMME".

I am proposing a further amendment.

Hon. Temporary Chairlady, I beg to move:

THAT, the title to PART III of the Bill be amended by deleting the words "REGISTRAR OF STARTUPS AND ADMISSION INTO INCUBATION PROGRAMME" and substituting therefor the words "LABELLING OF STARTUPS".

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Member for Seme.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I have two issues that I seek clarification on. If you delete the words "Registrar of Startups and Admission into Incubation Programme," it means there must be something that has happened or will happen that takes care of what was intended there about the registrar and registration. The further amendment changes the title completely. Can we get an explanation of what the further amendment really intends to do because it is not even admission into the incubation programme?

The Temporary Chairlady (Hon. Martha Wangari): They are deleting and substituting the title.

Hon. (Dr) James Nyikal (Seme, ODM): She has said there is a further amendment which I would like to hear more about.

The Temporary Chairlady (Hon. Martha Wangari): Before I give Hon. Marianne an opportunity, I will give the Floor to Hon. KJ first. He has a similar amendment. Will you weigh in or do you agree with it?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, my argument on this amendment is that the aspect of labelling startups belongs to the provisions under Part IV of the Bill. For that reason, I proposed that Part III be amended by deleting the words "Registrar of Startups" that appear in the title of Part III of the Bill.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairlady of the Departmental Committee on Trade, Industry and Cooperatives.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairlady. Part III, initially in the Bill, was about the registration of startups and admission into an incubation programme. If you look at the amendments under Part III of the Bill, they fall under the labelling of this startup. Why do we say the title should be "Labelling of Startups"? It starts from the identification process to when we can bring up these startups, finance and incubate them so that they grow from where they are. All this will be coordinated by the Kenya Innovation Agency seated at the Speaker's Gallery.

The Temporary Chairlady (Hon. Martha Wangari): Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): The justification given by the Committee actually suffices. Hon. Temporary Chairlady, I will go with the Committee's amendment.

The Temporary Chairlady (Hon. Martha Wangari): That is good. We can make progress.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Part III as further amended agreed to)

Clause 6

The Temporary Chairlady (Hon. Martha Wangari): There is a proposed amendment by Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 6 of the Bill be amended by deleting Clause 6.

The role of Registrar shall be taken up by the Kenya National Innovation Agency. My amendment seeks to eliminate duplication of roles because they are already covered under the Kenya National Innovation Agency. That is why I propose we delete Clause 6.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): I will give the Chairperson the first shot.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairlady. As a Committee we, too, propose to delete Clause 6 but we also propose substituting it with another clause. This is because we are trying to create an eligibility criterion that can be used to identify start-ups and give them leverage. Under the eligibility criteria, we are looking at businesses registered under existing legislation, such as a private limited company under the Companies Act, a cooperative society registered under the Cooperative Societies Act, a sole proprietorship, or a partnership already registered under existing legislation. So, we are not creating new areas where we create new registrations. We will use existing laws that create companies and identify the start-ups that meet the criteria that can be supported.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I just want to implore Hon. KJ to accept deletion and substitution as recommended by the Committee.

The Temporary Chairlady (Hon. Martha Wangari): Please note that Hon. KJ's is a deletion. The amendments are not the same. So, I will put the Question on his deletion first before we go to the Committee's amendment. You can still comment, but do not prosecute it as one.

Hon. Irene Mayaka (Nominated, ODM): I support the Committee's substitution because the Committee's amendment, especially part (b) considers the already existing start-ups up to 10 years. We already have many that would want them to benefit from this new law we are creating.

I support the proposed deletion and substitution by the Committee.

The Temporary Chairlady (Hon. Martha Wangari): You are prosecuting a different thing because this amendment is on deletion. I ask that we first focus on deletion. If it is carried, the other amendments will fall.

Hon. CNN.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Chairlady, I support the Committee based on its eligibility.

The Temporary Chairlady (Hon. Martha Wangari): We have Hon. KJ's amendment on the Floor, not the Committee's.

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Hon. Charles Nguna (Mwingi West, WDM): I request that he withdraws it, and we go with what the Committee has recommended.

The Temporary Chairlady (Hon. Martha Wangari): Thank you. It is too late to withdraw it. So, we will still put the Question on it.

Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, it is very difficult to discuss Hon. KJ's amendment. But we want to know what will replace it. There will be many of these.

The Temporary Chairlady (Hon. Martha Wangari): You are the people to decide when I put the Question on the deletion.

Hon. Basil.

Hon. Robert Basil (Yatta, WDM): I agree with most of the sentiments shared by the Hon. Members. I am, of course, in agreement with Hon. KJ's proposal.

The Temporary Chairlady (Hon. Martha Wangari): To do what?

Hon. Robert Basil (Yatta, WDM): To delete.

The Temporary Chairlady (Hon. Martha Wangari): Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, it is important to bring the Members and the Chairperson of the Committee up to speed on the import of this deletion. Remember, what we are discussing today about the Startup Bill sits astride very many sectors of Government. Some sectors are in the youth docket, including trade, innovation, tech, and so on. What I am doing is to avert the risk of this House superintending over the duplication of duties.

I am putting this because there already exists a Kenya innovation entity. This innovation entity already has a register. In fact, the register should live at the Kenya Innovation Agency (KIA). I am seeking this deletion so Hon. Members understand it is not about nothingness. It already lives somewhere else: KIA. We do not want to delete this and leave it blank. It is meant to avoid duplication.

Thank you very much, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): We are pressed for time.

*(Question, that the words to be left out
be left out, put and negated)*

Hon. Members, let us then go to the Chairperson's amendments. Hon. Chairperson, move your amendments.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause (6) and substituting therefor the following new Clause—

Eligibility criteria.

6. (1) An entity is eligible for labelling as a startup if the entity—

(a) is registered in Kenya as a —

- (i) private limited company under the Companies Act;
- (ii) co-operative society registered under Co-operative Societies Act;
- (iii) sole-proprietorship; or
- (iv) partnership firm.

(b) is newly registered or has been in existence for a period of not more than ten years from the date of its incorporation or registration;

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- (c) has as its objects the innovation, development, production or improvement and commercialisation of innovative products, processes or services or if it is a scalable business model;
 - (d) has human resources, total assets, and annual turnover number that does not exceed an amount prescribed by the Cabinet Secretary;
 - (e) has its headquarters in Kenya;
 - (f) does not distribute profits;
 - (g) is fully owned by a citizen of Kenya or majority ownership by citizen or citizens of Kenya;
 - (h) falls within the tiered structures as prescribed by the Startup Maturity Framework; and
 - (i) has at least fifteen per cent of the expenses of the entity spent on activities that relate to research and development.
- (2) This Act shall not apply to an entity that is —
- (a) established or formed as a result of the split, reconstruction, merger or reconstitution of an existing business;
 - (b) a holding company or subsidiary of an existing entity which is not labelled as a startup;
- (3) A startup labelled under this Act shall be granted access to the incentives provided under this Act.

The justification is that we need a clear criterion to identify, establish, and follow up on these startups, ensuring they receive the incentives. What the Hon. Member for Dagoretti South referred to was addressed under Clause 4, which we have already passed under the KIA. The agency already exists as a multi-agency body. Clause 6 is intended to assist this multi-agency in identifying startups and guiding them through to maturity so they can benefit and leverage the benefits of a startup.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): I know some of you have already spoken to this. Hon. Mayaka, you have already spoken to this. Hon. Parashina, do you want to speak on this?

Hon. Parashina Sakimba (Kajiado South, ODM): I just want to give an okay to my Chairlady. She has prosecuted her case really well. As a committee, we are happy.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Muge, is it on this?

Hon. Cynthia Muge (Nandi County, UDA): Hon. Temporary Chairlady, I want to raise a concern. Of course, I appreciate and support every other part of the amendment. However, during the amendment, there is a very important part that I identified with that has been left out: the one that spells out eligibility. It gave an opportunity to higher learning institutions, which are hubs of education.

The Temporary Chairlady (Hon. Martha Wangari): Which Clause are you prosecuting? We are now on Clause 6.

Hon. Cynthia Muge (Nandi County, UDA): Yes, Hon. Temporary Chairlady. Clause 6.

Therefore, my concern to the Committee is that we should have considered retaining institutions of higher learning as eligible to be listed as startups for labelling. They are hubs for innovation.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairlady, clarify.

Hon. Marianne Kitany (Aldai, UDA): To clarify to Hon. Member for Nandi, institutions for higher learning are already taken care of under Clause 4, which we have already passed.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed)

(Clause 6 as amended agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we are pressed for time. Let us have the Mover to move reporting.

Hon. Irene Mayaka (ODM, Nominated): Thank you, Hon. Temporary Chairlady. I beg to move that the House reports its consideration of the Startup Bill (Senate Bill No.14 of 2022) up to Clause 6 and its approval thereof with amendments and seek leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE STARTUP BILL

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I call upon the Temporary Chairlady to report progress.

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Startup Bill (Senate Bill No.14 of 2022) up to Clause 6 and approved the same with amendments and seeks leave to sit again.

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

Hon. Irene Mayaka (ODM, Nominated): Hon. Temporary Speaker, I beg to move that this House do agree with the Committee in the said report. I also request Hon. Cynthia Muge to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Cynthia Muge (Nandi County, UDA): I second.

(Question proposed)

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, for the convenience of the House, I defer putting the Question to a later time.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1.07 p.m., this House stands adjourned until today, Thursday, 5th December 2024, at 2.30 p.m.

The House rose at 1.07 p.m.

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