



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. IV NO. 68**

## THE HANSARD

Thursday, 31<sup>st</sup> July 2025

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Members, we now have quorum to transact business. Clerk-at-the-Table.

### PAPERS

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

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

Report on the Cell, Tissue and Organ Transplant Services in Kenya from the Ministry of Health.

Proposed budget ceiling for each constituency for the Financial Year 2025/2026 from the National Government Constituencies Development Fund Board.

Hon. Speaker, this is a Report that Members of Parliament should be interested in. We are laying it today. It is important that you look at it to know what is allocated to your constituency.

Report of the Auditor-General and Financial Statements of North Rift Technical and Vocational College – Tiaty for the year ended 30<sup>th</sup> June 2023 and the certificate therein.

Hon. Speaker, I beg to lay.

### QUESTIONS AND STATEMENTS

**Hon. Speaker:** Skip Order No.7. Go to the Orders where we are putting Questions: Nos.8, 9, 10, 11 and 12 and then we go to the First Readings of Bills in Order Nos.13 and 14. After that, we will go back to Statements.

### MOTION

APPROVAL OF THE MEDIATED VERSION OF THE GAMBLING CONTROL BILL  
(National Assembly Bill No.70 of 2023)

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 Gambling Control Bill (National Assembly Bill No.70 of 2023), laid on the

Table of the House on Tuesday, 1<sup>st</sup> July 2025, and approves the Mediated version of the Gambling Control Bill (National Assembly Bill No.70 of 2023).

*(Moved by Hon. Kwenya Thuku on 30.7.2025 – Afternoon Sitting)*

*(Debate concluded on 30.7.2025 – Afternoon Sitting)*

*(Several Members stood in the gangway)*

**Hon. Speaker:** Thank you. Members at the Bar, take the nearest seats. Order, Members. What is the name of the Member on his feet? Take your seats.

*(Question put and agreed to)*

## BILLS

### *Second Readings*

THE METEOROLOGY BILL  
(Senate Bill No.45 of 2023)

*(Moved by Hon. Owen Baya on 30.7.2025 – Afternoon Sitting)*

*(Debate concluded on 30.7.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

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

THE PYRETHRUM (REPEAL) BILL  
(National Assembly Bill No.40 of 2024)

*(Moved by Hon. Owen Baya on 30.7.2025 – Afternoon Sitting)*

*(Debate concluded on 30.7.2025 – Afternoon Sitting)*

*(Several Members consulted loudly)*

**Hon. Speaker:** Order, Members.

*(Question put and agreed to)*

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

## MOTIONS

ADOPTION OF THE REPORT ON AUDITED ACCOUNTS OF  
SELECTED STATE CORPORATIONS

THAT, this House adopts the Report of the Public Investments Committee on Commercial Affairs and Energy on its examination of the Reports of the Auditor-General on the financial statements of selected State corporations, laid on the Table of the House on Wednesday, 4<sup>th</sup> June 2025.

*(Moved by Hon. David Pkosing on 29.7.2025)*

*(Debate concluded on 30.7.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

ADOPTION OF THE SIXTH REPORT ON AUDITED ACCOUNTS OF  
NG-CDF FOR THREE CONSTITUENCIES

THAT, this House adopts the Sixth Report of the Decentralised Funds Accounts Committee on its consideration of the Report of the Auditor-General on the financial statements for the National Government Constituencies Development Fund for Webuye East, Dagoretti North and Matuga Constituencies for Financial Years 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 10<sup>th</sup> April 2025.

*(Moved by Hon. Gideon Mulyungi on 30.7.2025 – Afternoon Sitting)*

*(Debate concluded on 30.7.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, before we go to the next Order, allow me to acknowledge students. Some may have left. In the Speaker's Gallery, we have Alpha Junior Academy from Ainabkoi in Uasin Gishu and Karima Secondary School from Ndia in Kirinyaga. In the Public Gallery, we have pupils from St Mary's School from Ainabkoi, Uasin Gishu; Yaanga Primary School from Kinangop, Nyandarua; Mitimaiyu Primary School from Naivasha, Nakuru; Testai Primary School from Rongai, Nakuru; and St Gracious Primary School from Bahati, Nakuru.

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

*(Applause)*

Next Order.

**BILLS**

*First Readings*

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (No.2) BILL  
(Senate Bill No.8 of 2025)

THE COUNTY ALLOCATION OF REVENUE BILL

(Senate Bill No.9 of 2025)

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL  
(Senate Bill No.14 of 2024)

*(The Bills were read a First Time and  
referred to relevant Committees)*

**Hon. Speaker:** Let us go back to Order No.3. Sarah, where is the Message? Hon. Owen, you are distracting my Clerks-at-the-Table. Go to Order No.7. Yes, Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): Sorry, I seem to be disturbing your Clerks-at-the-Table. I am looking for Order No.15 in the Supplementary Order Paper that we have.

**Hon. Speaker:** You are not disturbing. You are just distracting. It is the County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2024).

**Hon. Owen Baya** (Kilifi North, UDA): The one that we have reads, “Consideration of the Public Finance Management (Public Officers Medical Fund) Regulations, 2024”.

**Hon. Speaker:** That is Order No.16.

**Hon. Owen Baya** (Kilifi North, UDA): The County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2024) is not in the Order Paper that we have.

**Hon. Speaker:** Do you have the Supplementary Order Paper?

**Hon. Owen Baya** (Kilifi North, UDA): Yes. Unless there are several Supplementary Order Papers.

**Hon. Speaker:** I approved only one. Can you come and cross-check with mine?

**Hon. Owen Baya** (Kilifi North, UDA): Yes.

*(Hon. Owen Baya consulted with the Speaker)*

**Hon. Speaker:** Can you harmonise that? Let us go to Order No.7, requests for Statements. Hon. Francis Sigei. Hold, Ambassador Sigei. Yes, Hon. Nzengu of Mwingi North. What is your point of order? Go ahead *Mheshimiwa*.

## POINT OF ORDER

### UNUSED NG-CDF DISBURSEMENT

**Hon. (Eng) Paul Nzengu** (Mwingi North, WDM): Thank you.

I rise under Standing Order 43(2) to ask the House to discuss a matter of national importance in reference to the National Government Constituencies Development Fund (NG-CDF).

Money for most constituencies was disbursed but it is sitting idle in banks. It is not helping communities because of the new Electronic Government Procurement (e-GP) system that requires everything to be done online. The system used under the NG-CDF Act is that monies are transferred from the main NG-CDF account to Project Management Committee (PMC) accounts. PMC members are ‘collected’ from the community to form a committee that executes procurement.

**Hon. Speaker:** Are they collected, elected or nominated? There is a hell lot of difference between collected and nominated members.

*(Laughter)*

**Hon. (Eng) Paul Nzengu** (Mwingi North, WDM): I am well-guided, Hon. Speaker. Communities nominate them to form the PMC.

Since this is not an officially recognised or registered institution to execute roles of agents of the Kenya Revenue Authority (KRA) and all the related requirements, we now have a stalemate. We do not know what we are going to do with the money sitting in banks. I seek the House to discuss that matter so that we have a way out of this stalemate.

**Hon. Speaker:** Hon. (Eng) Nzengu, the House cannot discuss your concern unless you bring a Motion of Adjournment. There is no Motion before the House. Having consulted with the Speaker that you had a concern, I direct the Deputy Leader of the Majority Party to get hold of the Chair of the NG-CDF Committee to bring a Message to the House on what exactly is the issue. If he appears here this afternoon before the rise of the House... Let that be the first thing on Tuesday afternoon if he does not show up.

Go on record.

**Hon. Owen Baya** (Kilifi North, UDA): Much obliged, Hon. Speaker. I will do as directed.

**Hon. Speaker:** Yes, look for the Chair of the NG-CDF Committee. Ambassador Francis Sigei of Sotik.

## REQUESTS FOR STATEMENTS

### ESTABLISHMENT OF MORE JSSs IN SOTIK CONSTITUENCY

**Hon. Francis Sigei** (Sotik, UDA): Hon. Speaker, pursuant to provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Education regarding establishment of more junior secondary schools in Sotik Constituency.

School-going children in Sotik Constituency have been subjected to distress and suffering due to the extreme challenges encountered in accessing junior secondary schools that are distant from their residences. This has in turn resulted in low registration of children transitioning to Junior Secondary Schools, with some children risking their lives crossing roads and rivers to access the far-away schools. Currently, there are 22 new permanent classrooms constructed to accommodate children transitioning to junior secondary schools thus necessitating establishment of additional 21 junior secondary schools. This will enhance access to quality education and ensure 100 per cent transition to junior secondary schools.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Education on the following:

1. Steps being taken by the Government to establish additional junior secondary schools in Sotik Constituency;
2. Immediate measures being taken to ensure that children in Sotik Constituency who are due to transition to junior secondary schools are not 'advantaged' by lack of adequate schools; and...

**Hon. Speaker:** Advantaged or disadvantaged?

**Hon. Francis Sigei** (Sotik, UDA): Are not disadvantaged.

**Hon. Speaker:** You read advantaged. Now you have corrected.

**Hon. Francis Sigei** (Sotik, UDA): Three, the long-term plans being put in place by the Government to ensure there are adequate junior secondary schools in the country, specifically in Sotik Constituency.

Thank you.

**Hon. Speaker:** Thank you *balozi*. The Chair of the Departmental Committee on Education. I saw Hon. Melly coming into the Chamber.

Hon. Gisairo, how soon can you respond to that request?

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): We can do that in two weeks, Hon. Speaker.

**Hon. Speaker:** Hon. Sigei, I do not understand this. I thought junior secondary schools are an appendage to existing primary schools. Are they not?

*(Hon. Francis Sigei spoke off the record)*

So, how do you want to establish them in isolation of your existing primary schools? That is up to you. Let us hear what Hon. Gisairo has after you respond.

**Hon. Francis Sigei** (Sotik, UDA): Hon. Speaker, junior secondary schools are approved by the Ministry. They must be approved. Therefore, I have written to the Ministry and recommended the number of schools for registration. That is the Statement that I am seeking from the Ministry.

**Hon. Speaker:** Hon. Gisairo, is two weeks sufficient?

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Yes, Hon. Speaker. I understand what the Member is saying. Not all primary schools have junior secondary schools. Some are not approved.

**Hon. Speaker:** However, are all junior secondary schools appendages to existing primary schools?

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Yes, Hon. Speaker.

**Hon. Speaker:** Hon. Farah Yakub. Yes, Hon. Oundo. You want to joyride?

**Hon (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Speaker. While responding on the same, I want the Departmental Committee on Education to clarify a matter that seems to be gaining currency in most rural schools. Are they referred to as junior secondary schools, primary schools or comprehensive schools under the leadership of a head of institution? The heads no longer call themselves head teachers. There is too much confusion. So, as the Committee will be bringing an answer to that request for a statement, it should do us a favour by clarifying that, so that we do not misinterpret it or make reference to the heads as head teachers which may be demeaning to the elevated title they have now.

**Hon. Speaker:** Hon. Gisairo, can you add that?

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Thank you, Hon. Speaker. I will add that. However, I would wish to state that we have junior secondary schools and not comprehensive schools. The head is referred to as: "Head of institution." We shall have all that captured in the response.

**Hon. Speaker:** Hon. Farah Yakub, Member of Parliament for Fafi.

#### STATUS OF LAPSSET CORRIDOR PROJECT IN GARISSA COUNTY

**Hon. Farah Yakub** (Fafi, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the Status of Lamu Port South-Sudan Ethiopia Transport (LAPSSET) Corridor Project in Garissa County.

The LAPSET Corridor Project has been touted as one of the single largest and integrated infrastructure projects in Africa, envisioned as a transformative game changing infrastructural undertaking. LAPSET seeks to connect the economies of Kenya, Ethiopia and South Sudan among other nations in the East African region.

The Government of Kenya aligned this flagship project with Kenya's Vision 2030 through a wide range of components, including the Lamu Port in Manda Bay with a plan of new 32 Deep Sea Berths, International Airports and resort cities in Lamu, Isiolo and Turkana;

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a merchant oil refinery at Lamu; High Grand Falls multipurpose dam; a regional road and rail networks; fibre optics cable; and advanced communication systems.

The implementation of the LAPSSET Corridor Project promises to significantly accelerate economic growth, open up the historically marginalised northern part of the country, ease congestion at the port of Mombasa and enhance regional integration. The project was also intended to address the devastating impact of the current drought and to uplift communities along the corridor by catalysing development and enhancing livelihoods. However, despite the immense significance of the project and the high expectations of the residents of northern Kenya, particularly those in Garissa County on its transformative potential, the project has faced significant delays and growing uncertainties. It is against this backdrop that I request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. The progress made on implementation of the LAPSSET Corridor Project within Garissa County in terms of land appreciation, compensation and resettlement mapping and infrastructural planning
2. The financial aspect of the project including the total funds allocated, actual disbursement and the corresponding budget provision towards the project
3. A comprehensive status report on the current state of the project including projected timelines for completion.

Thank you.

**Hon. Speaker:** Thank you. The Chair of the Departmental Committee on Transport and Infrastructure is away with my permission. He is sitting for exams. Who is the Vice-Chair? Any Member of the Committee.

Hold on Hon. Weytan. Hon. Keynan wants to joyride on that request for a Statement.

**Hon. Adan Keynan (Eldas, JP):** Thank you, Hon. Speaker. The LAPSSET Corridor Project is supposed to be a regional flagship project intended to provide transport and logistics infrastructure aimed at creating a seamless connectivity between the East African countries. We all understand that. The Government of Kenya deliberately decided to construct another port in Lamu. That beautiful creative idea is now going to waste. As you are aware, Ethiopia is a huge land locked country that was supposed to rely on that important connectivity. Unless we put in place deliberate affirmative measures as a House under your leadership, this project will join other white elephant projects that have failed to meet the test of time.

In addition to what the Member for Fafi has asked, I want to ask the Chairman to respond to the following:

The first objective of the LAPSSET Corridor Project was to open up northern Kenya which is hitherto marginalised. Why has this objective not been achieved?

The second objective of the LAPSSET Corridor Project was to link the Port of Lamu to Ethiopia. That has not been met. Why?

The most important objective of the LAPSSET Corridor Project was to create an economic opportunity for the people of Kenya. Why has that not been done?

A lot of resources have been spent. What is being spent now is on security and yet we do not have a security problem in that region. The primary concern is the potential legal issues arising from Sessional Paper No.10 of 1965, which we should declare unconstitutional soon, so that it can be removed from the Treasury archives. This Sessional Paper is being used to deny our people their legitimate constitutional rights. The Chairman should provide a comprehensive statement that will facilitate the completion of this project within the timeline. Due to this delay, Ethiopia has now moved to Djibouti. The economic costs of this situation are evident. As the Chairperson responds to this matter, could they please propose a timeline that enables us to complete this project, allowing Ethiopia to connect easily to that port?

Thank you, Hon. Speaker.



**Hon. Speaker:** Is any Member of the Committee present? Hon. Weytan, are you a Member of the Committee? Bring the response in two weeks.

**Hon. Hussein Weytan** (Mandera East, ODM): Thank you, Hon. Speaker. As a Member of Parliament from the area, I understand the situation very well. As a Member of the Committee, I will take up the matter.

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

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I rise on a point of order regarding a different issue. I have noted with concern that there are many students visiting Parliament. While it is good for students and pupils to visit Parliament, as an expert in child protection, the current numbers are concerning. There are numerous school buses at the KICC, and outside the gate, we have a large number of students. Child protection is a significant issue. Some students may be at risk of being run over by vehicles, may get lost, or may be subjected to abuse.

Usually, we have standards and certain safeguards, including chaperones for visiting students. However, the number of students present at this time is a crisis in waiting. For them to have a meaningful experience in Parliament, we should control the numbers. Currently, they seem to be walking in and walking out without a purpose. I do not know whether they are gaining any proper experience with these brief visits. Parliament could advise the various schools so that their visits are staggered, as has been done in the past.

Thank you.

**Hon. Speaker:** Hon. Naisula, are you rising on the same issue?

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Speaker, and thank you, Hon. Millie, for raising this issue. Yesterday, I noted that two of the children fainted because they had been standing for long hours. I will be writing to you, as the Chairperson of the Parliamentary Service Commission (PSC), that we establish a health facility within Parliament. This facility would provide quick, emergency medical aid for Members of Parliament, staff, and visitors. If anything had happened, and we had to rush those children to a hospital, it would have been important for them to receive first-aid assistance here in Parliament. Therefore, I will write to you so that this can be considered for Members of Parliament and staff.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Millie and Hon. Naisula. You may recall that I mentioned yesterday that, on Tuesday alone, we received 60 schools visiting Parliament. When I instructed the Clerk to inquire, I was informed that the teachers who requested to come at this particular time explained that, due to the school holidays, this is the only available time until the next holiday. Fortunately, this holiday coincides with the time when the House is in session. Additionally, I asked the clerk and the Serjeant-at-Arms if they felt overwhelmed by the number of schools visiting Parliament, and they confirmed that they were not; they can manage the numbers.

If you look around Parliament, yours truly and the management have designated various gardens and reasonable areas for schools to sit and have their snacks after they visit the House. Furthermore, Hon. Naisula, we have a resident first aid nurse in Parliament. If the affected institution had informed us, the children would have been attended to without any problem. I will inform the Serjeant-at-Arms office to remain vigilant in case of similar situations; they should be prepared to address any issues that arise.

Lastly, as you Members have pointed out before, this is an open space for Kenyans. It is the Parliament of the people of Kenya. Therefore, when people, including schools, wish to visit us, we welcome them. I agree with you, Hon. Millie, that the current numbers are quite large. However, we also remind the teachers who bring their students that they bear the greatest responsibility for ensuring their safety, protection, feeding, and accommodation if they come

to stay in Nairobi. If they encounter any problems, we cannot provide financial assistance, but they can bring it to our attention so that we can explore how best we can assist them.

In the meantime, I also encourage my clerks to notify the Speaker as soon as a school arrives, as we are currently in a situation where we are acknowledging the presence of schools that have already departed. That is not very orderly.

On that note, allow me to acknowledge the following schools seated in the Public Gallery:

1. Keringet Bright Lamp School from Kuresoi South Constituency, Nakuru County;
2. St. Mary's, Nyabururu Girls, from Kitutu Chache South Constituency, Kisii County;
3. Kamunyu Primary School, Mwingi Central Constituency, Kitui County;
4. Soi Emining Academy from Mogotio Constituency, Baringo County;
5. Gatundu-ini Academy from Kangema Constituency, Murang'a County;
6. Iriamurai Primary School from Mbeere South Constituency, Embu County; and,
7. St. Barnabas School from Keiyo North Constituency, Elgeyo Marakwet County.

On my behalf and that of the House, we warmly welcome the students, their teachers, and those accompanying them to the House of Parliament.

Next, we have Hon. Owen Baya.

#### THE STATUS OF THE CONSTRUCTION OF THE RONALD NGALA UTALII COLLEGE IN KILIFI COUNTY

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the status of the construction of the Ronald Ngala Utalii College in Kilifi County.

On 1<sup>st</sup> February 1996, the Government approved the construction of the Coast Branch of the Kenya Utalii College vide Cabinet Minute 13/1996. However, the commencement of the project in Vipingo, Kilifi County, stalled until 2010. Upon commencement, construction faced challenges that have delayed its completion for 29 years. Notably in 2017, the Public Investments Committee in the 11<sup>th</sup> Parliament raised concerns regarding the project through a special report on the college dated May 2017.

In addition, in 2021, the Public Investments Committee in the 12<sup>th</sup> Parliament further inquired into the status of the construction and public funds that have been spent on the project. Despite these interventions and concerns regarding delays and the effect on the value of public money, the project has stalled. This inordinate delay has hampered the growth of the tourism sector in the Coastal Region of Kilifi due to lack of quality facilities and personnel, owing to the fact that the country only relies on the Kenya Utalii College in Nairobi.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on the following:

1. A comprehensive report on the status of the construction of the Ronald Ngala Utalii College in Kilifi County, including expected completion timelines.
2. Reasons for the delay in completion and subsequent opening of the college, and the measures being taken to complete the college without any further delay.
3. A detailed assessment of the total cost incurred in the construction of the college, including penalties and fines incurred since commencement.
4. A report on the utilisation of public funds on the construction of the Ronald Ngala Utalii College in Kilifi County since commencement, in comparison with the initial cost.

Hon. Speaker, I thank you.

**Hon. Speaker:** Yes, Hon. Julius Ole Sunkuli, you want to speak on the same?

**Hon. Julius Sunkuli** (Kilgoris, KANU): Yes. I would like to seek your indulgence to joyride on that Statement.

**Hon. Speaker:** Go ahead.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Speaker, while the Ronald Ngala Utalii College was being constructed, the Government had also committed to construct Utalii College in Kilgoris. Groundbreaking was done by the highest in Government, but up to today, I do not know the status of the said College.

I also want to request the Chairman of the Departmental Committee on Tourism and Wildlife to include the status of the Kilgoris Utalii College when he brings a response to Hon. Baya's Statement to this House. I would like to know how much money is allocated because I have not seen it in the budget, and when the construction will commence and be completed.

Thank you.

**Hon. Speaker:** Thank you. The Chairperson of the Departmental Committee on Tourism. Is it Kareke Mbiuki? Any member of the Committee? Hon. Owen Baya, you take responsibility and inform him to bring a response in two weeks.

**Hon. Owen Baya** (Kilifi North, UDA): Much obliged, Hon. Speaker.

**Hon. Speaker:** Hon. Mary Maingi

**Hon. Mary Maingi** (Mwea, UDA): Thank you, Hon. Speaker, for allowing me this opportunity. I want to speak to two issues regarding the rice farmers in Mwea Constituency. On 20<sup>th</sup> February this year, I requested for a Statement from the Departmental Committee on Trade, Industry and Cooperatives on the importation of rice into this country. Rice is the third consumed cereal in this country...

**Hon. Speaker:** Hon. Mary Maingi, I gave you an opportunity to remind the House that you requested for a Statement, and it has not been responded to. I did not give you the latitude to open debate on the same Statement that you requested.

**Hon. Mary Maingi** (Mwea, UDA): Thank you, Hon. Speaker. I am guided. With your indulgence, I would like the Cabinet Secretary for the Ministry of Investments, Trade and Industry and the Cabinet Secretary for the National Treasury and Economic Planning to come and explain their plans for rice farmers in Mwea Constituency. I learned about rice importation into the country yesterday through a Gazette Notice.

Allow me to speak to the issue of fertiliser. I urge you to indulge the Cabinet Secretary, Ministry of Agriculture and Livestock Development to come and explain to this House why Mwea rice farmers should not enjoy subsidised fertiliser like other farmers. We have written to the Principal Secretary, Ministry of Agriculture and Livestock Development on subsidised fertiliser through Mwea Rice Growers (MRGM), and he does not seem to think that it is urgent for us to enjoy the subsidised fertiliser.

Hon. Speaker, I seek your guidance.

**Hon. Speaker:** Thank you. On the fertiliser one, I remember you shared with me, and I forwarded your concerns to the Cabinet Secretary for Agriculture and Livestock Development. Hon. Mutunga, I see you are here. Can you check out why Mwea rice farmers are not accessing subsidised fertiliser when the policy is that every farmer, whether it is of coffee, tea, rice, potato, maize, or whichever crop, must be equally treated to access subsidised fertiliser?

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): I will do that, Hon. Speaker. However, the strategy is to have everyone receive subsidised fertiliser, whether it is tea, coffee, rice, or other crops.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. On the rice one, the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives.

*(Hon. Jared Okello spoke off the record)*

Has she spoken for you? Well, she represents Mwea. Does Nyando get fertiliser?

*(Hon. Jared Okello spoke off the record)*

Okay. Hon. Mutunga.

*(Hon. (Dr) John Mutunga Kanyuithia was on phone)*

Chairman Mutunga, limit your phone contact in the Chamber. Expand your fertiliser check to the Nyando Rice Scheme as well.

Next, responses to Statements, the Chairman of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo. Is he here? Respond to a request by Beatrice Kemei. Before you do, let me acknowledge additional schools in the Public Gallery: Bureti Junior School from Belgut, Kericho; Ndonyo-Wasin Primary School from Samburu East, Samburu; Kathanthatu School from Imenti South, Meru; Sirwa Comprehensive School from Mogotio, Baringo; Mumias Central Primary School from Mumias West, Kakamega; and Uzima Primary School from South Imenti, Meru.

*(Applause)*

Next is the Hon. Member for Mumias West. I know you asked me to give you an opportunity to welcome your school, but it has probably left. So, on my behalf and on behalf of the House, we welcome the schools, students, teachers and those accompanying them to Parliament.

*(Applause)*

## STATEMENTS

Hon. Tongoyo.

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

**Hon. Speaker:** You have three responses? Are you ready with all of them?

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

**Hon. Speaker:** Start with the one...

**Hon. Gabriel Tongoyo** (Narok West, UDA): I need your indulgence, Hon. Speaker. I am ready with a response for Hon. Beatrice Kemei. I doubt whether she is in the House.

**Hon. Speaker:** If she is not in the House, put it aside.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Do I table it?

**Hon. Speaker:** Table it. She will read it.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I think she has left. Allow me to table it.

**Hon. Speaker:** To be fair to her, in case she has supplementary questions, we will stay it until next Tuesday afternoon.

*(Statement to Hon. Beatrice Kemei's request deferred)*

**Hon. Gabriel Tongoyo** (Narok West, UDA): Okay. Thank you.

**Hon. Speaker:** Chiforomodo Mangale, there is a response to your request.

STATUS OF CONSTRUCTION OF LUNGALUNGA  
SUB-COUNTY HEADQUARTERS

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I have a response to a Statement sought by the Member of Parliament for Lungalunga Constituency, Hon. Chiforomodo Mangale. The Member of Parliament had requested to be informed about the current progress of construction of the Lungalunga Sub-County Headquarters and the measures, if any, being implemented to expedite its completion in order to provide proper office space for the Deputy County Commissioner (DCC) and other heads of departments. I respond as follows.

The process of construction of the Lungalunga Sub-County headquarters commenced in 2019 with the drawings and the bill of quantities (BoQ). However, the construction has not commenced due to limitations of funds. The land for the construction of the headquarters is available with a Parcel No.Kwale Mahuruni/1856 measuring approximately 2.80 hectares.

With regard to the second question on the issue of measures being put in place to expedite, the Ministry is in the process of engaging the National Treasury for the funding of the project, which is estimated to cost about Ksh53, 497,506.

I submit, Hon. Speaker. The response is signed by Hon. Kipchumba Murkomen.

**Hon. Speaker:** Hon. Chiforomodo, are you satisfied we move to the next statement?

**Hon. Chiforomodo Mangale** (Lungalunga, UDA): Hon. Speaker, the response is not satisfactory. Thirteen years is such a long time to be told that the Ministry is trying to get some funds so that they can actualise the project. I wish the Chairman could liaise with the Cabinet Secretary because we are in the beginning of the financial year and we can get some funds to actualise the project. Currently, the DCC has no office. They operate on a makeshift office which has been abandoned by Kenya Revenue Authority (KRA). This has been the trend. The Mwachande Bridge and many other projects in Lungalunga Sub-County have stalled since the El Nino rain season.

Hon. Speaker, I would request the Chairman to liaise with the Cabinet Secretary so that we get some funds. A sum of Ksh53 million is very little money for that matter. This is a big Government with a budget of about Ksh4 trillion. I request that something be done so that this issue is addressed. Thirteen years is such a long time.

Thank you.

**Hon. Speaker:** Hon. Tongoyo, can you fast-track for him?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. As much as I understand the frustration of the Member of Parliament, we all know the problem. I have been lamenting in this House on the issue of funding projects within the Ministry. In this financial year, we barely have Ksh500 million and we are aware of the gazetted units which are a majority in this country. Having said that, I will follow up on this matter and see what can be done. However, I want to challenge the Member of Parliament to utilise the National Government Constituency Development Fund (NG-CDF), which to some extent can also help the Ministry in doing something in the said sub-county. A majority of Members of Parliament in this House have contributed immensely on the issue of support to sub-counties through the NG-CDF, including Hon. Bowen. He has done a good job. I, therefore, call upon my colleague, as we wait for the Ministry to probably get some funds, he can also do something using his NG-CDF kitty.

**Hon. Speaker:** Thank you. Now respond to a request by Hon. Yakub Adow. Hold on. Yes, Hon. (Dr) Rachael Nyamai. There is another joyrider here.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Speaker, for allowing me to also joyride on this matter. I would like to inform the Chairman that we have assistant chiefs who were hired one year ago, specifically in April 2024. We are now past April 2025. Initially, I had informed them that I did not want to raise the matter because I thought it would be handled administratively, but I would like to request the Chairman that this is a matter that needs his consideration. As we wait for implementation of the ones that have already been gazetted, it is a huge concern for those who are already hired and have not been paid.

**Hon. Speaker:** Thank you. Hon. Tongoyo, take care of that. Hon. Owen, do you want to joyride on this one as well?

**Hon. Owen Baya** (Kilifi North, UDA): Yes, Hon. Speaker. This is a problem that needs to be looked at. I have chiefs and assistant chiefs in Kilifi County, who were hired a year ago but they have not been paid. You can imagine a chief waking up every day, serving the people, and he does not get payment. When I asked, I was told that there was a problem with the Public Service Commission, who had disputed that they were the ones who should be hiring chiefs and not the local administration. As a result of that dispute, the chiefs are now suffering yet this matter can be resolved within the shortest time. There must be a problem within the Ministry of Administration and Internal Affairs. This is a matter that must be sorted out. Otherwise, if they keep on piling it, it will become another huge pending bill going forward.

**Hon. Speaker:** Hon. Tongoyo, take note of that matter and address it. Those are comments, they do not require your response.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, maybe just to put a word across, because this is not the first time that it is coming up. The problem lies with the Public Service Commission. They have this issue of generating the service numbers. At times it takes unnecessarily long, but as you have guided, it is an issue that we are going to follow up and have it addressed.

**Hon. Speaker:** Can you now respond to a request by Hon. Yakub Adow? Is Hon. Yakub here?

**Hon. Yakub Adow** (Bura, UPIA): Yes, Hon. Speaker.

#### DISAPPEARANCE OF MR ADHAN NOOR HASSAN

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. Once again, I have the response to a Statement sought by Hon. Yakub Adow, the Member of Parliament for Bura with regard to the disappearance of Mr Adhan Noor Hassan. I want to respond as follows.

On 14<sup>th</sup> May 2025, at about 1020 hours, Mr Maulid Adan Hassan reported at Bangale Police Station, vide OB No.8/14/05/2025, that his cousin, Mr Adan Noor Hassan, a resident of Bulto Banta Village had been abducted within Bangale Township. Search efforts commenced immediately and the vehicle number plate circulated at all roadblocks. Preliminary findings revealed that the victim was abducted on 13<sup>th</sup> May 2025 at about 1300 hours by two men using a black BMW vehicle bearing registration number KCS 147Z. It was further established that the victim's mobile phone was switched off immediately after his abduction in Bangale Town. Prior to the incident, the victim had been in communication with the individual whose phone number was traced to Mbala and has since been switched off.

The Directorate of Criminal Investigation (DCI) Crime Research and Intelligence Bureau is currently reviewing the call records of the victim with a view of identifying any suspicious phone number that the victim may have been in contact with. Additionally, a formal request was sent to the National Transport and Safety Authority (NTSA) to obtain the ownership detail of the suspected vehicle. A response was received providing a duplicate logbook of the vehicle, which confirmed that the vehicle, a black BMW registration number

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KCS 147Z, is registered under Mr Mustaf Adan Ibrahim. The investigation team is, therefore, tracking Mr Mustaf, who is considered a key suspect in the matter, and was later located between Mandera and Wajir County. Investigations are still ongoing with efforts intensified to apprehend the suspects and arraign them in a court of law for the appropriate charges.

On the second question, Hon. Speaker, the police have intensified the investigations to ensure that the said person is expeditiously traced and reunited with the family and to apprehend and arraign in court those who will be found responsible for the disappearance of the said person.

I Submit, Hon. Speaker. The rest are just standard responses.

**Hon. Speaker:** Hon. Yakub.

**Hon. Yakub Adow** (Bura, UPIA): Thank you, Hon. Speaker. First, this response is not satisfactory for the following reasons. I am in contact with the family, and specifically the person who has reported the matter. Without casting aspersions on the investigation process, the family has not reported that specific registration number. The source of that information is not known to us. The second issue is about the named individual known as Mr Faisal. With a little more seriousness on the issue, the details of that individual should have been traced. It is now four or five months from the time of the incident. As the representative of the family, I believe that information is not satisfactory.

Secondly, it is about Bangale Police Station. My constituency is about 13,000 square kilometres. I have raised an issue about lack of patrols by police in that area. That was not an isolated matter. It is a case that has repeatedly been reported and up to date, part of the response from the Chairman is that Bangale Police Station has not been allocated any police vehicle. The closest police vehicle is about 180 kilometres away for any response. God forbid, if anything happens today, there is no response that will be expected from the police around there. Therefore, my request to the Chairman, through the Hon. Speaker, is that the next time the leasing process of vehicles for security purposes commences, police stations like Bangale and others in far-flung areas should be given priority.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Tongoyo, have you heard the concern of Members?

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

**Hon. Speaker:** Look at them and apprise them on what else you are doing.

Hon. Beatrice Kemei has come here and says she had stepped out to respond to a biological emergency.

*(Laughter)*

She has requested that we reinstate her request for Statement. So, go ahead and respond.

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

**Hon. Speaker:** Hon. Kamket, what is it?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I just want to joyride on that Statement, before the Chairman responds. I want to add something little. One of the most shameful...

**Hon. Speaker:** On which Statement?

**Hon. Kassait Kamket** (Tiaty, KANU): On the request for a Statement by the Member for Bura.

**Hon. Speaker:** We have already gone past that.

**Hon. Kassait Kamket** (Tiaty, KANU): Not yet. He has not responded. I want to add something.

**Hon. Speaker:** Go ahead.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you Hon. Speaker. One of the most shameful acts for a Member of Parliament is to pretend to give a response on behalf of the police to this House. We have to find a way of ensuring that a Member of Parliament does not respond to requests for Statement on behalf of the police in this House, be it the Chairperson of the Departmental Committee on Administration and Internal Affairs or any other committee. This is because we know that there is much that the Member does not know. When we talk about security matters, most of the time, we talk about loss of life. I have a case in mind in my constituency where somebody was picked from Nginyang Market by the police and has never been seen to date. We have chosen not to ask because there is little we can get from the police. So, when I hear the Chairman trying to respond on behalf of the police, I feel for him because I believe he does not believe what he is reading. He does not even have the facts.

**Hon. Speaker:** You are not a spokesman. Are you?

**Hon. Kassait Kamket** (Tiaty, KANU): No, but, Hon. Speaker, it is obvious that he does not even know what he is talking about.

**Hon. Speaker:** Be fair to your colleague.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I do not want to be unfair to him. I am trying to point out a problem that is real in this country.

**Hon. Speaker:** Member for Tiaty, we have given you an opportunity as Members. Take your seat. You decide to file a question to the Committee and the Chairperson of the Committee will bring you an answer, however, competent or incompetent. We have also given you an option to file questions for Cabinet Secretaries to come here and answer and for you to grill them. The Cabinet Secretary in the Ministry of Interior and National Administration will be here next Wednesday, 6<sup>th</sup> August 2025. So, it is entirely up to you, and those who think like you, to choose where to file your questions.

Hon. Kamket.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I want to add that even the Cabinet Secretary for the Ministry of Interior and National Administration is a civilian. Sometimes the statements he brings to this House is *stori za jaba*.

**Hon. Speaker:** Order, Hon. Kamket.

**Hon. Kassait Kamket** (Tiaty, KANU): I am telling you, Hon. Speaker. That is the reality.

**Hon. Speaker:** Are you telling the House that you want the Inspector-General of the National Police Service and other policemen to come here and answer questions? Under what Standing Order?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, we have other agencies that come to this House and even in committees. We have to find a way of having those officers directly respond to issues, either in Plenary or in Committee. That is because a Member of Parliament is given stories that he is not able to substantiate. We are not able to ask him subsequent questions yet these are questions that concern the lives of Kenyans. That is all I am saying.

**Hon. Speaker:** Yes, Hon. Keynan.

**Hon. Aldan Keynan** (Eldas, JP): Hon. Speaker, having worked in Parliament under the old Constitution, Hon. Kamket remembers when we used to have the government question time; when questions would be filed on the Floor of the House and we would deal with substantive officeholders. What he is imagining now is how we can get out of this conflicted system. That is what the Building Bridges Initiative (BBI) wanted to do. That is what is in the National Dialogue Committee (NADCO) Report. It is high time we thought outside the box and faced this challenge because it is a constitutional problem. It is not the Speaker's problem, and neither is it the problem of the Chairperson of the Committee but rather, it is because of the system that we have. It is high time we thought outside the box and brought back the glory



of this House so that the real business of running Government is transacted in this House by the elected representatives of the people of Kenya. That is the Parliamentary System, which everybody is yearning for. So, let us support that initiative to bring back power to this House through the Parliamentary System.

**Hon. Speaker:** Thank you. Before you respond to Hon. Kemei's request, Chairman, allow me to acknowledge, in the Speaker's Gallery, Mumias Central Primary School from Mumias West Constituency, Kakamega County. In the Public gallery, we have Glorious Academy from Thika Town Constituency, Kiambu County; Kapkwang School from Baringo North Constituency, Baringo County; Kilel Stars Academy from Konoin Constituency, Bomet County; Hoflo Junior Academy from Ainabkoi Constituency, Uasin Gishu County; and Chepseon Complex from Kipkelion East Constituency, Kericho County.

On my behalf and on behalf of the House, we welcome the students, their teachers and those accompanying them to the House of Parliament. Thank you.

Hon. Tongoyo, go ahead and respond to Hon. Beatrice Kemei's request for Statement.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. I do not want to belabour what you have already ruled on, but allow me to respectfully weigh in on what my brother has said.

Our current Standing Orders are very clear on who responds to request for Statements and Questions on behalf of Members but, again, it is not limited to the Inspector-General of the National Police Service and the police officers appearing before Committees, where we can have an interrogative session on issues that need deeper questioning. The Member may still have an opportunity through committee sittings.

Hon. Speaker, before I respond to the issue of Hon. Kemei regarding Gender Based Violence (GBV), allow me to speak about the request for Statement by the Member for Bura. He has sat next to me. He still has some issues on the response. We still have unfinished business with the Cabinet Secretary on appearance before the Committee on several un-responded to requests for Statements. We will probably consider having him appear if we get that opportunity.

**Hon. Speaker:** On that matter, continue whispering to each other.

**Hon. Gabriel Tongoyo** (Narok West, UDA): So, when the Cabinet Secretary will be appearing before the Committee, the Member can come to the meeting as well.

Hon. Kemei wanted to know the progress made on investigations regarding the escalating cases of Gender-Based Violence in Kericho County. I want to respond as follows, Hon. Speaker. I think she wants to know the status of investigations into the reported femicide and GBV cases in Kericho County, particularly, the attacks on Ms Mercy Chelagat and Ms Miriam Chelimo. She also wants to know the report on the number of reported femicide cases between April and July, 2025.

Hon. Speaker, Nicholas Koech reported at Girimoni Police Station, vide OB/06/21/04/2025 on 20<sup>th</sup> April that at around 0900 hours a reconciliation team arrived at his home from Lesiwa, Kipkelion village with intentions to reconcile his daughter, Damaris Chelangat with her husband, Mr David Kimutai. The two had a domestic dispute which had prompted Damaris to flee from her matrimonial home to her parents' home. Mr David, who is the accused, was accompanied by his kinsmen, Mr Wilson Kipsang Chewen and Pastor Samuel Mutai, while Mr Nicholas was accompanied by his brother, Mr Thomas Kibet Koech, and his son, Mr Gilbert Kemboi.

After the deliberations, at around 1500hrs, Ms Damaris was invited to give her submission and she declined to accompany her husband back to their matrimonial home. Enraged, Mr David pulled out a knife from his jacket and stabbed her severally on the stomach. The accused also stabbed Mr Gilbert on the abdomen after he attempted to restrain him. Their father, Mr Nicholas, also sustained minor injuries. Neighbours who responded to the distress

calls subjected Mr David to mob injustice. All the injured persons, including the accused, were rushed to Kericho County Referral Hospital. The accused was treated and discharged, while Ms Damaris and her brother Gilbert were admitted and were later discharged.

The investigating officer visited and processed the scene, recovered a knife which was kept as an exhibit and further recorded statements while P3 forms were duly completed. The accused was arrested on 26<sup>th</sup> April 2025 and arraigned before Tamu Law Courts on grievous harm contrary to Section 234 of the Penal Code. He pleaded not guilty on both counts. The court released him on a bond of Ksh200,000 or a cash bail of Ksh50,000. The case was fixed for routine mention and hearing on 26<sup>th</sup> May 2025 and 23<sup>rd</sup> June 2025, respectively.

The accused appeared before Tamu Law Courts for a routine mention on 26<sup>th</sup> May 2025. However, both the complainants requested the presiding magistrate for the withdrawal of the case, having reconciled with the accused. The accused was subsequently acquitted and the case withdrawn under Section 204 of the Criminal Procedure Code on both accounts.

Hon. Bavina Serem, a nominated Member of County Assembly (MCA) reported at the Girimori Police Station via a mobile phone that Mr Meshack Odidi Juma assaulted his wife, Mrs Miriam Chelimo on the night of 3<sup>rd</sup> April 2025 at Gate Point Bar within Girimori Trading Centre following a domestic dispute. On 3<sup>rd</sup> April 2025, the suspect took the victim to Jaramogi Oginga Odinga Teaching and Referral Hospital for treatment. Unfortunately, she succumbed to the injuries on the following day.

Subsequently, police officers from Kipkelion Police Station arrested Mr Meshack Odidi Juma and booked him vide OB12/14/04/2025. Upon interrogation, he admitted that he had not reported the incident to the police, stating that funeral arrangements were already underway for her burial, which was scheduled on 16<sup>th</sup> April 2025 at her parents' home in Chesigot, Kunyak, within Kipkelion Sub-County. The suspect was presented before Kericho Law Court on 15<sup>th</sup> April 2025 for custodial orders and was later arraigned for plea taking on 23<sup>rd</sup> April 2025.

Hon. Speaker, the number of reported femicide and GBV cases between the months of April and July 2025 are as follows:

1. Femicide cases – Two cases were reported and all are pending before the court.
2. Rape cases – Nine cases were reported, among them seven cases pending before the court.
3. Gang rape cases – Three cases were reported and all are pending before the court.
4. Sexual assault cases – Two cases were reported and are both pending before the court.
5. Defilement cases – 77 cases were reported and all are pending before the court.
6. Attempted defilement cases – two cases were reported and the accused have been convicted.
7. Grievous harm cases – Three cases were reported and all are pending before the court.

All reported cases of femicide and GBV in Kericho County have been thoroughly investigated, with several cases currently pending before competent courts of law, while others have already been concluded. The Government remains fully committed to upholding the rule of law and to ensuring timely and impartial prosecution of all reported cases. Efforts continue to be directed towards eliminating procedural delays, protecting the rights of survivors and holding perpetrators accountable through a victim-centred, rights-based approach.

Hon. Speaker, limited arrests and prosecutions in Kericho County is attributed to:

1. Low levels of community sensitisation, which has resulted in victims being pressured by members of the public to resolve cases privately with their perpetrators.

2. Limited co-operation from members of the public in assisting the police to trace and apprehend suspects, many of who go into hiding after committing crimes.
3. Survivors of GBV often face societal stigma and are blamed for their victimisation, which deters the victims and their families from reporting incidents.

I submit, Hon. Speaker.

It is signed by Hon. Kipchumba Murkomen, the Cabinet Secretary for Interior and National Administration.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Beatrice Kemei.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Speaker, especially for considering my request even after I stepped out briefly. I wanted to be comfortable to listen to the Chairman. He has brought the response from the Cabinet Secretary, but it is unfortunate that the cases are alarming and are on the rise.

**Hon. Speaker:** They are definitely alarming for a small county like Kericho.

**Hon. Beatrice Kemei** (Kericho County, UDA): Yes, they are. I expected the Cabinet Secretary to give reasons for the slow rate of arrests and prosecution, as well as possible solutions. Having said this, I thank you, Hon. Speaker, because the campaign against GBV by women leaders has yielded some results. However, I plead with our male counterparts to support us because we will not go far if they do not.

Hon. Speaker, I wish they could say something on GBV whenever they attend function in the constituencies. This is because GBV does not only affect women. It affects everybody, but the most affected are women.

The cases in Kericho County are alarming and rising every day. I wish to add that court cases take very long. That is one of the reasons why some of the victims decide to withdraw or reconcile with their perpetrators. Some are actually forced to reconcile. I ask all stakeholders to come together to ensure that these cases reduce, not only in Kericho County but across the country. You may realise that economic and political factors are affected by these social cases. I ask that we go further than that.

I request the Chairman of the Departmental Committee on Administration and Internal Security to give us more results. How can we get possible solutions for GBV? It is not satisfactory, especially in the case of the lady who died and the husband did not even bother to report it. He said he was planning the funeral. I am not happy. Every day, I am asked what the legislators are saying about GBV cases. So, it is from here, the Floor of the House, that we can speak for our people, especially the poor. They have nothing they can use to follow up these cases.

Yesterday, while the Temporary Speaker was holding brief for you, a statement on a certain village elder was answered, but the problem was that even families are not informed of the progress of their cases. So, I believe the Chairman should go further on such cases.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Wamuchomba, do you want to joyride on that? Go ahead.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Hon. Speaker. I want to take cue from my sister, the County Woman Member for Kericho. This morning, I attended a conference for all the Civil Society Organisations (CSOs) and human rights organisations based in Nairobi. It is a network of human rights organisations. In that forum, Kericho County was flagged in a report that was presented. Baseline research had been done and Kericho County showed alarmingly negative numbers. I support the Member when she says that she is not satisfied with the response.

It is barely two years since we saw mutilated bodies of women being retrieved from a quarry in Nairobi City County. You and the Members of this House can bear me witness that

the case has never been resolved. The suspect suddenly escaped from a police cell and nobody has ever come out to tell Kenyans what happened. How many bodies were left there and how many were retrieved? Who were they? Whose daughters, sisters or wives were they? This issue of GBV, femicide and sexual assault has become very serious. Where I come from, in Githunguri Constituency, there is a new phenomenon of people being employed as workers, gardeners or *shamba* boys. They accost elderly women who are their employers, rape and kill them. When you go to the police officers to follow up on the case, you find that some of them have no identification cards. We do not know where they come from or which country they come from?

I rise up as a woman supporting my sister from Kericho County. Even as His Excellency the President supports the women of this House through the GBV budget that he gave us, it is not enough. Hon. Speaker, as a father and husband, I beseech you to lobby the men in this House. We need to see more than what we see.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Gacheri.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Speaker. While we appreciate the gains that we have made in women participation in society and their safety, we still have so much to be done because we must approach this with a multi-agency approach. The Judiciary has launched an initiative to decentralize the Sexual and Gender-Based Violence (SGBV) Courts, but they require funding from this House to ensure that in every magistrate's court station, there is SGBV Court that specifically deals with such matters so that we can expedite them.

The Director of Public Prosecutions (DPP) and the investigative agency are culpable for delays in court. They are mostly from a lack of supply of evidence that the prosecution intends to rely upon. I say this as an advocate of the High Court who has practised and handled these matters continually. On every court mention, there is further adjournment because the DPP's office is unable to supply the evidence as per the requirements of the law. The arresting agency, the National Police Service, is also culpable for laxity. Sometimes women complain to us, as leaders, that they have reported a matter but police officers have dismissed those claims or claimed that their dresses were too short, or they must have insulted or said something that was demeaning to the man or offending the person. These are things that we, as a society, cannot keep quiet about any longer.

If we have only one approach, we will keep having these conversations and delayed case matters. However, if we take a multi-agency approach involving the Ministry of Gender, Culture, the Arts and Heritage; Non-Governmental Organisations (NGOs) and the religious communities in Kenya, I am certain that we will mitigate such occurrences.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Naisula.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you very much, Hon. Speaker. I rise to support the County Woman Representative for Kericho. Thank you for requesting for this Statement. These issues are not only specific to Kericho County. They cut across the 47 counties in our country. Just as my colleague has said, we cannot fight GBV issues, defilement and rape using one approach. We all have to come together.

Recently, His Excellency the President supported all the women through Kenya Women Parliamentary Association (KEWOPA), to go and do sensitisation in our counties and constituencies. This is a conversation that is happening at the grassroots levels. We are grateful about that. However, as the conversations go on, there has to be tangible results. I always say that one life matters. We do not have to wait until 10 or 20 bodies are found in a quarry. When one woman, man, person or child—and it does not matter from what part of this country—is defiled or killed, their lives matter. You can imagine these are people who have died not

because they are sick or due to any other natural calamity, but another individual has taken their lives. This is something that we, as a country, must take very seriously. It starts from the family level.

I am very happy with some of those people who are speaking out. When it comes to social issues, people do not like speaking out. We have realised that defilers, rapists and killers are people who are well known to their victims. It is their uncles, brothers or their mothers' partners. There is an issue going on in the society. I currently have a case in Samburu, where a child was raped by her mother's partner. Some people are asking what that partner was doing with the child's mother. It does not matter what relationship he had with the mother.

**Hon. Speaker:** Children are not raped, but they are defiled.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Yes, they are defiled. Thank you for the correction, Hon. Speaker.

It does not matter the relationship that guy had with the mother. He had no business defiling that child. When she went to the police station, one of the police officers said she looked like a grown-up because she has a big body. It starts from there. The DPP in my constituency closed the file even before the case started. It is a collective responsibility. Until we make sure that people are held accountable for their beastly behaviour, this issue will not end.

Thank you for giving me the opportunity to contribute.

**Hon. Speaker:** Thank you. This is now degenerating into a debate. Hon. Haika.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Thank you, Hon. Speaker. Briefly, I begin by supporting my sister, the County Woman Representative for Kericho. This issue needs to be supported entirely through a support system that supports the whole process dealing with GBV matters.

As women leaders and County Woman Representatives, we are trying to put up some rescue centres, safe spaces or houses for such kind of cases. We lose these cases in court because of lack of evidence or sometimes the victims of defilement or any other type of GBV are threatened because they do not have a safe space where they can be kept or the evidence hidden for them to go and prove at the courts.

We need to take this matter very seriously, especially when it comes to funding. We need to secure some funds, especially for building safe spaces or rescue centres to support such kind of cases.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker. I stand to support my sister, Hon. Beatrice Kemei and other Women Hon. Members who have spoken about this matter. The big issue that the society wants to deal with is rape or defilement, it is degenerating and not moving forward.

As men in this country, we need to dignify ourselves. We must protect women and children in this country rather than going out there to do unprintable things. Kenya has moved very fast and made big strides in terms of industrialisation and development. However, one step we must make is to walk away from rape and defilement as a nation. That way, we can stand among the league of nations and say that we are a country that can be respected.

I ask the police, prosecutors and the courts to take this matter seriously and punish offenders severely to make sure that we do not only deter the offenders, but also say goodbye to rape altogether. If we do this, we can allocate our resources in other things other than these rudimentary things of rape and defilement.

I support this Statement. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika. Natilia pono alivyozungumza dadangu wa Kericho. Kesi za ulawiti wa watoto na akina mama kupigwa zimekuwa nyingi sana. Juzi kule Kaunti ya Mombasa tuliuliwa msichana mdogo anayeitwa Mebakari. Alifanyiwa vibaya sana kisha maiti yake ikabebwa na kutupwa kando ya hospitali. Mpaka leo hatujapata uhakika wa jambo hili ilhali huyo mtoto wa kike ameshazikwa. Korti zetu zinatuangusha. Hasa hawa *prosecutors* wanatuangusha sana. Ni lazima watilie maanani kuwa hizi kesi za wanyonge zitakuja kuwalemea hata mbele ya Mwenyezi Mungu. Unapata mtoto mdogo amefanyiwa vibaya, kisha mama akienda naye pale anaanza kuulizwa maswali ya kijinga na kudharaulishwa mbele ya watu.

Namwambia *Chief Justice* kuwa kule mashinani hizi kesi ni nyingi. Watu wanatoka mbali wakienda kortini, kisha wakifika kule wanaambiwa warudi tena na tena. Huwa wametoka kama kilomita tatu kutoka Mwakirunge kwenda kortini. Hii inaendelea hadi mwishowe ule ushahidi unapotezwa. Naomba Jaji Mkuu atuongeze *magistrates* wa hizi kesi kwa korti zetu, na tuwe na safe spaces. Kwa mfano, kule Mombasa najenga GBV Centre. Lakini naomba Jaji Mkuu atupatie *magistrates* ambao watatusaidia ndio hizi kesi zitatuliwe haraka. Utapata watu wengine pale kortini wanaangalia tu mambo ya hongo. Utapata mtu ambaye ni *innocent* akisumbuliwa na kuzungushwa pale kortini. Lakini kwa kesi kama hii utasikia kuwa walikuja wakaelewana. Jana kwenye mtandao niliona kuna mwanamke ameweka maombi matano. Kila siku akipigwa anapiga ripoti lakini polisi hawajachukua hatua yoyote. Wanangoja yule mwanamke afe alafu ndio sisi tuanze kujitokeza. Naomba kuwa polisi wetu wakiletewa hizi kesi wazichukulie kwa uzito kwa sababu maisha ya mtu yako hatarini.

Kwa wanaume katika nchi hii, wanawake ni wengi sana. Wacheni kulawiti watoto wadogo. Hakuna kitu kizuri kwa mtoto mdogo. Unapata mwanaume ameenda kufanyia mtoto wa miaka mbili au miezi minane mambo mabaya. Jamani, wanawake ni wengi. Ongea nao vizuri, ukae nao kule kando na mfanye mambo yenu. Lakini kwa mtoto mdogo unaenda kutafuta kitu gani? Hii ni aibu. Nilisema kuwa afadhali tupitische katika Bunge hili kuwa mwanaume yeyote atakayepatikana analawiti mtoto, akatwe ‘mkongojo’ wake. Hivo tu.

Asante sana, Mhe. Spika.

**Hon. Speaker:** I am very sympathetic to what you have suggested. Those are not men. They are beasts.

Yes, Hon. Gisairo.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Thank you, Hon. Speaker. I support our colleague Member on the issue she has raised. As I was driving to Parliament, this was the discussion going on in our vernacular radio station, Egesa FM – the increased cases of child defilement. I think this topic is becoming rampant in the Gusii region. I would like to talk to the men out there. I do not think anyone defiling a child should be considered to be a man...

**The Speaker:** He is a beast.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): This is because a man knows how to look for a woman. Anything short of that, you are a beast.

Before I became a Member of Parliament, I decided to visit any child who was being born in my constituency within a period of one month, in May, 2020. In the process, I was taking statistics. I visited 565 newborns in that month. Sadly, 175 of those children were born by children. To make the matter worse, none of those 175 were fathered by another child. They were fathered by adults. The protection level by our own families is what makes the situation more dire. When a case arises, people run to the parents of the child with little coins and shut the family up. The statistics you have heard are on the cases in court. How many are not in court because they have been silenced as the victims’ families have been compromised? We need to urge parents that if your child has been defiled, there should be no sympathy. There should be no discussions like “This is a family member, let us keep this matter under wraps” or “Let us not embarrass the family.” No. Let the person be prosecuted and jailed.

Thank you.

**Hon. Speaker:** You are very right, Hon. Gisairo. Members, a few years ago, I visited a post-natal clinic in my county. On the queue were about 24 mothers with children. Out of the 24, only one was above 18 and the youngest was 12. A child with a child. I agree that this matter must be taken very seriously. Lawyers like Kaluma will tell you that when a person has committed a felony like defilement, there is nothing like a complainant withdrawing the complaint. Hon. Caroli Omondi, you know that. Where there is a felony, the complainant is the state and nobody can withdraw a complaint. I agree that as a House we should tighten the punishment to these beasts including, but not limited to, what *Mama Zamzam* suggested.

*(Applause and laughter)*

Hon. Tongoyo, you have heard this. Probably, the Leader of the Majority Party should inform the various agencies – Directorate of Public Prosecutions (DPP), Directorate of Criminal Investigations (DCI), Ministry of Interior and National Administration, and the Judiciary. It is a tap on the wrist. A person defiles a child, goes to court and is given a free bond or a cash bond of Ksh500. It is not right. As a House, you should speak in unison and protect families.

Yes, Hon. Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Right Hon. Speaker. There is just a little element that is bothering me. Maybe, if I raise it, I could get some contributions from Members. When underage children have relationships and the girl gets pregnant, it is normally the boy who gets charged yet the boy is also underage. This is what the law provides. Both the boy and the girl are minors but only the boy gets charged. There is a challenge here. I do not know how we should deal with it. We are dealing with people who are not adults, but where one bears the brunt of the relationship when a pregnancy arises.

**Hon. Speaker:** Hon. Caroli, statistics show that those are very nominal cases. Most of these girls are impregnated by very senior and mature people.

**Hon. Members:** Yes!

**Hon. Speaker:** We have heard of a school in Bungoma, Mt. Elgon, where out of 47 children in a standard eight class, more than 40 were impregnated. That was not by fellow students. I have said before; that, if you as a man has a liking for girls in uniform, buy uniform for your wife and admire her every time she wears the uniform. Leave our children alone.

*(Applause)*

Yes, Hon. Mbeyu.

**Hon. Gertrude Mwanjanje** (Kilifi County, ODM): Asante, Mhe. Spika. Ninaiunga mkono Hoja iliyoletwa na dadangu, Hon. Beatrice Kemei, akiwa ndiye *County Woman Representative* wa pekee Kenya aliyechaguliwa bila kupingwa. Hoja hii imenigusa. Nafikiri pale Kilifi hii shida ni kubwa zaidi kushinda kote nchini. Tulipofanya mkutano kuhamasisha kuhusu dhuluma za kijinsia, kuna visa tofauti pale ambavyo vilitokelezea. Kwa mfano, wababa walijitokeza kusema wanapigwa. Lakini haya ya mauaji, yaani the *femicide part* iko sana pale kwetu. Na ni visa vya kusikitisha. Kuna kisa kimoja cha msichana aliyeitwa Kabeyu, jina inayokaribiana na yangu. Alitoka kazini, akanunua mboga, akatekwa nyara na *tuktuk*, wakamfanyia walivyomfanyia kisha wakamuua na kumtupa karibu na kwao. Visa vya kusikitisha. Wababa wetu wazima wanaitwa wababa sukari. Imefika wakati ambapo watoto wadogo wanadhulumiwa.

**Mhe. Spika:** Hao si baba sukari; hao ni baba sumu.

(Laughter)

**Mhe. Gertrude Mwanyanje** (Kilifi County, ODM): Zamani walikuwa wanaitwa baba sukari, lakini sasa ni baba sumu. Mhe. Spika, watoto wadogo wanadhulumwa. Kuna itikadi nyingine kutoka kwa jamii fulani kwamba wakiwatumia na kuwadhulumu watoto wadogo, wanatoa virusi vya ukimwi, jambo ambalo si kweli. Kuna hiyo itikadi. Wanatumia vitu ambavyo havifai. Wamama na watoto wengi wanadhulumwa. La kusikitisha ni kwamba hata kesi zikifika kwa police *desk*, zinakuwa *compromised*. Visa hivi vinafanywa na watu katika jamii kama vile baba, mjomba, ama kaka mkubwa. Familia huona aibu kisha wanaambiwa wazungumze mambo hayo 'kinyumbani'. Ni watoto ndio wanateswa. Umefikia wakati tufanye maamuzi ndani ya Nyumba hii.

Nikikueleza visa ambavyo vimetokea Kilifi North, mahali panapoitwa Kiwandani, utastajabu. Mhe. Owen yuko hapa. Ni visa vingi ambavyo tunaweza kuhesabu kimoja baada ya kingine. Ni masikitiko makubwa. Kama kuna adhabu ya kortini, hatutaki kesi hizi zizungumzwe nyumbani. Zifike kortini na hukumu itolewe. Hatutaki hali ambayo mtu anatoa Ksh500 ama anatolewa kwa *bail* au *bond*. Hapana. Kuna kifungo cha maisha, na pia kifungo cha kuteswa au kunyongwa.

Visa hivi viko hata makanisani. Sina aibu kusema hivyo. Mimi ni Mkatoliki. Visa hivi viko katika makanisa yetu. *Mafather* wanawabaka watoto! Viko hadi misikitini. Visa hivi viko katika taarifa zote. Sina aibu kusema hivyo. Twawatetea watoto wadogo na wamama wanaopitia dhuluma hizi. Umefikia wakati Bunge hili litunge *policy* kwamba kisa kikimpata mtu, apelekwe kortini. Na kama alivyosema dadangu Mhe. Zamzam, mtu awekwe hadharani, afungwe juu ya mti pale, akatwe sehemu zake watu wengine waone. Hivi visa vitakoma. Uwe mfano tu. Kila korti itakapotoa hukumu, wakatwe kabisa vifaa wanavyovitumia vibaya kwa watoto wadogo, na wengine wataacha wakiona hivyo.

Wababa wanaowatumia watoto wadogo washindwe katika jina la Yesu. Asante, Mhe. Spika.

**Hon. Speaker:** Let us end there and go to something else. I think the message has been made. Yes, Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. I know this has developed into a big debate.

**Hon. Speaker:** It is emotive.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Of course, it is well understood. We should not end this matter here. Looking at the figures, it is a serious cause for concern. In less than ten months, when you put together all the numbers, they are more than one hundred, and this is just Kericho. This could be replicated across the rest of the counties. As much as I know there are some Government interventions to try and curb this menace, including the formation of a taskforce, there was a one-off funding. Almost Ksh1 billion was given to our female colleagues to conduct sensitisation. We need more support so that the sensitisation continues.

I would suggest that, beyond debate and rhetoric, we consider forming a caucus in Parliament composed of both women and men Members of Parliament. This caucus would help us ventilate and discuss this matter in more depth and explore other possible interventions. Furthermore, even the training of National Government Administrative Officers (NGAOs) should include village elders, now that we have a village elder policy, so that we can come up with an intervention. This issue is truly alarming.

**Hon. Speaker:** Thank you. Who has a point of order? Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I tried to catch your attention while Hon. Mbeyu was speaking. The matter under discussion is very serious. We are talking about criminals defiling children and engaging in gender-based violence. However, Hon. Mbeyu made a statement that is shifting blame from the criminals, whoever they are, to



the Catholic priests, without providing any evidence. I request that her remarks be excluded and expunged from the *Hansard*. Whether one is a priest or not, if one commits such an act, one is a criminal. It cannot be deflected to religion. It is wrong to associate an entire religion with individual criminal behaviour. Do not blemish the Fathers who commit and devote themselves to a life of faith and service.

**Hon. Speaker:** Thank you, Hon. Kaluma. I agree with you. Religion has nothing to do with it. Expunge all references to religion. Criminals are criminals, regardless of their religion. Yes, Hon. Emaase. I had crossed this river.

**Hon. Mary Emaase** (Teso South, UDA): Hon. Speaker, this is, indeed, a very serious issue. I just wanted to note that the support given to women Members of Parliament for advocacy against gender-based violence is not sufficient. Furthermore, it is only given to women Members of Parliament and county Women Representatives. In counties and constituencies where there are no elected women leaders, there is no advocacy. There is nobody raising awareness on anti-GBV. If we are to receive more support, let it be sufficient and inclusive so that even our male counterparts are allocated funds to help in advocacy in constituencies and counties where we do not have women Members of Parliament.

**Hon. Speaker:** Thank you. Let us proceed to the response to Hon. Joseph Munyoro. Yes, Hon. Gonzi Rai.

**Hon. Gonzi Rai** (Kinango, PAA): Hon. Speaker, I seek your guidance because yesterday the Chairperson of the Departmental Committee on Administration and Internal Security had promised to give me a preliminary Statement on the abduction of Mr Karisa Charo Mai, which occurred on 16<sup>th</sup> July 2024.

**Hon. Speaker:** Are you ready Hon. Chairman?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, unfortunately, no. I had promised to, but the Cabinet Secretary was out of town yesterday. I reached out to him and he requested a week to respond.

**Hon. Speaker:** Hon. Samuel Gonzi Rai, the Cabinet Secretary will be appearing in the House to answer questions on Wednesday. Prepare your arsenal for Wednesday.

**Hon. Gonzi Rai** (Kinango, PAA): Thank you, Hon. Speaker. I also came to your office seeking guidance on another matter. There was a distress call regarding a Kenyan, Ms Riziki Luvuno, who is in Saudi Arabia. She raised the issue on 24<sup>th</sup> April, and I raised the question here in June. To date, the Select Committee on Diaspora Affairs and Migrant Workers has not responded.

**Hon. Speaker:** Hon. Haika.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Yes, Hon. Speaker. That question was not brought to the Committee. I have not seen it yet.

**Hon. Speaker:** Did you request a Statement from the Select Committee on Diaspora Affairs and Migrant Workers?

**Hon. Gonzi Rai** (Kinango, PAA): Yes, Hon. Speaker.

**Hon. Speaker:** Hon. Haika, please, check with the Table Office and respond to that on Tuesday afternoon.

**Hon. Gonzi Rai** (Kinango, PAA): Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, Hon. Kangogo Bowen. Are you ready?

#### REVIEW OF WATER TARIFFS BY WASREB

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Speaker, on 11<sup>th</sup> June 2025, Hon. Joseph Munyoro requested for a Statement regarding the exclusion of Murang'a South Water and Sanitation Company (MUWASCO) from the recent downward tariff review by the Water

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Services Regulatory Board (WASREB), despite MUWASCO having the highest rates in the region. Secondly, the Hon. Member sought to know the immediate measures being taken by WASREB to review MUWASCO tariffs to ensure fairness in service provision across Murang'a County.

The Water Services Regulatory Board is established under the Water Act, 2016, with the principal objective of protecting the interests and rights of consumers in the provision of water services. WASREB undertakes this role by, among other responsibilities, evaluating and recommending water and sewerage tariffs for all water service providers and imposing site-specific tariffs in line with consumer protection standards.

I wish to respond as follows:

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

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

**[Hon. Kangogo Bowen (Marakwet East, UDA)]**

Number one is on jurisdictional dispute.

On 24<sup>th</sup> February 2025, the MUWASCO submitted a formal request to WASREB to expand its service areas to include parts of the jurisdiction of the Murang'a South Water and Sanitation Company (MUSWASCO). They are Murang'a Town Ward, Nginda Ward, and Ichagaki Ward. MUSWASCO formally objected to this variation via 28<sup>th</sup> February 2025 letters of reference numbers MUWASCO/county.gov/2/47 and MUWASCO/WASREB/4/24. It cited unresolved issues that included human resource re-alignment, asset-liability sharing, consumer connection transitions, and tariff harmonisation implication.

Section 98(1) of the Water Act of 2016 mandates that service area variation requires explicit consent of all affected licences. In this regard, WASREB has not received a MUSWASCO consent. It retains the formal memorandum of objection thus preventing any unilateral alteration of service areas. Furthermore, Section 85(1) of the Water Act of 2016 stipulates that water services must only be provided under the licence issued by WASREB hence emphasising the importance of clear jurisdiction boundaries for regulatory oversight.

MUWASCO's current tariff is at Ksh107 per unit as WASREB approved in 2023. It remains valid until June 30<sup>th</sup> 2026. The tariff was determined after a rigorous assessment aligning with WASREB's tariff-setting guidelines that ensure affordability. The tariff should not exceed 5 per cent of household income and sustainability that is a full cost recovery to operations, maintenance, and necessary infrastructure investments.

Regulatory procedures, as guided by the Water Regulations of 2015 and WASREB Tariff Guidelines of 2024, permit a comprehensive tariff review only upon a formal tariff review application submitted by a water service provider six months before the expiry of the current tariff licence. That makes 31<sup>st</sup> December 2025 the deadline for MUWASCO to submit a tariff application review.

Question number two is on the immediate measures WASREB is taking to review the MUWASCO water tariff to ensure fairness in service provision across Murang'a County. WASREB is actively facilitating resolution of jurisdictional impasse through the following multi-pronged approach measures anchored in law and sector's best practices.

To begin with, WASREB has asked Murang'a County Government to expedite the boundary demarcation process that is essential in resolving jurisdictional overlaps between MUWASCO and MUSWASCO. It must be undertaken with full public participation as required by Article 10 of our Constitution and Section 139 of the Water Act of 2016. The Act mandates stakeholder consultation for significant service and tariff adjustment.

Following the conclusion of this demarcation, a multi-sector consultative meeting will be convened to deliberate on proposed service area variations and association tariff applications. This forum will bring together the Ministry of Water, Sanitation and Irrigation, WASREB, the Athi Water Works Development Agency, the Tana Water Works Development Agency, the County Government of Murang'a, both water service providers that are MUWASCO and the MUSWASCO, and affected communities.

The WASREB is also providing technical assistance to both utilities to support preparation of their tariff renewal applications in full compliance with WASREB Tariff Guidelines of 2024. In the interim, WASREB continues to monitor MUWASCO's operations to ensure adherence to affordability and sustainability principles that underpin the current approved tariff.

It is important to clarify that MUWASCO's exclusion from the recent tariff review process is a procedural necessity, not an act of regulatory bias. The utility existing tariff of Ksh107 per cubic metre remains valid and compliant with the Water Act of 2016 and prevailing tariff guidelines. This tariff will remain in force until there is a joint application following jurisdiction clarity triggering review. WASREB commits to prioritising this review as soon as these conditions are met.

Lastly, for this context, tariff structures across Kenya are designed to reflect unique operational realities of each water service provider. That includes infrastructure investment requirements, service coverage, and cost recovery needs. Currently, the highest approved tariff for lifeline consumption is Ksh300 per cubic metre. The national coverage tariff for 2022-2025 regulatory period standard is at Ksh115 per cubic.

I submit the response signed by Engineer Eric Murithi Mugaa who is the Cabinet Secretary, Ministry of Water, Sanitation, and Irrigation.

**The Temporary Speaker** (Hon. Peter Kaluma): Let me interrupt proceedings to welcome visiting schools to the National Assembly.

In the Public Gallery are pupils and students of SDA Kapkeringon Comprehensive School from Mosop Constituency in Nandi County. They are welcome to the National Assembly to observe proceedings.

*(Applause)*

Is Hon. Joseph Munyoro satisfied with the response?

**Hon. Joseph Munyoro** (Kigumo, UDA): I am not satisfied. I would like to know what happens when a Question is not answered. Do I re-submit the request for a Statement? Will they invite the water service provider so that we can have a discussion? I think they completely misunderstood the issues. There is one simple reason I am saying so..

I asked about the basis for not reviewing MUSWACO's tariffs as they reviewed tariffs of all water providers in Murang'a County. One of their reasons, which I think is not even a reason but an excuse, is that MUWASCO which provides water in Kiharu region, apparently, submitted a formal request to expand their services to MUSWASCO's territory and that MUSWASCO refused. They refused to review MUSWASCO's tariffs based on that yet MUSWASCO is not the offending party.

I was not asking the question after the dispute was resolved. I was asking the question concerning the current status quo which is that MUSWASCO has jurisdiction. It provides services to residents of Kigumo Constituency, Kandara Constituency, and parts of Maragua. Despite the dispute, why were their tariffs not reviewed? If we were to wait for tariffs after resolving the dispute, what happens if it is never sorted? Do people continue suffering? Why are we punishing innocent people? Residents are not part of the dispute. The dispute is among companies or water service providers.

Two, they claim that the tariff was determined after rigorous assessment. I am wondering whether other tariffs were not. If it was a rigorous assessment, is it too much work to do the same and review the tariffs? I really need your guidance here because there are claims of immediate measures being taken to review. Again, they have just taken the dispute and started their explanation with, “To begin with, WASREB has urged the County Government of Murang’a”. Hon. Temporary Speaker, you need to let me have a session with WASREB. When you are asked the measures you are taking in a particular situation, you will start by listing, for example, ‘I am doing this-and-that’ or ‘It is not possible...’ So, I take great exception to this answer that is half baked. I know it is not the Chairman’s fault but it is WASREB trying to take us for granted. They are discriminating against our people and it is totally unfair. We are residents of the county and Kigumo Constituency is the middle of Murang’a County. This is a situation where one neighbour pays Ksh60 for their water and another pays Ksh107. When we ask that question we are told that it is because of a dispute.

Hon. Temporary Speaker, my issue has not been handled well. I would like your guidance on whether I need to re-submit the request for Statement or they need to be invited so that we have a session with them.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): The Chairman of the Departmental Committee, are you able to seal those information gaps or we direct a different approach to dealing with the issue?

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Speaker, I understand what the Member is saying. However, the Cabinet Secretary has indicated that the reason why the tariffs were not reviewed is because of the jurisdiction dispute. I assure the Member, and you, Hon. Temporary Speaker, that I will take up this matter. I will invite the Cabinet Secretary, together with WASREB, to appear before us. I will also invite the Member so that we can resolve this issue. It is not possible that there are some people paying over Ksh150 while others are paying Ksh107. So, I undertake to take it further to get proper answers.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Munyoro, that would be a good way to deal with it; in better detail with the relevant officers present.

**Hon. Joseph Munyoro** (Kigumo, UDA): Yes, I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kangogo, when would you like to get those members of the Executive in a sitting with the Committee members and Hon. Munyoro?

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Speaker, probably after this I will walk to the Clerk’s Office and request him to write to the Principal Secretary. I may not know the schedule of the Principal Secretary but probably in two weeks’ time I should have the response.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kangogo, schedule that meeting and invite the relevant members of the Executive and ensure that Hon. Joseph Munyoro is in attendance so that the matter can be addressed in a more conclusive way.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Temporary Speaker, I am well guided.

Yesterday, Hon. Keynan, through the Leader of the Majority Party, asked the Hon. Speaker about a response to his request for a Statement. Indeed, Hon. Keynan requested for a Statement on 9<sup>th</sup> April about water and sewerage in Wajir County.

**The Temporary Speaker** (Hon. Peter Kaluma): Do you have the response?

**Hon. Kangogo Bowen** (Marakwet East, UDA): No, Hon. Temporary Speaker. I tabled the response following the guidance from the Hon. Speaker that when a Member asks for a Statement and it is listed in the Order Paper but the Member is not in at that time, we Table the

response. I tabled the response sought by Hon. Keynan, and it is in *The Hansard* of 29<sup>th</sup> May 2025.

**The Temporary Speaker** (Hon. Peter Kaluma): Your responsibility is discharged.

Hon. Members, let me, again, recognise an institution seated in the Speaker's Gallery on a visit to the National Assembly. This is Simat Comprehensive School from Kapseret Constituency in the great Uasin Gishu County. On my own behalf, that of the Hon. Speaker of the National Assembly and the House, you are welcome to the National Assembly to observe the proceedings. This is the House where we make laws for the country and oversee the national Government. All Kenyans are represented here. May you continue with your learning sessions. Welcome.

Before we go to the next issue, give Hon. Makali Mulu the microphone.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker, for indulging me. I just wanted to share my experience on the matter which you have just directed on. I was once in that situation where I was not happy with the response from the Chairman of a committee. The proposal by Hon. Kangogo to summon the Principal Secretary and the concerned water body and then invite the Member is a good one. This is because I also got a very good response after we sat as a team. So, I support that approach.

**The Temporary Speaker** (Hon. Peter Kaluma): Yes, the advice is taken. Can we have the response to Hon. Charles Onchoke? The Chairman of the Departmental Committee on Education, do you have the response?

#### DRUG AND SUBSTANCE USE AMONG UNIVERSITY STUDENTS

**Hon. Phylis Bartoo** (Moiben, UDA): Hon. Temporary Speaker, Hon. Charles Onchoke had written to the clerk of our Committee that he was out of the country and he wished his response to be done when he is present. So, he requested that we stand it down until when he is available.

**The Temporary Speaker** (Hon. Peter Kaluma): I do not have information from the Clerk on that response. Therefore, under the Standing Orders, it will stand dropped because Hon. Charles Onchoke is clearly not in the House.

*(Request for Statement dropped)*

**The Temporary Speaker** (Hon. Peter Kaluma): Could we have the response in relation to the request by Hon. Joshue Kandie. Is he in the House? He is not in.

#### SHORTAGE OF TEACHERS IN BARINGO CENTRAL CONSTITUENCY

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Hon. Temporary Speaker, he is not in but I would like to table it. This is because Hon. Kandie was invited to the Committee while the response was being given and he asked whatever follow-up questions that he wanted. So, it is only appropriate that I table it.

**The Temporary Speaker** (Hon. Peter Kaluma): That is fine. You can table the document. Hon. Kandie and any other Member interested to see what the response is can pick it from the Table Office.

There is another Request for a Statement by Hon. Joshua Kandie. Who is representing the Departmental Committee on Education?

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Hon. Temporary Speaker, it is the one I have just tabled.

**The Temporary Speaker** (Hon. Peter Kaluma): Is it the one you have just tabled? Okay, I have noticed that Hon. Joshua Kandie is captured here twice. So, the response can be picked from the Table Office as directed by Hon. Joshua Kandie.

Next is the response to the request for a Statement by Hon. Irene Kasalu. I can see her in the House. Does the Departmental Committee on Health have a response? Yes, Chairman.

#### DETENTION OF MS PRISCILLA NYOKABI'S BODY BY KNH

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. This is the response to a request for a Statement by Hon. (Dr) Irene Kasalu, regarding the unlawful detention of the body of the late Ms Priscilla Nyokabi Gaku by Kenyatta National Hospital (KNH) from 30<sup>th</sup> May to date. This is the response from the Cabinet Secretary in reference to the letter by the Clerk of the National Assembly dated 30<sup>th</sup> June 2025 addressed to him.

The late Ms Priscilla Nyokabi Gaku was admitted at KNH Private Wing referred to as KNH Prime Care Centre (KPCC) on 2<sup>nd</sup> April 2024 where she subsequently underwent surgery. Upon admission, both the patient and the sister signed the admission questionnaire confirming their understanding of the hospital's credit limit policy which caps allowable credit at Ksh200,000. In line with the established KPCC private policy, the hospital does not offer waivers or extend social work services for patients admitted under this category, that is in the Private Wing. Clients are informed of this financial obligations at the point of entry and are required to acknowledge by signing the admission documentation, that is, their commitment to fully settling the institution's charges.

During her stay at the Private Wing, it was observed that Ms Priscilla Nyokabi Gaku, exceeded the agreed limit outlined at the time of admission. Despite efforts by the hospital to engage the next of kin on settling the bills, the discussion was unsuccessful. As a result, the patient was transferred to the general hospital for continued care. At the time of transfer, the outstanding bill stood at Ksh1,155,486 of which Ksh235,000 was paid leaving behind a balance of Ksh920, 486. Ms Gaku remained under medical care in general hospital for a total of 43 days until her unfortunate passing on, on 30<sup>th</sup> May 2024. Following her demise, the next of kin and family did not present themselves to discuss the settlement of the pending bill or initiate the formal process of release of the body for burial. In accordance with the hospital's policy on unclaimed bodies, the remains were subsequently marked for disposal at the farewell home.

As of today, no formal arrangement or legal binding commitment has been made by the next of kin or representation of the deceased regarding settlement of the outstanding hospital charges. In regard to steps being taken to ensure that the family of the deceased is able to collect and bury their loved one without further delay, the Cabinet Secretary responds that the hospital administration confirms that the body will be released to the family and he is ready to engage with them on appropriate modalities for this process. In the spirit of compassion, the hospital is prepared to offer a flexible payment plan allowing the family to settle the outstanding bill in agreed instalments after the release. We remain committed to handling this matter with dignity and are available to support the family through the necessary arrangements.

In regard to measures being taken to curb the failure to release patients and bodies by KNH, the Ministry is committed to upholding the dignity, right, and welfare of patients and bereaved families while balancing the need for sustainable operations. In pursuit of this, the hospital will continue to:

1. Engage and assess patients at entry to determine their financial capacity and medical care requirements. This will strengthen financial assessment and early detection of needy cases.
2. Establishment of payment plans and financial agreements that allow families to pay instalments thus reducing the risk of post treatment detention.

3. Promoting universal coverage implementation or Universal Health Coverage (UHC) programmes encouraging all patients to enrol in Social Health Authority (SHA) or other health insurance schemes to reduce dependency on direct cash.

Further to this, we contacted the Cabinet Secretary and he has agreed that they will get the body released to the family. That is the response, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): When did you say the body is being released?

**Hon. (Dr) James Nyikal** (Seme, ODM): They are in the process and are expecting the family members to get in touch with them to get the body released.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Nyikal, I have issues with that response. I hope you also note that there are issues...

*(Hon. (Dr) Otiende Amollo and  
Hon. Rozaah Buyu walked out of the Chamber)*

I wish all Hon. Members, more so, Senior Counsel Hon. (Dr) Otiende Amollo, I see walking out would listen to the concern. Senior Counsel Hon. (Dr) Otiende Amollo and Hon. Rozaah Buyu, this is a matter which requires a bit of your legal mind. I do not know whether the Hon. Temporary Speaker, will be in his right place to call you back to take your seat.

*(Hon. (Dr) Otiende Amollo and  
Hon. Rozaah Buyu walked back into the Chamber)*

*(Hon. (Dr) Otiende Amollo spoke off the record)*

Please, do because this concerns the matter as to whether there is security in a dead body which is something hospitals are doing across board. Hon. Irene Kasalu, are you satisfied with this response?

**Hon. Irene Kasalu** (Kitui County, WDM): Thank you, Hon. Temporary Speaker. At the outset, I am not satisfied. The Report says that the family has not presented itself but the family has been there numerous times. They have been taken round in circles by being moved from this to the other office. It is now 14 months and this body is yet to be released. I spoke to the spouse of the deceased this afternoon while he was at the mortuary and the body is yet to be released.

Therefore, I seek that the Committee continues to engage the Ministry until this body is released. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, at the very heart of this request is whether hospitals where any person dies can hold the body as security pending payment of hospital bills. I requested Hon. (Dr) Amollo to step back not just as a senior counsel but also because I remember a short while back, the High Court made a determination on this matter and directed that you cannot withhold a dead body. What Hon. Nyikal is telling us is how the hospital can only sustain itself in what I believe is against the law.

Therefore, Hon. (Dr) Amollo, guide us on this matter before you go to attend to those other national issues.

*(Laughter)*

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Temporary Speaker. I rarely find myself lost for words but on this I am a bit lost, especially because I did not quite follow the context of the response. However, to the extent of your briefing, I would say two

things. First, a distinction must be made between private and public hospitals. There are things that private hospitals can do which public hospitals by law ought not to do. In the event that we are talking about a public hospital, then the question of sustainability in terms of profit-making ought not to arise or be the primary consideration.

The second issue which is, however, constitutional, is the right and entitlement to emergency medical treatment. That is a constitutional right that accrues and covers both private and public hospitals. I would imagine the dilemma some hospitals have faced and I have suffered this myself. Even as we speak, two of my constituents have been detained after passing on. One in a private hospital and the other one in a public hospital. For the private hospital, their argument was that they admitted him as an emergency case but when it ceased, they could not discharge because of risk of death. Now that the person passed on, they ought to be paid what they were entitled to. We are still engaging in that.

I think that to that extent, many Hon. Members here are in a similar situation. However, for the public hospitals, I think it is an issue of non-compliance with the High Court order. The High Court ordered that whatever the circumstances, you cannot detain a deceased person's body to await payment of hospital bills. I think the hospitals must device different ways of securing part of their payment even from other people without waiting that their own patient will become security in the event that they are deceased. That is demeaning to the deceased person and the family and it becomes an impossibility. In some of those instances, like just yesterday I was being told of a situation of one of my constituents who has accumulated a bill of Ksh9.5 million. Some of these hospitals also intentionally sustain the patients even when knowing they are beyond the point of redemption just knowing that in African tradition most people will not allow the deceased person to remain there.

Therefore, it becomes a way of profiteering. I would urge that beyond any specific answer that will be given to this question, it should become an institutional issue that the Committee should investigate taking into account the High Court decision and come up with a recommendation that can be adopted by this House because we are all suffering and we all get these reports in this context. However, an answer that merely says the hospital must sustain themselves would be insufficient. I agree with Hon. Kasalu.

Thank you very much.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, I would not want to delve into the legal issues because that is your forte. I just want to draw the attention of the hospitals that Article 43 of the Constitution of Kenya gives the right to medical care regardless of the hospital. So, as a starting point, no hospital should deny any person of whichever status in society the right to medical care. At any given time, it is the expectation of a patient when they walk into a hospital that they will get medical care and leave to tell the story.

There have been many cases where patients have died because of hospital negligence. They neglect leading to death yet they demand full payment of exorbitant hospital bills. This is a question of morality. I challenge Hon. (Dr) Nyikal. I know he is now the Chairperson of the Committee which is like being the Director of Medical Services. He has to listen to his fellow medics, but he must also listen to patients and the patients' families who suffer the trauma.

Hon. Temporary Speaker, have you ever walked to a hospital mortuary to pick a body and you are psychologically set to go and bury that body, but you are told that they are sorry you cannot pick the body because you must pay. How can a dead body be alien? The late Mama Lucy Kibaki asked, how can the dead learn lessons? So, what lessons are they teaching the dead? We need to style up. I totally agree with what Hon. (Dr) Otiende Amollo said that hospitals must devise a way of collecting the money. In any case, even if they are making



profits, there are some profits that are excessively abnormal. They must have a moral duty to plough back to society. Once in a while they can lose and recover at another time.

Hon. Dr Nyikal, *kazi kwako*. Thank you, Hon. Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Lastly, Hon. Jadesa.

**Hon. (Prof) Guyo Jadesa** (Moyale, UPIA): Thank you, Hon. Temporary Speaker. This is a very sad situation, that a body has been detained in a Government public hospital for more than one year. It is not acceptable. I want the Chairperson of the Departmental Committee on Health to tell us if we have a legal policy that says when a sick person has been discharged from hospital... What is the time period for release? When somebody dies, traditionally, and if the body is not claimed in two weeks, there are two options. The hospital can take the burden of burying it through the city council or donate the body to the anatomy laboratory in Chiromo. Keeping a body for 14 months is unacceptable.

We need to know how long hospitals can hold a body and how long they can hold a sick person as they await payment. We need to have a policy position from the Ministry of Health. The Chairperson of the Departmental Committee on Health should guide us so that we know.

The SHA only pays a very small proportion of the bills. So, what happens to the balance? When we were passing the law on SHA, we had said that nobody should be raising funds to pay hospital bills. What is it that now, all of a sudden, SHA cannot pay? They only pay a small proportion and the family caters for the rest. We know the index of poverty in this country.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you Hon. Jadesa. Lastly, Hon. Caroli Omondi, Hon. Gichimu, and Hon. Ferdinand Wanyonyi. One minute each.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker I must request for a little more time. You ordered me to come back and I have applied my brain. So, please, indulge me. You ordered me to come back.

*(Laughter)*

**The Temporary Speaker** (Hon. Peter Kaluma): You are already eating into your time.

**Hon. Caroli Omondi** (Suba South, ODM): Let me begin by saying that all these questions we are grappling with have already been answered by our Constitution and by the laws of this country. Let me start by saying categorically that there is no property in a dead body. Equally, there is no property in a person. That is why we have rules against servitude, slavery, and the rest. There is no property in a person. Equally, there is no property in a dead body. If that is the case, a dead body can never be security. So, you cannot detain it in settlement of outstanding financial obligations.

Second, let me also acknowledge that under our laws, death creates certain ways of dealing with liabilities. As a sick person, I owe the hospital that liability but once I am dead, the liability moves to my estate and the law provides for the rules on how to deal with liabilities of a dead person. So, you cannot detain my body. You then have to deal with my estate. That is what our law says.

Third, let me also say that you cannot detain a person after treatment. That is deprivation of their liberty which is one of the rights that cannot be limited according to Articles 24 and 25 of the Constitution. Even if you want to limit my freedom of movement, you can only do so by order of the court. In other words, the hospital has to go and say, 'We are detaining Caroli Omondi, we have treated him and he owes us money.' The court then has to give them an order. So, they cannot stop me from leaving the hospital.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Caroli Omondi, let me interrupt you.

**Hon. Caroli Omondi** (Suba South, ODM): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): I would like to acknowledge an institution I see in the Speaker's Gallery. They are actually leaving. Let them not leave before they are recognised. Let them return so that we may recognise them before they leave. In the Speaker's Gallery, we have students from Thow Kingly School, Nakuru Town Constituency, Nakuru County. On my behalf and on behalf of the National Assembly, we welcome you to the House to observe proceedings. This is one House of our Parliament of Kenya, where we deal with matters of oversight, representation, and, of course, legislation. You are in the House at a time we are dealing with the first limb, oversight, in terms of how the Executive serves the Kenyan people. Welcome to the House and observe the proceedings as you engage in your learning tour.

You may conclude now Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. As I have said, under Article 25 of the Constitution, you cannot limit liberty and you cannot subject somebody to cruel and inhuman treatment and take away their dignity, like detaining a person who has been treated in a hospital.

Finally, I think what we now need to deal with, as a Parliament, is to seriously think how we can start regulating medical costs in this country. It is time to investigate what is happening in other jurisdictions because these people charge whatever they want. Nobody looks into it and nobody checks whether it is fair. Sick people do not have freedom of contract when you are trying to get into a hospital. You are basically at their mercy. As Parliament, we need to come up with a law that regulates the cost of medical services. That will also deal with elements of security that can be provided at the time of admission so that we balance between commercial interests and the fundamental freedoms and the rights to fair treatment when one is sick.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Gichimu, Senior Counsel.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Speaker. Let me associate myself with the concerns by Hon. Kasalu on this matter. This matter is both legal and moral. It is legal in the sense that the Constitution and even the High Court have already pronounced themselves on this matter: a dead body or a deceased person cannot be security for any bill. What concerns me is that most of the bills demanded by hospitals are for people who have already passed on. I investigated a matter of a person from my Constituency who passed on, and I found out that some hospitals add charges that were not there, because a dead body cannot speak. Once a person passes on, many charges are often added to the bill so that relatives are forced to pay. I agree with my colleagues that we need a policy from the Ministry to guide legislation and enable us come up with a law. Although the High Court has already pronounced itself, we have an obligation to come up with a law that prohibits such actions by hospitals and unscrupulous business people. I call them unscrupulous because what they are doing is totally immoral.

I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ferdinand Wanyonyi, I will give you a minute.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD - K): I have been sitting here for some time. It is only fair that the learned friends in this House come together and draft a Bill to address this problem because it is morally wrong. It is painful for a family that has lost one of their own, maybe the main breadwinner, and the hospital refuses to release the body because of an unpaid bill. Therefore, for us to have a way forward, we need to engage the learned friends in this House.

I am an economist, but I can see you are discussing good laws. Let us sit together and see whether we can come up with something that will help our people out there because it is wrong for a body to be held for over two months. I suggest that this House comes up with laws to address this matter. It is very painful, and it is our responsibility to make laws that help our people. I support this. Someone mentioned here that there is a clause in law that says once you get to the hospital, you have a right to be treated. The hospital cannot throw you out. I, therefore, support this. Hon. Temporary Speaker, you are one of the lawyers in this House, please come up with something, and we shall support you.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon (Dr) Nyikal.

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

**The Temporary Speaker** (Hon. Peter Kaluma): When are you directing the body to be released? That is all I want to hear. As I mentioned, this is a matter that the High Court of Kenya has already ruled on: you cannot detain a body. I am a bit passionate about this matter. During the COVID-19 period, my mother-in-law got infected and was admitted in an hospital in Mombasa for just five days. At the time, the regulations required burial within seven days, failure to which, the bodies would be disposed by Government. When the hospital learned that the son-in-law was a Member of Parliament, I was hit with a bill of Ksh2.3 million after only five days. I was put in a situation where I either had to pay or the hospital would retain the body. Consider the case of Muslims who must be buried quickly. The court has ruled that you cannot hold a dead body. Why are we still discussing this issue when another Kenyan who died a year ago is still rotting somewhere? Can you respond in terms of when this body will be released? If you cannot commit now, then tell us when you will summon the relevant agency to appear before you at the earliest opportunity to ensure the body is released, not more stories.

**Hon (Dr) James Nyikal** (Seme, ODM): Thank you. I realised that this is an extremely important matter, and there is a lot more behind it than just a simple question of when the body is released. I took up this matter with the Cabinet Secretary as recently as yesterday, and with the Principal Secretary (PS), earlier today. They confirmed to me that this body would be released. In fact, they mentioned today. If that has not happened, we will take up the matter. I agree with Hon. Kasalu that the Committee should follow up the matter with Kenyatta National Hospital until the body is released. I do not think that should go beyond a week. By early next week, Monday or Tuesday, if this has not happened, then the Committee will summon the Cabinet Secretary, and together with Hon. Kasalu, resolve the matter.

This has raised many issues, and in my capacity, it is something I had thought about before. Article 43(1) of the Constitution, as quoted, provides for the right to health for everyone. Article 43(3) further provides that the State shall provide appropriate social security to persons who are unable to support themselves. In that case, it is obvious that if it is a public hospital, then the matter should be taken up more urgently. Hon. Otiende raised the issue of a private hospital. The Constitution does not seem to make a difference.

**The Temporary Speaker** (Hon. Peter Kaluma): It does not.

**Hon (Dr) James Nyikal** (Seme, ODM): It does not.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Nyikal, having committed to securing the release of the body, I do not think you need to...

**Hon (Dr) James Nyikal** (Seme, ODM): I need to address some important issues that have been raised, and which Members need to look at. One is the matter of public hospitals that also have private wings. Do they operate with that or not? That is a policy issue we need to look at. Hon. Otiende raised the issue of patients remaining in hospital when it is clear that death is inevitable. I know that relates to patients in the Intensive Care Unit (ICU) who are on life support.

We also need to look at the definition of death in this law. To a large extent, we still use the stopping of the heart as the definition of death. However, that is tricky because by that definition, somebody can stay alive for many months while on a ventilator. The current practice is that the doctor in charge is obliged to inform the relatives that the patient is only alive because of the machine; and that if it is stopped, they will not live. If the relatives sign that they are happy with that, the difficulty, then becomes who stops the machine? What usually happens is that the machine is left running, and if the heart stops beating, then the patient is not resuscitated anymore.

On the question of policy, which someone raised, I inquired at the hospital and was informed that their policy is to wait for six months. After that, they will put a public notice, and the body is either buried or handled in another way. We need this law urgently. I remember Hon. Anthony Oluoch proposed it. There is also another proposal. We need a law that guides on this issue of bodies. It will be more comprehensive than just retaining the bodies. It will even cover retaining people after they have been treated and how the bills can be recovered. This is something we now need to look at.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): I have one more point, Hon. Temporary Speaker. There is also the issue of the cost of care in the country. This is another place we have to look at. We must look at the cost of care which includes drugs, equipment and hospital facilities that relate to boarding. This is an area that we need to look at. As a Committee, we are obliged to start the process.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): I thank you, Hon. (Dr) Nyikal. Because of this exceptional matter, if this body will not have been released by Tuesday, Hon. Kasalu, at the right time during the proceedings, rise up so that we can follow through this undertaking made on behalf of the hospital by the Chairman of the Departmental Committee on Health. We may proffer other actions because National Assembly does not act in vain.

This is a Kenyan body which has been detained, in my view, for far too long. Hon. (Dr) Nyikal, the High Court case where this matter was determined is High Court of Kenya in Nairobi, Civil Suit No.448 of 2015. It was a case by Mary Nyang'anyi and another suing Karen Hospital Limited and another. There is no distinction between public or private hospital. The determination here is that no hospital can hold a dead body because there is no *lien* or no security in a corpse. You must release them as you check for other means. This was a decision by Hon. Justice Serگون, one of our greatest judges. There is no need for more policy. This is judge-made law interpreting the law which already exists. So, you stand directed on what to do by Tuesday, if this will not have been done.

Next Order.

**The Temporary Speaker** (Hon. Peter Kaluma): Leader of the Majority Party has a Statement. Give Hon. Jematiah the microphone, on behalf of the Leader of the Majority Party.

#### BUSINESS FOR THE WEEK OF 4<sup>TH</sup> – 8<sup>TH</sup> AUGUST 2025

**Hon. Jematiah Serگون** (Baringo County, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on Tuesday, 29<sup>th</sup> July 2025, to prioritise business for consideration next week.

With regard to business scheduled for Tuesday, next week, the House is expected to continue with debate on Second Reading of the Kenya Roads (Amendment) Bill, 2024 and the Kenya Sign Language Bill (Senate Bill No.9 of 2023), should they not be concluded today.

Additionally, debate will be undertaken on the following Motions, should they not be concluded today:

1. Consideration of the Public Finance Management (Public Officers Medical Fund) Regulations, 2024.
2. Consideration of the Fourth Report on the Examination of Financial Statements of Selected State Corporations.
3. Consideration of the Report on the Examination of Financial Statements for the National Humanitarian Fund.
4. Consideration of Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates.

In accordance with the provisions of Standing Order 42(A)(5) and (6), I wish to inform the House that the Cabinet Secretary for Interior and National Administration who was scheduled to appear before the House this week will now appear in the afternoon of Wednesday, 6<sup>th</sup> August 2025, to answer the following Questions:

1. Question by Private Notice No.8/2025 by the Member for Molo, Hon. Kuria Kimani, regarding state of security in the country and steps being taken by the Ministry to avert death and destruction of property during demonstrations.
2. Question by Private Notice No.9/2025 by the Member for Embakasi West, Hon. Mark Mwenje, regarding the circumstances that led to the death of Mr Brian Luka Maina.
3. Question No.63/2025 by the Member for Rarieda, Hon. Otiende Amollo, regarding reasons peaceful demonstrators protesting against the killing of Mr Albert Ojwang' on Tuesday, 17th June 2025, were prevented from exercising their guaranteed constitutional right to peaceful assembly.
4. Question No.64/2025 by the Member for Nairobi City County, Hon. Esther Passaris, regarding non-implementation of body-worn cameras for all police officers involved in arrests, interrogations and custodial transfer of suspects.
5. Question No.65/2025 by the Member for Suba North, Hon. Millie Odhiambo-Mabona, regarding details on the number of people who have died in police custody in the last five months, and reasons for their death.
6. Question No.66/2025 by the Member for Seme, Hon. (Dr) James Nyikal, regarding psychological and mental health assessments undertaken by the National Police Service Commission during the recruitment of police officers.
7. Question No.67/2025 by the Member for Kathiani, Hon. Robert Mbui, regarding the status of drug and substance abuse in the Coastal region and measures put in place by the Ministry to combat drug and substance abuse across the country.
8. Question No.68/2025 by the Member for Mombasa County, Hon. Zamzam Mohammed, regarding circumstances under which Mr Hassan Wasionga Ismael was denied a national identification card for over four years and his subsequent arrest for charges linked to an identification card he had never collected.

Finally, the House Business Committee will reconvene on Tuesday, 5<sup>th</sup> August 2025, to schedule business for the rest of that week. I now wish to lay this Statement on the Table of the House.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Next Order.

### MOTION

#### APPROVAL OF THE PUBLIC FINANCE MANAGEMENT (PUBLIC OFFICERS MEDICAL FUND) REGULATIONS, 2024

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Public Officers Medical Fund) Regulations, 2024, laid on the Table of the House on Thursday, 24<sup>th</sup> July 2025, and pursuant to the provisions of Section 24(4) of the Public Finance Management Act, Cap. 412A, this House approves the Public Finance Management (Public Officers Medical Fund) Regulations published as Legal Notice No.195 of 2024.

Hon. Temporary Speaker, Legal Notice No. 195 of 2024 was published in the Kenya Gazette on 6<sup>th</sup> December 2024 and laid on the Table of the House on 27<sup>th</sup> May 2025. It was made pursuant to Section 24(4) of the Public Finance Management Act, 2012, thus qualifying as a statutory instrument within the meaning of Section 2 of the Statutory Instruments Act.

The object and purpose of the Public Finance Management (Public Officers Medical Fund) Regulations of 2024, is to establish the Public Officers Medical Fund. The Fund will ensure continuity of medical benefits for public officers after they exhaust the comprehensive range of health services provided by the Social Health Authority (SHA). Specifically, the Fund will be used to finance provision of a medical scheme for public officers and facilitate any expenses approved by the administrator of the Fund. Thus, promote objectives of the Fund.

Let me give a few highlights of these Regulations.

Obviously, Part I contains preliminaries on interpretations and objects of the Regulations that are to provide a framework for administration and management of the medical scheme for public officers. Of interest, is the interpretation under regulation 2 on “public officer” that includes officers appointed by the Public Service Commission (PSC), the Office of the Attorney-General, or any other public entities like county governments, commission services, state corporations, or any other public service entity that opts to make payment to the Fund for medical benefits of its officers. Some Government entities and agencies already have medical schemes for their workers. That avenue allows them to enjoin this scheme if they wish to do so.

Part II of the Regulations provides the establishment and sources of revenue of the Fund. Mainly, they are appropriation by the National Assembly, contributions made by the ministry responsible for public service and any other employer who has opted to contribute to this Fund.

Under regulation 5, the purpose of the Fund shall be to finance provision of a medical scheme for public officers and to facilitate expenses approved by the administrator of the Fund to promote the objective for which the Fund is established.

Regulation 8 provides for payment from the Fund, which shall only be to SHA. Another Government agency shall manage this Fund so that there is no avenue that the money can be used in any other way. SHA shall manage it in respect of medical claims and other expenses incurred pursuant to the purposes for which the Fund is established.

Part III provides the administration of the Fund and shows that a body will administer the Fund. Part IV is on financial provisions that provide the manner to manage and account for the Fund in line with the principles of good public finance management.

Part V is miscellaneous provisions that indicate that administrative expenses should not exceed three per cent of the approved budget in each financial year. It also provides for performance review of the Fund and winding up of the Fund.

The Government of Kenya introduced a comprehensive medical insurance scheme for civil servants and disciplined services, and their dependants in 2012. It is known as the Comprehensive Medical Insurance Scheme for Civil Servants and Disciplined Services. The scheme started with basic coverage of the principal member and three dependants. It was later enhanced to cover a principal member and six dependants.

The package covers outpatient, inpatient, and specialised, dental, optical, annual medical checkup services, among other benefits. Of course, the recent SHA establishment facilitates all registered Kenyans to a comprehensive range of quality health services that include integrated, preventive, promotive, curative, rehabilitative, and palliative health services at Levels 4, 5 and 6 health service providers.

Therefore, the Fund comes in to help public servants continue receiving medical benefits as part of their remuneration under the new healthcare framework to complement what SHA is already offering. As known, SHA is not covering everything. Under this arrangement, public servants will first utilise the full range of medical services available through SHA. They have an avenue to take care of further medical needs or demands through this Fund once they exhaust the benefits hence the Public Officers Medical Scheme.

The Committee on Delegated Legislation, accordingly, considered these Regulations in accordance with the Constitution: Statutory Instruments Act; Public Finance Management Act under which it is anchored; and the Interpretation and General Provisions Act (Chapter 2 of the Laws of Kenya).

In compliance with Section 16 of the Statutory Instruments Act and before arriving at its final recommendation, the Committee also conferred The National Treasury and Economic Planning in a meeting held on Wednesday, 16<sup>th</sup> July 2025. During its scrutiny of the Public Finance Management (Public Officers Medical Fund) Regulations of 2024, the Committee made the following observations:

1. The Regulations were published in the Kenya Gazette on 6<sup>th</sup> December 2024, submitted to the Clerk of the National Assembly on 20<sup>th</sup> December 2024, and laid before the House on 27<sup>th</sup> May 2025. All within the statutory period requirements in Section 11(1) of the Statutory Instruments Act
2. A multiagency taskforce convened during the drafting of the Regulations held targeted consultations with stakeholders. Their input was taken into account. In addition, The National Treasury and Economic Planning together with the State Department for Public Service invited the public feedback on the National Treasury and Economic Planning website and in MyGov edition on 12<sup>th</sup> November 2024.

Therefore, the regulations-making authority undertook extensive public participation and stakeholder consultation in line with Articles 10 and 118 of the Constitution and Section 5 of the Statutory Instruments Act.

No. C on the observation of the Committee, is that, a separate regulatory impact assessment was not required in this case as the regulations fall within the exemption criteria under Section 9 of the Statutory Instruments Act.

Hon. Temporary Speaker, having examined the Public Finance Management (Public Officers Medical Fund) Regulations 2024, against the Constitution and all the relevant enabling laws, the Committee found no inconsistencies or legal deficiencies. Accordingly, pursuant to

Section 24, Subsection 4 of the Public Finance Management (PFM) Act, Chapter 412A, the Committee recommends that this House approve the Public Finance Management (Public Officers Medical Fund) Regulations 2024, Legal Notice No.195 of 2024 in its entirety.

The Committee wishes to express its gratitude to the Office of the Hon. Speaker and the Clerk of the National Assembly for the unwavering support accorded to the Committee during the discharge of its oversight mandate. We also recognise the commitment and dedication of the Committee Members and the technical team for their tireless work in consideration of these regulations. On behalf of the Members of the Committee on Delegated Legislation and pursuant to Standing Order 210, it is my honour and duty to Table and move adoption of the Report of the Committee on Delegated Legislation on the consideration of the Public Finance Management (Public Officers Medical Fund) Regulations 2024, Legal Notice No.195 of 2024.

I beg to move and call upon the Member for Kilgoris, Hon. Julius Sunkuli to second.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Speaker, in seconding this Motion, I want to make a few observations. I am a Member of the Committee on Delegated Legislation that has deliberated on these regulations.

Those regulations are made under the PFM Act because it establishes a fund. This fund will now benefit over 140,000 public servants in Kenya. When the SHA came into operation, it abolished what we used to call the enhanced schemes that were being used by the police and other civil servants. Everybody was subjected to the SHA. Currently, every civil servant is covered. However, it has been established that in order for civil servants to continue benefiting from a more comprehensive scheme, they needed a separate fund.

It was agreed that this fund would be financed, first, by the appropriations from this House, then by the employer contributions and grants. This will give a very comprehensive coverage to the members of the public service. But it is also one of the recommendations of these regulations that a civil servant needs to first exhaust all the other available schemes before they can benefit from this one. It is not just a question of last resort. For example, if you go for a dental check-up, SHA will only cater for Ksh900. This will not be sufficient for a civil servant. That is when the medical fund is activated. You will now be able to use that.

We have also increased the number of dependents from the 2012 regulations. The principal and six others will benefit from this scheme. This will cover everything including emergency services, abroad treatment, check-ups for one year, dental, optical and all the things that the Mover of the Motion has stated. We have looked at them and we say that these are good regulations. They comply with the Statutory Instruments Act and the Constitution. They will be very helpful to the civil service. I commend these regulations to the House and I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Wilberforce Oundo

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker.

Let me take this opportunity to laud the Committee for approving the regulations that provide enhanced medical cover for those working in the public service.

When SHA came in with the various laws, they abolished the preferential enhanced treatment that was common during the National Hospital Insurance Fund (NHIF) era. That meant that the civil servant had no opportunity to get better medical cover even if they could afford. We hope that this will alleviate that problem, and public servants will work knowing that they are covered adequately. There are a few fundamental issues that we must keep in mind here.



First, we have just concluded a debate here concerning the case of a body that has been retained. We hope there are adequate provisions to ensure that a public servant will not go through the ignominy of having his or her body, or that of a dependant, held in the hospital because of high medical bills. I hope the Committee applied itself and put adequate safeguards in that regard.

Secondly, we just hope and pray that the membership of the scheme is voluntary; that it is neither by force nor mandatory. Why do I say so? I sit in the Public Accounts Committee (PAC), and one of the cross-cutting audit queries is that a majority of the civil servants are taking home less than a third of their basic pay as required by regulations. Why do they do that? In the past few years, there has been an increase in taxes. The Executive has raided the payslip and left it in tatters. At any given time, you will find that the majority of the civil servants are unable to sustain themselves as they get less than a third. They keep on flouting the law and attendant regulations.

Hon. Temporary Speaker, there must have been a reason why they did that. Where have the taxes come for the enhanced Social Health Insurance Fund (SHIF), National Social Security Fund (NSSF), Housing Levy, increases of other taxes such as Pay As You Earn (PAYE) among others? There is also the contributory pension scheme, superannuation or something like that. To that extent, they are no longer able to afford a decent livelihood. I hope the Committee also took cognisance of the issue of the one-third salary rule to ensure that civil servants, as they contribute to this enhanced scheme, are able to meet other contingent and existing liabilities.

Hon. Temporary Speaker, you and I represent rural constituencies where some people are desperate when applying for bursaries. They come and plead with us. In fact, many are teachers or civil servants working in rural areas and others working for county governments. We need to look at it in totality. A worker has a moral right to live a decent and dignified life. When a public servant has to come to us to ask for money to buy something as basic as Panadol or malaria medication simply because a county government has failed to provide it, that is adding an unfair financial burden on them. It is a terrible story that must be addressed.

I plead and request the Executive and the Salaries and Remuneration Commission to look at the financial situation of public servants. They are truly suffering, what we call pecuniary embarrassment. A man, for example, may go home with Ksh5,000 out of a salary of probably a hundred and something thousand shillings because of taxes and loans he may have taken to pay school fees for his children. Too, he may have taken another loan to build a house so that his wife can sleep somewhere decent or he may have taken a loan to connect electricity to his house so that his children can watch television to see Hon. Kaluma presiding over the Assembly. It is a very terrible and horrible status.

Thank you. I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Anthony Aluoch, Counsel, you are next.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you very much, Hon. Temporary Speaker.

I am a Member of the Committee on Delegated Legislation. I stand to support. I want to raise three salient issues and underlying matters that this House should take into consideration.

First, Standing Order 210, the Constitution and the Statutory Instruments Act provide two procedures through which regulations come into force. The underlying principle in both is that regulations come into force unless nullified by this House. As the Mover of the Motion of the Report said, these regulations were published in December, last year. They became operational, but this House had to consider them.

The second salient point that I want to bring to the attention of this House is that under the Public Finance Management (PFM) Act, the regulations would ordinarily come into force

or be considered under the Statutory Instruments Act. However, to the extent that this creates a fund under Sections 24(4) and 24(5) of the PFM Act, only the Cabinet Secretary for the National Treasury and Economic Planning can create such a Fund. Therefore, this Fund known as the Public Finance Management Public Officers Funds Regulations 2024, had to come through the PFM Act.

Under proposed Regulation 5, it is expressly stated that these regulations are intended to provide enhanced cover. The equivalent of this is what we have as the Parliamentary Medical Scheme or Fund. So, everybody is equalised under the Social Health Insurance Fund in terms of universal cover. In order to access any enhanced benefits, a medical fund equivalent to the parliamentary one would be established. This is what they have sought to do here so that public servants are able to, over and above the minimum universal benefits that every Kenyan is entitled to, access enhanced cover.

As I make my two last points, we challenged The National Treasury and the drafters of this Bill. There is a provision, which I think Hon. Oundo referred to in the SHA. When SHA was introduced, it removed all preferential treatments that would have allowed certain people to have certain covers that were different from others. Therefore, when we posed the question to them on whether bringing these regulations would be inconsistent with the express provisions of SHA, that was adequately answered by the fact that these regulations are being brought under the PFM Act, which takes precedence over any other Act. So, any challenge that would be raised on this would be answered by the fact that the PFM Act takes precedence where there is any inconsistency or matter that brings that into conflict.

The last point I want to make relates to something that ought to have been a cleaning-up issue. Regulation 13 of the Statutory Instruments Act provides for the format and manner of bringing statutory instruments and relevant things that must be taken into consideration. One of those, under Regulation 13(1) of the Statutory Instruments Act, says that these regulations must not inappropriately delegate legislative power. This is one oversight they made. Regulation 11(1) proposes that certain powers, which are not defined, are delegated to the Cabinet Secretary. It says, "Perform such other functions as may be assigned by the Cabinet Secretary responsible for public service." I think this is an inconsistency that we need to clean as it may run a foul of Regulation 13(m) of the Statutory Instruments Act.

I support and laud the Committee.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Andrew Okuome, Member for Karachuonyo proceed.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker.

I want to start by saying that when SHA came into being, as my other colleagues have said, nearly all medical schemes were collapsed into one, under SHA. Although this one may fall under PFM Act, I do not think it is the reason why they are collapsing into one as we are now discussing. There is an element of discrimination here because this new scheme, the Public Officer Health Fund, is supposed to take care of the excess cases not covered by SHA. That kind of situation applies to all Kenyans. It is not just for those in public service but everybody. This scheme should allow everyone whether a public officer or not. If private companies have people who can join this scheme, they should be allowed to do so to avoid any element of discrimination. Health is a very important commodity that needs equality. When somebody is sick or has a chronic illness, they need as much medical attention as anyone else. In my view, the Committee should look into that element of discrimination otherwise Kenyans may later come up with complaints that public servants started a discriminative scheme because they have the money to pay for the extra cost of joining it. Those are my few observations.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Okuome. Next is the Member of Parliament for Embu County.

**Hon. Pamela Njeru** (Embu County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity.

I support the regulation of the Public Officers Medical Fund. My reason is that public officers sometimes exhaust the SHA money entitled to them. With this regulation, they will be able to bridge the gap without difficulty.

Additionally, the amendment to this regulation will not only benefit former dependants, but will also allow for an additional six dependants. This means that bigger families will be catered for through this regulation. Public officers are our brothers and sisters and supporting them through this regulation is a way of taking care of our own. It will also give them a dignified life when it comes to healthcare. This regulation is long overdue and should be enhanced and implemented as soon as possible. I support.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Rindikiri Mugambi, Member of Parliament for Buuri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker.

I take this opportunity to congratulate the Committee for coming up with these regulations. We have a very big pool of people who have worked tirelessly for this country, including civil servants, teachers, service men and women, former ambassadors and other important people in our society. They sacrificed many years of service to this country. However, few people know what they go through when they leave the civil service.

If you go to America, you will find that war veterans are dignified people in their community. Those who rendered service to America are given a lot of dignity and respect. We have sat in this House and said that Members of Parliament have contributed a lot to the country. However, when we leave this House, rarely do people remember those contributions. I stand here to recognise the enormous contributions of our civil servants and the quasi-civil servants working in State corporations. I identify with them. We have been called for *harambees* to raise funds for these individuals or their families. It is so undignified that somebody who has been a serious worker in this country is now fundraising to get money for medical treatment, burial expenses and many other things. That is where we are losing it.

I stand with the civil servants because these are our brothers and sisters. I do not see where there would be a contradiction. I know it has financial implications, but I think we need to apportion part of the Government resources towards the dignity of these people, particularly in terms of medical services. These regulations have come at the right time. Of course, some people may oppose this scheme on the grounds that it only takes care of public servants. However, we must focus on the moral obligation that this House holds. A few minutes ago, we were talking about a case of a body that has been held for 14 months. While that body might not have any value, it still holds value to the family. The Government needs to support that family.

I support these regulations. The financial implication it carries needs to be flattened so that we can give these people a good medical scheme even as they gracefully retire and continue with their lives until they go to heaven.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Rindikiri Mugambi for those passionate contributions.

There being no more interests, the Mover will now reply.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Speaker.

As I reply, I would like to point out a few issues that have been raised by Members. First, this scheme will not attract any further contributions from public servants or those in the civil service. Therefore, there is no need for it to be on a voluntary basis because it will cover everyone already contributing under SHA. Concerns about the payslip should not be there.

Public servants are in different categories, including State officers such as ourselves. We are categorised as State officers, just like many other Government institutions that are able to pay for their own staff. In this case, for those who have never had the avenue for their institutions to pay for them, this fund comes in handy. These are the civil servants who wake up very early and leave their offices late working for Kenyans. They also need to be dignified through a medical scheme that bridges the gap left by SHA.

The issue of discrimination may not arise here because other Kenyans are usually taken through what we call the Means Testing Instrument. Through this tool, they are placed at a level where they are able to pay unlike public servants who contribute to SHA from their payslips.

Hon. Temporary Speaker, I will not belabour the points as I have already moved the Motion and all the issues are clear. The Committee is only supposed to look at compliance with the Constitution, the parent Act and any other enabling law. I thank all the Members who have contributed in support of this Motion.

I beg to reply.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Robert Gichimu. The Question to this Motion stands deferred to the future when the House Business Committee will next schedule it for consideration by the House.

Next Order.

*(Putting of the Question deferred)*

## MOTION

### ADOPTION OF FOURTH REPORT ON AUDITED ACCOUNTS OF SELECTED STATE CORPORATIONS

THAT, this House adopts the Fourth Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on the financial statements of the following State corporations, laid on the Table of the House on Thursday, 17<sup>th</sup> October 2024:

1. National Social Security Fund, FY 2019/2020.
2. Communication Authority, FY 2017/2018 and 2018/2019.
3. Child Welfare Society of Kenya, FY 2014/2015.
4. Sacco Societies Regulatory Authority, FY 2017/2018, 2018/2019 and 2019/2020.
5. Kenya Institute for Public Policy Research and Analysis, FY 2014/2015, 2015/2016, 2016/2017 and 2017/2018.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Wangwe was to move this one.

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

Do you wish to speak to it?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, this matter was raised earlier when the substantive Speaker was in the Chair. We need to be guided, because we have a Supplementary Order Paper. That is what we were told to refer to. Under the Supplementary Order Paper, Order 15 is the matter we have just concluded, from the Committee on Delegated Legislation. Order 16 is now the one for consideration of the report on the examination of the financial statements of selected State corporations. This being a

House of records, can we be clear on which Order Paper we are using? Is there another supplementary Order Paper, or is the one uploaded on the National Assembly website incorrect? What is the issue? Let us clarify so that the record is accurate. We do not want any busybody outside to raise questions or concerns that a matter was discharged when it was not on the Order Paper for the sitting.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, we are on Order 17, the Motion on consideration of the report on the examination of financial statements of the selected State corporations, which was to be moved by Hon. Wangwe. Is your Order Paper speaking to the same?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): The Order Paper appearing on this gadget we normally use, lists Order 17 as the Kenya Roads (Amendment) Bill (National Assembly Bill No.31 of 2024), by Hon. Naisula Lesuuda, which is due for Second Reading. There must be some confusion somewhere.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you for drawing that to our attention. I understand you to be saying that what appears on our digital system differs from the printed Order Paper. That will be followed up by the Information and Communication Technology Department. We will proceed using the printed Order Paper. We shall proceed in that manner.

Hon. Members, I was informed by Hon. Wangwe that he would be out of the House on other State duties. Therefore, this Order will be stepped down to a later date.

*(Motion deferred)*

Next Order.

## BILL

### *Second Reading*

#### THE KENYA ROADS (AMENDMENT) BILL (National Assembly Bill No.31 of 2024)

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Naisula Lesuuda to move.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Hon. Temporary Speaker, I beg to move that The Kenya Roads (Amendment) Bill (National Assembly Bill No.31 of 2024) be now read a Second Time.

I want to thank God for giving me the chance to finally move this Bill, which I began working on a long time ago. I am pleased to move it now. I would also like to thank all the Members of staff who worked tirelessly with me to make this possible, under the stewardship of the able Clerk and the Hon. Speaker. I thank the Departmental Committee on Transport and Infrastructure, led by Chairman George Kariuki, for examining the Bill thoroughly and offering solid recommendations to enrich it. I also thank the Ministry of Roads and Transport, led by the Cabinet Secretary, Davis Chirchir, and the Kenya Roads Board, and everyone who submitted comments. Their input will certainly improve the Bill. I also thank the Cycling Community of Kenya, including one of us in this House, Hon. Passaris, for their insights and support throughout the development of the Bill.

I further appreciate the World-Wide Fund for Nature-Kenya (WWF-Kenya), led by the former Director of Communication, Judy Kosgei, for their strong support and input throughout the process.

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Lastly, I thank the First Lady, *Mama Rachel Ruto*, a cyclist and champion of holistic, non-motorised transport and a just road system in Kenya.

Hon. Temporary Speaker, most of the time, when I rise on this Floor, I speak on matters concerning Samburu West. Today, however, I am moving an amendment to a Bill that affects every Kenyan in every part of the country. I rise not only as a representative of Samburu West but as a Kenyan. As a representative of millions of Kenyans whose voices and footsteps are often ignored because they do not drive, cannot afford a car, or rely on Public Service Vehicles or matatus, and move on foot, by bicycle, or in wheelchairs.

Hon. Members, today I rise to sponsor the Kenya Roads (Amendment) Bill. At its core, this Bill is about justice, dignity, and safety on our roads. It is not about who one voted for or which side of the aisle one sits on. It is about Kenya and addressing the systemic injustice present on our roads. Let me be clear. The current road design framework in our urban and peri-urban areas excludes the majority. Roads are built for motorised vehicles, as if only those in cars deserve to move safely. As if dignity, safety, and access are luxuries reserved for those who can afford them. But what happens to the millions of Kenyans, the true majority? Children who walk to school, workers who walk to the market or their jobs, cyclists who try to navigate chaotic roads and people with disabilities struggling to cross highways that were never designed with them in mind? This Bill is for them.

It seeks to make it mandatory that all new roads, and any roads undergoing major repairs or upgrades, include safe, accessible, and designated infrastructure for non-motorised transport. They must include cycling lanes, pedestrian walkways, and crossings that protect the basic human right to move safely.

How many more pedestrians must die? How many more cyclists must be left bleeding on the road before we act? Every day, lives are lost, not to natural disasters, but to policy neglect. We keep building roads for cars and ignoring those on foot. We say “not now,” or “there is no budget.” Many of my colleagues have asked, “Where will the money come from?” That has been a recurring excuse. Meanwhile, another family buries a loved one who simply tried to cross a road.

Let me also address health and climate. We are all aware of the burden of non-communicable diseases in Kenya. We know the link between physical activity and good health. Imagine if more people could safely walk or cycle to work or school. We would reduce traffic congestion, cut emissions, and promote healthier lifestyles. We speak passionately about climate change on the global stage. What about the choices we make at home? Are our roads climate-smart? Are they human-centred? Are we building a Kenya where the only safe way to move is inside a vehicle? Yes, Hon. Temporary Speaker, Kenya is now like a construction site, thanks to the securitisation of the Road Maintenance Levy Fund. We have resumed over 500 stalled road projects. That is commendable. I ask you how many roads under this renewed funding model include walking and cycling lanes. Are we simply repeating the same exclusionary patterns of the past? Are we rebuilding injustice with fresh tarmac?

I urge you today, Members to stand in the shoes of the pedestrian. Sit in the wheelchair. Ride the bicycle. Feel the fear of a mother crossing a road with her child, with no zebra crossing in sight. Today, their lives are in our hands. Their safety lies in our vote. Their dignity rests on whether we choose to design Kenya for all or for the few privileged.

This is not a radical Bill. It is just a reasonable one. It is not about politics. It is about public safety, human rights, climate change, and social justice. Before I conclude, Hon. Temporary Speaker, I know that many of my colleagues and those who have accessed this Bill online have asked me about the bodabodas.

It is important that I mention here that, according to this Bill, bodabodas are part of motorised transport. I define non-motorised transport as all forms of travel that do not rely on engines or motors for movement. They include walking, cycling, and mobility assistance

devices. Non-motorised vehicles also means any vehicle that is not self-propelled. They include bicycles, wheelchairs, and scooters. A pedestrian is a person travelling on foot.

I just want to indulge us to think about every day when driving to work or going home. Who are the majority? Is it those who are in cars or those struggling to find where to walk to work, school or their homes? I use Waiyaki Way every morning and evening. It is an expanded road that has no beginning and end. There are no markings or lights. You cannot tell which lane you have taken. I think all involved authorities—the Kenya Rural Roads Authority (KeRRA), the Kenya Urban Roads Authority (KURA), the Kenya National Highways Authority (KeNHA)—have to be accountable.

When using Ngong Road, besides having no walkways, the road just ends abruptly and there is a blockage somewhere. Leave alone wanting a walkway. You can imagine the number of accidents that occur. If you used that road last night, you are not sure how to use it the next day.

I also know that for a fact that the Nairobi Metropolitan Service (NMS) really tried to construct walkways when it took over Nairobi City County. I know that Nairobi City County is currently trying to do it. However, sometimes you find a walkway that ends abruptly and leads into a ditch. Areas like Kileleshwa and where people would want to walk in the evening suddenly encounter ditches as you walk. You have to come back to the road before re-joining the pathway.

These matters are not out of this world. It also does not take rocket science for us to think about them and implement change. Sometimes we do not require a law to have pathways or lanes for the disabled and cyclists. Sometimes we, as a country, legislate on our bad manners. It is simple bad manners to have roads without access for pedestrians, cyclists, and wheelchair users.

Hon. Temporary Speaker, signages are terrible in our country. There are no signages to indicate where we are going. If the signages are put up, ill-mannered scrap metal collectors steal them. We, as a country, have to be a little bit organised.

Regarding benchmarking, most of us including those who work in the Ministry of Transport and Infrastructure and those who are supposed to effect this have travelled out of this country. They travel out of the country and enjoy walking on pathways and beautiful parks. We sit and walk in the parks but say “we just went to benchmark” when we come back home. What happens? Hon. Temporary Speaker, you just get back into your cars here and nothing happens. I enjoy walking. I think it is because I am Samburu. Many ask me, “How do you keep fit? You just had a baby the other day yet you are back in shape and form.” It is because I like to walk. I walk every morning. I enjoy where I live because I am able to walk. I enjoy going to Karura but sometimes when I am stuck in traffic, like yesterday, I would enjoy getting out of my car and walk. Some of us do not have enemies. I am not afraid of anyone in this city. I would like to walk but I need a walkway.

The Bill also touches on our counties. We know that there are some roads which our counties will be involved in. I have noticed one issue in the Bill in Clause 9. The idea in Clause 9 was that we give a maximum of 15 years to get the resources for all existing roads across the country. We will have an amendment so that it is clear that when this Bill is assented to by the President, and I pray that this House passes it any other road that will be designed and built in our country will have walkways, pathways and cycling lanes immediately. But for the existing roads, we can give it a timeframe, which I will be proposing that we give it 15 years to include that. I know the whole issue of how expensive it is. The loss of one life on the road is already too expensive. I also know for a fact that we exaggerate the cost of some of our roads. If we are truthful and incorruptible and we use the resources that have been given to us to do the right thing, without adding a mark-up for a kickback, there will be money for that walkway or cycling lane. Therefore, we give excuses for money to do all other manner of things to get

kickbacks from the contractors and yet we are saying we cannot be organised. We cannot keep comparing ourselves to neighbouring countries, like Rwanda every other day. We also want other African countries to come to Kenya and say that we are doing the right thing.

As I conclude, Hon. Temporary Speaker, I would like to add that we will have penalties in the Bill. I have seen that in some areas, where there are already existing walkways, you find buses and bodabodas using them as their parking lot. When you try to walk, you do not know where to pass. There also has to be penalties for any motorised transport that parks or uses it. I am sure as you drive you see buses crossing over to pedestrian and cyclist paths. Therefore, this Bill does not just touch on the health of Kenyans and the effect on climate change. We cannot talk about climate change in big stages, but when we come back home, we do not have such kind of spaces. I pray that we will support this amendment. I urge you to support the Kenya Roads (Amendment) Bill. Let us make Kenya walkable, cyclable and liveable for everyone.

I do thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Who is seconding? Beg to move and give us the person seconding.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Temporary Speaker. I beg to move and request Hon. (Dr) Oundo to second.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. From the outset, allow me to sincerely thank Hon. Lesuuda for this well thought out Bill. I also congratulate her for her courage to move to where we are.

I stand here to second and sincerely thank all those who have worked to get to this level. Many of us hardly ever get to this level with such a controversial Bill. I am a victim of such circumstances but I really do not care. At least once we get where we are, it is a good idea. One time I was in Houston, Texas. Where I was sitting, there was a debate on who is the owner of a city; is it motor vehicles or citizens. Of course, having come from a third world country my approach would be completely different. I hardly had an opportunity to make any positive contribution but at the end of the debate it was concluded that citizens have a superior right compared to motor vehicles. That whenever there is a conflict between the rights of a motorist and a pedestrian, the rights of the pedestrian will take precedence. Having listened to the Mover as she passionately moved this Bill, I am inclined to agree with the conclusion of that debate. A city and a county belong to citizens and not motor vehicles.

In my other life when I was doing my PhD thesis on urban form and its impact on land value, one issue that came out clearly that has a bearing to land form of any urban area is mode of transport; both motorised and unmotorised. The study concluded that Kenyans, specifically in Nairobi, prefer to stay away from the city where they can get motorised means of transport because it is not habitable for non-motorised dwellers.

Before I came to Parliament, I was involved in a consultancy on the non-motorised design of Nairobi City and issues like the viaduct that I have always hoped that it will come through one day. Some of our recommendations were implemented by the Nairobi Metropolitan Services (NMS). Unfortunately, when the current regime took office – I have nothing against the MPs from Nairobi who have not pushed their Governor to do anything – that matter hit a dead end. That will be a story for another day.

Let me also give a story of my agemate called Levi Mwashighadi. We normally meet where *wazee* sit to talk about current issues. He always wonders why when we have a plane crash it always makes headlines yet plane crashes kill a few people in a year. If you look at the 3000 – 4000 Kenyans who die from road accidents, majority of them are pedestrians. Why do they die? They simply die because there is no space for pedestrians on our roads. Our roads



have been taken over by motor vehicles, matatus and bodabodas that are the emerging phenomenon of being above the law. Kenyan pedestrians have nowhere to walk.

I am a researcher and I like researching. If you are to check all the roads from Kibra one morning, you will see the sea of humanity that walks to the Central Business District. If we had more non-motorised paths, many people would prefer to walk. I find the gym a bit cumbersome. I prefer to walk to maintain a certain body weight. As you age such things become important.

The Bill before us is so important that people must take notice of it wherever they are. The gracious lady has said several things. One, all roads that will be designed after this Bill has been assented to must provide for non-motorised path ways for cyclists and pedestrians. This is such revolutionary thinking that we cannot even entertain a debate on. I hope the President will not be pushed by interested parties to potentially return this Bill under Article 115. This would restrict the people's rights. I also hope that the Departmental Committee on Transport and Infrastructure will not be coerced by external parties to move amendments to this Bill.

Sometimes it is very cumbersome when one is on the road and a bodaboda rider is on one edge besides them, a cyclist on the other edge, and a pedestrian who has nowhere to go but must walk along the road. This is often due to footpaths being used by riders, or because they are non-existent. They may be waterlogged or blocked by public transport buses seeking customers. We must address these challenges.

Hon. Lesuada, another matter that you ought to have addressed and which I wish to address is the need for dedicated security lanes on any road. I always shudder when I am on the road and an ambulance is blaring behind me and there is nowhere to turn to allow the ambulance to pass and deliver a patient requiring emergency medical attention. We should ensure that ambulances, fire engines, and vehicles for security operations have reserved lanes solely for their designated purposes. With her indulgence, during the Committee of the whole House, we should amend this to ensure that it is a requirement.

Clause 8 states that the principal Act is amended by Section 50, pertaining to the traffic police. The reason we have too many accidents in this country is human failure of the traffic police. I had hoped that she would propose an arrangement whereby traffic police are assigned to manage specific sections of the road. If they fail to perform their duties, there must be a penalty or sanction for that traffic police officer. We have reached a point where civil servants, those tasked with enforcing particular laws and regulations, must bear personal responsibility for their failure to do so. There are a few amendments and typographical errors that need to be addressed on Clause 8. We will need to debate whether the proposed 15-year timeline is unnecessarily long.

We have money as a country. The other day we met with Cabinet Secretary Chirchir before he jettisoned senior staff in the road agencies. He openly complained that the work done in China for a certain amount of money costs Kenya more than three times that amount. I sit in the Public Accounts Committee and we questioned a road project in Bomet which cost around Ksh100 million per kilometre. If we just became rational, we could sort out all our problems.

**The Temporary Speaker** (Hon. Peter Kaluma): Give Hon. (Dr) Wilberforce Oundo one more minute.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. As I was saying, we have enough money in this country. Where the money goes, only God knows. One day, He will help us solve this problem. The money is there and we can operationalise this Bill within five years. How much does it take to cut off a small space? With those many remarks, I second. I sincerely congratulate the gracious lady from Samburu.

Thank you.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Ole Sunkuli will take precedence.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Thank you very much, Hon. Temporary Speaker. I also join my friend, Hon. Oundo in congratulating my friend seated here on my left, Hon. Lesuuda, for this very well thought-out Bill.

Firstly, this Bill addresses one of the key problems of Kenya, which is that our roads are very risky. We need to deal with this situation. This is one of the very few countries where, before you go anywhere, you must pray because the roads are risky. It is even riskier where the population is higher.

We need the streets of Nairobi to be organised. We need to place pedestrians at the centre of our organisation. The first value of this Bill is to create a sense of security for our road users who are not inside a motor vehicle.

If this Bill is implemented, it will make Kenya look like a developed country. It is going to change the face of Kenya. We know what we see in other countries. For instance, during my visits, I was trying to look at which place has no motor vehicles, yet it is a good city, and I immediately thought of Venice... Someone is making noise here.

*(Laughter)*

I was just thinking of Venice. There are no motor vehicles since you have to use boats or walk. A provision has been made in those countries to use walkways. Imagine having a walkway from the University Way to Harambee Avenue; that would really make a difference.

Today, if you want to go to my former office in Hazina Towers, you have to get an Uber from here, yet it is a very short distance that you could just walk. When you go to Geneva, if you want to walk to the United Nations (UN), even from your hotel, there is a provision for that. My friend Prof. Jaldesa and I visited each other's hotels by walking. Those are the things that make sense.

One of the benefits of these walkways is that they improve our health. Many of the health conditions we have today are as a result of sitting all the time. For instance, we have been sitting this afternoon in this House, and we also sat in the committees. If one does not get an opportunity to walk, their health suffers.

We should introduce a way to keep our country safe. If you introduce walkways, conditions like diabetes, high blood pressure and excess cholesterol will be sorted out. Additionally, cycling is also one of the sports that keeps a person healthy. I cannot ride a bicycle because I am a 'well-behaved boy'. In my village, the only person who had a bicycle was my uncle, and if you did not touch his bicycle, it would mean you were a good boy. On the contrary, I missed out on that. People keep fit by riding of bicycles and this is one of the ways to keep ourselves healthy. Let us try and organise our cities so that they are not only safe and help us in maintaining our health but also look nice. I was looking at some pictures of Addis Ababa in Africa and it is doable. Kenya has always been a leader in arranging its cities properly.

I realise my friend, the Mover of the Bill, paid attention to devolution and mentioned that the county governments should do something about it. I hope something gets done because the first duty of a county government is to keep its towns clean and organised. I do not know why they are not doing it and I do not know whether this Bill will have teeth enough to force them to do it. Who else will keep our cities and towns, away from Nairobi, away from Mombasa, away even from Kisumu or Nakuru, organised? Who will make the towns and cities clean for the pedestrians? These are the issues we need to understand.

Hon. Lesuuda mentioned something that always makes wonder. We to go to some countries to benchmark, but what do we bring back other than awe and consternation of how

progressed they are. We have made it look like our country cannot achieve such things. This Bill will make us achieve because urban planning, apart from addressing security and health, must also address the simple issue of liveability where there is organisation and nice neighbourhoods.

Long ago, Plainsview in Nairobi used to be a very good neighbourhood. People used to queue to board a Kenya Bus Service (KBS) to Plainsview. One day, a person came in a rush wanted to jump the queue and he was asked whether he had just moved from Kibera. In Kibera, jumping of queues was acceptable. Presently, no neighbourhood can claim to have good order in this country such that they queue. Motorists in Kenya have no courtesy. No motorist wants to leave space for another and so it becomes chaotic.

Therefore, apart from managing our cars on the roads, let the law force the Government to reserve a separate space for pedestrians and separate space for cyclists on the roads so that we can enjoy the blessings of a good country.

Hon. Temporary Speaker, I wish to congratulate my colleague, Hon. Naisula Lesuuda, for this Bill and I commend it to the House. Let us support it and make it a reality.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Timothy Toroitich, the Member of Parliament for Marakwet West.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute on this very important Bill. At the outset, I wish to thank Hon. Naisula Lesuuda for such a progressive piece of legislation. For sure, Samburu West sent the very best to this Parliament.

Hon. Temporary Speaker, this Bill, in a nutshell, seeks to designate tracks for non-motorised transport for existing roads and new roads in this country. While seated here, I tried to find out the definition of a road within the existing Kenyan legislation and whether the issues that have been mentioned here are catered for in other legislations.

Hon. Temporary Speaker, the question that comes up is this: what is a road under the current Kenyan legal context? Under the statute we propose to amend, the Kenyan Roads Act, a road is defined ‘a public road as defined under the Public Roads and Roads of Access Act, Cap 399.’ Further, if you refer to the Public Roads and Roads of Access Act, which is a very old piece of legislation that commenced on 10<sup>th</sup> August 1920, the definition remains consistent. I also referred to the Traffic Act for its definition of a road. Under the Traffic Act, a road means any public road within the meaning of Public Roads and Roads of Access Act, Cap 399, and includes any other road or way, wharf, car park, footpath or bridle path on which vehicles are capable of travelling and to which the public has access.

Under the Traffic Act, the definition of a road includes a footpath and a bridle path. According to *Black's Law Dictionary*, a bridle path is defined as a path suitable for riding or leading horses (but not cars). The proposed amendment by the Member seeks to create a designated track for non-motorised vehicles. In my humble submission, I believe we have had a problem in the interpretation because the law gives a very clear definition of a road. We have had a problem in enforcing the law when awarding tenders. A contractor given a road project must construct a road as defined under the current legislation, specifically the Traffic Act. When a road is constructed, it does not just mean a road meant for vehicles. It must include a footpath and provide access for non-motorised vehicles. In my view, the problem lies in our local or ignorant interpretation of what constitutes a road in this country.

Hon. Temporary Speaker, as someone said, we do not have a deficiency of laws in this country. We have laws. The problem is: are we implementing the laws properly and purposively as provided for under our Constitution? To give clarity and proper definition to a road, this Act should be passed so as to assign a proper meaning to that provision of the law that has been misinterpreted for some time.

Hon. Temporary Speaker, when this matter comes to the House, I will propose an amendment to Clause 7 of the proposed legislation, which provides that the Cabinet Secretary may make regulations. In my opinion, we should have it mandatory by replacing the word 'may' with 'shall' so that the Cabinet Secretary in charge of Transport is mandated through legislation to make these regulations.

Finally, I have consulted the Mover of the Bill on Clause 9 which provides that the enactment of this amendment shall take effect in 15 years' time to cater for already existing infrastructure. We cannot wait for 15 years while Kenyans suffer on the roads. Motorcycles pass on the left side of the road. Sometimes we accuse them, but they have nowhere to pass. The roads that are being constructed are only meant for motor vehicles. There is no provision for motorcycles. So, we cannot wait for 15 years to implement this particular amendment whereas Kenyans are dying on the roads.

Because we are speaking on roads, I wish to thank His Excellency the President. When he took over power, there were too many stalled road projects in this country. In my constituency, there were almost six roads. However, as we speak, they are being constructed, and the contractors are back on site. This is something that we must commend this Government for. As we pass this legislation, we also call upon those contractors who have resumed work on the roads to ensure that they are compliant. Even if we have not passed this Bill, we already have a statute: the Traffic Act Cap.403. We also have other legislations that provide that a road is not only where the motor vehicles pass but it also includes footpaths and other access roads for non-motorised users.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Anthony Oluoch, Member for Mathare.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Speaker. Allow me to thank Hon. Lesuuda for coming up with this progressive Bill. This Member has dared to dream, design and picture what this country would look like if it puts in place what should be a basic right for people who use the roads. Not only does this Bill give equal access to use of these roads but also it gives dignity. If you look at how our roads are currently designed, it allows people to operate in such a way as to dehumanise and indignify themselves. This is because we have roads where matatus, pedestrians and motorcycles use them interchangeably as if they were meant to be used without any design.

Allow me to begin from the very end where the Bill says that it is a Money Bill. Allow me to thank the last two or three years of the Chairmanship of the Budget and Appropriations Committee. It has been a trend in this House that it is impossible to bring a Bill if it connotes or has anything where it says it is a Money Bill.

Under Article 95 of the Constitution, among the things that we do in this House is to legislate not only to represent people and solve problems affecting them, but also make the budget. However, we have self-imposed impediments to law making supposedly because it will have a Money Bill. I had two Bills in the last Parliament which I abandoned because I was told they will occasion the taxpayers money. How much value can you put, in terms of saving or fiscal space to something to the number of people we lose on our roads because of the design question? You cannot place a monetary impediment to it. So, I thank not only the Hon. Member but also the progressive leadership that we have.

I appeared before Hon. Atandi with a Money Bill and the last Chairman of Budget and Appropriations Committee, the Member for Kiharu. I had a Bill that excluded over 3 million children in this country, mostly from informal settlements, by mere virtue of the limited definition under the Basic Education Act. It classifies education as being public and private, yet there are over 3 million people in informal settlements whom we cannot account for because of that definition. I appeared before them and they were audacious enough to say they would

nevertheless have it even though it would occasion money to the Exchequer. These Bills fall into that category.

I am an ardent user of the gym. It is not because I prefer to stay in the gym for the long hours. I would prefer to take long walks, sometimes even three hours, because it not only helps me keep fit mentally and physically but it is also my way of unwinding the kind of difficult jobs we have as Members of Parliament. This is the moment I have to myself. However, we do not have roads that are friendly to these kinds of things—roads that you would use without risking being hit by a motorcycle or mugged because you are carrying a phone.

I can give you a personal experience I had on Ngong Road in one of those long walks. It must have been the last time I decided to take my one or two-hour walk. I had just returned from a trip where I had gone to represent this House. I had an iPhone that I had not even had for three weeks. I was listening to the proceedings of this House as I walked when a motorcycle approached me. I thought the gentleman was coming to speak to me. *Kumbe* he was timing the phone. Do you see? We must have non-motorised roads that have specific places for persons walking on foot. I am very happy this definition contemplates me and many other ordinary non-motorised Kenyans.

I have only two other points that I wish to add. Clause 3 all the way to Clause 7 of the Bill speak to a design question. They ask questions to different State agencies and give them obligations. To, within their jurisdiction, do designs that would take into account that not only motor vehicles with four tyres are supposed to use roads. This tells us that we have had successive county governments with blueprints that should have done and ought to have done the things that the Member has brought in this Bill. These design questions call us to not only have this law but also call these people to a conference in which this country sits to decide on how we want our roads to look.

I thank the current Government because we now have the Nairobi River Regeneration Project that the World Bank will mostly fund. They have contemplated what Hon. Lesuada contemplates for this country. That is where you can have a river with clean water. Therein people can row in a boat from Mathare and end up in Karen, have a light railway and still have a place where a motorcycle or a bicycle can pass on the side and somebody who wants to jog can still jog.

I had occasion to look at this design when it was shown to us. If implemented, it will be the first major step to achieve what the Member has dreamt and contemplated in this Bill.

The Member also spoke to the many constructions that you see around. One is just outside here. Some are things and places that I thought there was no space to do on these roads. I was driving here with Hon. Jalas right now. I asked him about all the barriers and holdings that have been done all the way from Kenyatta Avenue past All Saints Cathedral, all the way to Milimani. He told me they are trying to create an overpass where you can pass over from here and end up on the other side. He told me how beautiful that design was. There are all sorts of those designs littered within the city of Nairobi.

Therefore, this question of limited space being used as an impediment does not suffice. I am happy that the question of money should no longer be an issue, otherwise, the Budget and Appropriations Committee would not have approved this Bill. I hope that this House will not place that impediment when the Committee already gave the approval to her. I am on the question of design and space. If we wanted to find the space to make sure that the roads can be used by motorists and pedestrians, all in equal measure, we can do that.

Lastly, I want to speak on Clause 8. I have said that Clauses 3 to 7 speak to a design problem, and we must call ourselves to a conference as a country, both at the national and the county level, to look at these designs. Hon. Oundo says that some of them were being implemented but they are now gathering dust somewhere. Clause 8 speaks to a culture issue about enforcement. We must call ourselves to a roundtable and ask ourselves what our own

culture as Kenyans is on how we use our roads. Not only should we design these things in the manner contemplated, but we must also have a culture change. We must change our habits as Kenyans. I imagine of a place like Amsterdam or Netherlands where they have designated places for bicycles, and people use bicycles as the preferred mode of transport, including police officers. I do not know if you have been to any of these places. Police officers would stop you while they are on a bicycle. But would we park a thousand bicycles here, and our people somewhere with very...

*(Hon. Anthony Oluoch's microphone was switched off)*

*(The Temporary Speaker (Hon. Peter Kaluma) spoke off the record)*

In Kenya if we had such kind of motorised lanes and designated spaces, and you put those bicycles in those designated places, I am sure that somebody would take the bicycle and convert it for his own personal use or sell it.

With those many remarks, I support this Bill. I hope that it sees the light of day. Thank you very much.

**The Temporary Speaker** (Hon. Peter Kaluma): The Member for Embu County, Hon. Double N.

**Hon. Pamela Njeru** (Embu County, UDA): Thank you, Hon. Temporary Speaker, for the opportunity. From the outset, I congratulate Hon. Lesuuda on this important controversial Bill; the Kenya Roads (Amendment) Bill (National Assembly Bill No.31 of 2024). She is my former colleague in the broadcasting journey, but today we are in the same House doing legislation, oversight and representation.

The creation of the walkways and the pathways on our roads especially in our counties will not only bring sanity on our roads, but will also bring an end to many accidents that happen now and then. This Bill has been brought by Hon. Lesuuda at the right time, when we are battling many accidents involving motorists, cyclists and other road users. I congratulate her on this Bill. I hope that justice will be brought by Members of this House.

I once visited the Netherlands and got shocked at how sanity prevails in that country. The cyclists and motorists have their own pathways and walkways. In fact, they park their bodabodas and bicycles in a designated area, and then walk. Therefore, this Bill is an answered prayer to the many accidents that we have been trying to battle within our counties and villages. Even as I support, I hope that it will also be done justice by having political goodwill from the political class. Its completion and assentment to by the President will be an answered prayer in the 47 counties of this country.

Finally, if the pathways and walkways are created, it means that we shall have traffic lights, and when motorists are not on the move, other people can take care of themselves through their designated areas. Members of Parliament in this House, and even those who are not Members, shall reduce the many *harambees* that are held every day for people who have died as a result of accidents on our roads involving motorists, cyclists, and vehicles that have even encroached on pedestrian crossings. With this in mind, things will return to normal. What I would request, even as I support this Bill, is that the implementation period be reduced from 15 years to five years, so that we do not wait for too long.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): The question is, who owns the cities? The citizens or the vehicles? Let us be upstanding Members.

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.06 p.m., this House stands adjourned until Tuesday, the 5<sup>th</sup> day of August 2025, at 2.30 p.m.

The House rose at 7.06 p.m.

*Published by  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi*