



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

15th April 2026

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THE HANSARD

Wednesday, 15th April 2026

(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.

(Several Members entered the Chamber)

Members on their feet take your seats. Hon. Raso, take the nearest seat.

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF MEMBERS TO MEDIATION COMMITTEES

Hon. Members, as you are aware, Articles 110 and 112 of the Constitution regarding consideration of ordinary Bills concerning counties contemplate a bicameral legislative path, where such Bills journey through both Houses of Parliament, prior to enactment. To this end, where the two Houses of Parliament fail to concur on an ordinary Bill concerning counties, the Constitution provides for a mediation process as an avenue for attempting to develop a version of the Bill for consideration by the Houses of Parliament.

In this regard, Hon. Members, I wish to draw the attention of the House to the referral of four Bills to mediation committees in accordance with Article 112 of the Constitution and the Standing Orders of the relevant House.

They are:

1. The Election Offences (Amendment) (No. 2) Bill (Senate Bills No. 28 of 2024), which was referred to a mediation committee on 3rd March 2026 following the Senate's rejection of the National Assembly amendments to the Bill. Members this is one of the National Dialogue Committee (NADCO) product Bills.
2. The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023), which stood referred to a mediation committee on Wednesday 18th February 2026 following the National Assembly's rejection of the Motion for Second Reading of the Bill.
3. The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022), which was remitted to a mediation committee on 19th November 2025 following the National Assembly's rejection of Senate amendments to the Bill.

4. The National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022), which was committed to a mediation committee on 18th June 2025 following the National Assembly's rejection of Senate amendments to the Bill.

Hon. Members, Article 113(1) of the Constitution provides that whenever a Bill is referred to a mediation committee, the Speakers of the two Houses shall appoint an equal number of Members from each House to attempt to develop a version of the Bill that will be passed by both Houses. Further the National Assembly Standing Orders outline the procedure for appointment of Members to such a committee.

In this regard, having consulted with the Leader of the Majority Party and the Leader of the Minority Party, I have appointed Members of the National Assembly to the respective Mediation Committees as follows:

(Several Members entered the Chamber)

Members at the Bar take the nearest seats. Hon. Naomi, where is the nearest seat? Take the nearest seats.

Thank you. Let me repeat. In this regard, Hon. Members, having consulted the Leader of the Majority Party and the Leader of the Minority Party, I have appointed Members of the National Assembly to the respective Mediation Committees as follows:

1. Mediation Committee on the Election Offences (Amendments) (No. 2) Bill (Senate Bill No.28 of 2024):
 - (a) Hon. George Murugara
 - (b) Hon. Mwengi Mutuse
 - (c) Hon. Gladys Boss
 - (d) Hon. Silvanus Osoro
 - (e) Hon. John Makali
 - (f) Hon. TJ Kajwang'
 - (g) Hon. Beatrice Elachi
 - (h) Hon. Harold Kimuge
 - (i) Hon. Abdikadir Mohamed
2. Mediation Committee on the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023):
 - (a) Hon. Peter Lochakapong
 - (b) Hon. Liza Chelule
 - (c) Hon. Joseph Munyoro
 - (d) Hon. Kenneth Tungule
 - (e) Hon. Esther Passaris
 - (f) Hon. Fatuma Mohamed
 - (g) Hon. Jared Okello
3. Mediation Committee on the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022):
 - (a) Hon. Omboko Milemba
 - (b) Hon. Rahim Dawood
 - (c) Hon. Rahab Mukami
 - (d) Hon. Dorice Donya
 - (e) Hon. Fatuma Jehow
4. Mediation Committee on the National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022):
 - (a) Hon. Rindikiri Murwithania

- (b) Hon. Jane Kagiri
- (c) Hon. John Wanjiku
- (d) Hon. Joseph Cherorot
- (e) Hon. Zamzam Mohamed
- (f) Hon. Tim Wanyonyi
- (g) Hon. Irene Mayaka

Hon. Members, with respect to the Mediation Committee on the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024), the Speaker of the Senate has notified that pursuant to the provisions of Article 113(1) of the Constitution and Standing Order 166(2) of the Senate, he has appointed the following Senators to the Mediation Committee:

1. Sen. Samson Kiprotich Cherargei
2. Sen. Veronica Maina
3. Sen. Raphael Chimera
4. Sen. Essy Okenyuri Nyaituga
5. Sen. Abass Sheikh Mohamed
6. Sen. Moses Otieno Kajwang'
7. Sen. Daniel Kitonga Maanzo
8. Sen. Mohamed Faki Mwinyihaji
9. Sen. Catherine Mumma

Hon. Members, the said Mediation Committee, having been fully constituted, should, as soon as is practicable, meet and commence the process of developing a version of the Bill for consideration by the Houses of Parliament, in accordance with the provisions of Article 113 of the Constitution. The Members appointed to the other Mediation Committees will await the appointment of Senators for them to be fully constituted. Once I receive a Message from the Senate to that effect, I will convey it to the House. Thereafter, the mediation committees will embark on an attempt to develop versions of the respective Bills for consideration by the Houses of Parliament, in accordance with the provisions of Article 113 of the Constitution.

The House is accordingly informed and guided.

Hon. Members, allow me to acknowledge, in the Speaker's Gallery, Little Lambs Schools from Kapseret Constituency, Uasin Gishu County. Take your seats, pupils. On my behalf and that of the House, we welcome you, your teachers and anyone else accompanying you to the House of Parliament.

Thank you. Next Order.

PAPER

Hon. Speaker: Deputy Leader of the Majority Party.

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

Report of the Auditor-General and financial statements for the year ended 30th June 2025 and the certificates therein in respect of –

- (a) Agricultural Sector Development Support Programme II (SIDA Grant No. 51110109) - State Department for Agriculture
- (b) Amani National Congress Party
- (c) Ikutha Technical and Vocational College
- (d) Jaramogi Oginga Odinga University of Science and Technology
- (e) Kakrao Technical and Vocational College
- (f) Kitui East Technical and Vocational College
- (g) People's Empowerment Party
- (h) Pesi Vocational Training Centre

- (i) Subukia Technical and Vocational College
- (j) Ugunja Technical and Vocational College.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson, Special Funds Accounts Committee. Is it Hon. Mulyungi or Hon. Fatuma? Who is the Chair? Is Hon. Fatuma in the House?

Next Order.

NOTICE OF MOTION

Hon. Speaker: The Chairperson, Special Funds Accounts Committee is absent. Hon. Fatuma is doing the wrong thing by engaging in conversations instead of doing her work. Clerk-at-the-Table, call out Order No. 5 again.

PAPER

Hon. Speaker: Chairperson, Special Funds Accounts Committee.

Hon. Fatuma Mohammed (Migori County, Independent): I am sorry, Hon. Speaker. I was seated at the back under your instruction that I take the nearest seat.

Hon. Speaker: The nearest seat does not block your ears.

(Laughter)

Hon. Fatuma Mohammed (Migori County, Independent): That is true.

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

Nineteenth Report of the Special Funds Accounts Committee on Examination of the Reports of the Audited Accounts of Selected Funds.

Hon. Speaker: Thank you.

Clerk-at-the-Table, go back to Order No. 6.

NOTICE OF MOTION

Hon. Speaker: Chairperson, Special Funds Accounts Committee.

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF SELECTED FUNDS

Hon. Fatuma Mohammed (Migori County, Independent): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the 19th Report of the Special Funds Accounts Committee on its consideration of the audited accounts for the following Funds, laid on the Table of the House on Wednesday, 15th April 2026—

1. Equalisation Fund for the Financial Years 2020/2021, 2021/2022 and 2022/2023.
2. Fish Levy Trust Fund for the Financial Years 2020/2021, 2021/2022 and 2022/2023.
3. Public Service Superannuation Fund for the Financial Years 2020/2021, 2021/2022 and 2022/2023.
4. State Officers and Public Officers Motor Car Loan Scheme Fund for the Financial Years 2019/2020, 2020/2021 and 2021/2022.

5. National Research Fund for the Financial Years 2022/2023, 2023/2024 and 2024/2025.
6. Petroleum Development Levy Fund for the Financial Years 2018/2019, 2019/2020, 2020/2021 and 2021/2022.
7. Petroleum Training Levy Fund for the Financial Years 2021/2022, 2022/2023 and 2023/2024.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Fatuma. Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, you recall, we were to have the Cabinet Secretary for Water, Sanitation and Irrigation. Your Speaker received a letter from him requesting to be permitted not to be here today because he is accompanying His Excellency the President on a field trip to Nyamira and Kisii, which has a bearing on his Ministry. Your Speaker has acceded to that. Therefore, Leader of the Majority Party, reschedule that Cabinet Secretary and the Cabinet Secretary for Education to next Wednesday. Hon. Members who had questions for the Cabinet Secretary for Water, Sanitation and Irrigation and the Cabinet Secretary for Education, who had made a similar request earlier and I acceded to it, be ready next Wednesday.

REQUESTS FOR STATEMENTS

Hon. Speaker: Hon. Pauline Lenguris is not here. Next is Hon. Prof Guyo Jaldesa.

ESTABLISHMENT OF MULTI-AGENCY SECURITY INSTALLATION IN MOYALE CONSTITUENCY

Hon. Prof Guyo Jaldesa (Moyale, UPIA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the reported establishment of a multi-agency security installation within Moyale Constituency in Marsabit County.

Hon. Speaker, between 5th and 6th April 2026, the Wajir County Security Team held a press conference and proceeded to mark the ground for the construction of a multi-agency security facility within Moyale Constituency in Marsabit County. This action was undertaken without any consultations or involvement of the local leadership or relevant authorities in Marsabit County. The Sololo Sub-County security team visited the site and established that the marked area lies well within Moyale Constituency, based on the recognised district and provincial headquarters boundaries of 1992. It was further noted that the concerned area in question appears to be illegally occupied by armed groups, raising serious security concerns.

Hon. Speaker, this unilateral action by Wajir County authorities amounts to an encroachment on the territorial jurisdiction of Marsabit County and poses a significant threat to the local long-standing peaceful coexistence among communities in the region. If left unaddressed, the situation is likely to heighten tension, disrupt social harmony and potentially trigger inter-county conflict.

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

1. Report on the basis under which the Wajir County security team undertook actions that appear to alter or disregard the established administrative boundaries between Wajir and Marsabit counties.

2. The source of funding for the proposed multi-agency security project, and whether due process, including consultations with the local leadership of Marsabit County was followed.
3. The immediate measures being taken by the Ministry of Interior and National Administration to halt the ongoing activities and ensure the withdrawal of any unauthorised personnel or operations from Moyale Constituency.

I thank you, Hon. Speaker.

Hon. Speaker: Professor, by armed groups, do you mean legitimate State agencies?

Hon. (Prof) Guyo Jaldesa (Moyale, UPIA): No. These are illegal local armed gangs from constituencies in Wajir County.

Hon. Speaker: Hon. Tongoyo, these are serious allegations. Yes, Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Speaker. What Professor Guyo has raised is a serious security concern. When NG-CDF funds are used to construct police stations in constituencies in other counties and militia are used to guard that facility, then it means that the facility does not belong to the Government, whether the national Government or the county government. Although the administrative officers in Wajir and Marsabit have asked that the construction of that building be halted, the individuals are continuing with the construction. For this reason, our people are likely to fight over this incident. To avert this, the Departmental Committee on Administration and National Security must act with speed so that there is no fighting and the administrators can take control of the situation.

Thank you.

Hon. Speaker: Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker. I appreciate that Hon. Raso comes from the same county and might be privy to the same information. Having said that, we have summoned the Cabinet Secretary to appear before the Committee on 21st April 2026 concerning the issue of goons in the country and largely related to security concerns. I ask for your guidance to slate this request to be responded to by the Cabinet Secretary on the same day, and to have the concerned Member present.

Hon. Speaker: That is Tuesday next week.

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

Hon. Speaker: Go ahead. Hon. (Prof) Guyo, appear before the committee on 21st April 2026.

Hon. (Prof) Guyo Jaldesa (Moyale, UPIA): Well guided, Hon. Speaker.

Hon. Speaker: That notwithstanding, Hon. Tongoyo, you must bring a written response to the House because the Question belongs to the Floor. Bring the written response on Thursday of the same week.

Hon. Gabriel Tongoyo (Narok West, UDA): Much obliged, Hon. Speaker.

Hon. Speaker: Yes, Hon. Raso.

Hon. Ali Raso (Saku, UDA): Hon. Speaker, we will abide by your guidance, but our request to the Chairman is to let construction on that site be stopped until a decision is made. Thank you.

Hon. Speaker: Hon. Chairman, have you heard your Vice-Chairperson?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, I have but my mandate does not extend there. However, that is one of the considerations we will put across. From what I hear, my colleagues are pointing fingers at one of us in this House. Perhaps you will guide us on this.

Hon. Speaker: Who? I have not heard anybody being mentioned.

Hon. Gabriel Tongoyo (Narok West, UDA): They are ready to disclose that.

Hon. Speaker: I do not want to... Yes, Hon. (Prof) Jaldesa. You know what the Standing Orders say about this. No adverse reference can be made to your colleagues without bringing a Substantive Motion.

Hon. (Prof) Guyo Jaldesa (Moyale, UPIA): I am not going to adversely mention any Member of Parliament but the area we are in conflict with is between my constituency and that of Eldas Constituency.

Hon. Speaker: Good enough, you can invite the Member for Eldas to that committee sitting as well if he has anything to do with it.

Next is Hon. Justice Kemei. He requested me to stay his request for a Statement, and I have agreed to his request.

(Request for Statement deferred)

Hon. Joshua Kandie, you may proceed.

LACK OF URBAN PLANNING AND REGULATION OF
CONSTRUCTION OF HIGH-RISE BUILDINGS IN THE COUNTRY

Hon. Joshua Kandie (Baringo Central, 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 Housing, Urban Planning, and Public Works regarding the lack of urban planning and regulation of construction of high-rise buildings in the country.

Hon. Speaker, Nairobi City County is among the most densely populated and highly urbanised counties in Kenya. It has experienced unprecedented growth over the first few decades, with more people migrating to the city for job opportunities, among other factors. This has resulted in the expansion of housing, roads, and commercial developments to meet the demands of the population. It is, however, unfortunate that this urban development, which includes infrastructures such as drainage and sewerage systems, has raised concerns regarding inadequate oversight by the relevant national Government authorities in regulating the construction of high-rise buildings in Nairobi County. As a result, some developments have been undertaken without adequate sewerage and drainage infrastructure, while others have encroached on riparian land.

Hon. Speaker, regrettably, the lack of proper urban planning and inappropriate construction of high-rise buildings has contributed to recurrent flooding, resulting in loss of life and destruction of property. While issuance of construction permits and enforcement of compliance with approved building standards is largely a devolved function, the national Government retains the responsibility of coordinating urban planning by the counties.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works on the following:

1. The measures put in place by the Government to ensure oversight of the construction of high-rise buildings in Kenya including enforcement of approved planning standards and compliance with building regulations.
2. The steps being undertaken to improve existing policies governing the implementation of drainage and sewerage systems in Kenya to match the rapid urbanisation.
3. The actions taken to enhance urban planning and coordination between relevant national and county authorities to ensure that corresponding essential infrastructures, such as drainage and sewerage systems, are adequately integrated in high-rise urban developments.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works. Who is the acting Chairperson? *Ako wapi Mheshimiwa* Rindikiri? Any member of the committee present? Yes, Hon. Caleb, Member for Machakos. Can you bring a response in two weeks?

Hon. Caleb Mule (Machakos Town, MCCP): I am well guided, Hon. Speaker. I will inform the acting Chairperson, Hon. Rindikiri.

Thank you.

Hon. Speaker: Thank you. Hon. Pauline Lenguris, I had called you twice before.

INSECURITY IN SAMBURU COUNTY

Hon. Pauline Lenguris (Samburu County, UDA): Thank you, Hon. Speaker. I apologise for being late.

Pursuant to Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding insecurity in Samburu County.

There have been recurring cases of insecurity and livestock raiding in Samburu County, causing loss of life, destruction of property and displacement of residents. These incidents continue to disrupt livelihoods and heighten fear among communities. Notably, on 13th April 2026, armed bandits, alleged to have originated from the neighbouring Baringo County, attacked residents of Lorian Village, Moriyo Sub-Location and fatally shot Mr Antony Lenapeer of ID No. 28xxxx16 and stole more than 700 livestock. This incident reflects the persistent and escalating insecurity thereby undermining peace, stability and economic sustenance in pastoral communities.

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

1. The circumstances surrounding the attack in Lorian Village, Samburu County, which led to the murder of Mr Antony Lenapeer of ID No. 28xxxx16, including the reasons for failure by police to forestall the attack.
2. The measures being taken to apprehend the perpetrators and recover the stolen livestock.
3. The immediate interventions to enhance security in the affected area, particularly in Lorian Village, and other areas affected by insecurity in Samburu County, especially the communities living along the Suguta Valley.
4. Long-term strategies in place to curb recurring banditry, cattle rustling and cross-border attacks in Samburu County and neighbouring regions.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, I also need your indulgence on this one. Could we combine this request with the others, since the Cabinet Secretary will be addressing the insecurity issues in the country? Samburu is a perfect case of what has been...

Hon. Speaker: He will be in the Committee?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes. He will still submit the same to the House.

Hon. Speaker: Hon. Korir, you can appear before the Committee on Tuesday.

Hon. Adams Korir (Keiyo North, UDA): Next week?

Hon. Speaker: Next week, right?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, Tuesday 10th at 10.00 a.m.

Hon. Speaker: In the Mini-Chamber, County Hall. Is that Hon. Emathe, Member for Turkana Central? You want to joyride on this? Go ahead.

Hon. Joseph Emathe (Turkana Central, UDA): As of now, the Special Operations Group is in these areas. However, livestock theft and banditry are still going on the ground. Turkana East and Turkana South face the same issue. We wonder why we continue to lose lives and livestock despite the Government spending a lot to train the SOG to flush out these bandits. It is very painful. Are we dealing with this menace, or are we encouraging it? Many raids continue to happen, with Turkana East being the most affected.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. *Mama Zamzam*, you want to joyride on that as well?

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana, Mhe. Spika. Usalama wa taifa ni muhimu sana. Si vizuri kuona watu wakifa kiholela. Kama vile dadangu, *Women Represantative* alivyosema, inasikitisha sana. Ni lazima vitengo vya usalama vihakikishe kuwa maisha ya Wakenya yanalindwa.

Kule Mombasa Kaunti, tumeshuhudia vifo vingi. Juzi watoto kumi na wanne walipotea. Kwa hao, watatu walipatikana wakiwa wameaga, akiwemo Gloria aliyefanywa vibaya. Wale ambao wanaofanya hayo hawapatikani ilhali tuna vitengo vya usalama.

Nakemea jambo hili sana. Kando na hayo, nampongeza *Regional Commander wa Coast*, Ali Nuno kwa kazi nzuri anayofanya. Amefanya bidii na kumtia ndani mshukiwa kuhusiana na mauaji ya mtoto mmoja. Pia, kuna mama mjamzito kule Likoni aliyewuliwa. Haya ni mambo ya kusikitisha.

Naomba *the Ministry of Interior and National Administration* ifuatilie maswala haya. Mimi nitatoa *official statement* Bungeni inayohusu mambo ya Mombasa. Nampongeza mama Kaunti kwa kuangazia sehemu yake. *Tunamsupport*.

Asante sana, Mhe. Spika.

Hon. Speaker: Asante sana Mama Zamzam. Unamsifu polisi ilhali ni watoto watatu peke yake wamepatikana kati ya wale kumi na nne waliopotea? Hiyo ni sambamba kweli?

(Laughter)

Yes, Mama Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mhe. Spika, najua ni dhiki lakini hapo awali tulikuwa hata hatuwapati. *Commander* ameanza juzi tu na tayari mshukiwa mmoja amekamatwa. Namsifu ili aendelee. Tangu aje Mombasa, anafukuzana na washukiwa. Kando na hayo, nawahimiza waweke kasi ili tupate nani aliyewaua wale watoto na tuweze kujua walipo waliosalia.

Asante sana, Mhe. Spika.

Hon. Speaker: Hon. Karitho.

Hon. Daniel Karitho (Igembe Central, JP): Thank you, Hon. Speaker. The issue of cattle rustling and insecurity is becoming a real problem, particularly in Igembe Central. It is really worrying that even when we have an ongoing operation, the cattle rustlers still cross over different counties to come, kill our people and steal our animals. We challenge the Government to address this. This is a huge threat. The media shows that there is an ongoing operation, but the rustlers continue to attack us.

Last week, there were attacks in our area. They came, took our animals, killed one person and injured several, and this has been going on for a long time. It is high time the Ministry of Interior and National Administration took this seriously. The Ministry should put more effort into closing all the loopholes. As it is, it appears that someone is sleeping on the job. Our Government is bigger than the countable rustlers who harass people day in day out. The Chairman should request the Ministry to brief us on what is happening.

Hon. Speaker: Yes, Hon. Osero. Hon. Pauline, you want to joyride on your own Statement?

(Laughter)

Hon. Patrick Osero (Borabu, ODM): Hon. Speaker, we have a specific unit within the Police called the Anti-Stock Theft Unit (ASTU); I even have the Unit in my constituency. The problem is that they do not operate independently. At times, you find they have no vehicles or ammunition. It is up to the area Member of Parliament or any other person to organise. Last week in my constituency, we had three incidents where around five livestock were stolen. I had to hire vehicles for them to go track the animals. Interestingly, whenever cattle are stolen in Borabu Constituency, we go to Kipsingei Forest, which I am not sure if it is Government-owned, and we always find them there. If this forest is gazetted, it should be fenced so that when rustlers try to access it, they find it guarded. Therefore, I encourage the Ministry to equip the ASTU. They are very good and well trained. However, they are ill-equipped. They do not have vehicles and gadgets for operation.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Lekumontare.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Speaker. This issue of cattle rustling is very serious. On Monday, Samburu East was attacked and we lost very many animals. It has become almost normal that when animals are stolen, nobody follows up to ensure their return. We have too many people who are affected. The Government should take serious measures. We are losing lives and properties. It is affecting all of us and we need the Government to work and protect the people.

Thank you.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Speaker. This morning, I brought the Prevention of Livestock and Produce Theft Bill (Senate Bill No.12 of 2023). What the honourable Member for Samburu is doing is to lay blame on our neighbours because livestock has been stolen from Meru County and finds its way to Samburu County through Isiolo. When the Cabinet Secretary for Interior and National Administration declared some regions as disturbed areas, the Governor opposed them as being disturbed and said that he will not accept operations to be held in that county.

We need to be honest with ourselves. We need to stop our people from stealing cattle from Meru thinking they have found an Automated Teller Machine (ATM) in Meru County.

Hon. Speaker: Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Speaker, it is very hurting to hear my very good friend and a man I hold with a lot of respect saying that people are being mugged or killed knowing very well he will vie for governor. If the Governor of Samburu County said that he will stand with bandits, then we are losing it in leadership.

Hon. Speaker, Meru County has five constituencies that are affected by cattle rustling, namely Buuri, Tigania West, Tigania East, Igembe Central and Igembe North. The animals find their way to Samburu. It is known where the animals are but because of lack of cooperation with Samburu County leadership, this menace has continued to exist. Most of the areas that the Government has gazetted are in Samburu East where the honourable Member of Parliament is and he knows the truth. The truth is bitter. We ask the Government to stand firm on the gazetted areas. Animals have started being brought back and they are all coming from Samburu unless there is another Samburu elsewhere.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Dorothy. Hon. Lekumontare, what is the problem?

Hon. Jackson Lekumontare (Samburu East, KANU): Hon. Speaker, is the Member who has just spoken in order to state that all stolen animals find their way to Samburu? It is not

true to say that all people who are stealing are from Samburu. It is wrong and that is why we are missing the point. I would like to inform the Member that there are Samburu in Isiolo. You cannot stand and say that it is Samburu who are stealing from the other side. There are Samburu in other places and all of them are not thieves. It is wrong to label the community like that.

Thank you.

(Applause)

Hon. Speaker: Order. There is no evidence before this House that Samburu are cattle rustlers.

Hon. Dorothy: Thank you, Hon. Speaker.

(Hon. Daniel Karitho spoke off the record)

Hon. Speaker: Hon. Karitho, what is it? Hon. Dorothy, take your seat.

Hon. Daniel Karitho (Igembe Central, JP): Hon. Speaker, in all instances where we have had invaders in Meru, all those killed have been Samburu. The police officers and security enforcers have not killed any other tribe coming to steal our animals from Meru but Samburu. It is only them who have been killed and, in most cases, they are Samburu from Samburu East. We have evidence. Even those who have been arrested are from Samburu East. Therefore, Hon. Speaker, the honourable Member should not defend his people. He should accept the reality that his people are the cattle raiders who have been raiding Meru all along.

Hon. Speaker: Hon. Dorothy.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Speaker. This is a very fluid topic that we are discussing this afternoon. Cattle rustling and cattle theft is a matter of national importance. We not only lose animals but also people. Without any tone of doubt, the Meru community has suffered. We are calling upon the Government, without mentioning the areas the cattle stolen are taken, to carry out operations whether it extends to Samburu East or wherever. We want our animals and people dead or alive. We cannot accept that to continue.

Hon. Speaker: Hon. Tongoyo, I hope you have listened to the passion with which Members have prosecuted this Statement. When the Cabinet Secretary appears before you on Tuesday, Members with issues, whether you are Samburu or Meru, appear before the Committee on Tuesday and prosecute your case. The Cabinet Secretary will be in the Mini Chamber with the Committee.

Hon. Mutunga, I want to close this. What is it?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Speaker, thank you very much for the opportunity. When we speak of a community, we are not here to brand a community. We have heard sessions where *wazee* or old men from this community ask us to sit down and discuss how to repay our animals that have been stolen. People are killed in this process. Whenever they want a little money, they come for a few animals or sheep and goat. Whenever they want a lot, they come for more. There is a day I lost 708 animals. We have lost over 15,000 herds of cattle from Meru. That is around Ksh1.5 billion from a poor community and they are all going to Sereolipi and other areas in Samburu East. Several people have lost their mobile phones. The phone has evidence of the owner. Some have lost their ID cards which have names of the owners. We are calling upon the Government to use the available evidence to follow these fellows. They come from sub-locations in which the chiefs, assistant chiefs and village elders know them. Why are they kept out? Then a governor without shame stands before Kenya and the entire House saying that they will protect thieves. What kind of a governor is that that protects thieves in this country other than the Samburu?

Hon. Speaker, we know them and we can name them. We have evidence.

Hon. Speaker: Hon. Jehow, you want to get into this train?

Hon. Fatuma Jehow (Wajir County, ODM): Thank you, Hon. Speaker. This is a very interesting conversation. I just thought it was about the pastoralists community but it looks like it is a national issue. It like kettle calling the pot black. We have lost over 25 camels in the past 35 days. Our people have been camping in Samburu and they have brought back six camels. From the conversation, this is not just a pastoralist issue; it is a national issue. We ask the security team to fast-track the process of recovering these camels and cows.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Sunkuli, you are a former Minister for Interior. How did you handle cattle rustling during your tenure?

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, a substantial part of northern Kenya, including the northeast of Kenya has a lot of issues on stock theft. It is not good to profile one community. The Samburu are also victims of other communities towards the north. Hon. Speaker, you have been a magistrate. If you go to Meru court today, you will find thieves who have been prosecuted by Government and found guilty of stealing cows, but they are not Samburu. So, these thieves are from everywhere. Let us limit the tribal element in this issue. Let the Cabinet Secretary come and tell us why are they not arresting these thieves, whatever colour of tribe they have. I am very sure that some Samburu cows have found their way to Meru and that those thieves have been prosecuted in Meru courts. These other thieves should also be prosecuted where they are. Additionally, the communities that are harassing the Samburu should stop.

Hon. Speaker: Thank you. Hon. Taitumu, you have kept your hand in the air for the last 20 minutes.

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Speaker. I have been raising my hand because this is a very emotive issue. It is ironical for Members to say that there is no cattle rustling in Meru County. The Samburu have been raiding Meru County day in, day out for three consecutive years. When you hear about an operation, it is not an operation but a mockery of the intellect of the Meru people. As the Cabinet Secretary appears before the Committee on Tuesday, I implore him to table evidence of the number of cases that have been prosecuted in Samburu on the Meru people who have tried to raid the animals of the Samburu. This is because every week, there must be a raid in Meru. And when these animals are stolen, they cross the Ewaso Nyiro River then you will hear Mlima Bendera being mentioned now and then. My question is: Where is Mlima Bendera? Is it in Uganda or Tanzania?

We have heard about some 'operation' which I insist that it is more of a mockery than an operation. Day in, day out, there are cases of animals being stolen in Meru and taken to Samburu. But there has never been a case of Samburu coming to Meru trying to get their animals that have been raided and taken to Meru. Samburu East is where all the animals from Meru, around northern grazing area, have been owned up. But the government has been very lenient and favouring them. Time has come for the Government to lay the facts bare. We need to know who is raiding animals from whom.

Hon. Speaker: Last to speak on this is Hon. Naomi.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Speaker, for giving me this opportunity. This is a very important matter because some of us come from those areas that are affected. Cattle rustling, losing property and people has become our lifestyle. Three weeks ago, we lost people in Marsabit and the raiders were killed. The Government collected the ID cards of the raiders and their identities are known. Nobody even came to collect the dead bodies yet the community they come from is well known.

The same problem that the Meru people are experiencing is also being experienced in Marsabit. Our Government should take serious action to protect the lives of our people, properties and cattle. These people have no bank accounts; they have nothing. It is very sad because one of the people we lost is a young man with a very young family. He lost his father

and grandfather under the same circumstances. So, he is the third person to die from that family because of cattle rustling. It is very unfortunate that the Government is not acting. The Cabinet Secretary should come and explain to all of us why they are protecting certain communities.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Tongoyo, you have heard that tirade.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, the interest on this matter is massive. I do not want to pre-empt what the Cabinet Secretary will say, but I would like to give the country hope. We all know what was happening in Kerio Valley, North Rift and Tiaty. The Members from Baringo County are here and can confirm that the guns have gone silent. I know that the problem in Meru County and the rest of the country, with the state agencies up to the task, will be solved. I urge all Members who will get time to be there on Tuesday so that they can interrogate the Cabinet Secretary and the Inspector-General.

Hon. Speaker: Next response is by the Chair of the Departmental Committee on Transport and Infrastructure. Hon. GK, are you ready to respond to Hon. Bernard Kitur's Request for Statement? Is Hon. Bernard Kitur in the House?

Hon. Members: Yes.

(Technical hitch)

Hon. Speaker: Give Hon. GK a working microphone. The microphones are not working. What is happening? Give him another microphone where he is standing now.

EXPANSION OF ELDORET - CHAVAKALI ROAD

Hon. George Kariuki (Ndia, UDA): Thank you. Hon. Speaker. On Tuesday, 24th February 2026, the Member for Nandi Hills, Hon. Bernard Kitur, requested for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the expansion of the Eldoret-Shamakhokho Road. In the Statement, Hon. Kitur sought to establish, among other things:

1. Immediate measures that the Ministry has taken to ensure the Eldoret - Shamakhokho Road can adequately handle the increasing traffic volume.
2. Expected timelines for expanding the Eldoret-Shamakhokho Road to support a fast-growing volume of traffic.

The Committee received a response from the Ministry of Roads and Transport, through the Clerk of the National Assembly, which I now wish to make. Regarding the immediate measures that the Ministry has taken to ensure the Eldoret-Shamakhokho Road can adequately handle the increasing traffic volume, the Ministry, through Kenya National Highways Authority (KeNHA), continues to maintain the road and currently has three ongoing contracts as follows:

1. Performance-based contract for the maintenance of Eldoret-Kapsabet (Chebarbar) with M/s Pinnie Agency Limited. The contract period is from 11th June 2025 to 10th June 2028, at a contract sum of Ksh302.6 million. The scope includes river dredging, protection works, shoulder reinstatement, road furniture maintenance and repair, pothole patching, culverts and drainage work. The contractor will carry out a 20-kilometre road widening from Chebarbar to Mosoriot and build 1.5-metre shoulders on both sides of the carriageway. The works are ongoing.
2. Performance-based contract for the maintenance of Kapsabet - Chepsonoi Road with M/s Pioneer Engineering and Construction Limited. The contract period is from 14th August 2025 to 13th August 2027 at a contract sum of Ksh152.3 million.

Hon. Speaker, the scope includes protection works, culverts, drainage works, localised sub-bays and base repairs, pothole patching, Normal Strength Concrete (NSC) Type 1 overlay on selected sections and road marking and signs. Hon. Speaker, works are ongoing.

Third, periodic maintenance of Chepsonoi - Shamakhokho - Chavakali Road, with M/s Wolf Paving Works Kenya Limited. The contract period is from 9th June 2025 to 8th June 2028 at a contract sum of Ksh469.4 million. The scope includes protection works, culverts, drainage works, shoulder reinstatement, localised sub-bays and base repairs, pothole patching, NSC Type 1 overlay, surface dressing, road marking and road signs. Works are ongoing.

Regarding expected timelines for expanding the Eldoret–Shamakhokho Road to support fast-growing volume of traffic, the Ministry submitted that KeNHA has completed the redesign of the 55-km Moiben Junction - Eldoret Town - Eldoret Airport - Mulango Shopping Centre - Kapsabet Road (B16/B8). The design proposes dualling of the 27-kilometre section from Moiben Junction to Eldoret Airport. It also proposes a seven-metre single carriageway on the rest of the stretch, with two-metre shoulders on each side of the whole way to Mulango.

Additionally, KeNHA has advertised on MyGov., dated 24th February 2026 for consultancy services for preliminary engineering design for the Chavakali - Kapsabet - Eldoret Road, which is approximately 100 kilometres and associated civil works for fibre optic cable. The outcome of this design will inform the detailed engineering design for consideration. I submit. Thank you.

Hon. Speaker: Hon. Bernard Kitur.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you, Hon. Speaker and thank you, Hon. Chairperson, for the response. That response is definitely not factual based on the evidence on the ground. The reason I brought this question to the Floor of the House, is because of these proposals that have been made that a 55-kilometre stretch from Moiben Junction to Eldoret Town and Eldoret Airport to Mulango was only being designed. Now, it is being indicated that there is another design proposed to dual 27 kilometres of the same stretch. The response is a bit confusing. Are we talking about 55 kilometres or 27 kilometres?

But that need not belaboured, from Chebarbar to Mosoriot, where it is indicated that there is a 20-kilometre widening, this is a contract that was given in June 2025. To date, it is only after we presented this question on the Floor of the House that they began the shouldering of the 1.5 metres on both sides, and that has only been done from Chebarbar to Kosirai. The widening of the road has not been done. Therefore, this response is not factual or satisfactory.

On the other bit from Kapsabet to Chepsonoi, you may allow my colleague, Hon. Marianne Kitany, who uses that road often to comment on what is going on that portion.

Hon. Speaker: You have no right to solicit for any Member to speak.

Hon. Bernard Kitur (Nandi Hills, UDA): Because of her interest. That response is not satisfactory at all. Thank you.

Hon. Speaker: Hon. Dick Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you, Hon. Speaker, for the opportunity. I listened carefully to what Hon. Chairman was saying. I happen to come from Vihiga County. What Hon. Kitur has just said is true. The statement is far from correct. This road has been a nightmare, especially for those of us who come from Western Kenya. It is the only road that connects Vihiga County to Eldoret, and the only road that connects the western region to Nandi and Uasin Gishu County.

It is a total nightmare for those of us travelling for business or any other purpose from the western region to the Rift Valley. I wish Hon. Chairman would be more magnanimous to tell us exactly what is happening. As we speak, from Chavakali all the way to Shamakhokho, the road is okay. However, between Shamakhokho and Kapsabet, it is a nightmare. There are deep gullies on the road and a contractor who was working there, excavated deep cuts beside the road and left them unattended. Two months ago, we lost three young school-going children

who were run over by a vehicle on the same stretch. I wish Hon. Chairman would be more specific and intentional in his response, because what has been presented does not add much value. Thank you.

Hon. Speaker: Member for Aldai.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Speaker. Allow me to comment on both roads. The first one, from Chebarbar to Mosoriot, the contract as read by Hon. Chairman of the Departmental Committee on Transport and Infrastructure, indicates that the road was to be expanded and the shoulders repaired. However, only the shoulders between Chebarbar and Kosirai were done and that was after the Member for Nandi Hills raised the issue. The expansion of the road has not been done.

That road requires expansion because of the kind of traffic that happens between Kapsabet and Mosoriot. There have been many accidents, especially near a swampy section that causes problems during the rainy season, where the rain water almost covers the bridge. If they had done this, that should have been sorted out.

On the road from Shamakhokho to Kapsabet, as Hon. Dick Maungu has mentioned, the contractor dug deep cuts along the sides and left them. If one travels there at night for the first time, chances are you might veer off the road and roll because the sides are very deep. Additionally, the centre of the road was cut in the hope that they will come and repair and then put an overlay, as stated by Hon. Chairman, but that was done and left. Therefore, the road is now worse off than it was last year. We wish that they should not have done that if they were not able to proceed to completion. The road is currently worse off than before. Therefore, the response from Hon. Chairman is not adequate for this particular issue. Thank you.

Hon. Speaker: Chairman, Hon. GK, have you brought extra answers?

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. I am happy to note that Hon. Members from that area have their facts and concerns regarding the pace of work and design of the roads. Since we have a planned Committee meeting with the Cabinet Secretary in the first week of next month, we request that Members be allowed to attend. We will have this as an agenda and have it discussed in detail.

I would not want to state that the Cabinet Secretary has not provided factual information.

I thank you, Hon. Speaker.

Hon. Speaker: Next Order.

Yes, Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. I stand to bring to your attention that on 2nd April, I requested for a Statement regarding the circumstances surrounding the burial of multiple unidentified bodies at the Kericho County Cemetery. You gave a directive that on 9th, which was on a Thursday, the Chairman should respond to it. It is now another week, and he has not responded.

Hon. Speaker: It was the Chairman, Departmental Committee on Health, right? Or was it the Departmental Committee on Administration and Internal Affairs?

Hon. Beatrice Kemei (Kericho County, UDA): They were two. The Chairman, Departmental Committee on Health and Chairman, Departmental Committee on Administration and Internal Affairs. I feel unhappy that records are not kept by those who are supposed to respond. There is no information about the same. This issue has taken very long and if we delay more, it will be overtaken by events. I am wondering why it has taken that long.

Hon. Speaker: Yes, Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): It is true we have...

Hon. Speaker: I had paired you with the Departmental Committee on Health, right?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, but regarding what was to come from my end, it is still among the few 15 statements that are pending.

Hon. Speaker: When can you bring it here?

Hon. Gabriel Tongoyo (Narok West, UDA): Let me see. Today is Wednesday. The problem is that it is not signed. I think there is a report, but the problem is the signature from the Cabinet Secretary or the Principal Secretary. So, maybe we can bring it on Tuesday.

Hon. Speaker: So, do we give you up to Tuesday?

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

Hon. Speaker: I know that Hon. Nyikal, whom I paired you with is bereaved. So, can you deal with both the health and the security aspects?

Hon. Gabriel Tongoyo (Narok West, UDA): I do not know. Maybe, kindly, give that to somebody from the Departmental Committee on Health.

Hon. Speaker: Who is the Vice-Chair of the Departmental Committee on Health? Hon. Bedzimba, are you in that Committee?

(Hon. Rashid Bedzimba spoke off the record)

Hon. Pauline, are you in the Departmental Committee on Health?

Hon. Pauline Lenguris (Samburu County, UDA): Yes, Hon. Speaker.

Hon. Speaker: Liaise with your Committee. On Tuesday, bring a composite response on matters health and security.

Hon. Pauline Lenguris (Samburu County, UDA): Well noted, Hon. Speaker.

Hon. Speaker: Thank you. Yes, Hon. Bedzimba. What is it?

Hon. Rashid Bedzimba (Kisauni, ODM): Mhe. Spika, pia mimi nimesimama kwa malalamishi kama haya mwenzangu ameyazungumzia hapa. Kabla twende kwa likizo fupi, niliitisha *statement* inayohusu elimu. Ulitoa *ruling* kwamba *immediately* tukirudi kutoka kwa likizo nisomewe *response*. *Up to now* hakuna chochote ambacho nimeelezwa.

Hon. Speaker: Anybody from the Committee on Education? Hon. Owen, Baya. Oh, Hon. Eve, Obara!

Hon. Eve Obara (Kabondo Kasipul, ODM): Yes, Hon. Speaker. We will follow up and revert.

Hon. Speaker: Immediately after the short recess.

Hon. Eve Obara (Kabondo Kasipul, ODM): Yes. As soon as we are back from recess.

Hon. Speaker: When can you bring the response?

Hon. Eve Obara (Kabondo Kasipul, ODM): One week after we resume from recess, Hon. Speaker.

Hon. Speaker: So, next week but Wednesday afternoon is loaded with two cabinet secretaries. Bring it on Tuesday afternoon.

Hon. Eve Obara (Kabondo Kasipul, ODM): Okay. Thank you, Hon. Speaker.

Hon. Speaker: Yes. Member for Loima.

Hon. Protus Akujah (Loima, UDA): Hon. Speaker. I also have the same concern as Hon. Bedzimba. Two weeks ago, Hon. Kitur and I were to attend a committee meeting where the Cabinet Secretary for Roads and Transport was to appear so that he could answer to our request for a Statement. Only Hon. Kitur's request for a Statement has been responded to. Mine has not been responded to, yet I asked for it like one month ago.

Thank you.

Hon. Speaker: Hon. GK, you are supposed to respond to the request from Member for Loima. When can you do that?

Hon. George Kariuki (Ndia, UDA): In two weeks, Hon. Speaker.

Hon. Speaker: No. You have already consumed two weeks.

Hon. George Kariuki (Ndia, UDA): Yes, we need additional time to avail...

Hon. Speaker: Next week, Thursday.

Hon George Kariuki (Ndia, UDA): Yes.

Hon. Speaker: Yes, Mombasa *raha*.

(Laughter)

Hon. Abubakar Talib (Nominated, WDM): Thank you, Hon. Speaker. Mine is a similar matter. I was expecting the Chairman of the Departmental Committee on Administration and Internal Affairs, Hon. Tongoyo, to have responded to the Question. It has been over three to four weeks now.

Hon. Speaker: Hon. Tongoyo, when will the response be ready?

Hon. Gabriel Tongoyo (Narok West, UDA): Kindly, Hon. Speaker, maybe, I need to be reminded which Question it was specifically.

Hon. Speaker: What did you ask about, Hon. Member?

Hon. Abubakar Talib (Nominated, WDM): It was in regards to the mounting of roadblocks across the country. Also known as 'toll stations'.

Hon. Speaker: Road blocks everywhere. Yes, I remember.

Hon. Gabriel Tongoyo (Narok West, UDA): I know his interest because he is in the transport industry. That notwithstanding, unfortunately, it is among the pending ones. Let me also try to get the response next week.

Hon. Speaker: Next week you say?

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

Hon. Speaker: Yes, Member for Nakuru Town East.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Speaker, I hear the sentiments of Hon. Members. My Committee has three responses that it is ready to give, but have not been scheduled. It is important for the Clerk's Office to be giving us a schedule as to when we are expected to respond. We have three responses that we would like to...

Hon. Speaker: You can also help, Hon. Gikaria. Your Committee Clerk should go to the Desk Office and file information about statements that are ready.

Hon. David Gikaria (Nakuru Town East, UDA): He told me he did that.

Hon. Speaker: Did he do that?

Hon. David Gikaria (Nakuru Town East, UDA): Yes.

Hon. Speaker: Clerk Ndombi, you make sure those three are listed for tomorrow.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Be ready to give them tomorrow.

Hon. David Gikaria (Nakuru Town East, UDA): I will be here.

Hon. Speaker: Hon. Pauline.

Hon. Pauline Lenguris (Samburu County, UDA): Thank you, Hon. Speaker. I also had made a request for a Statement to the Department of Tourism and Wildlife, concerning three women who were killed by an elephant before we broke for the recess. Up to now, I have not heard the response.

Hon. Speaker: Where is Hon. Kareke? Any Member from the Departmental Committee on Tourism and Wildlife? Yes, Hon. Elizabeth Kailemia. Is the Statement ready?

Hon. Elizabeth Kailemia (Meru County, UDA): The Statement is not ready. However, I will deliver the message to our Chairman. Thank you, Hon. Speaker.

Hon. Speaker: For when?

Hon. Elizabeth Kailemia (Meru County, UDA): I really cannot give a timeline...

Hon. Speaker: I give you up to Tuesday. Tell your Chairman to respond on Tuesday.

Hon. Elizabeth Kailemia (Meru County, UDA): Okay. Thank you.

Hon. Speaker: Next order.

MOTIONSADOPTION OF REPORT ON CONSOLIDATED FUND SERVICES
UNDER SUPPLEMENTARY ESTIMATES FOR FY 2025/2026

(Moved by Hon. Irene Njoki on 14.4.2026)

(Debate concluded on 14.4.2026)

Hon. Speaker: Members on their feet, take your seats.

(Question put and agreed to)

Next Order.

NOTING OF REPORTS OF KENYA DELEGATIONS TO
147TH, 148TH, 149TH AND 150TH IPU ASSEMBLIES

(Moved by Hon. John Kiarie on 14.4.2026)

(Debate concluded on 14.4.2026)

(Hon. Protus Akujah stood in his place)

Hon. Speaker: Order! Hon. Taitumu, take your seat. Oh, that is not Hon. Taitumu.

(Question put and agreed to)

BILLS*Second Readings*THE QUALITY HEALTHCARE AND PATIENT SAFETY BILL
(National Assembly Bill No. 41 of 2025)

*(Moved by Hon. Owen Baya
on 14.4.2026 - Afternoon Sitting)*

*(Resumption of debate interrupted
on 14.4.2026 -Afternoon Sitting)*

Hon. Speaker: Is Hon. Nzambia in the House? Hon. Thuddeus Nzambia, Member for Kilome Constituency had two minutes to go. Remainder of the time forfeited. Hon. Gertrude Mbeyu then Hon. Gitonga Murugara. Hon. Eckomas Mutuse, do you want to contribute to the Bill? Hon. John Mutunga. Hon. Rindikiri Mugambi, why are you on the screen? What about Hon. Yusuf Hassan and Hon. Anthony Kibagendi? Do you want to contribute to this? No.

Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): The Quality Healthcare and Patient Safety Bill moved yesterday is very important. Probably, I need to recap for Members to follow.

Hon. Speaker: No. Under what provisions?

Hon. Owen Baya (Kilifi North, UDA): Under your discretion as provided in Standing Order 1.

Hon. Speaker: I will not exercise that discretion. Hon. Shakeel Shabbir.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you for allowing us to debate the Bill. The Quality Healthcare and Patient Safety Bill brought to the House proposes a new body called the Quality Health Care and Patient Safety Authority. The role of the Authority is to license hospitals, accredit health facilities, inspect and audit health facilities, and instil compliance.

Hon. Speaker: As a matter of interest, Hon. Shakeel, why are you wearing two pairs of spectacles?

Hon. Shakeel Shabbir (Kisumu East, Independent): I beg your pardon, Sir. One is my reading glasses. I am now an old man; 72 years old. The age I am getting to is causing me problems. I apologise.

Hon. Speaker: It is okay. Go ahead.

Hon. Shakeel Shabbir (Kisumu East, Independent): The role of the Authority is to license hospitals, accredit health facilities, inspect and audit health facilities, instil or enforce compliance, handle complaints, and set national standards. However, I thought the 'Kenya Medical Practice Dental Board', the Social Health Authority (SHA), and the Ministry of Health are already playing those roles. The 'Kenya Medical Practitioners and Dental'...

Hon. Speaker: It is called the Kenya Medical Practitioners and Dentists Council (KMPDC).

Hon. Shakeel Shabbir (Kisumu East, Independent): That is correct. I got that wrong.

Therefore, does it mean the Bill is scraping off those existing bodies? Will the new Authority have duplicate roles to the existing bodies? Is there a creation of another layer of offices and budget? Is the Cabinet Secretary of Health to appoint the CEO and top officials of the new Authority?

We are creating a new authority, position, and executive. The taxman funds all. I understand and agree that this might have been intended towards streamlining health management systems that include counties. Roles of counties in provision of medical care are provided in the Bill. There is a very important issue concerning the Quality Healthcare and Patient Safety Bill. I do not agree that there needs to be a new authority to do this. Even if you have that Authority, does it also cover up to Level 5 hospitals under counties? It appears to me that the intention may be good, but the way it is framed leaves many questions unanswered, especially whether we are duplicating roles. There has been a vote of no confidence on the KMPDC, other authorities like the Ministry, and others who have been in charge of looking after our healthcare.

It is also important that this Bill covers patient safety. As a patient safety Bill, it lays out certain requirements for patients who are seeking healthcare services from a healthcare facility. It does not say "hospital". It says "health facility". The rights are provided under the Health Act (Cap. 241). These rights include the right to safe and quality care, the right to timely and effective care, the right to safe and accessible health services, and the right to safe processes.

In my ignorance, I thought all these things are already covered under the Health Act (Cap. 241). The Bill now also provides for the process of registration, licensing, and accreditation of health services. I thought that was put under another body that was to look at all these issues. The Authority can order a suspension and revocation of certificates of health authorities. I have gone through this Bill and I find some items in it to be very good.

It is quite a voluminous Bill. My main concern is that we seem to have duplicated roles. We might be going the same way we did with SHA. It is a very good initiative that should have been running concurrently with the National Hospital Insurance Fund (NHIF) from which it

would transition. I wonder why we are going back to the old system. Why are we taking back all healthcare control from county governments and other authorities?

I would be very happy if this was included in the Quality Healthcare and Patient Safety Bill (National Assembly Bill No. 41 of 2025) without forming another Authority to follow up the issues. What would be the role of the Ministry of Health and various State Departments created to ensure patient safety and quality assurance measures if there is another authority? Many a time, Kenyans have been denied access to various health facilities. They are immediately pushed out. The Nairobi Hospital does not serve you well if you are not registered with SHA yet you have gone there with an emergency case. In fact, some private hospitals do not attend to you.

There is also the issue of mortuaries and release of dead bodies. In relation to the health and patient care quality, why would institutions continue to hold bodies useless to them thereby making families suffer? Many a time, bodies of my constituents have been withheld at health facilities. On many occasions, we have tried to talk them out of the decision. I have two cases where we agreed with the family that here was no point in us trying to find Ksh3 million or Ksh5 million to cover the expenses, therefore, we agreed to bury a banana stalk. Once we informed the hospital of our decision, it suddenly changed its tune.

I do not want to belabour the point. The Committee has done a good job on the Bill. Perhaps I need to be advised and educated on why an authority is required to do what is already being done. Why not just fine tune the system or a department in the Ministry of Health, whose job will be much of what is captured in the Bill? This is a very good Bill in respect of detailing patient safety needs and quality healthcare, as is the right of every citizen under the Constitution.

With those few remarks, I support part of the Bill and oppose the formation of an authority.

Hon. Speaker: Hon. Beatrice Kemei, are you in the queue to speak to the Bill? Hon. Rindikiri.

(Hon. George Murugara spoke off the record)

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Murugara, you cannot dictate whether I am the first or the last to speak to this very important Bill. All Members of the House should debate and support the Bill.

It has now been over 60 years since Independence yet we still have many problems in terms of provision of healthcare services. The Bill highlights the unity and cooperation between the national Government and the county governments. I want to thank the President for championing Universal Health Coverage, which will cater for our country's healthcare services. Our nation requires robust education, health, and food sectors if it is to grow. Strengthening those sectors will make it a proper state. We will end up in a dire situation if the Government is unable to provide adequate healthcare services. The health function has been devolved.

The Bill is timely because our country's population is increasing at a very high rate. In some cities, the population increases every day. Various sectors such as education, transport, and health have been strained. The Bill will address cases of inadequate healthcare infrastructure, such as the doctor-patient ratio. Kenya is below the international standard as far as the doctor-patient ratio is concerned. The Bill also addresses issues of training, skills transfer, quality of the work force, governance and management. It also addresses issues of health policies and regulations. I hope that the Bill is passed, so that we can provide quality healthcare and patient safety.

I have heard many Members say that they went to hospital and were given the wrong prescription. I get concerned when they turn around and say that the Bill is unnecessary. The

Bill is important because it will ensure that we have well-trained medical practitioners, who prescribe the correct drugs at the right time.

I also want to address the issue of equity. Citizens in some areas walk for many kilometres to access medical facilities. The Bill will address issues of funding and affordability. We cannot say that we are offering quality healthcare services if patients must walk for more than two kilometres to access medical facilities. Therefore, with adequate funding, we will put up infrastructure for provision of drugs and skilled people to attend to patients.

We cannot talk about healthcare quality and patient safety without talking about customer service. Many Members complained that they sometimes visit medical facilities, where they are not attended to in good time. The Bill deals with how to enhance patients' customer service. Patients die in hospitals due to neglect. I heard some Members mention how they took their sons and daughters to hospital and no one attended to them. Where is the efficiency? The Bill is timely. We need to pass it. The establishment of an authority is not the issue; the issue is providing services to the citizens of this country.

With those few remarks, I support the Bill. I ask Members to support it because every Kenyan is watching what the Government is doing. They are listening to us. We have spoken about Universal Healthcare, SHA, availability of drugs, and many other things. Let us make it easier for Kenyans to access healthcare. Let us create a healthy community and affordable healthcare services.

Hon. Speaker: Hon. Alice Ng'ang'a, do you want to contribute to the Bill?

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

Hon. Dick Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Hon. Speaker, I rise under Standing Order 95 to request that the Mover be called upon to reply. We have sufficiently discussed the Bill.

Hon. Speaker: Is that the mood of the House?

Hon. Members: Yes!

Hon. Speaker: Hon. Owen, as you respond, note what Hon. Rindikiri has said. Have you ever gone to a hospital in India? When you arrive in any hospital, you may think that you are entering a bank or an airport lounge. You will experience full protocol and proper customer service, with ushers helping you and those accompanying you. If you go to a premier hospital in Kenya like the Nairobi Hospital, you will be welcomed by an *askari* with a *rungu*. Passing this law will change that.

Proper healthcare requires that every patient is psychologically aided to feel that the hospital is better than their home. However, if you enter a hospital and you first encounter bouncers with *rungus*, you do not know whether you are entering a war zone or a health facility. I hope this Bill will change that because we must modernise everything and everyone on our way to Singapore.

Yes, Hon. Jalang'o. The Mover is set to reply. Do you want to contribute to the Bill?

Hon. Phelix Odiwuor (Langata, ODM): Yes, Hon. Speaker. Even as we discuss the Bill, you saw what has been happening at Ishiara Level 4 Hospital. It is very appalling. Mortuary attendants wash corpses with dirty water and embalm them. The Bill should also address such issues.

Another issue, even as we discuss bouncers and watchmen carrying clubs, is the distressing situation in other district hospitals where coffins are sold right outside the premises. As you drive in with patients for treatment, they lose hope of recovery. This Bill should discuss that because, on our way to Singapore, we need to change many things. One of them should be the issues this Bill is addressing. The Mover, who is to reply to this, should be sufficient for the debate.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Owen?

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. I wish to state in reply that this Bill, the Quality Healthcare and Patient Safety Bill of 2025, is one of those signposts as we approach Singapore. It is one of the signposts that we must see as we proceed on the journey. For us to proceed to that First World level, we need to take measures to reform the health sector in this country. One of the most important reforms we must undertake is to look at the care and safety of patients. That is why this Bill is fundamental to that journey.

I have listened to the debate that has ensued. Apart from the issues raised by the Member for Kisumu West, there are certain fundamental matters in this Bill. For example, if someone went to the hospital and an accident or incident occurred, and that patient seeks justice, they will probably require three years. Hon. Beatrice Elachi told us about Justice Majanja's case, where there was a misdiagnosis and other issues, yet they have been seeking justice since then. The court has never issued a ruling or a judgment on the matter, yet the complainant was a judge. This Bill establishes a tribunal that brings on board members of the medical profession and legal officers who have a background...

Hon. Speaker: I hope you are not piling doctors in that tribunal to protect each other.

Hon. Owen Baya (Kilifi North, UDA): No. The reason this is being introduced is that we have seen that the Kenya Medical Practitioners and Dentists Union, as a regulatory body for safety and related matters, engages in peer protection of doctors. If you go to the Nursing Council, after a nurse makes a mistake, they have peer issues there and protect each other. This body we are establishing will cure this problem. We also looked at the issue of forum shopping, where, when you have an issue in the medical field as a professional, you seek the body that can best protect you. Consequently, instead of going to the right body, one is tossed here and there so that the doctor gets protection.

We have nothing against doctors. What we are saying is that the safety of the patient must be guaranteed, not just in the Constitution, but even in the statute we are passing. This statute is very important. I request every Member to note that as we come to the Third Reading and debate at the Committee of the whole House, it contains fundamental provisions that will change the health sector moving forward.

I thank those who contributed yesterday and today. We look forward to fulfilling not just the constitutional requirement that the Government must provide health services, but quality healthcare and safety for all patients.

I beg to reply.

(Question put and agreed to)

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

Hon. Speaker: Hon. Members, on the next two Orders, I have a request from the promoters of the Bill at Article 12, Public Participation Bill, to re-organise... I have also sought the concurrence of Hon. Jane Kagiri. Clerk-at-the-Table, we will start with Order No. 12 before we come back to Order No. 11. Call out Order No. 12.

THE PUBLIC PARTICIPATION BILL
(National Assembly Bill No. 44 of 2025)

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I beg to move that the Public Participation Bill (National Assembly Bill No. 44 of 2025), be now read a Second Time.

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Allow me, first, to thank Hon. Jane Kagiri for the indulgence. This Public Participation Bill is one that has been long overdue. It is timely. It has been required by judicial edicts. It has been demanded by the public. It is one which has been encouraged by public participation organisations, public benefit organisations, and it has been promised by no less a person than yourself.

Beyond Article 118, which most of us are familiar with in public participation, this Bill goes to the various public offices that would be required to do public participation, and, therefore, the objects capture under Article 1, Article 10, Article 69, Article 184 and Article 232, in addition to Article 118. This Bill, although promoted by Hon. Samwel Chepkonga and I, has benefited immensely from various drafts before that. You will recall that there have been various drafts of Public Participation Bills by private Members. There has been a draft by the Attorney-General, and all these drafts were then brought together under the Legislative Caucus of this Assembly.

You will recall that this caucus is one that was put together by yourself and has been immensely beneficial to this House in a variety of ways. In terms of overview, first, this Bill seeks to put a framework, but it is a minimalist framework, a basic framework for public participation without being overly prescriptive. It covers several areas. It covers what we call the responsible authorities, the responsible authority being each office that would be required by law to undertake public participation, be it a county office, be it the Judiciary, be it Parliament, and it goes ahead to designate who in that institution would be held responsible if public participation is not done.

This Bill gives general guidelines and requires a responsible authority to now also develop its own unique guidelines, because public participation as done by the county cannot be the same as that done by the national Government or as done by the local chief. Each office then must designate its own guidelines and regulations that will guide it accordingly. It requires that before public participation, there must be sufficient notice. The documents on which the public's view is required must be made available in time and in a language that is easily understood, where that public participation is taking place. It also requires access to the documents and access to persons, including persons with disabilities. It addresses a very fundamental question that the public raised, meaningful public participation. There were immense complaints, especially on the part of county governments that they do salutary public participation; public participation that is artificial in terms of who attends, what they say, and feedback.

This Bill also seeks to cure something that we have had to suffer. When a particular Bill comes to the National Assembly, we have to do public participation. The same goes to the Senate, and they also have to do public participation. It provides that where either House has done meaningful public participation, you do not need to repeat it. In order to make this prescriptive and serious, this Bill proposes a criminal penalty. The criminal penalty, where you fail to undertake public participation, is that you will be fined up to Ksh500,000. Once it was published, there was an advert in the papers and immediately, there was an avalanche of views that were sent by way of memoranda to this House. That was before we even undertook the countrywide public engagements that we did.

Hon. Speaker, I want to report to you that once it was committed to the Justice and Legal Affairs Committee, chaired by Hon. George Murugara and deputised by Hon. Mwengi Mutuse, the Committee did a very good job of engaging the promoters and then divided itself into three separate groups and in one week covered the majority of the counties in this Republic.

In that exercise, the Committee engaged with many groups, and they are all captured in the preface of the Report, in their thousands. So, in addition to what was received earlier, Kenyans gave their views robustly on the Public Participation Bill. The Justice and Legal Affairs Committee benefited immensely, as will be explained by the Chairperson shortly, on

several things. They made proposals on how to re-capture the objects of the Bill. They emphasised the place of sovereignty of the people in the Bill. They emphasised that public participation must be a civic duty and it must not be something for which anyone expects to be paid because if that happens, then it becomes a form of corruption and is doctored.

They gave feedback on the need to simplify the language and adhere to the wording of the Constitution, not just to print things in English and/or Swahili, but to include the Kenyan Sign Language. They emphasised the need for accessibility. The irony of it is that there are places we went to as a Committee, and our Committee has two Members who are living with disabilities, but they could not access the very place for public participation on the Public Participation Bill. That has been re-emphasised.

They emphasised the mechanisms of giving feedback so that people can know whether their views were considered and if they were not adopted, why they were rejected. They insisted that any public participation exercise must have the assurance of Article 35—that there is freedom of expression and you will not be vilified or victimised because of what you say during public participation.

They said that, in their opinion, the penalty of Ksh500,000 is not sufficient. They wanted the amount increased and an alternative of a jail term. They said that at the end of the day, they would still want the courts to have the last say on whether that public participation was meaningful or if not meaningful, be declared void or otherwise.

Overall, it is our opinion as the sponsors and it is the opinion of the Committee that this Bill is long overdue. Members should robustly participate in improving it. A lot of the things that one might see in the original draft will have been amended during the Committee of the whole House. The amendments as proposed are actually contained on the last three pages of the Report. There is a robust Report which I urge Members to read all its 80 pages.

Hon. Speaker, with your permission, I would beg to move and ask that Hon. George Murugara second.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. George Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. Allow me to second this very important Bill that is long overdue. I begin by thanking the Senior Counsel, Hon. Otiende Amollo, and the Senior Advocate, Hon. Samuel Chepkonga, for doing this with the very able guidance of the House, Hon. Speaker, and Hon. Deputy Speaker, so that we can put the issue of Article 118 of the Constitution to rest by making provisions on how public participation should be conducted by every entity that is required to do so.

This was one of the Bills we found most suitable because it had reservations for each entity to have its own guidelines regarding how they would do public participation. However, the guidelines must be in compliance with the particular Act and our Constitution so that we do not have guidelines that, even if they are not statutory instruments, contravene the Act and the Constitution.

I must also commend the Justice and Legal Affairs Committee and every Member. They are all supposed to be here. I see my Vice-Chairperson present because we went around the country in three groups. We were able to talk to Kenyans at their local levels. The idea was to hear from them what exactly they expect when we do public participation and their contribution is wide. It is well captured in the Reports that we laid in this House.

Most importantly, it is good to alert the House that they made various proposals for amendments, which we went through one by one with a toothcomb. Most of them carried the day as far as we are concerned. We are going to propose those amendments in the Committee of the whole House so that the public out there may also know that they were not wasting their time when they made those proposals.

Most importantly, what came out was the fact that the public needs to know the fate of their contribution to any policy statement they discuss or to any Bill that is taken to them. Do they have to make cosmetic proposals? This means they are just on the surface of it to try and sugarcoat the Bill. Do they have to make proposals that are deeply considered by the enactors of the law, and policy makers, when it comes to issues of public participation?

It is interesting to say that for the first time, while doing public participation, we met children. A group of young students from school came to us and said they wanted to make representations. We were taken aback because we felt, possibly, they were not of age and may not have known exactly what to do until our attention was drawn to Section 28 of the Children's Act, 2022, which equates children to adults, including a provision that they would participate in all matters, including legislation that affects them.

So, we were convinced that we needed to hear the children, and I believe in most of the matters that we do, whether policy statements, policy papers or legislation, children are affected, and it is high time we started listening to them. Maybe it has two advantages. First, their being affected is taken into consideration. Second, we are also growing them so that they know what is going on around them so that they can grasp these matters as we go along to make policy statements or laws that affect them.

Hon. Speaker, at the Committee of the whole House on this Bill, the Committee on Justice and Legal Affairs will bring the schedule of amendments proposed, which we feel are very important. They enrich this Bill in such a way that it is the contribution of Kenyans that goes into the Bill to make it a better Bill than even what this Parliament had come up with. This is so that at the end of the day, Kenyans consume what is suitable to them, what they consider most important, and we also settle the issue of courts trying to tell us what public participation is. They have always guided us that it should not be cosmetic. It should be valuable and it should not be seen as just glossing over. They have used all that terminology. Now we are going to have an Act of Parliament dealing with Article 118 specifically, which is important to the rest of the country.

With those remarks, Hon. Speaker, allow me to second.

(Question proposed)

Hon. Speaker: Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker, for giving me this opportunity to contribute to the Public Participation Bill. I commend my colleagues in the Departmental Committee on Justice and Legal Affairs, particularly the Chairperson, for doing a thorough job of preparing this Bill. I attended one or two of the meetings, particularly the last one, when they reviewed the entire Act. A lot of thought was put in. The participation was very animated. They took into account all the issues that had been raised by the court. However, I have two issues with the Bill that I will raise. I support the Bill in its entirety, save for Clauses 20 and 12(2).

Hon. Speaker, Clause 20 of the Bill says that:

A responsible authority who, in conducting public participation, wilfully fails to adhere to the principles and guidelines set out under the Act commits an offence and shall be liable, upon conviction, to a fine not exceeding Ksh500,000.

I tried very hard to persuade the Members of the Departmental Committee on Justice and Legal Affairs. There were various thoughts about it, but these are my thoughts. That Clause proposes criminal sanctions on the various persons identified as responsible authorities. They include the Attorney-General, the Chief Registrar of the Judiciary, the Clerk of the National Assembly, the Director of Public Prosecutions, Clerks of County Assemblies, Governors *et*

cetera. These responsible authorities are the focal points in facilitation of the public participation. However, it is extremely dangerous and alarming, if there are criminal sanctions against them for things that they do not have control over. Even a good manager can make a mistake or an omission in the course of their work, even if they are acting in good faith.

Let us have an example in Parliament. The Clerk of the National Assembly does not undertake public participation. He does it, as a responsible authority, using Members of Parliament and members of staff who support the relevant parliamentary committees. In this case, it will be unfair to expose him to criminal penalties for a task that he has delegated. He may not even be aware that those omissions were committed. It is sufficient that the penalties or consequences in law are voided or voidable. It is unfair to indict a single officer. In fact, the responsibility should be on the entire committee. In this case, even though it is the committee and other staff members who have participated and committed the omission or commission, it is only one single officer in that particular State Department or arm of Government who is affected.

I can give an example. Clause 7 of the Bill is on general guidelines for public participation. Clause 7(c) of the Bill says that:

A responsible authority shall, in undertaking public participation, consider the impact of the matter on the public.

This is a very subjective guideline. What I interpret as impact to the public may not be interpreted that way by another person.

Clause 7(f) of the Bill says:

A responsible authority shall, in undertaking public participation, consider the ability of the members of the public to access the necessary information and the public participation forum.

Again, this is subjective. One may find that the access has been provided, but others may find that it is not the case. To hold one officer in the institution liable is unfair and almost unconstitutional. Remember, if any public officer commits a mistake in the course of their work, there are human resource regulations that can take over. They can also be surcharged. So, there are already existing penalties for failure not only to undertake public participation in the manner it is supposed to be done, but also in any other processes in the course of their duties. With that Hon. Speaker, I wish to give notice that during the Committee of the whole House, I shall propose deletion of Clause 20 of the Bill or move an amendment that is not punitive to that extent.

I will go to the second clause which I do not agree with. I agree with the entire Bill except only those two clauses. Clause 12(1) of the Bill says that a responsible authority shall analyse and take into account the submissions received from the public. That is perfectly in order. Clause 12(2) of the Bill says a responsible authority shall publish the outcome of the public participation exercise. This is an onerous and expensive task. It means they have to post it on the website, local dailies, and other media outlets. A lot of work has been put into undertaking the public participation and notifying members of the public. They had already put it on social media platforms, notices, public hearings, meetings, notice boards, print media, electronic media, television and radio. The publication was done prior to the actual exercise. Having another publication after the public participation will be an onerous and expensive task. We can find a middle ground where we say that the analysis has been done which can be confirmed to the public. If any member of the public wants the report, findings and outcome of the public participation exercise, instead of publishing it, it can be available. Any member of the public can ask for it, under Access to Information Act. This is normal, even in many jurisdictions, relating to certain items to boost efficiency.

In some countries, judges are not required to write a full reason to judgement in certain categories of cases. All they have to do is hand down the orders. If any person wants to appeal,

they can then ask for a full reasoned judgement. If they want to access it, they can request for it. This allows those entities to work efficiently, faster and without much cost because they do not publish every outcome of the public participation exercise. No one is interested in some of the outcomes. Nobody will object some of them. Millions of public participation exercises go on at any one time across the country and many state corporations. If we publish all of them, it will put an extra burden and cost on those state corporations. I wish to give notice that during the Committee of the whole House, I shall propose an amendment to say the outcome of the public participation exercise will be availed, upon request, to any member of the public.

With that, save for those two Clauses, I support this Bill in its entirety. I appreciate the Members of the Departmental Committee on Justice and Legal Affairs. I also appreciate Hon. Samwel Chepkonga and Hon. (Dr) Otiende Amollo who are at the forefront of this Bill, including the Parliamentary Legislative Caucus. This Bill will put to rest all the challenges we have in the legislations that this House passes at the court houses.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Eckomas Mutuse.

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Thank you, Hon. Speaker, for giving me the opportunity to contribute to the Public Participation Bill. I am a Member of the National Assembly Legislative Caucus, courtesy of your appointment. I also serve as the Vice-Chair of the Departmental Committee on Justice and Legal Affairs. As a result, I have interacted with the Public Participation Bill right from the beginning up to this moment.

As many of us know, public participation is among the values of governance that we enshrined in our Constitution under Article 10. There are about 10 provisions in our Constitution that speak to the question of public participation. Therefore, public participation is a constitutional imperative.

However, since the passage and promulgation of the Constitution of Kenya 2010, we have never had a law by Parliament to say how public participation should be conducted in terms of form and substance. The result of the lack of a law on public participation has been that our courts of law have had varied interpretations on how public participation is to be conducted, the quality, the extent, the form, and the substance. The result has been that even in cases where the facts, the evidence, and the applicable law appear similar, different judges have arrived at different findings on similar matters.

As a result, many good decisions of the Executive and many good laws passed by Parliament have been nullified on account of the varied interpretations on how public participation is to be conducted. It is, therefore, imperative that Parliament comes up with a law to provide for a standard way of conducting public participation on matters of national interest, and guide the courts on how to adjudicate on such matters when they get there.

I congratulate Hon. Otiende Amollo, Senior Counsel and Member for Rarieda; Hon. Chepkonga; and the two Co-Chairs of the National Assembly Legislative Caucus, for piecing together the different proposals that have been there in the past and coming up with this 21-clause Public Participation Bill that I believe Parliament will finally enact for assent to become our public participation law.

As we all know, we have two levels of government: the national Government level and the county government level, with 47 county governments. When we went round conducting public participation, it became apparent that many counties also have public participation laws. They have enacted their own laws. If you scrutinise those laws passed by the different county assemblies, you realise, for example, that the law passed by the County Assembly of Makueni to guide public participation in Makueni may be different from that of the County Assembly of Meru, and many others. Therefore, the question of how public participation shall be conducted in the face of a national law, when there are many varied county laws, also came forth.

[The Speaker (Hon. Moses Wetangula) left the Chair]

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

We find the answer in Article 191 of the Constitution in terms of how to treat conflict between national Government and county government laws. Because the subject of public participation is a national subject with application across the entire territory of Kenya, the national legislation will take precedence over the county legislation on public participation.

Hon. Deputy Speaker, there is the question of feedback, which I know you have spoken to. Everywhere we go, Kenyans tell us that they are tired of being called to participate in public participation yet they do not know what becomes of the views they give in those forums. They demand a feedback mechanism for them to know whether the bodies making decisions on laws or policies agree or disagree with their views. They are asking to be made aware of what become of their views after public participation exercise. I personally, and a majority of our Committee Members, strongly believe that this is the true meaning of Article 1 on the sovereignty of the people – that, the people are not merely to participate as a conveyor belt, giving views, without ever knowing what became of those views.

One interesting suggestion that came from members of the public across the country is that participation is costly to them. They requested that a budget be set aside so that part of their costs can be met. We will be inviting Parliament to ponder on this request but, preliminarily, while many regions supported this idea, we found that such a provision may be subject to abuse. It is difficult to determine with certainty how many members of the public will attend, how many forums will be held across the year and, therefore, how to budget for it. This also presents challenges in terms of record-keeping and determining fair and consistent rates. We also considered the view that public participation is a civic duty for citizens to participate in the affairs of their country. Just as Kenyans participate in voting without being paid, they should participate in public participation without seeking reimbursement of costs incurred.

Hon. Deputy Speaker, I support the Public Participation Bill with the amendments that the Committee will be proposing. It is urgent that we pass this Bill into law so that we have a framework guiding this important principle of governance enshrined in our Constitution. I urge Members to expedite this process so that we finally have a law on public participation.

Thank you.

Hon. Deputy Speaker: Thank you. Member for Luanda, Hon. Dick Maung, I see that you have pressed the intervention button. Do you want to contribute to the debate or I give the chance to someone else as you prepare? Hon. John Waluke, Member for Sirisia, would you like to contribute? All those who wish to participate, kindly, press the intervention button. If you are participating in this debate, please, remove your card.

Let us have Hon. John Mutunga of Tigania West.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Deputy Speaker, for giving me an opportunity to contribute to this very important Bill. For the last 16 years, we have been struggling with the interpretation of what public participation is. We have had several court judgments, determinations and orders arising from the lack of clear guidelines or a law on public participation.

I want to start by thanking the Members of JLAC and everyone else who participated in this process to ensure that we got this brief version of the Public Participation Bill. Brief as it is, and as alluded to by other Members, there will be need for very comprehensive guidelines to give clarity and specificity on the issues mentioned in the law that we are making.

In this legislative proposal, there are several notable issues that require our consideration. There is a provision for responsible authorities, and I think it is a very good idea. This is because we deal with different issues with different orientations and mandates and, therefore, contribute to different spaces. Therefore, there will be need for specific interpretation on how public participation should be conducted within each authority. Designating this responsibility to authorities is a good idea to try and resolve the issues of lack of clarity that may result from deciding how the public participation is supposed to be conducted. When we conducted public participation in the past, a lot was assumed. People designed their own ways of conducting public participation. The levels of satisfaction in view of the targeted audience in the public participation or the targeting intention, have always been wanting. There is no clarity on the extent to which we have addressed the issue.

Hon. Temporary Speaker, the Constitution has made many provisions that pre-empt us to think about defining public participation in Kenya. An example is Article 35, in view of the specificity of information and acquisition of the same Articles 118, 196 and 201, amongst others. In view of the general guidelines, I have noted that there are provisions in consideration, and provisions on considering, to undertake public participation. When you look at the drive at public participation, there must be clarity on exactly what it is that requires us to carry out public participation. The question is, to what extent are we going to be defining this in order to provide the requisite clarity? Hitherto now, the notice for public participation on the legislative proposal refers to the specific subject matter. The regulations will give us specific notice period because what has been lacking is the extent to which we popularise the fact that public participation is to take place. Therefore, giving notice is very important but how long should the notice be?

In defining the models of public participation, models are now to notify the public on the public participation. We have, in the past, relied on the local mainstream media – both the print and the electronic media. When we go to authority, we become authority specific. It therefore calls upon us to look at the specific guidelines within the communication system of an authority. Therefore, we are likely to have different models of passing this information. In terms of submissions during the public participation, what comes to my mind is how we are going to guide the submission. I want to link this with the anticipated report. The anticipated report and the legislative proposal are very specific. It is an outcome report. It is not a report of participation or the discussions that go by. It is a report of the agreements in terms of what has come out of that particular public participation process.

Looking at that and going back to the courts, I see a possibility that unless the regulations are very clear, we shall be having questions of the procedure, the quality of the exercise, and whether reasonable time has been given to the public participation *et cetera*. In order to mitigate this, we may have to agree as a House on how much time we should apportion to a public participation exercise? We should specify a maximum and minimum period of time because the maximum period will again depend on the levels of participation and the processing of the responses. To satisfy Kenyans, they must be adequately responded to. Some of the responses may not be ready at the point in time when they are required. They may also be requiring other decisions to be made off-site. In view of the responses, we will still need to ask ourselves what a quality response is, and how much substance a quality response should contain.

When it comes to access to the public participation process itself, Kenyans are guided by the Constitution. Articles 1, 10 and 35 seek for public participation. In pursuit of participation based on the extent to which we have popularised a public participation process, people would come out and say they have not had enough time. In terms of defining these guidelines, we need to be very careful on the provisions that we come up with because we will define the way we develop the process of public participation. We need to be extremely careful

on how we publicise public participation and how we come up with the specific guidelines because when you talk about an authority, the authority is then left to use their own internal mechanisms and internal procedures to develop specific guidelines.

All is not lost in view of this particular proposal. I have noted carefully that there are miscellaneous provisions. In these miscellaneous provisions, we are accorded an opportunity for additional information for general penalties and for transitional provisions. When it comes to additional information, there is always some new and different idea that probably will contribute to enhancement of the position that has been taken. There will also be other people who may not have participated in the public participation process, who may be given opportunity. However, we must ask ourselves to what extent we should open up the process. Are we going to deal with the entire volume of the information that has been generated? Shall we be talking of timelines? How shall we determine quality? That is an issue we need to think through even as we finalise this particular provision.

Hon. Deputy Speaker, it is important for us to look at the penalties again. As we determine the penalties for lack of, or inadequate, public participation, what are we saying? Is it the institution that is supposed to meet this cost? If it is the institution that is supposed to meet this cost, how does this cost arouse consciousness or ensure that the particular institution will in future be able to deliver as per expectations? Public participation will need to be better guided. In this particular case, I have in mind the supplementary legislation in terms of the regulations. When it comes to defining the regulations, we might be quantitative rather than being qualitative because qualitative provisions do not give specific guidelines. They are not very specific and they open up so much. We might go back to what has always been there instead of moving forward...

The Deputy Speaker: Kindly, let him finish his sentence. Have you finished your sentence, Hon. Mutunga?

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Deputy Speaker, the last thing I was trying to say is that it might call us to be very specific and quantitative. Unless we agree on quantitative parameters to measure the quality of participation, the time that is supposed to be taken on the exercise, and the quality of the outcome. In my understanding, it is not the output report or what happened that matters. What matters is what was agreed upon and what it was generally. We need to be able to measure, for example, what a general agreement means in terms of the percentage of people who participated in the exercise. We must also determine the voting pattern of the participating population in order to be clear that we satisfied the greater majority of Kenyans in any public participation process.

With those remarks, I support.

The Deputy Speaker: Thank you. Next is the Member for Tetu.

Hon. Geoffrey Wandeto (Tetu, UDA): Thank you, Hon. Deputy Speaker, for giving me an opportunity to also add my voice to this very important debate. As the Members who spoke before me said, we have had far too many laws in this country. We have had many good laws that collapsed at the desk of the Judiciary, the common issue being public participation. The two common words that have been used by the Judiciary to nullify many laws that have been passed by Parliament are ‘adequate’ and ‘meaningful’ public participation. Hon. Deputy Speaker, you will agree with me that these two words are subject to very broad interpretation. They are not just about going round the country, gathering a few people in a hall and inviting submissions. It must be seen that the people actually participated fully and lent their voice to the matter of discussion.

The common issue around public participation is whether, after people have given their views on a particular matter, this House or whichever authority conducted the public participation incorporated their views in the final Bill. I remember that we conducted public

participation prior to enactment of the Finance Bill of 2024. However, our young people felt that we never listened to whatever they told us. So, they came for us.

It is very important that people feel that whatever they have said is incorporated in the final Bill. We must start asking ourselves questions like what is ‘meaningful’ and what is ‘adequate.’ If I were to lead public participation meetings on a Bill in my home county of Nyeri, how many people must be in the hall for me to feel that I have conducted meaningful public participation? What level of engagement is sufficient? What is seen as inclusive public participation?

We must also think about the underside of this as we think about this. Conducting meaningful and adequate public participation without measurable parameters may end up being costly. Do we want to try to give every Kenyan a chance to voice their views? I remember when we were conducting public participation to entrench in the Constitution the National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF), and other Funds, we put in so much effort, courtesy of the Clerk of the National Assembly. We conducted forums across the country in each ward and constituency. Such an exercise can be time-consuming and very costly.

I tend to agree with what Hon. (Dr) Mutunga has just said. The law before us lacks specifics. For example, we need to quantify what notice is sufficient. What number of people participating in public participation is sufficient? We must also specify what number of memoranda will be considered sufficient. Otherwise, we may end up with endless litigation whereby every wave of public participation is challenged because there are no quantitative variables specified in the Bill.

We may feel that it is adequate to conduct public participation in the eight original administrative regions of the country while someone else or a judge may feel that public participation should be conducted in every ward. We need to give this law some minimum time. How do we measure these variables so that the exercise is seen to be inclusive?

Clause 4(2) of the Public Participation Bill of 2025, in paragraph (a), talks about conducting public participation in the formulation and implementation of public policy. Public policy is a very broad issue, covering matters across ministries, departments, and agencies. Section 4(2)(b) talks about conducting public participation in the law-making process. Paragraph (b) is specific because the National Assembly, the Senate and the County Assemblies make laws. When we extend this requirement to formulation and implementation of public policies across ministries, departments and agencies, which also deal with matters that affect the public, we may be boxing ourselves, as a country, into what I would call ‘policy paralysis.’ We may not move as a country because, suddenly, every policy issue becomes a subject of some form of public participation.

If the Governor of Nairobi wants to issue policies regarding hawking or collection of garbage, and it is seen as a public policy matter, such matter will always have to be subjected to public participation. This may be very costly and stagnate the country. Another thing is that public participation must not be a subject of political manipulation. In many cases, those who support a proposed law lead the public participation in respect of such proposal. We must create a way that even those who oppose and have dissenting voices can reasonably participate. I find this draft law to be unspecific. Most of the provisions are too broad. We will not have resolved the issues that the courts raise about ‘adequacy’ and ‘meaningfulness’ if we pass this Bill as it is because we have failed to quantify issues. We have gone for broad policies and nice sounding suggestions that can easily be challenged in court. I suggest that the Committee goes back and sees how we can tighten this draft law. It is a good draft law. I support it but as it sits, we will not have cured the issues under Articles 10, 69, 118 and 184, and all the issues that the courts have been raising.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next is Hon. Timothy Toroitich, the Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Deputy Speaker, for giving me an opportunity to comment on the Public Participation Bill of 2025. This is one of the most progressive Bills that we will ever pass as a House.

In Petition No.5 of 2017—British American Tobacco Kenya PLC versus Cabinet Secretary for the Ministry of Health and Others—the court pointed out that we do not have a prescribed legal framework for public participation in Kenya. The court recommended that Parliament enacts legislation to provide a proper legal framework on public participation.

Article 1 of our Constitution talks about sovereignty of the people and that the people are supreme. For that reason, we must consult and seek public approval for any matter that touches on the public. That may be a policy document, legislation or any document affecting the public directly. The courts have annulled many laws that were enacted by this House for lack of public participation. I believe that the enactment of this Bill will settle matters on public participation. The Bill provides a comprehensive legal framework on how public participation shall be conducted in this country.

Running through the Bill, we have issues of notices. The Bill has settled the issue of notices. A proper notice shall be issued on matters of public participation. In terms of a responsible authority, upon enactment of this legislation, we shall have a responsible authority in each state agency. For legislation by the National Assembly, the Clerk of the National Assembly shall be responsible or liable if public participation is not conducted. The same applies to County Assemblies at the county government level.

Clause 8 provides for responsible authorities. For me, that is a plus in terms of settling the issue of public participation in this country. Clause 9(1)(a) to (e) provide for the modality of notifying the public about a forthcoming public participation exercise. Prior to this legislation, apart from the guidelines by the Supreme Court, there was no provision on how to notify the public about public participation. This law has highlighted or has given a directive on the modes of notifying the public. For the avoidance of doubt, that includes websites, public meetings, public notice boards, print media, and any other form of notification that is reasonable to that extent.

When the Departmental Committee on Justice and Legal Affairs went round the country, the public raised fundamental issues regarding the analysis of submissions. Members of the public questioned whether their views are usually taken into account. Clause 12(1) clearly provides that the responsible authority shall analyse and take into account submissions received from the public. Clause 12(2) provides that the authority shall publish the outcome of the public participation exercise. We currently do not have a framework for analysing, taking into account and publishing the views of the public and the outcome of the public participation exercise but once we pass this legislation, we shall have a framework for doing so.

Clause 13(2) provides that an authority holding a public hearing must use a language that the participants are conversant with. The Clause states that the language shall be English or Kiswahili, or another language that the participants understand. That will take information to the people because citizens have a right to information, pursuant to Article 35 of the Constitution.

For the first time, we have proper guidance in Clause 18 on public participation by Parliament. The Clause covers instances where a Bill originates from the Senate and is referred to the National Assembly. If the Senate has conducted public participation and refers the Bill to the National Assembly, there is no need to duplicate public participation unless the Senate did not capture certain additional views. That settles the issue of public participation in a bicameral parliament.

Clause 20 provides that any responsible authority which, in conducting public participation, wilfully fails to adhere to the principles and guidelines set out under this Act commits an offence and shall be liable, upon conviction, to a fine not exceeding Ksh500, 000. That was a contentious issue. Some proposed that we amend the Clause to provide for a civil remedy. They felt that the provision vitiated the Bill. Once public participation is conducted, that law becomes null and void depending on the arguments presented in court. Some said that we should retain the criminal punishment. Others proposed that we introduce a term of imprisonment not exceeding six months.

The Departmental Committee on Justice and Legal Affairs agreed on some issues and disagreed on others. I will table my opinion on the issue of funding public participation. Some argued that public participation is a civic duty and, therefore, individuals do not need an incentive to participate in the exercise. An old man in Kajiado said that he had travelled for almost 400 kilometres to Kajiado Town to participate in the public hearing and, therefore, he should be reimbursed his transport costs. That is a contentious issue that the House must resolve. We should introduce a Public Participation Fund that will be managed by the authorities prescribed in the proposed legislation, so that a reasonable reimbursement is made available. Others argued that public participation is a civic duty and an obligation just like voting. You do not have to give anyone an incentive to vote.

I support the letter, intent, and spirit of this legislation. It will allow us to settle the issue on public participation once and for all.

Hon. Deputy Speaker: Let us have Hon. Edward Muriu, Member for Gatanga. Give him the microphone.

Hon. Wakili Edward Muriu (Gatanga, UDA): Thank you, Hon. Deputy Speaker, for giving me the opportunity to air my comments on this noble Bill. Before I comment on it, allow me to commend Hon. Otiende and Hon. Chepkonga for a job well done in coming up with the Bill.

I have a few amendments which I hope to propose during the Committee of the whole House stage. As a member of this caucus, I support the Bill. It is good, but it can be better. I just want to raise two issues. The Bill is grounded on Article 1 of the Constitution, which provides that power belongs to the people. If we want to change the law, we must first consult the people. We should look into this very important and fundamental law very carefully, so that we do not offend Article 1 of our Constitution.

Secondly, matters pertaining to public participation have been litigated in court severally. Judges have proclaimed themselves on many occasions that public participation should not only be done, but should be seen to be done. There must be a matrix to measure the qualitative and quantitative aspect of public participation. They have also said severally that the law on public participation in our Constitution is not a decoration in our statutes; it must take effect.

Has the Bill responded to the issues raised by the court on *ratio decidendi*? Has it met that threshold? The Bill was hit and miss on those issues. We are addressing those issues because the views of the public during public participation and what is tabled in the House are totally different. Therefore, the public is left wondering what happened to their contributions. One example is when we conducted public participation on impeaching the Deputy President of this Republic. What were Kenyans' views? What happened outside there and what came to Parliament were very different. Another example is the Safaricom PLC divestiture and the Kenya Pipeline Company sale. What the public said out there and what was brought to Parliament are totally different.

Once the public knows that their views are never taken seriously, that whenever they bring their issues, they never find them in this House, and that the people who prepare public participation have a premeditated outcome, we kill the morale of our people and the spirit of

the law. My clear recommendation, which I think we also need to put in this Bill, is that we must put very clear parameters on how to measure the quality and quantity of public participation. Are we able to bring that Report to Parliament verbatim? How do we put weight on those who are for and those who oppose? How do we bring that weighting so that at least by the time we decide—because it is a democracy—we ensure that the will of the majority prevails? That is an element which is missing, and in my opinion, in the fullness of time, this Bill will be made better.

They have started very well, and I think with the participation of Members and a few amendments that we will bring into this House, we will be able to make this law extremely conducive and facilitative. I am sure that even the quality of our legislation will go up. If we can capture the process of public participation, we will be able to bring more quality Bills to this House.

I support.

Hon. Deputy Speaker: Hon. Sakimba, Member for Kajiado South.

Hon. Parashina Sakimba (Kajiado South, ODM): Hon. Deputy Speaker, I also stand to support the Public Participation Bill, 2025 by Hon. Chepkonga and Hon. Otiende Amollo. It is good to appreciate that this House is mandated to make laws. The Constitution is the foundation of legitimate law-making to have the voice of wananchi heard. If laws are made without the input of wananchi, the struggle ends with wananchi. This Bill will ensure that we have an authority, which makes me happy.

Clause 8 (2) provides that a notice under Section 1 shall include venue, time, dates and mode of public participation. The courts will rule based on the nature of notice, time and adequate information obtained. They look at real facts and not just public participation. They try to see if whatever was collected from mwananchi is able to influence the outcome. We have been participating in public participation and we are building trust mostly on memoranda written by people who are more informed. This Bill today is coming to take care of the mwananchi who will be directly affected by the laws this House makes. This Bill is going to create trust between us and wananchi by ensuring that whatever this Parliament or county assemblies pass is what wananchi understand.

Clauses 12 and 13(2) introduces the use of English and Kiswahili. They are looking at laws that are better understood and are practical and acceptable. Not all of us here, include myself, are lawyers. If you look at the wording in the Constitution, or when we make laws, the wananchi cannot interpret them. Even informing them to attend public participation forums becomes difficult. This kind of arrangement, where responsibility is clearly placed upon an authority, will assist this country in a very big way.

Hon. Deputy Speaker: Allow him to finish his sentence.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Deputy Speaker. We have been having a problem of lack of evidence because we do not have records. We do not know who has been consulted. I agree with the Members who have spoken on the issue of matrix. We should understand the people who have been interviewed, those who participated in public participation and what they said. It is very rare for this House to get a report that clearly states what the people said, who participated in the public participation exercise, who agreed with the Bill and who disagreed with it. This will assist a lot.

With those remarks, I support.

Hon. Deputy Speaker: Thank you. Next is Hon. Eve Obara, the Member for Kabondo Kasipul.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Deputy Speaker. I also rise to support the Bill and appreciate the Committee for a job well done.

This Bill seeks to provide a comprehensive legal framework for public participation in governance and decision-making processes at both national and county government levels. It

also seeks to actualise Articles 10 and 118 of the Constitution, which emphasise public participation as a key national value and principle of governance.

If you look at the Bill, you will see that it seeks to define the principles and standards of public participation to ensuring inclusivity, accessibility, transparency and accountability in all governance processes. It also mandates public institutions, including ministries, departments, state corporations and county governments, to establish and maintain mechanisms for continuous engagement with citizens. It also provides procedures and timelines which are key in conducting public participation, including notice requirements, submission of views and publication of reports on public input in good time. It also introduces digital and innovative platforms. This has been a problem, especially when many citizens are not able to access the venues where these exercises take place. It will also empower marginalised and special interest groups, which is very important. These include persons with disabilities, youth and women, who will effectively engage in the process. Finally, it sets out monitoring and reporting mechanisms so that there is feedback demonstrating how public views have been considered in final decisions made.

Looking at the key result areas of this Bill, I am happy that it promotes transparency, inclusivity and accountability in governance. It also strengthens citizen engagement and trust in public institutions. It enhances policy legitimacy by integrating public participation input in decision-making and provides a uniform national framework, reducing inconsistencies in participation processes.

There are also a few concerns. One is the potential delay in decision-making due to extensive participation procedures. This needs to be looked at. There is also the risk of tokenistic or superficial consultation if not properly enforced. We also know that implementation may require significant financial and administrative resources, which I believe should be taken care of.

With those remarks, I support.

Hon. Deputy Speaker: Next is the Member for Thika Town, Hon. Alice Ng'ang'a.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Temporary Speaker but I would like to contribute to the next one.

Hon. Deputy Speaker: Okay.

Let us have Hon. Amina Mnyanzi, the Member for Malindi.

Hon. Amina Mnyanzi (Malindi, ODM): Mhe. Naibu wa Spika, asante sana kwa kunipatia hii nafasi. Nimesimama hapa kuunga mkono Mswada ulio mbele yetu kuhusu ushirikishaji wa umma katika taifa letu la Kenya.

Wazungu wanasema, *power belongs to the people* na sisi Waswahili tunasema madaraka ya nchi yako mikononi mwa mwananchi. Katiba ya Kenya imempa madaraka makubwa sana mwananchi wa Kenya. Na katika Katiba yetu, masuala ya ushirikishaji wa umma katika maendeleo, miradi na sheria umeipatia umma nguvu na kipaombele kuhakikisha kwamba kila kitu kinachopitishwa katika Bunge la Kitaifa na pia katika serikali za kaunti zote za Kenya kinaambatana na matakwa ya wananchi.

Hatujawahi kuwa na utaratibu wa kueleweka wa ushirikishaji wa umma kwenye masuala muhimu ya maendeleo ya Kenya. Mswada huu utaweka mambo wazi. Utatupatia mwongozo wa jinsi ushirikishaji wa umma utafanyika.

Hapo awali kumekuwa na ushirikishaji wa umma ambao haukuwa unaeleweka. Mswada huu ukiwa sheria, utatoa mwongozo na kufungua masuala ya kueleweka ndani ya taifa letu la Kenya. Umuhimu wa ushirikishaji wa umma ni kuwa tutawapatia wananchi nafasi ya kukubali miradi na Hoja ambazo ziko hapa Bungeni. Tunawapatia wananchi nafasi na nguvu za kukubaliana ama kukataa kukubaliana na sera zitakazopendekezwa bungeni. Sheria zinazopitishwa kupitia ushirikishaji wa umma zina vitu ambavyo vinaeleweka na hazitaleta sintofahamu kwa wananchi. Sasa hivi ukifanya miradi kama kiongozi, kunakuwa na vidole vya

lawama kwa sababu watu hawajaelewa umuhimu wa ushirikishaji wa umma katika kufanya masuala.

Kama walivyosema Wabunge wenzangu, tukipitisha Mswada huu, jambo la kwanza kutakuwa na uwazi. Hakutakuwa na sintofahamu ya jambo kufanywa ama kutofanywa. Ushirikishaji wa umma ukifanywa, wacha ripoti yake iwe wazi yenye inayoweza kufikiwa na kusomwa na kila Mkenya ndiyo wananchi wakubali Miswada kama hii ili Kenya yetu iweze kusonga mbele.

Ni muhimu jambo la yule ambaye atabeba jukumu la ushirikishaji wa umma inapofanyika liweze kuwekwa wazi na liweze kueleweka. Tumeona huu ushirikishaji haujakuwa wa kueleweka vizuri. Kupitia Mswada huu, watu ambao watakuwa wakifanya ushirikishi wa umma watakuwa na jukumu la kujua wanapofanya ushirikishi huo wasiweke vitu ambavyo havijazungumziwa kule mashinani na wananchi. Wanastahili kujua kwamba kuna sheria ambazo zitaweza kufuatwa wajipate pabaya.

Wacha niweke kilio changu leo kwa wananchi wa Kenya. Kuna Mbunge mmoja hapa ambaye alieleza kuwa kushirikisha umma ni suala zuri sana. Lakini rai yangu leo inaenda kwa wananchi wetu, na nilazima jambo hili lieleweke wazi. Ni vizuri ieleweke kwamba wananchi watakaoshiriki kwenye mikutano watapatiwa kitu kidogo kama *transport* yao ya kurudi nyumbani ama itakuwa vipi.

Kwa mfano, kama kule kwangu Malindi, tunapofanya ushirikishi wa umma, watu wanatoka Kilifi, Ganze, Magarini na pia Malindi. Juzi, tulikua na ushirikishaji wa umma kuhusu maswala ya sheria za uvuvi. Tulifanya ushirikishi huo kwenye sehemu zote ambako wakazi wameadhirika na suala hilo. Tulifanya mkutano pale Kilifi. Jambo hilo ni lazima lieleweke na kujadiliwa mapema kabla halijafika kule chini mashinani kwa wananchi.

Pia, ningependa tujadili kuhusu wananchi ambao wanaitwa mikutano na wanakatiza shughuli zao za siku ili kusaidia kujenga taifa letu la Kenya. Tukumbuke kwamba mvuvi anaishi kwa kuvua na kula kwa hiyo siku. Hiyo ina maana kuwa mtu kama huyu kwa siku anafanyia kama Ksh300 ama Ksh500. Kutoka Malindi hadi Kilifi, tikiti pekee yake inachukua Ksh500. Ninataka Kamati ambayo imeleta Mswada huu iweke wazi kama wananchi ambao wanakuja katika vikao vya ushirikishaji wa umma na kutoa mapendekezo na maoni yao kama watapewa nauli ya kuja kwa mkutano na nauli ya kurudi kwao. Hilo ni jambo ambalo ni lazima liwekwe wazi.

Jambo la pili ni la muda. Lazima kila Mswada unaopelekwa kwa ushirikishaji wa umma uwekewe muda mwafaka wa kupea watu nafasi ya kuusoma, kuitana na nafasi ya kujipanga kuja kwa mkutano. Pia, ni lazima muda wa mkutano kumalizika uwekwe. Hilo ni jambo lingine ambalo ni lazima liwekwe wazi.

Jambo la mwisho ni suala la pesa. Kuna wananchi wanaokwenda kutoa sauti zao na kuna wale wa maofisini wanaokwenda kuzungumza na wale wananchi kule chini. Hawa pia nao lazima waweze kujipanga. Ni vibaya sana watu wanapotoka nyumbani asubuhi kuelekea kwa mkutano na mkutano unaanza asubuhi hadi jioni lakini hakuna maji, soda wala riziki yoyote ambayo wanapata. Wale watu ambao wanakwenda kufanya *activities* kama hizi ninaomba wajipange na wajue wanaenda kuzungumza na wananchi na binadamu ambao wako na mahitaji. Inastahili wapatie wananchi vitu vidogo vidogo kama maji ama soda ili wananchi wasiathirike.

Sina lingine la kuongezea zaidi ya hapo isipokuwa kusema kuwa ninaunga mkono huu Mswada.

Ahsanteni.

Hon. Deputy Speaker: Next is the Member for Jomvu, Hon. Bady.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana, Mhe. Naibu Spika, kwa kunipatia nafasi hii ili nichangie Mswada huu ambao ninaunga mkono. Umeletwa na Mhe. Chepkonga na Mhe. Otiende Amollo ambaye mimi humuita *future Chief Justice*. Mswada huu una mambo

mengi mazuri. Mara nyingi sana, katika mambo ya ushirikishwaji unaweza kuona mtu amekuja na makaratasi ya kusema umefanywa, kumbe amechukua picha zake za zamani akaziweka hapo na maoni yake na kila kitu. Lakini sasa tukiiangalia, kutakuwa na yule ambaye atabeba jukumu la jambo kama hili. Hili ni jambo nzuri sana katika Mswada huu.

Kifungu 13(2) cha Mswada huu ni kuhusu lugha. Hili ni jambo nzuri na la maana kabisa. Mtu anaweza enda katika *public participation* na haelewi Kiingereza. Yale yanayopitishwa pale anabaki tu akitikisa kichwa bila kujua kitu ambacho kinaongelewa. Ni vizuri wale wanaotoa maoni watoe yale wanayofahamu kwa lugha ambayo wanaweza kuelewa.

Kifungu 18 cha Mswada huu kinaonyesha wazi kuwa ikiwa Seneti wamefanya *public participation* katika jambo moja, na Bunge la Taifa lifanye jambo hilo, basi ikiwa maridhiano yamefanywa kwa njia sawa, yatapunguza muda na jambo kama hili halitarudiwa tena.

Kifungu 20 cha Mswada huu kinaongea kuhusu adhabu ama *offence*. Hili ni jambo la ukweli kwa sababu watu wengi sio waaminifu katika kuweka maoni. Ni waongo. Wakipewa nafasi, wanapeleka maneno ambayo wananchi hawajazungumza. Naunga mkono wenzangu kama Mhe. Amina Mnyazi kwa yale aliyoeleza. Ni muhimu tuweke fedha ama *Public Participation Fund* katika Mswada huu ambayo itasaidia wale wanaotoka mbali kuja kutoa maoni yao. Ni kweli watu wanakuja kwenye mikutano na wanakaa hapo katika hali ngumu. Mtu hajakunywa chai, hajafanya kazi na hajaangalia familia yake. Lakini amekuja kuchangia katika mambo ya kujenga taifa na maisha ya baadaye. Akiondoka pale, anatembea kilomita nyingi bila kupata chochote.

Kwa hivyo, Mswada huu ni mzuri sana. Utatatua yale mambo tunayoona mara nyingi mahakamani ambapo inasemekana jambo fulani lilipitishwa, lakini baadaye hukumu inasema ushirikishwaji haukufanywa kwa njia nzuri. Mhe. Otiende Amollo na Mhe. Chepkonga wamelenga mbali kwa mambo kama haya yanayotokea mara kwa mara. Wanaweka msingi ambao siku zijazo viongozi na wananchi wataweza kuwa na mpangilio mzuri wa maendeleo yao, bila kurejeshwa nyuma na masuala ya mahakama. Hayo ndiyo nilitaka kusema. Naunga mkono Mswada huu kikamilifu, lakini naomba yale nimependekeza yajumuishwe.

Asante, Mhe. Naibu Spika.

Hon. Deputy Speaker: Member for Gichugu, Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Deputy Speaker, for giving me the opportunity to contribute to the Public Participation Bill, which is very important. The Constitution provides an avenue for public participation in all decisions and matters affecting the public, but there has never been a law on public participation. This law now comes in handy. I must appreciate the co-sponsors, Hon. Otiende Amollo and Hon. Samwel Chepkonga. I also appreciate the Departmental Committee on Justice and Legal Affairs, led by Hon. Murugara, which has dedicated time to drafting this Bill. I remember meeting them in Mombasa while I was on official duty, and they stayed there for almost an entire week trying to finalise the Bill.

This Bill addresses issues raised in court. A public participation avenue has now been provided. I am particularly interested in where Parliament is involved because it undertakes much of the public participation in the law-making process. This Bill provides that when one House of Parliament conducts public participation, the other House need not do so if it considers it adequate. It also provides an avenue for the two Houses to sit together as a joint committee to consider a Bill or matter, and conclude it once and for all.

We have seen instances where one House conducts public participation and passes a Bill, but when it goes to the other House, it is delayed for months or even years because the other House is busy with other issues. When the two Houses of Parliament sit together, they can engage stakeholders, conduct public participation, and produce a single Bill. In that case, there will be no need for mediation, as the issues will be resolved.

However, I see room for improvement as we move to the Committee of the whole House. I feel that the relevant authority should not give guidelines on public participation. At

the end of the day, we might come up with various guidelines regarding a certain matter that might conflict. We should have a central body to develop guidelines or regulations for operationalising various sections of this Bill, especially from the Attorney-General's Office, since this Bill is domiciled there. This will ensure uniformity across the country, rather than having Parliament, county assemblies, and other authorities develop their own guidelines. So, we might fall into the same trap of being inconsistent in how we conduct public participation and, in the nitty-gritties required.

Another area I feel we need to improve on is the clause regarding the notice. Clause 9(2) provides that a public participation notice under sub-section (1) shall state whether submissions may be made orally, in writing or both. That Clause has been adequately covered under Clause 10, which provides that the summation of the public participation exercise may be made, and they are enumerated. So, a notice must not bar anyone from submitting any of the forms that are provided under Clause 10.

I do not want to belabour the points. When this Public Participation Bill is passed into law, it will be very easy to resolve all the issues raised by the courts regarding public participation, including its adequacy and qualitative and quantitative aspects. However, I believe that the regulations that will follow to operationalise this law will provide clearer, more detailed guidance on conducting public participation. I strongly submit that those guidelines should be centralised to avoid any conflicts in how public participation is conducted. I support.

Thank you.

Hon. Deputy Speaker: Thank you. Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Deputy Speaker. From the onset, I rise to support this very important legislation brought by my brother, Hon. Otiende Amollo. I want to thank him and Hon. Chepkonga for introducing legislation that will address a fundamental issue that has long been missing from our legislation. So many laws have been taken to court and overturned simply because litigants claimed there was insufficient public participation. I wish we could pass this legislation in Parliament as quickly as possible so that it can take effect.

This country needs to understand that it is one thing to do public participation and another to adhere to what the public has proposed. The Bill addresses that problem. The Constitution is very clear that public participation is a fundamental aspect of our legislation, as evidenced by Articles 2 and 10. I was trying to look at the definition of public participation. It will be important that we define what "public" is during the Committee of the whole House stage. I tried to Google the definition of "public." We must define "public" so that we can adhere to it when identifying who to invite to participate. I will be asking Hon. Otiende Amollo during the Committee of the whole House stage to define "public. The Bill will enhance, promote, and facilitate a key aspect, as indicated in Part I.

In Clause 5 on the principles of public participation, public participation must be conducted through written submissions, oral hearings, online forums or any other method deemed appropriate to the context. That is a key element of how we are supposed to conduct public participation. In Part II on responsible authorities, we need to ensure that responsible authorities undertake public participation across various fields. It would be pointless for us, for example, to ask Parliament to go out to conduct public participation on a matter concerning the Judiciary.

Part II identifies the responsible authorities. It is important to note that at the county level, the Clerk of a County Assembly and the respective County Executive Committee (CEC) members play the same role as the Permanent Secretaries and the Clerk of the National Assembly or the Senate. It is important to allow each sector to undertake its public participation. Once they do it, it becomes very simple for them because they understand their procedures and other related issues in their respective fields.

In Part III on notice for public participation, it has always been used as a tool to conceal the notice dates, venues, and the mode of public participation, thereby achieving predetermined results. If, for example, I have been given that responsibility, I will give notice to the public, which will give Kenyans an opportunity to interact with it in different formats. As indicated in Clause 9(1), like electronic media including television, radio stations, the internet or mobile phones, so that people can... I was wondering what will happen to the television stations or radio stations that use vernacular languages, but that has been addressed in the Bill.

Under Clause 13(2), where a responsible authority holds a public hearing, and the participants are not conversant in English or Kiswahili, the responsible authority shall take measures to conduct the exercise in a language the participants understand. That will probably require the services of a translator to interpret what the participants and the responsible authority undertaking the exercise say. Sometimes participants want to express themselves more, but they are given only a minute or 30 seconds, which is not enough time. Participants should be given reasonable time to give their views. That is very key.

Consideration of submissions is important. The Bill states that a responsible authority shall publish the outcome of the public participation exercise. That is very important so that the public can verify whether what they contributed was actually captured and published. This is because it provides specific guidelines, which are key, and an open forum where the public can share their views, as indicated in Clause 18, which is important. There are places where public participation is conducted, yet the gates or venue cannot be accessed. Therefore, these open places where public participation will be conducted are very important.

The other aspect, as indicated in Clause 18.3, is on joint public participation, assuming it involves both the National Assembly and the Senate. Public resources are often duplicated. A case in point is the ongoing issue of substandard fuel. As the Departmental Committee on Energy, we brought together the relevant department, the Ministry, and stakeholders to obtain their views, only for the Senate the following day to go through the same cycle, asking the same questions. Public money is, therefore, not utilised prudently.

Let me address the penalty. Ksh500,000 is too lenient, whether as a fine or a jail term. It is important for the Committee and Hon. Otiende to reconsider the penalty. Let us make it more punitive so that anyone who goes against this fundamental issue understands the consequences...

(The microphone went off)

Hon. Deputy Speaker: Finish your sentence, please.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Deputy Speaker. As I was saying, this is a key fundamental issue that must be taken seriously by the responsible authority. Anyone who goes against what has been indicated here, once it becomes law, should be held accountable. Importantly, there is also the protection of certain information. Not all information should be disclosed or published. It is, therefore, important, as indicated, that the provisions of the Data Protection Act that safeguard sensitive information are upheld for their intended purpose. If all information is disclosed indiscriminately, some individuals may misuse it.

With those few remarks, I support.

Hon. Deputy Speaker: Hon. Ruweida Obo, Member for Lamu East.

Hon. Ruweida Mohamed (Lamu East, JP): Asante Mhe. Naibu Spika kwa kunipa nafasi nchangie. Moja kwa moja nimshukuru Mhe. Otiende Amollo na mwenzake kwa kuleta Mswada huu. Kwa hakika, ushiriki wa umma ni msingi wa kidemokrasia. Ni haki ya kila mwananchi kushiriki katika uamuzi. Hapa mwananchi anapewa nafasi ya kutoa maoni yake ya kimaendeleo, bajeti za serikali, au sera mbalimbali, kujenga uwazi na uwajibikaji. Hii huleta imani kwa wananchi kwa hivyo, wanakuwa na imani nasi tukienda kuwahamasisha. Rasilimali

za umma haziwezi kutumika kwa njia nzuri bila uwazi. Kuna uwazi na pengine mtu ataogopa kufanya mambo kichinichini.

Inaleta ushirikiano baina ya viongozi na wananchi kwa sababu saa nyingine kiongozi anaweza kuwa na jambo zuri lakini mwananchi halioni. Kwa hivyo, ukimpa nafasi ya kuchangia, anajenga imani. Viongozi wahusika hupata kuelewa mahitaji ya walengwa. Saa nyingine unaweza kuwa hapo ukaandika mambo mazuri lakini ukifika mashinani, lile ulilotengeneza kwenye *boardroom* halifanyiki, *especially* maeneo kama kule kwangu. Mtu anaweza panga hapa vizuri, lakini ukifika kule unaambiwa hilo halifanyiki. Kwa hivyo, hupata sisi kuelewa mahitaji ya walengwa.

Wananchi hufurahia kuhamasishwa kwa maendeleo na huona kwamba wamehusishwa. Hii huleta umoja na uwiano. Changamoto zinazotokea katika kuhamasisha au uwajibikaji mashinani ni kama wananchi hawapati taarifa kwa wakati. Naomba mambo hayo yaangaziwe. Hata hapa Bunge, tukienda kufanya *public participation*, utaona hufanywa pale Mokowe, ambayo inasemekana ni *county headquarters*. Lakini ukiangalia maeneo yetu, siyo mahali ambapo mtu anaweza kuchukua Ksh50 upande matatu aende. Ni maeneo ambapo mtu lazima alipe Ksh8,400 kufika Mokowe. Sasa nani atatoa pesa yake kufika Mokowe? Utaona sehemu hizo huachwa nyuma mara nyingi kwa sababu ya mambo kama haya.

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

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

Naomba *public participation*, hata kama itafanywa katika eneo bunge au wodi, ishuke chini kabisa ili mwananchi afikiwe. Kama itafanywa katika *county*, basi nyingine ishuke chini zaidi. Wengi hawapati nafasi ya kufika katika maeneo hayo, kama nilivyosema. Hii ni kwa sababu ya changamoto za usafiri au kwa kukosa taarifa kabisa. Ni muhimu anayepata nafasi ya kuendesha *public participation* kuhakikisha kuwa maoni ya wananchi yaliyotolewa yametiliwa maanani. Isiwe ni kwenda kuwasikiliza kisha kuandika yale yanayohitajika na waendeshaji. Yale yanayosikizwa pale ndiyo yaandikwe.

Nimeona *public participation* nyingi zimefanyika, hata juzi tulienda ile ya *Fisheries Management and Development Bill*. Nilihudhuria, lakini ukisoma ripoti, kuna yale wananchi walisema. Hata hivyo, kwenye *amendments* hakuna yale wananchi walisema. Kwa hivyo, *Bill* inaenda vilevile. Hadi sasa nimeona hilo na nimeweka *amendment*. Lakini waliokwenda kufanya *public participation* wangepaswa kuchukua maoni yale na wao wenyewe kuweka *amendments*. Kwa sababu haiwaathiri moja kwa moja, mara nyingine inapita bila hatua kuchukuliwa. Wanaachia wenyewe wazungumze, lakini hayakuzingatiwa. Naomba ripoti hizo ziandikwe kisawasawa.

Pili, sisi viongozi tukienda kule tusiende na mawazo yetu tayari tumepanga kwamba baada ya hii tutafanya nini. Tukifanya hivyo tunakosea. Ndiyo maana tunaweza kusikiliza kisha kurudi na mambo tofauti bila kuzingatia yale ya mwananchi. Pia, viongozi au wanaharakati wengine, wale tunaowaita *critics*, saa nyingine wanakuja na mipango mizuri lakini wanasahau ni muhimu kuelewa mipangilio ya serikali. Kama haya mambo ya *public participation*, wanapaswa kuwa wawajibikaji wa umma na wayajue. Kwa sababu mtu anaweza kuja na jambo zuri, lakini wananchi wenyewe hawakutaka hivyo.

Kwa mfano, *the National Government Constituencies Development Fund* (NG-CDF) ya Lamu Mashariki, wananchi wametoa sababu kwamba hawana shule hata moja yenye ukuta. Kumetokea mwalimu akapigwa ndani ya shule na mtu ambaye akili yake si timamu. Imetokea mwanafunzi akauawa katika shule nyingine. Kila mara tunaambiwa kwamba wananchi

wanachoka kufagia kinyesi cha ng'ombe. Kwa hivyo wakaona ni muhimu kujenga ukuta. Lakini kuta zikijengwa, utaona mtu ambaye haelewi, pengine akionekana kama kiongozi, akianza kuuliza kwa nini imejengwa. Huenda haoni umuhimu, lakini mwananchi mwenyewe alitaka hivyo. Anaona ni muhimu, na ndiyo maana kukawekwa *public participation*.

Najua Katiba inazingatia tamaduni za watu. Mara kwa mara, tunaenda kufanya *public participation* lakini tunaifanya, kwa mfano, Ijumaa. Ukienda kufanya *public participation* katika maeneo ya Waislamu siku ya Ijumaa, utapata watu wameenda kuswali. Ushiriki huo wa umma utafanywa na nani ilhali watu wako msikitini? Ukienda Jumapili, watu wako kanisani. Ukienda kwa maeneo ya Wakristo, ni kina nani watashiriki? Kwa hivyo, ni muhimu waangalie dini ya hao watu, kama Katiba inavyozingatia.

Waangalie pia tamaduni za watu. Kuna mambo mengi ya kuzingatiwa. *Geographical position* pia inafaa izingatiwe. Kwa mfano, mnaweza kwenda mahali kama Mkokoni, na mkifika, mtapata hakuna maji ya kwenda huko. Mtakwama ibidi mrudi na stakabadhi zenu kisha msememe mfanya *public participation*. Kwa hivyo, mambo mengi yanafaa kuzingatiwa ili mwananchi afikiwe, na akifikiwa, nchi hii itaendelea.

Ahsante, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Member for Luanda, Hon. Dick Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you very much, Hon. Temporary Speaker, for this opportunity to add my voice to this important debate regarding public participation. Article 1 of the Constitution of Kenya 2010 gives power to the people. It states that sovereign power belongs to the people. This power can be exercised directly or through elected leaders. It is on that basis that Parliament exists to execute this power on behalf of the people. The Constitution envisaged that the public must be involved in any major decision made in this country. This means that before any such important debate or law, the public needs to have its say.

Since the inauguration of the Constitution, the courts have invalidated what this House has done severally on the premise of inadequate public participation. Therefore, this Bill seeks to cure that gap. It seeks to provide some direction and credibility regarding what public participation is. In some instances, the courts have found public participation inadequate, leaving open the question of what constitutes adequate public participation. Therefore, the Bill seeks to create a framework for public participation. It assigns responsibility to various individuals or offices that can actually initiate and conduct public participation. In essence, this will fill the gap, provide direction, and create harmony in how business is conducted as this House executes its mandate.

Hon. Temporary Speaker, I have heard debates on how we will bring these people together and even the reimbursement of fares. From where I sit, I feel this is a civic responsibility. Just like on every election day, members of the public will actually go and vote for their rightful leaders. I believe that public participation should equally be a civic responsibility. We, the leaders, and the community can attend and share our views and positions on certain issues. If we were to monetise public participation, I imagine it would become too big a task. This will create shortcuts, where people will say public participation was done, but in reality, it was avoided because of the costs it entails.

I have looked at notifications, through which members of the public will be adequately informed, by whichever means, that on a given date, there shall be public participation on a matter. To me, this is welcome. To me, this is welcome. However, I have a few observations that my good friend, Hon. (Dr) Otiende, and the co-sponsor should look into. The question is: we have had situations in recent years where discussions have taken place, and we have even seen clips and media coverage showing what the public actually agreed to. However, what is reported is contrary to what was actually discussed. Therefore, how do we assign weights to a

particular gathering in Luanda where members of the public convened and what they discussed and agreed upon? How do we ascertain that the public decided on a particular direction? In this House, we have *The Hansard*, which means that once a Member speaks, we can follow up on who said what and take a vote. Now, when public participation occurs, say in *mashinani*, how can we quantify what was discussed?

It is said that the majority will always have their way, but the minority will have their say. How shall we factor this in, so that the minority's say is also captured in the outcome? This fear is alive, and therefore, I call upon the sponsors to consider how we can shepherd this process and avoid potential abuses by individuals with less than good intentions.

Regarding invitations to the public for public participation, we are aware that such events have occurred and that only a select few are often invited. The question is: how do we decide who will attend and who will not? Will it be open to everyone who wishes to attend? There are instances in which members of the public are invited to participate in a project or a given area, only to find that selected individuals, whom we refer to as "opinion leaders", have been invited at their expense. We should determine how to avoid such a situation. We end up inviting people whose views and ideas are already known, who then manipulate the direction of our decisions. All in all, I support this Bill as it will go a long way in filling the gaps we have experienced in executing our duties as a country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Member for Roysambu, Hon. Augustine Mwafrika. Next is Hon. Alice Ng'ang'a. Hon. (Dr) Eve Akinyi Obara has already contributed. Let us have Hon. Eckomas Mutuse.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): It appears that the mood is that the mover replies.

The Temporary Speaker (Hon. Peter Kaluma): Now, there being no interest in terms of contributions, the mover will now reply.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Speaker. I want to thank all the Members who have spoken to this Bill. The entire country should note that all Members who have spoken have supported this Bill. There is a common misconception among some quarters that Members of Parliament do not support public participation. All the comments made are aimed at improving the Bill, and we will consider them *seriatim* as we move to the Committee of the whole House.

It is worth noting that only one or two, perhaps four, points need to be addressed, as we are speaking both to our colleagues in the House and to those outside. Two preliminary issues were raised. One concerns Clause 20, which proposes criminal sanctions. This was a legitimate concern raised by the Deputy Speaker about criminalising what should otherwise be a normal work duty. However, you may be surprised to learn that most of those who spoke to us wanted this sentence improved. In fact, even in the House right now, Hon. Gikaria has just mentioned that Ksh500,000 is negligible. It would be interesting to discuss this further when we reach that point. We live in a country where most people advocate for enhanced sentences. Like death or life penalties, the trend is to reduce those sentences.

Of course, an issue was raised regarding Clause 12(2) on publishing the report and then publicising it. The Committee had suggested this, and, actually, it followed what is already in the Constitution in Article 35(3), which provides that the state publishes and publicises any information it holds. It is expected that, if we are conducting public participation and the public provides feedback, it would make sense to publish and publicise the report.

An issue concerning the notice period was also raised. Hon. Mutunga suggested we set a timeline to provide clarity, and the Member of Parliament for Tetu echoed this. He went further and said that we do not just need timelines for the period; we also need to specify the

minimum number of people who must attend and the minimum number of memoranda we should have.

We considered this and concluded that it is an impossibility. Instead, we settled for what the lawyers have settled for over the centuries, “reasonableness”, and somehow the judges have always been able to define what is “reasonable notice”. We cannot specify the “notice” in terms of dates or even hours, because periods are different. For instance, when it comes to the impeachment of a deputy president, the timelines given to Parliament are too limited. We cannot compare that to when we want to amend or enact a new constitution, which is timeless.

We cannot specify the number of people a village elder must consult within the Nyumba Kumi, which cannot be the same number as those Parliament should consult, nor can we limit the number of memoranda. If we were to do that, nothing would ever pass. The sabotage would be real. One would not even be required to come and oppose; they would deny the minimum number. There would be nothing Parliament does by way of law that would ever pass. That is why we settled for “what is reasonable”.

Thirdly, the question of facilitation, and, in fairness, Members noted this, with Hon. Toroitich speaking about it. They wanted us to pass a law that would allow those who come to participate in public meetings to be reimbursed. It is very popular. However, when we examined it, we realised it is popular but dangerous. The first reason is that we never have sufficient budget for anything; every entity applies its budget to everything else except public participation, and then says “insufficient budgetary allocation”.

So, when they claimed they never did public participation because there was no budget, what would we do to them? Also, if an institution allocated a budget for public participation, how do we determine the limit of that budget? We cannot say we only want 100 people. This way, we will limit the rights of those who exceed 100.

In this country, and we are all politicians, we know that where there is monetary consideration, you can never lack numbers. This means that where there is a budget, it becomes limitless. Thirdly, how do we even predetermine it? How do we know that when doing the budget policy, we will only expect 2,000 people to participate? If you go further, it gets even more murky.

Part of the complaint we got was that public participation, previously described as “skewed,” was attributed to people influencing others' views by offering them money. This is also called undue influence. How then do we limit undue influence if we are going to give the money? In fact, we concluded that that amounts to corruption. We dealt with it by concluding that we will not limit the idea of giving facilitation or honoraria. Some public entities have actually been doing it. We decided to make it a civic duty. We all know that no one is given money to vote; the same will apply to public participation. If one feels that it is too much, they would rather disenfranchise themselves.

Hon. Muriu and Hon. Maungu asked how we can ensure that what people say during public participation is reflected in the report and recommendations. In other words, honesty and good faith. The old lawyers said that not even Satan knows what is in a man's mind, including a woman. Therefore, you cannot legislate honesty. You cannot legislate in good faith. All you can do is take and implement measures that will enable you to measure whether the outcome reflects the input, and that is what the Bill seeks to do. It seeks to ensure that you can verify what was said through the report by making sure the forum is open, the report is published and publicised, and there is a feedback mechanism. However, if you are not satisfied or in doubt, then that is why we are introducing an amendment to Clause 20, where you can challenge that outcome to be avoided by the High Court.

Hon. Temporary Speaker, Hon. Gichimu raised a very interesting issue: the establishment of a central oversight body. When we started with this Bill, there was a proposal to have an Attorney-General as the oversight body. We discarded that for two reasons. Firstly,

the Attorney-General's Office is the primary consumer of public participation because they draft the greatest number of laws, and it must engage in public participation. They cannot superintend themselves. Secondly, the Attorney-General's Office is in the Executive, not the Judiciary, Legislature or any independent office.

There was a second proposal to bring in the Office of the Ombudsman, and it was not accepted. This is because it was argued that there is no way the Ombudsman can be the judge of the kind of guidelines that an assistant chief or Parliament should develop. Let every entity develop its guidelines in accordance with the Constitution and this Act. The High Court will then measure those guidelines if anyone challenges them, both in their content and in their implementation. Therefore, the overall oversight body is ultimately the High Court.

Lastly, Hon. Gikaria raised the issue of defining the public. We grappled with that issue, and our first point was that the Constitution, which requires public participation, does not define the public. So, why do we need to define the public? If we have applied it all this time without definition, why do we need it? Secondly, we concluded that the word "public" varies depending on the circumstances. The public for an issue concerning the Judiciary is not the public that concerns mining or fishermen on Lake Victoria. Let that public be defined within the context of the responsible authority. In the event you dare define it, you will come to the difficulty Justice Majanja came to when the question was posed, when you say a person in the context of a company, is it a Kenyan or a non-Kenyan? We left this to the variables of the circumstances. A person can even be a non-Kenyan if you were consulting travellers who were transiting through Jomo Kenyatta International Airport (JKIA), not coming to the country. Most of them will not be Kenyans, but they would still be the public for that purpose.

Hon. Temporary Speaker, we will consider all this during the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Otiende Amollo, before you wind up, look at Clause 5(a). When you mention that public participation may be conducted through written submissions, hearings, online forums, or any other method deemed appropriate, by whom?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): I believe you are looking at Clause 8.

The Temporary Speaker (Hon. Peter Kaluma): Am at Clause 5(a).

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Clause 5(a) is deemed appropriate by the responsible authority. This is because later, we defined all that we believe constitutes the responsible authorities. Part of what we had asked for in public participation, and this House, is that if there is any entity you can think of that is not mentioned in Clause 6, please bring it so we can include it, because we do not want to exclude anyone. It is that responsible authority that...

The Temporary Speaker (Hon. Peter Kaluma): I am happy with that response. But to avoid the possibility of litigation or having bodies subjectively determine for others what amount is appropriate, you would consider a minor amendment. This is to ensure that it is clear to the responsible authority. I am glad you mentioned the possibility of amending Clause 20. But assume there are breaches on the part of Parliament, as a responsible authority, to comply with the requirements of Article 118 and the provisions of this Bill, if enacted into law. What would be the natural consequence?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Indeed, Hon. Temporary Speaker, that is the first point I spoke to. One of the Members was of the view that we should not have Clause 20, which specifies a consequence. If we do, it should not be to an individual but to the whole entity. We will consider this twofold. But our answer was, and still is: That if it comes to Parliament, for example, under Clause 6, then specifically it is the Clerk of the respective House who will be responsible. Why would it be the Clerk of the respective House? This is because we used the principle that if you assign that responsibility to no one, then no one will take

responsibility. If you generally assign it to all Members of Parliament, there is no way all Members of Parliament could ever be convicted of a criminal offence together. That is the answer to the contrary.

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

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Hon. Amollo. I am grateful you have replied. Take your seats, Hon. Members.

*(Hon. Gladys Boss consulted with
Hon. Jematiah Sergon along the gangway)*

The Deputy Speaker will take her seat. I will now put the question.

(Question put and agreed to)

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

THE LOCAL CONTENT BILL
(National Assembly Bill No. 45 of 2025)

The Temporary Speaker (Hon. Peter Kaluma): Mover, Hon. Jane Kagiri.

Hon. Jane Kagiri (Laikipia County, UDA): Hon. Temporary Speaker, I beg to move that the Local Content Bill (National Assembly Bill No. 45 of 2025) be now read a Second Time.

This Bill seeks to provide a framework to regulate local content in Kenya, to promote local industry, facilitate sourcing of locally produced goods and services, and for connected purposes. The background to this Bill is that I undertook extensive research and analysis into something that affects our daily lives. I am a mother to a four-year-old boy. Every time I pick him up from school, he asks me to take him to a certain fast-food restaurant. Whenever I take him to that fast food restaurant, nothing pains me more than realising that the French fries that I buy for him are imported.

This got me begging the question: We produce enough potatoes in Laikipia and Nyandarua counties. What stops these foreign companies from doing a skill transfer on our farmers, getting into contract farming with them and allowing them to produce these potatoes to the quality that they would require from them?

Most of us here are well-travelled. Whenever I travel to a foreign country, I take time to visit the vegetable sections in the supermarkets. In those sections, I always see branded avocados from Kenya and other countries. Apart from food safety, these indications are meant to let local people know that whenever they buy an avocado from a foreign country, they are supporting farmers in that country rather than their local farmers. I continued my research, and this statistic is one I would like this honourable House to consider.

The United Nations Conference on Trade and Development (UNCTAD) released an investment report on Kenya in 2024. In the report, the foreign direct investment in 2023 was US\$1.5 million. The foreign direct investment outflow for that same year was US\$1.3 million. This tells us that 87 per cent of the money that came into our country in 2023 left the country. We retained only 13 per cent of the money. In 2023, the Competition Authority of Kenya released a report on logistics and transport in Kenya. They found that Kenyans own 90 per cent of the trucks in this country. However, 70 per cent of all transport contracts by multinationals are always awarded to fellow multinationals. We need to answer these questions.

I now turn to our financial institutions in the country. We have great banks that rank among the top in Africa. The largest bank in Kenya is already rated AA globally for long-term lending and AA1+ for short-term lending. This shows that our banks have the capacity to trade like any other bank worldwide. However, multinationals in this country cannot afford to give business to our local banks. Their business goes to fellow multinational banks.

I will also indicate the legal sector. Multinationals always seek and award contracts to fellow multinational law firms whenever they want to enter into contracts among themselves. The law firms employ Kenyans to do the same job. There is auditing, and I sit in the Budget and Appropriations Committee. We have a very competent Auditor-General who reviews our budget and tells us where misappropriation has occurred and where Government resources have been properly utilised. Under her, Kenyans who work for her audit the country's Ksh2.9 trillion budget. Yet multinationals in this country cannot trust a Kenyan to audit a turnover of Ksh10 billion, let alone Ksh60 billion.

Many times, on our phones and televisions, we have watched foreigners supervising fellow Kenyans at various sites. You will see a foreigner harass a Kenyan. You will even see instances where they beat our people. This Bill seeks to ensure that 80 per cent of foreign companies employ Kenyans and allow them to serve this country. For supervisors walking around sites, a Kenyan can do that job very competitively.

It is not just the multinationals that are disappointing us. Even our own Government is doing the same. We have institutions in this country that draft tenders suited only for multinational or foreign companies. This is also the time we are calling our Government to order. We have the Mau Summit–Rironi Road that has more than 20 contractors on site. This is a clear indication that it is possible to break a 200-kilometre road into smaller sections, giving our local Kenyan contractors opportunities.

Unfortunately, we are funding projects in this country, yet the funding is not domestic. We cannot have a project in Kenya while all other resources come from outside the country, whether in finance, insurance, legal, or auditing services. I will give an example of a foreign company awarded a contract in this country. They come in with their engineers and architects. When it comes to insurance, they will only insure one vehicle under Third Party Only (TPO) coverage, while taking the rest of the insurance business back to their countries. We cannot continue relying on goodwill. That is why this Bill is actually "Buy Kenya, Build Kenya" localised into a law.

I will give the example of China. They relied on Japan, Germany, and France when they first developed their high-speed rail. However, they made one key demand during that period. That there had to be a transfer of skills to their people. Today, China is competing as a leading high-speed rail constructor worldwide. That is what we are seeking for our country. That any foreigner entering our country must transfer skills to our people so they gain skills and grow in them.

I will also give the example of the Kenya Electricity Generating Company PLC (KenGen). When KenGen started geothermal production, they were not good at it but they demanded for skills transfer. Today, KenGen is producing geothermal not just in Kenya but even outside Kenya. We call this a plus for our country. We have high youth unemployment rates and where we have an opportunity to create employment for them, we must. These are such opportunities. When we reduce the number of exports and profits being repatriated, we will be ensuring that our youth in this country get employment as they should.

Allow me to bring to your attention my County Laikipia, which is a highly horticultural producing county. In this county, there is a season our onions were going for Ksh10, whereas in Nairobi the onions were going for Ksh150. I remember many trucks coming to Laikipia, buying our onions at low prices, then coming to sell them at higher prices in Nairobi. What shocks me is how we allow food chain supermarkets and places in this country to continue

importing food at the expense of our farmers who can produce this same food. Those are the demands we are making in this Bill so that we continue growing and improving the lives of Kenyans.

Another example is that I chair the 47 County MPs Caucus in this House. Every month we receive a budget of Ksh940 million to buy sanitary towels. I have been through many procurements. What saddens my heart is that all these sanitary towels we receive have been procured from foreign companies. We have our own manufacturers in this country. We cannot be raising taxes as Kenyans for us to keep enriching foreigners or people from outside this country. These are the questions I am seeking to answer as we propose to have this Bill enacted into law. It will be a guide for everybody doing business in this country.

It is also good to mention that prior to my joining the Government, I was an entrepreneur. I remember in the year 2015 I got an opportunity to be subcontracted by a multinational. I was doing construction of radiology departments in this country. When I sit back and reflect, I wonder what the role of the multinational in that particular tender was. It is my company that did the construction. It is Kenyans who did the construction. Why then should we bring an intermediary who is a multinational company, to get a share of that money or any proceeds?

It is good that I take this honourable House through the clauses of this Bill. Clause 1 of the Bill is the short title that provides that the Act shall come into force one year after the date of publication in the Gazette. This is to give adequate time to foreign companies to comply with the requirements of this Act. Clause 2 of the Bill will provide for interpretation of various clauses as used in this particular Bill. Clause 3 of the Bill will provide for objects and purposes of the Bill, which is to provide a framework for regulation of local content by prescribing minimum local content quotas in various sectors. The second thing will be to promote the local industry and source locally produced goods and services. The third thing is we will be boosting the growth of the manufacturing industry in our country Kenya. The fourth thing will be to promote the agricultural sector through sourcing of agricultural produce from Kenyan farmers. The fifth item is to enhance the creation of employment opportunities for the Kenyan youth, and fasten economic growth through promotion of Foreign Direct Investment (FDI) and reduce profit repatriation.

In Clause 4 we are seeking that 60 per cent of the procurement in multinationals of goods and services has to go to local companies. It is also good for us to emphasise as I said earlier, that we will also need these multinational companies to capacity build as well as transfer skills to our people. Because we cannot always have people telling us our quality or skills do not meet their standards. We must demand for skills transfer, because we can no longer have it as an excuse that our people are not able to produce what is needed.

In regards to agricultural supplies, I have emphasised that it is very unfortunate when we have companies that will go about procuring food items from outside the country, whereas our local farmers are able to produce these items in good quantities and quality and yet they are not given an opportunity to do that. For me to get this conversation going, we were proposing Ksh100 million penalty and not less than one year imprisonment, for anybody who goes against the law. We have received many proposed amendments, including the proposal to have a local Content Compliance Authority, which will make it easier for everybody instead of choosing a punitive option. Mediation and dispute resolution mechanisms are better alternatives than punitive measures.

Clause 5 of the Bill provides for the regulation-making powers of the Cabinet Secretary responsible for Trade to make regulations for the better carrying out of the provisions of the Act. Clause 6 is the saving clause, which provides that any existing contractual obligations as at the date of the commencement of the Act shall continue in force until the expiry of the contract period.

The Bill has been received in various ways. We have received many proposed amendments to properly define the meaning of a local company because we do not want anybody to take advantage of that. We must also better define the term “foreign company” to ensure that we achieve what we want to achieve at the end of the day. It is not about who gets the tender, but who benefits from it. I have also proposed the creation of the Local Compliance Authority, which will make it easier for everybody to engage in business and be compliant with business laws.

As I conclude, I want to share statistics that are in the public domain of three known multinationals, namely, the East African Breweries Limited (EABL), British American Tobacco (BAT) and Safaricom. In my research, I found out that every year, the three companies repatriate Ksh59 billion out of the country for services that can be done by Kenyans. If we implement the 60 per cent rule in this Bill, we will retain Ksh31 billion in the country. Those are just three multinationals, but they will help us to retain Ksh35 billion in the country.

We do not only have three multinationals, but we also have others. They could even be 100 or 200 in total. Why do Members of this honourable House get very angry and frustrated when a Ksh10 billion scandal erupts? I call this the Ksh1 trillion scandal because so much money is leaving our country. We must look for a way to retain that money in our country to help our people.

Lastly, we are seeking to ensure that our labour force is 80 per cent Kenyan. We also want to ensure that 100 per cent of our agricultural produce is procured. That is ambitious because not all agricultural products can be provided by Kenyans. However, as we have given the Cabinet Secretary the power, there will be exemptions. We will also seek the transitional implementation of various sectors prescribed in the Bill.

Finally, many have called this a very ambitious Bill, but I want to take all of us back to 2014 when the Communications Authority of Kenya (CAK) came up with a regulation that every broadcaster in the country must air 40 per cent of local content. We all got angry and frustrated and wondered what we would watch. Today, our broadcasting houses are 94.6 per cent compliant. Therefore, we can implement the Bill, make it law and transform Kenyan lives. In fact, the Bill is long overdue. We should implement it to safeguard our country and the future of our children and give every Kenyan an opportunity to engage in business locally.

I beg to move and request Hon...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jane Kagiri, before you move, look at Clause 4(7). It is a very good provision, but why should 80 per cent of the workforce in a foreign company be made up of Kenyan citizens considering that we only grant work permits for things which Kenyans cannot do? Why not 90 or 99 per cent? What is the magic in 80 per cent?

Hon. Jane Kagiri (Laikipia County, UDA): Hon. Temporary Speaker, this was just meant to start the conversation. However, I am very glad to report that when we presented the Bill for public participation, the Kenya Association of Manufacturers (KAM) proposed that we put it at 94.6 per cent. If you are all in agreement, I believe that is the way to go for our country.

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

The Temporary Speaker (Hon. Peter Kaluma): Hon. Eckomas Mutuse, AKA, impeachment for unconstitutional conduct.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you very much, Hon. Temporary Speaker. This is a very good evening because we are continuing the debate on the reform of our business laws so that we can be more impactful on the local population. From the beginning, allow me to congratulate Hon. Jane Kagiri, the County Member of Parliament for the people of Laikipia County. You would agree that she is not only knowledgeable and has done her research, but she is also zealous with her parliamentary work. She has prosecuted

the Motion in a very eloquent manner and also with deep statistics that will persuade even those who were in doubt.

Many Members of Parliament, including yours truly, would want to have a Bill in their own name. I congratulate Hon. Jane Kagiri because she has taken time to have this Bill, the Local Content Bill, and I believe one day it will see the light of day to become a law in her own name. This is a short Bill, a Bill of about six clauses. As I said at the beginning, it speaks to the core of our business laws. I believe that as we progress and as we look at it, we will also need to propose consequential amendments to the Companies Act. We will also need to look at its effect on our labour laws, and we will also need to look at the effect on our immigration laws, just as you have intimated, so that we are in harmony in terms of legislative harmony.

I also wish to thank her for graciously granting me the opportunity to be the one seconding this Bill. Primarily, as she has enumerated, this Bill seeks to cause foreign companies to source goods, services, and labour from Kenyan locals. The mischief has been that, yes, we are a country that wants to attract foreign investment. However, many of the foreign investors who are operating in Kenya come here, make profits, and repatriate that money back to their economies. That money becomes less useful to our economy.

Take, for example, the high-rise buildings that are coming up in Kilimani, in Kileleshwa, and in many parts of this country. They are investments by Chinese companies, and we welcome them. However, you will find that Kenya has a very elaborate cement industry, but some of them are bringing cement from their mother countries. You will find that Kenya has a very elaborate steel industry, but steel is still being imported from China and other countries.

The people supervising, even *fundis* and plumbers, are people who are from foreign jurisdictions. In the end, in the final analysis, you realise there has not been much effect of the so-called foreign direct investment on our country because it is not only capital repatriation, but also capital flight. You have come here, you have made a profit from our money, you have repatriated the money that you came with, but also taken our money to build your own economy. I believe a sober debate that has been started by Hon. Jane Kagiri must continue so that we take full advantage of the foreign investments that are coming to this country.

In this Bill, local content is defined as a value that is brought to the local economy through the procurement of locally available services, goods, supplies, and workforce. I emphasise this definition because that is where the rubber meets the road. It will be nonsensical, just as has been elaborated, to celebrate that we have attracted investments from many destinations when that investment is actually neo-colonialism, so to speak.

Therefore, I fully support this legislative proposal because I believe it will create employment, as our young people require jobs; promote interaction between foreign investors and our local communities and business people; grow our manufacturing and business sectors; and enhance the retention of capital, thereby ensuring that we not only grow the economy but also have money in circulation.

Hon. Jane Kagiri has mentioned Government contracts. You realise that our big Government contracts, be they in the road sector or dams, are awarded to foreign companies. We are operating in an economy that is quite tight in terms of fiscal space but if almost 80 per cent of the billions that we are deploying to our development programmes is being paid to foreign investors who are repatriating the same money, are we creating wealth or are we impoverishing ourselves?

Therefore, I want to urge our Members to look at this soberly in a manner that encourages foreign investment and also in a manner that makes that foreign investment count in terms of growing our economy and in terms of the locals—people in Kenya who do business—being able to interact with those multinationals so that there is retention.

Congratulations, Hon. Jane Kagiri. Those who say that it is ambitious, tell them that ambition is what has built the world. We must be progressive. We must dare to dream. Tell them that we are not against anyone but we want a fair-trading system nationally and globally.

With those remarks, I beg to second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gladys Boss.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker. I am humbled and delighted to contribute to this Bill. I will start first by congratulating my colleague, Hon. Jane Kagiri, Member for Laikipia, for this very progressive Bill that looks into the future. This Bill will be a game-changer. This Bill has been discussed in different ways many times. It has been wishful thinking but today Hon. Jane Kagiri has made it a reality. It will not just be a conversation that we have but that we can actually act and legislate on. For that, I truly appreciate what she has done.

The biggest challenge we have in this country is that we are a net importer. In fact, many people always hear us say that edible oil is the second largest import after petroleum in this country. When you think about edible oil, it is avocado oil or it is made from sunflower, canola, palm, coconut or sesame seed. All these agricultural products are available in Kenya. When you look at what we export, we export only the raw material. We will export the sunflower seed, the avocados, the canola, the soya beans and the coconut but not any finished products.

This Bill will force those companies that buy our raw materials and then return to us the finished products to now manufacture here in Kenya. They will not only use those Kenyan products but also employ locals. This will grow our local industries because they have now sunk.

I know that in Uasin Gishu County, we used to have...

(Technical hitch)

The Temporary Speaker (Hon. Peter Kaluma): What is the technical problem with the mic?

Hon. Gladys Boss (Uasin Gishu County, UDA): I think it is on now. For example, the Rift Valley Textile Industry in Uasin Gishu County, also known as RIVATEX, has been producing using local cotton for many years but after a while, our cotton farming went down but today, the company still runs. We spent money on state-of-the-art equipment, but the cotton is imported. The requirement for local content will force a company, such as this one, to begin to support local cotton farmers so that they produce the cotton that will be used in the textile factories in the country. We also know that many products, especially agricultural and other food products, have brought unfair competition to our local companies. Foreign companies are subsidised by their governments. So, they are able to produce cheaply. They are able to cheaply produce corn products; they can cheaply produce edible oil and they can cheaply produce rice products because they are subsidised. So, it is impossible for local companies to compete. With the Local Content Bill, they will now have to produce here in Kenya rather than just make us a net importer.

It will also provide youth employment, which is a crisis at the moment in our country. This is a good message to all young people. This is the way to go so that they can get the employment they have been yearning for. I keep referring to the agriculture sector because I come from a farming region. Recently, millers imported wheat of lower quality into the country and ignored and did not purchase wheat that had been locally grown, which was of a much

higher quality. I must thank the Cabinet Secretary for Agriculture because he gave audience to a group of farmers, the Cereal Growers Association and myself after I brought a Petition to this House. He ordered that the millers would not release the imported wheat at the port until they had bought up to the last bag of locally grown and produced wheat. This is a requirement that they should not have been told by the Cabinet Secretary for Agriculture.

Another issue we must deal with as a country is to create a conducive environment to encourage manufacturing in the country using local products. We must go the Ethiopian way. If one wants to produce in the country using local products, they will be given land and licenses easily so that they can make the Local Content Bill a reality. It will also prevent us from exporting our forex. The reason the Shilling goes very high is because we lose all our forex importing things that we can actually produce here, can be used here and services that we can give over here.

With those few remarks, I once again give my full support to this Bill. I also congratulate my colleague, Hon. Jane Kagiri, for this very progressive Bill. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Deputy Speaker. Member of Parliament for Roysambu, Hon. Augustine Mwafrika.

Hon. Kamande Mwafrika (Roysambu, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this Bill which seeks to introduce a framework to regulate local content requiring foreign companies to prioritise local goods, services and labour.

Hon. Temporary Speaker, allow me to pick on the transport business in Kenya as a case study for my argument. We have a few multinational companies which operate transport businesses in Kenya. That is DHL, African Global Logistics (AGL), Agility, and a few others. These few multinational companies control 70 per cent of the transport business in Kenya. The local transport companies, which are many, only control 30 per cent, yet they are the majority. They include Kiyuki Transporters, 121, Signon, Accela, Ponty Pridd, and many others. One would ask: why should the few companies control the biggest percentage? The reason being that procurement decisions are made outside the country. A company like British American Tobacco (BAT) awards its contracts in London; East African Breweries Limited (EABL) does so outside the country; and Nestle East Africa, also awards its contracts outside the country. Now, this is disadvantaging the local transport companies.

In terms of assets, the local transport companies own 90 per cent of the trucks. That, tells us that these local companies not only have the potential, but also have the capacity and the ability to control the transport business in Kenya. I support that we need to put in place this framework so that we are able to cushion local transporters from manipulation by their counterparts.

I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Alice Ng'ang'a, Member of Parliament for Thika Town.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Temporary Speaker. First, allow me to congratulate Hon. Jane Kagiri, the Women Representative of Laikipia County for coming up with the Local Content Bill (National Assembly Bill No. 45 of 2025). I rise to support it and point out two critical provisions in the Bill. First is the requirement for foreign companies to ensure at least 60 per cent of goods and services are sourced locally, and the second provision is the requirement for foreign companies to ensure that at least 80 per cent of their workforce is made up of Kenyan citizens. These are excellent provisions, and for these reasons, I support.

We have always been saying buy Kenya, build Kenya, but you realise most of the things do not come from Kenya, so we end up buying imported goods. For us to have things made

locally, and for people to truly buy Kenya and build Kenya, we need to support this Bill. If this Bill passes, it will create job opportunities for young men and women. It will empower them because they will be waking up in the morning knowing where to go, where to buy, or where to sell.

Previously, the justification for outsourcing services outside Kenya has been the alleged lack of local expertise. The other day, I visited Rwanda. If you see the beautiful buildings and infrastructure in Rwanda, that expertise is from Kenya. If you go to Dubai and see beautiful architectural work, and you ask who did the work, the expertise is from Kenya. It means that when it comes to qualified and educated people, Kenya does not lack that. If this Bill passes, we have enough engineers, architects, lawyers and we can do this work. Indeed, one of the challenges I foresee from this provision and previous experience is that a claim that local goods do not meet the required standard or the necessary expertise is unavailable locally. Available global data show that Kenya has substantial capacity across the sector listed in the Bill. For instance, the World Bank Global Index Database 2025 indicated that approximately 80 per cent to 85 per cent of adults in Kenya have access to financial services. This is above the global average.

In addition, Kenya is historically ranked among the top country globally in access to credit. This demonstrates that Kenya has the requisite expertise and that the alleged lack of local capacity cannot be relied upon as a justification to exclude Kenyan companies from participating in this sector. Even if such limitations exist, it is only through participation and utilisation of local capacity that these systems can be strengthened and further developed. Hon. Temporary Speaker, such claims must, therefore, not be accepted at face value. We need a proper mechanism to verify any such claim. The Bill should, therefore, provide for an independent authority responsible for assessing compliance, reviewing application for exemption and ensuring that any deviation from the prescribed threshold is justified by credible evidence.

This mechanism should require companies to demonstrate through documented process that they have made reasonable effort to source locality before resorting to external service providers. It should also provide for periodic audit and reporting obligation to ensure ongoing compliance. When we were growing up, the people who were in this House, during the exams at primary level education we would be asked, what is the most industrious town in Kenya? Everybody knew it was Thika but if you visit Thika today, those industries are no longer there and that is why today I stayed here to support Hon. Jane Kagiri.

If you remember, Castle Industries, Bemco Investments, Nampak packaging and manufacturing companies were located in Thika. Currently, what sustains Thika is the education hubs. Now we have more universities after we exited the manufacturing industry but if we support this Bill because the infrastructure still stands in Thika, I will be very happy to know that my industries and my city will be back. Now that we know Thika is becoming a smart city, then we need these industries back so that we can have some level of employment for young men and women. They would come from across the country, and not only from Thika. They will employ from across the country. When I saw this Bill, I had to stay and make sure that I support it so that we ensure we have it ready, protect our industries and country.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Hon (Dr) Eve Akinyi Obara is recognised to make her contributions.

Hon. (Dr) Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Bill.

At the outset, I congratulate Hon. Jane Kagiri for a very progressive Bill. I committed to stay behind and contribute to it. This Bill provides for a legal framework for the promotion and enforcement of local content in key sectors of the economy by prioritising the use of

Kenyan goods, services, labour and enterprises with the aim of enhancing economic participation. If you look at the key provisions of this Bill, you will notice first, that there is local content requirement. It introduces mandatory threshold for the use of local goods, services and labour in the specified sectors. In my previous life, I worked for a publishing firm and I confirm that we previously used foreign content development from places like India and the United Kingdom (UK). But when we started working with our local youths, the amount and quality of work they did was amazing. I stayed behind to state that. I encourage our young people to continue doing good work because in most cases, they are above even the international markets.

Second is on promotion of Kenyan enterprise, which provides measures to prioritise Kenyan-owned businesses in procurement and contracting. It also encourages the participation of local firms in large-scale projects and value chains.

The third provision is on promoting the agricultural sector and harnessing market opportunities for Kenyan farmers. This reminds me of a case a few years back when Kentucky Fried Chicken (KFC) came into the market. There was an outcry when they told us that they could not find potatoes in Kenya for their chips despite the amount of potatoes we had in the market. It became a long and protracted battle but eventually, our Kenyan farmers were able to supply potatoes to KFC. The same happened with the chicken. I recently read a comment in the newspapers that the KFC chicken in Kenya is better than the American one because the Kenyan one is less fatty. That is thanks to the work of our farmers and their produce. I thank KFC for eventually agreeing to our farmers delivering produce to KFC. Many Kenyans, particularly young children, consume KFC products although they are not very healthy.

The fourth provision is capacity building and technology transfer. That provision encourages skills development, training and the transfer of technology to Kenyan citizens and enterprises. It will promote long-term capacity development within local industries. I once worked for a publishing and printing firm. This became noticeable when we got technology transfer from Germany allowing our local technicians to repair the machines effortlessly.

The fifth provision is local content plans and compliance, which requires investors and contractors to submit and implement local content plans. It also provides for monitoring, evaluation and enforcement of compliance.

The Bill also provides for incentives to encourage compliance with local requirements and support the growth of domestic industries and suppliers. Should it go through and finally be implemented – and I believe it will after a few amendments – it will promote job creation and local economic participation. It will also strengthen domestic industries and supply chains, enhance technology and skills transfer to Kenyans, reduce reliance on foreign goods and services and support inclusive economic growth.

We may encounter a few challenges in the process. The Bill may discourage foreign direct investment if the requirements are too rigid. There is also a possible risk of increased project costs due to limited local capacity. Finally, there is the potential for rent-seeking, corruption, or fronting by non-local entities.

Once again, congratulations to Hon. Jane. I support. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Thuddeus Nzambia, Member of Parliament for Kilome Constituency.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you for this opportunity. I have gone through the Bill. Hon. Jane Kagiri, I think you have what it takes to move and make sure that the Bill becomes law. I will pick on a few issues here and there.

I would first say that we are our own enemies as a country when we talk about local content. We concentrate more on importing goods and services that we can produce and afford within our locality. To quote what Hon. Jane Kagiri has said, she was shocked to find that the

sanitary towels that are of use to our girls are imported when we have the capacity to produce them locally.

We, as a government, speak about the education sector. I understand production and printing textbooks. As Hon. Eva has said, we are printing and supplying so many books to students in schools. You should know that we are importing almost 90 per cent of all textbooks papers we are using. Imagine the money the Government spends in printing and distributing books when materials are imported.

We, as a country, need to trace where the rain started beating us. We must first think about taxation if we want to move this country forward. Many industries have collapsed. I have heard my colleague talk about Thika. Go through Thika every evening. You will notice many people were employed in industries that have collapsed. Why have they collapsed? We, as a government, need to come into terms and make sure we support our local industries. Taxes are the main problem. There comes a time when industries close down if they cannot make any profit. Taxation is one of the issues that needs to be addressed so that we make the Bill a success.

The unemployment that is a big cry in this country would have been sorted if we promote our local industries.

As I have said, we are our own enemies. If we render the Bill well, we will revive our industries if we give ourselves like two or five years. There is nothing as good as people who graduate from our universities and colleges accessing employment. This can only be done if the Government is committed to promoting its local content.

Another example is that the Government itself is importing sugar and rice. What makes it that easy to import sugar and rice when our local farmers have the same commodities in the stores? We need to regulate this. We should speed up the Bill and implement it to make Kenya Singapore. This can only be achieved if we go back and promote our own. We should not think of Singapore if we cannot go down and look at what has been happening in our local markets and the services and commodities produced. As I support this Bill by Hon. Kagiri, I advise that we get some more content in the Bill. She can be facilitated to do more public participation and come up with a concrete Bill, but I really support it.

As I conclude, we have engineering students, students in the medical fields and more. We need to have some specialised institute to make sure that when our students graduate, they can compete globally. It is always good for the House to give such a Bill priority. In fact, the main problem we have in this country is the issue of unemployment. We are sitting on a time bomb. On the issue of unemployment, if this Bill is actualised, it will be able to address some of the problems facing us.

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

The Temporary Speaker (Hon. Peter Kaluma): Hon. Florence Jematiah, Member for Baringo County.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you so much, Hon Temporary Speaker. I also rise to support and congratulate my friend and colleague, Hon. Jane Kagiri, on this very important Bill that is before us, the Local Content Bill. I have known Hon. Jane Kagiri for quite some time now and I am one of the few friends who have worked closely with her. I would always say or comment that she is one of the foresighted leaders and a Member of this House. Thinking through this Local Content Bill gives her the opportunity to play a bigger and very important role in shaping the economy and the leadership of this country.

As I support this Bill, I want to say that it is a very timely Bill, considering the many issues that we are going through as a country. Kenya's economy is considered one of the best and one of the most progressive in East Africa. If you look generally, the economy highly depends on consumption. We are always on the verge of importing and always looking forward to consuming products from many other countries, specifically China, because we have not

taken time to consider managing and creating our own local content so that we can consume what we produce. When I was growing up, we had a number of industries that supported the economy of this country, all the way up to post-independence Kenya. There were very prominent companies that were highly associated with local production. For instance, breweries used local materials from this country. We used to have oils like Kimbo, Cowboy and all those kinds of products. We used to have soaps. I do not know whether Rexona was part of it because nowadays I see it is an international brand. It was one of the soaps then. We had Lady Gays and others. I believe they were produced under Kenyan local manufacturing content. Fifty years down the line, we are losing it so badly because we are highly dependent on other people's products.

We have created a dependency to an extent that anyone can produce anything so long as we have a market that is ready to consume it. We have even gone to an extent where we have created an authority that takes care and checks on the importation of bad goods. This is because we, generally, as Africans not only Kenya, like depending so much on others. It is very unfortunate because we always believe something from other regions or continents are better than ours. Even when we travel, we always look forward to buying things from these places.

This is a Bill that is going to ground and give us an opportunity to reset our mindset and understand that what we can produce the best if not better. This will be good because we will be having all the regulations to ensure consumption. For instance, why should we import food stuff like eggs? The Bill should make it mandatory that food that is consumed in this country should be produced locally. We have arable land that is underutilised. The same goes for meat and poultry. This is just the beginning. I thank Hon. Kagiri because she has helped us to reset.

We can also use counties because each county is unique in its own way. Every county can produce a product that can be consumed in this country. That way we will be able to manage unemployment, misuse of resources used to buy things produced in other countries and dumped here. I was looking at the Economic Processing Zones (EPZs) that are used to incubate. This can be a very quick area we can pick, including the County Aggregation Processing Zones (CAPZs), as points of reference in the Local Content Bill.

As we debate the Bill, we should conduct public participation and let Kenyans understand that it is important for all of us to consume what is available in this country. We can reproduce what is already there and dominate the same so that we are able to sell. If you look at the Eastern African bloc, for instance, we already have over 500 million people. We just need to produce one or two products and every county can take that challenge and produce something that is only available in their counties. After, we can export the same, make a lot of money, create employment and create markets for our produce. That way, we will build our economy and depend on what we produce.

As a Woman Representative, I know we have disposable sanitary towels, diapers, handkerchiefs and other similar products. These are things that are a quick fix and can be done. With the Local Content Bill, I am positive that we can encourage one another and help Kenyans depend on their production, especially in areas that are very basic. This will give us status economically. Once again, I thank my friend and colleague for such a wonderful and well-thought-out Bill. We will support her up to the level where I believe it will become law.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Rahab Mukami, Member for Nyeri County.

Hon. Rahab Mukami (Nyeri County, UDA): Thank you, Hon. Temporary Speaker. I rise to support Hon. Jane Kagiri's Bill which is long overdue. I support what she has said about local industries. For example, I was involved in manufacturing in the Industrial Area. We were doing body fabrication and assembly for trucks and pick-ups. We created many jobs for our

young people. For example, Coca-Cola is an international company. When they have transport business, they normally give it to their counterparts like DHL. About 80 per cent of DHL is owned by foreigners, and not local people. If we support our local industries, we will employ more Kenyans, especially our youth. The income will be spent here in Kenya within the domestic economy on food, housing, transport and other services. This will promote and increase economic growth, and improve tax revenue.

A majority of foreigners remit part of their earnings abroad which becomes a loss to our country. Local hiring will also address unemployment among our youth. This can lower crime rates and social unrest. Building a strong local workforce ensures greater self-reliance for our youth. They will also gain technical and business skills. This will improve skills development and capacity building, and build more competent workforce. If we support our manufacturing industries, we will also support companies which sell vehicles locally. They will employ our youth in sales and create jobs for small entrepreneurs through distribution. I support this Bill. We should state that whenever you come and start a company in this country, you need to give 50 per cent of the shares to the local people.

Thank you, Hon. Temporary Speaker.

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

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Deputy Leader of the Majority Party?

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. With consideration that....

The Temporary Speaker (Hon. Peter Kaluma): Give me a minute, Hon. Baya.

Hon. Wanami Wamboka (Bumula, DAP-K): Because he is already speaking, allow him to finish, Hon. Temporary Speaker.

Hon. Owen Baya (Kilifi North, UDA): No, I can stand down.

The Temporary Speaker (Hon. Peter Kaluma): Stand down. The Speaker presides over the House. Take your seat.

Hon. Irene Mrembo, are you on a point of order or you want to make your contributions on the Bill? Give Hon. Irene Mrembo from Nakuru County the microphone. We have technological difficulties. Just stay at your place so that you can be located. It is a problem of technology. Hon. Alice Ng'ang'a, can you put a request so that the House can locate Hon. Irene Mrembo? You can give her the microphone next to her if hers has a problem. Give the Member the nearest microphone to where she is. What is the matter with our ICT team today?

Hon. Irene Njoki (Bahati, JP): Thank you, Hon. Temporary Speaker. Allow me first of all to congratulate Hon. Jane Kagiri for this progressive Bill. I have listened to her contributions and I can tell that the Bill will prioritise employment of Kenyan citizens and promote the use of locally available goods and services. It will also enhance skills and technology transfer, and strengthen our local enterprises. For far too long, foreign investors have dominated key sectors while our people remain spectators. The Bill will ensure that when resources are exploited, for example in Turkana or Kwale, it will be the Kenyan people who will benefit first. I support the Bill.

Further, a country like Nigeria implemented the Nigeria Oil and Gas Industry Content Development Act, which has significantly increased local participation in the oil sector. Similarly, Ghana, through the Petroleum Local Content and local participation regulations has ensured that indigenous companies benefit from petroleum resources. Kenya must not be left behind.

The Bill is timely and necessary. We have seen road construction companies and many Chinese have come in. I want to thank the House because last year we passed a Bill that stated that any tender below Ksh1 billion should be given to local companies. The Rironi–Mau Summit Road that is between 300 and 400 kilometres has been divided into 20 contractual

companies. For these contracts – however long they are – local contractors from each region or county can be contracted even if the construction needs to be fast-tracked. The same contractors can be allocated, and that contract split. It is high time we ensured that our local contractors and investors are given opportunities. If it means the county governments coming in, so be it.

I also wish to second the Member who spoke about County Aggregated Industrial Parks. These industrial parks have been created and funded by the Government for the purpose of ensuring that local businesses and industries are established in the counties. I, therefore, support this Bill. I also wish to thank Hon. Jayne Kagiri for looking into the interests of local business people and investors, and I urge Members to support.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Baya, you may now proceed.

Hon. Owen Baya (Kilifi North, UDA): I thank you, Hon. Temporary Speaker.

In view of the Local Content Bill, which is an important subject, I request that this Bill be given a lifeline so that more Members can discuss the local content within the Bill.

I, therefore, propose under Standing Order 96(1), that the debate be adjourned so that the local people can have a bite at the Local Content Bill. I propose.

The Temporary Speaker (Hon. Peter Kaluma): Who is seconding your dilatory Motion?

Hon. Owen Baya (Kilifi North, UDA): Hon. Jack Wamboka will second me.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, I have tremendous respect for the sponsor of the Bill. She is my very good friend. She has brought a very good Bill that requires wider discussion. More Kenyans need to speak to it, and more Members of Parliament need to contribute to it, including myself, which I will.

I, therefore, second the proposal by Hon. Baya that we allow Members of Parliament more time to speak on this important and relevant Bill in the lives of Kenyans. I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Is it the view of the House that I put the question?

*(Question, that the Bill be deferred,
put and agreed to)*

Debate on the Bill is, therefore, deferred to a future date, as will be scheduled by the House Business Committee.

Next Order.

HOJA

UKAGUZI WA ASASI ZA JUMUIYA
YA AFRIKA MASHARIKI

KWAMBA, Bunge la Taifa liridhie ripoti ya Kamati ya Utangamano wa Kikanda kuhusu ziara ya Ukaguzi Wa Taasisi zisizo huru kikamilifu za Jumuiya ya Afrika Mashariki na ushoroba wa kati katika Jamhuri ya Muungano wa Tanzania, iliyowasilishwa kwenye Meza ya Bunge Jumatano, Tarehe tisa, Aprili 2025.

(Hoja iliyotolewa na Mhe. Irene Mayaka 31.3.2026)

(Uendelezaji wa mjadala uliositishwa 7.4.2026)

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The Temporary Speaker (Hon. Peter Kaluma): Hakuna Mheshimiwa angependa kuongea kwa Hoja hii? Kama hakuna, tutatamatisha majadiliano kutoka kwa Wajumbe. Kwa sababu mwasilishi wa Hoja hayuko, wakati Hoja hii itaratibishwa tena, itakuwa nafasi mwafaka kwake kujibu kabla itamatishwe.

Next Order.

BILL

Second Reading

THE FOREST CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (National Assembly Bill No. 38 of 2025)

The Temporary Speaker (Hon. Peter Kaluma): Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I request your indulgence to step down the Forest Conservation and Management (Amendment) Bill until further notice because we do not have the report yet.

The Temporary Speaker (Hon. Peter Kaluma): Without much ado, the matter appearing under Order No.1 4 shall stand stepped down for future consideration for the reasons given.

(Bill deferred)

Next Order.

MOTIONS

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF STATE CORPORATIONS IN WESTERN REGION

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson, Public Investments Committee on Governance and Education.

Mhe. Wanami Wamboka (Bumula, DAP-K): Mhe. Spika wa Muda, nimeshtuliwa na umahiri wako wa lugha ya Kiswahili. Ninakupa heko kwa maana wale ndugu zetu kutoka eneo la Ziwa la Victoria wako na uhaba mwingi kwenye lugha hii.

Hon. Temporary Speaker, I beg to move that this...

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

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Owen Baya?

Hon. Owen Baya (Kilifi North, UDA): You know, Hon. Jack Wamboka, is my good friend, but the Standing Orders of this House dictate that when you start in one language, you must complete the whole presentation in that language. Now that Hon. Jack Wamboka has shown ability to speak Kiswahili very well, I request and urge him to follow the Standing Orders and complete his contribution in Kiswahili or withdraw what he has said and apologise to the House for breaking the Standing Order and thereafter, start in English. I think that would be best.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jack Wamboka, you will proceed as dictated by the Standing Orders.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, I wish to continue in English.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jack Wamboka, what are the Standing Order provisions?

Hon. Wanami Wamboka (Bumula, DAP-K): *Mhe. Spika wa Muda, ninaomba msamaha.* I apologise to the House. Kindly allow me to proceed in English. I know that my friend, Hon. Baya, is sometimes envious.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jack Wamboka, I am not certain the Speaker has discretion over the subject matter of your request, but I will proceed under Standing Order I and permit you to switch language from Kiswahili to English, for the convenience of the House. So, you may proceed in English.

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Temporary Speaker, for the kind mercies.

I beg to move:

THAT, this House adopts the Fifth Report of the Public Investments Committee on Governance and Education on its Examination of the audited financial statements of various State Corporations (Western Region) for the Financial Years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Thursday, 26th February 2026.

In this Report, the Committee examined the Auditor-General's Report on the following agencies:

1. Kibabii University
2. Kitale National Polytechnic
3. Musakasa Technical Training Institute
4. Wanga Technical and Vocational College, Mumias
5. St. Augustine Teachers Training College, Eregi
6. Alupe University College
7. Bunyala Technical and Vocational College
8. Sirisia Technical and Vocational College
9. Sigalagala National Polytechnic
10. St. Paul's Kibabii Diploma Teachers Training College
11. Kiminini Technical and Vocational College
12. Chanzeywe Technical and Vocational College
13. Webuye West Technical and Vocational College
14. Ebukanga Technical and Vocational College
15. Sabatia Technical and Vocational College
16. Okame Technical and Vocational College
17. Bungoma North Technical and Vocational College
18. Bungoma National Polytechnic
19. Kisiwa Technical Training Institute
20. Bumbe Technical Training Institute
21. Navakholo Technical and Vocational College
22. Mumias West Technical and Vocational College
23. Matili Technical Training Institute
24. Shamberere Technical Training Institute
25. Masinde Muliro University of Science and Technology
26. Bushiangala Technical Training Institute.

Hon. Temporary Speaker, the Committee held 26 Sittings in which it examined the audited financial statements of 26 State Corporations and the accompanying Reports by the Auditor-General. In examining the accounts of the Auditor-General, the Committee invited accounting officers in each of the State corporations under review to adduce evidence before it. In its inquiry into whether the affairs of public investments are managed by sound business

principles and prudent commercial practices, the Committee heard and received both oral and written evidence from the accounting officers of various State Corporations and relevant witnesses. The Report contains observations, findings and recommendations arising from the examination of Reports of the Auditor-General for 26 State Corporations for the three Financial Years running up to 2021/2022.

The Committee proposes policy recommendations aimed at addressing financial and audit challenges, and at the same time, recommends specific actions against officers who may have acted contrary to the law. All this is geared towards ensuring prudent use of public resources and holding all persons who have misappropriated public funds accountable in accordance with Article 226(5) of the Constitution. These observations and recommendations, if considered and implemented, will enhance accountability, effectiveness, transparency, efficiency, prudent management, commercial viability and value for money in State Corporations and the public investments made in the governance and education sectors as a whole.

To give a brief overview, the Committee encountered the following cross-cutting issues for which we made various recommendations. Firstly, these institutions are putting up so many projects simultaneously without completing them. You will find that an institution has more than four projects, each with substantial amounts of Ksh250 million, Ksh600 million, Ksh1 billion, or Ksh2 billion. Consequently, the various projects are at different stages of completion. One may be at 10 per cent, another at 20 per cent, and yet another at 30 per cent, which constrains the operations of these institutions. These further compromises the value for money. At the end of the day, the Government pumps a lot of money into one single institution across several projects, and none of these projects is complete. So, as a Committee, we have imposed an embargo, and we will be asking this House to support our proposition to halt any new projects for these institutions until the existing projects have been finalised, so that we can provide meaningful value for the resources we allocate to these institutions.

The other challenge in these institutions, as observed by the committee, is that the majority of these Technical and Vocational Education and Training (TVET) institutions are understaffed. The Government is not employing enough teachers and staff in these institutions. Most of these institutions run without essential staff. The Government is taking money to an institution which does not even have a qualified finance officer.

Resources are given to these institutions to procure goods and services, but you realise that they lack a procurement officer. This situation is so difficult that it forces some of these institutions to rely on interns to prepare serious financial statements. And you can never compare financial statements prepared by qualified personnel with the ones prepared by those who are not. This also goes against the Accountants Act, Cap 531, which establishes the Institute of Certified Public Accountants of Kenya (ICPAC) as the regulatory body overseeing the profession. According to ICPAC regulations and guidelines, financial statements, particularly those that are audited, must be signed by a certified public accountant who is a member in good standing with the Institute, which, in most instances, is not the case.

The Committee, therefore, recommends that the Government allocate adequate resources to enable TVET institutions to recruit and retain qualified personnel. Furthermore, institutions must adhere to the Accountants Act (Cap. 531) by hiring certified public accountants to oversee financial reporting to enhance financial reporting standards. The Ministry of Education, together with ICPAC, should establish capacity-building programmes and financial management for training of the existing staff.

Another factor this House must deal with, is the lack of capitation to these institutions. As a Committee, we can dare say that 90 per cent of the institutions in this Republic are merely insolvent. The Government is supposed to provide capitation money, but it hardly even reaches 20 per cent of its obligation. This makes the situation worse. Students studying in those

institutions need to be trained and fed, but there is no money from the Government. Many of them are also affected by roadside pronouncements by the members of the Executive. We plead with members of the Executive to let these institutions run professionally as envisaged by the Constitution of Kenya. If someone says that all students must go to school, sit for exams and get their certificate, even well-to-do students, will fail to pay fees. That is what these institutions are experiencing.

We recommend that the Government live within its means. Let us not overpromise; instead, let that which is budgeted and appropriated by this House, reach these institutions. The paradox is that this House discusses the Budget and appropriates money to these institutions through the Ministry of Education, but most of these monies are never received by the institutions. Where do these monies go?

We recommend that the Executive, through the Ministry of National Treasury and Economic Planning and the Ministry of Education, prioritise education in this country, and realise that it is the backbone without which, we are living in futility. They should also ensure that monies go to these schools in good time.

Again, the Committee noted that several institutions do not have the title deeds of the land they occupy, which is mandatory; institutions must have their own title deeds. The absence of legal ownership records, exposes the institutions to risks which include land disputes, encroachment and potential loss of property. In some cases, institutions were occupying land without formal titles making it difficult to undertake development projects. This is a real problem. A university such as Kenyatta University, has had its 50 acres of land grabbed by very well-known people in this country. They have put high sky scrapers and built estates. When we wanted to go there to audit this situation, we were warned against stepping foot there or else, goons would deal with us.

I thank the Clerk of the National Assembly...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wamboka, are you saying somebody had the temerity to warn a Member of Parliament undertaking oversight?

Hon. Wanami Wamboka (Bumula, DAP-K): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Which is that university?

Hon. Wanami Wamboka (Bumula, DAP-K): Kenyatta University.

The Temporary Speaker (Hon. Peter Kaluma): Have you named them in the Report?

Hon. Wanami Wamboka (Bumula, DAP-K): Yes, our Report is explicit. I thank the Clerk of the National Assembly, Mr Njoroge. He is among the unsung heroes of this Assembly. Mr Njoroge performs his duties very well. I find him to be one of the most efficient officers in terms of facilitating operations of our committees. When they said we cannot go to Kenyatta University, he provided us with General Service Unit (GSU) security. We said we must land in Kenyatta University.

Another incident was at Kiambu Institute of Science and Technology (KIST). Initially, when the College was setting up, the people of goodwill, Hon. Njenga Karuma and the Kenyatta family, came together to form this Institute as trustees. Those initial founders are long gone to be with the Lord. However, the current trustees have held the Institution at ransom. They are in charge of the Institution's land. They lease the land and have put flats for private use and they collect rent from that institution.

When we said we wanted to visit the Institution, they threatened us. They wrote Petitions to the Speaker of the National Assembly. Some citing that they are untouchable since they went to school with the Speaker of the National Assembly. We told them, "*pole sana* but the work of the Committee must and will proceed". I thank the Clerk of the National Assembly for his efficiency. It is rare for me to appreciate him. I am just speaking my mind. He has done tremendously well to ensure that our Committee operates optimally. I know you will meet him, Hon. Temporary Speaker, and when you do, tell him the Committee is grateful. The National

Lands Commission (NLC), Ministry of Lands, Housing and Urban Development together with the Office of the Attorney-General, must move with speed to ensure that all these institutions have title deeds to these parcels of land, which they occupy.

Another major issue we encountered, is failure to adhere to gender, ethnicity, regional balance and people living with disabilities. 99 per cent of the staff in the institutions are people from the same ethnicity. 100 per cent can transact in their local language. That goes against our Constitution and against the National Cohesion and Integration Act, 2008, which stipulates that there must be regional balancing. At no point should one ethnic community consist of more than 30 per cent of the people in that institution. The Committee recommends that all public agencies comply with the constitutional provisions on equity and inclusiveness, buttressed by the National Cohesion and Integration Act (Cap. 7N).

In some instances, the Committee has surcharged accounting officers for various irregularities. For example, the Accounting Officer of Musakasa Technical Training Institute (TTI) and his deputy, were surcharged Ksh141,000 for receiving sitting allowances under the remuneration of directors, contrary to Section 10(1) of the State Corporations Act (Cap. 446). The Act provides that only the Chairperson and Members of a Board, excluding the Chief Executive Officer and public officers in receipt of a salary, are eligible to receive sitting allowances or other remuneration from the funds of the State Corporations within the scales approved from time to time by the Committee. Similarly, finance officers and accountants at Kitale National Polytechnic, Sabatia Vocational College and Bungoma National Polytechnic, were reprimanded for non-adherence to one-third basic rule inaccuracies in financial statements and expenditure on unbudgeted items.

We also recommend that the National Treasury, in conjunction with the Ministry of Education, provide regular refresher courses to accounting officers of these institutions because some of them are clueless on matters finance and procurement, which hinders the capacity to serve the people. In some instances, we have found that some of these officers are not fit to hold office. We have recommended that this House agrees with the Committee on those who have been found unfit to hold office.

Having noted the Proceedings of the Committee in the Report, I would like to thank Members of this Committee who have done tremendous work. We are one of the few committees that have never suffered a hitch in terms of quorum since we started about four years now. We have always had quorum. I, sincerely, thank all the Members of the Committee. They come on time, participate and endure a lot of things, to ensure that this Committee works. I thank my able Vice-Chairman, our last born in this House, the Member for Kasipul, who is doing a very good job in the Committee. I also thank the following Members:

1. Hon. Alfah Miruka
2. Hon. Maurice Bisau
3. Hon. Shadrack Mwiti
4. Hon. (Eng.) Thuddeus Nzambia
5. Hon. Githua Wamacukuru
6. Hon. Chiforomodo Mangale
7. Hon. Moses Kirima
8. Hon. Joseph Tonui
9. Hon. Francis Sigei
10. Hon. Daniel Karitho
11. Hon. Mark Mwenje
12. Hon. Bonaya Mumina

I also thank our Secretariat, led by our able Clerk, Madam Ruth. She has done a very good job in terms of keeping the Secretariat together. We are proud that we have an able Secretariat that is able to withstand the pressure that comes with this work. PIC is not a small

Committee, and therefore, it needs a lot of dedication. If you also see them, say that the Committee is forever thankful for what they have done.

Hon. Temporary Speaker, I beg to move and urge the House to adopt this Report. I now request Hon. (Eng.) Nzambia to second the Motion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Thuddeus Nzambia.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker.

Allow me to, first, appreciate the Committee through our able Chairman, Hon. Wanami Wamboka Nelson, as I rise to second this Report.

I would also not leave behind the Office of the Auditor-General because all the information we used to come up with in this Report, was through the facilitation by that Office. Let me also thank the Committee. It consists of professionals from different fields. They have been of immense help in making this Report a success. It is through this Committee that we looked into our institutions. As we speak, we have heard that some institutions have been sanitised a bit. Most were not following procedures of management. We have streamlined some of them through this Committee.

Allow me to mention one of the Universities, Moi. We salvaged it through this Committee. The University was dying. This Committee made some effort to do fact-finding by going to the Institution ourselves. Everything in Moi University has been streamlined as we speak, and they are doing well. Students could not graduate even after eight years. We have streamlined some of these institutions through this Committee and the effort of our Chair, through the offices of Parliament. I remember we visited Pwani University where the Deputy Leader of the Majority Party was once a lecturer. He saw our work. We made sure that all management procedures of the Institution are followed.

As we talk about universities, allow me to note that most Technical and Vocational Education and Training (TVET) institutions were started in 2019. It is notable that most, are attracting more students than universities. Although Covid-19 affected institutions a bit, some which started with 20 students, now, have over 2,000 students. That demonstrates that TVETs are doing well. It is notable that there are some challenges. The Chair has mentioned some.

Capitation is the first issue. It is high time student did not do follow up on money rather money should follow students to their institutions. Let there be timely disbursement of capitation to our institutions. Let us give education priority. We have noted that some institutions cannot allow students to sit for their examinations whereas, they have prepared because money has not been disbursed. We also noted that some institutions do not have title deeds and their land has been encroached. We have pushed through this Committee. As we speak, we pushed and guided more than 80 per cent of the institutions without title deeds. They have attained their title deeds.

Allow me to also talk about stalled projects. We were very candid to most institutions that they should not start any new project before they are done with the stalled ones. We usually take time to do fact-finding on these institutions. They have adhered to the same.

On the issue of ethnicity, I am coming up with a Bill where we would allow a bit of zoning, in the percentage which is recommended in the law. For example, there are some institutions located in interior places in the counties or constituencies, where even if you try, you cannot get people from outside. I am, therefore, trying to see how we can zone the issue of ethnicity balance. Like in Nairobi, nobody can give you an excuse that you cannot attain the percentage which you are required, because this is a cosmopolitan town. When you go to the interior of Homa Bay, it is hard to get people from other places. We, therefore, have to embrace the local content in that matter. I am working on that Bill.

On the issue of understaffing, as my colleague and able Chairperson has put it, we need to give priority to our institutions. We need to produce quality students. We do not want a situation where you interview a graduate but they do not perform. Production of quality and

great students will only be facilitated by having enough staff to deal with enough content. That will ensure that we produce students who can compete globally. It has also come to my knowledge that these institutions have some challenges and especially, the ones which were started recently. Understaffing can be corrected. And because most TVETs have mentor institutions, we have advised them that as they stabilise and stand on their own feet, they can always consult their mentor institutions. This will stand in the gap for now as the Government prepares to bridge the gap. If we do this, we are on the right track.

As I mentioned, it is notable that if we equip our TVETs or the tertiary institutions, they will attract more students. After most of the students clear Form Four, they get admission letters to pursue degrees. But they are declining to join these TVETs. We, therefore, need to equip and make sure that our institutions, especially the TVETs, meet the required standards.

I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, thank you very much. I take this opportunity to support the Report tabled by the Chairman, Hon. Jack Wamboka, and seconded by Eng Nzambia.

One of the key facets of Parliament is oversight. When a Report like this is tabled, we see Parliament at work. Diligently so, because I have seen the work by Hon. Jack Wamboka and his Committee. I have also seen their reports. They are very detailed. I have also seen how they do the oversight and put to task Chief Executive Officers (CEOs) in order to ensure that they do the right thing.

This Report speaks to a lot of the issues that we have. One, they talked about understaffing in technical training institutions. If you take students there and there are no teachers, who trains them? Principals want to charge extra fees so that they can employ Board of Management (BOM) teachers. That is one of the proposals. We should streamline that sector. Technical training is very important if we must progress to be like Singapore, as it will allow us to get skilled workers to run our different departments and infrastructural development programmes. We will, then, have technicians at the secondary level. We have engineers, but we also need technicians, who are very important in running an economy. That is how an economy is built.

Secondly, I heard about the issue of unfinished projects. I do not know how we can get proprietorship out of a project. We have many unfinished projects. We have spent money on all those projects for 10 years, but there is no proprietorship and use for them despite all the money spent. That is a weakness in the technical training institutions that must be fixed. Again, we need more training. We had around 20 technical institutions, but we now have more than 100. Hon. Jack, I do not know how many we have now. There are very many.

Hon. Wanami Wamboka (Bumula, DAP-K): They are around 142.

Hon. Owen Baya (Kilifi North, UDA): Yes, 142. We must put principals and management in place. Sometimes, these people do not have any training at all. They are just taken from classroom. One might be a teacher of plumbing, another one a teacher of masonry or food and beverage. They are then given an institution to run without induction into management. That is why those institutions are run down. We must protect this programme by ensuring that our institutions are properly run. I heard about a case where people were overpaid their allowances. We must ensure that technical training education in this country works. If it works, we will experience immense development.

Concerning collapsed buildings, some people think that they are engineers. Because of their experience of working under engineers, they go out and put up storey buildings, which collapse. However, if you check where they got their training, you will realise that they were

not properly trained. He might have a certificate, but was he properly trained to supervise and put up a 10-storey building? This brings us back to technical training institutes. Some people lay a five-kilometre water pipe but by the time they are done, water does not flow from the pipe. Where is the problem? The person has not been properly trained in plumbing work because he did not go to a TVET institution. We lack technical skills. Even as we debate the Local Content Bill, we should ask ourselves a few questions. We may want to build and buy local content, but have our people been properly trained to compete globally? If I want to buy furniture, I do not have to import it from China or anywhere else. I may want to buy local content, but have we trained our local carpenters to get value for money?

Look at how this Chamber is beautifully done. It is one of the most beautiful chambers in the world. Carpenters, designers and engineers were involved in putting it up. You can see the quality of the work. Somebody from China might have done the work, although I may not have that information. We have an opportunity through the TVETs, to train our people to achieve what other countries are achieving. Technical education should be properly overseen by this Committee.

I support the Report. I ask Hon. Jack and his team to continue to oversee the education sector. Please, put more effort into it. Oversee it more. No university in Kenya should collapse because of mismanagement. Why do we allow a university to be run down for 10 years, yet Parliament is here and we have an oversight Committee? It is probably because the previous committees did not do their job well. I thank you for doing a good job. Your Report saved Moi University. Many other universities are being saved now because they have the thinking that if they do not do things correctly, Hon. Jack Wamboka and his team will be there any moment. They will roast them and put them under pressure on these matters. We now have university chancellors saying that they have to do things right, because Parliament will be there to oversee what they are doing. I want them to continue doing so, to ensure that higher education and other educational institutions, do the right thing. Oversight helps us; it helps Chief Executive Officers and other people in charge of institutions to do the right thing. And the more they do the right thing, the more we make progress as a country. I support it.

Hon. Temporary Speaker, on that basis, if you allow me to invoke Standing Order 96, not really 96, because we have had a good debate, I request Hon. Jack Wamboka, if you allow me and with your indulgence, to reply to this Motion, so that we move forward because there is no other interest.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jack Wamboka, the Report is very clear and the recommendations are firm. I thank you for your bold leadership of this Committee. On that basis, Members do not want to add more. The Mover will now be called upon to reply.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, I want to take this opportunity to sincerely thank the National Assembly, the Speaker of the National Assembly and the Clerk, Mr Njoroge, who is very efficient and has really helped through his facilitation for us to go this far. So far, our Committee has done 13 Reports. If we compare ourselves with our predecessors, we have done well. We hope to continue doing so because of the support we get from the Honourable Members.

I want to thank the Members of my Committee. And as I said earlier, they are committed, diligent and knowledgeable. We have never suffered a quorum hitch. We have never had to postpone our work for lack of quorum. I want to sincerely thank them. As I said, I also want to thank Ms Ruth, the Clerk Assistant to this Committee, together with the people she leads in the Committee and the Secretariat. I want to thank the Office of the Auditor-General, led by the liaison person, Mr Itonge. They have really done a good job in terms of bringing us good queries to do our job.

Leading an audit Committee is not easy. People who have not done very well, or who have not complied, feel that we are pressing them too much. We do not frame these audit queries. We get them from the Auditor-General. The Auditor-General gets these questions from the books, where accounting officers have been unable to respond to the issues raised. But it comes with many things. Some of them threaten, and some of them go out there to badmouth the Committee. Some of them, at the end of the day, think that we are frustrating them. We are here to do the work, and we promise this House that we are ready, and we will continue doing our work. I want to report to this House that if you take a comparison of when we started this work in this 13th Parliament and now, institutions have improved. Now, the accounting officers are responsible because they know that there is a watchdog Committee in the House, a dog that does not only bark, but bites. We are serious about audit issues, and we will continue being serious on behalf of this House. This House is defined by audit Committees, the Public Investments Committee and the Public Accounts Committee. We shall not relent to ensure that we continue doing that which is good.

We salvaged Moi University. When it went down, we took drastic measures, and I want to thank this House. It really gave us support by adopting the resolutions that we raised at that time. Now, slowly, Moi University, is coming back to life. We have ensured that no university nor any institution of higher learning, will head towards where Moi University was. The trend was dangerous but now, I can report to this House that things are back to life. I thank everyone, Hon. Temporary Speaker.

I beg to reply.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jack Wamboka, oversight is a core mandate of Parliament, especially this House of Parliament. You have been doing very well. You are very bold. You are leading the Committee with courage. Do not be intimidated. Do not be intimidated, as the House. Some people complain or do whatever they want to do. Do not be intimidated because if you allow yourselves to be, Parliament and the people of Kenya will lose on accountability, which is also a national value.

Thank you.

(Question put and agreed to)

Next Order.

ADOPTION OF REPORT ON AUDITED ACCOUNTS
OF VARIOUS STATE CORPORATIONS

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson, Public Investments Committee on Governance and Education, to move.

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you very much, Hon. Temporary Speaker, and thank you for the assurance and encouragement. It really encourages us to continue doing the good work.

Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Seventh Report of the Public Investments Committee on Governance and Education on its examination of the audited financial statements of the following state corporations for the Financial Years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Thursday, 26th February 2026. The institutions are:

1. The Kenya Law Reforms Commission (KLRC)
2. The Kenya Copyright Board (KECOBO)
3. The National Cohesion and Integration Commission (NCIC)
4. The Business Registration Service (BRS)

5. The Nairobi Centre for International Arbitration (NCIA)
6. Kenya Accreditation Service (KENAS)
7. The National Transport and Safety Authority (NTSA)

Hon. Temporary Speaker, in examining these accounts, the Committee invited accounting officers in each of the state corporations under review to adduce evidence before it. Its primary approach was to elicit background information as to why particular causes of financial and/or management actions were or were not taken. The Committee Report, therefore, contains observations, findings and recommendations arising from the examination of Reports of the Auditor-General of the seven State Corporations and is structured as follows:

1. We looked at the general observation arising from recurring and cost-cutting audit queries
2. Recommendations for each of the above
3. Audit queries identified by the Auditor-General in the audit reports of each state corporation
4. Management response to each of the queries
5. Committee observation and findings on each query
6. Recommendations of the Committee to each query raised

The issues are undercutting. In the previous Report, we talked about understaffing and failure to adhere to gender, ethnicity and regional balance. I must note that the issue is increasingly improving. The scenario then, and now, is improving. We have talked about the issue of titles and land holdings.

The Committee, while examining the Nairobi Centre for International Arbitration, noted with concern, a matter raised by the Auditor-General, in respect to irregular procurement of ICT infrastructure, where several irregularities were noted. Upon examination, the Committee observed that the tenders were not procured as per the law of open tendering and that the institution should have sought approval before engaging in an open tender. Further, the Committee finds the CEO in breach of law, in regard to an authentic contract. As a Committee, we are trying to be very firm to ensure that institutions are run in accordance to the law. We do that to ensure that, at the end of the day, institutions are running very well.

Hon. Temporary Speaker, without going into many issues, having noted the Proceedings of the Public Accounts Committee on Governance and Education, on the examination of the Report of the Auditor-General in the Financial Statements of seven State corporations for the Financial Years 2018/2019, 2019/2020, 2020/2021 and 2021/2022, I beg to move. I urge the House to adopt this Report.

I now request Hon. Eng Thuddeus Nzambia to second this Motion.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you Hon. Temporary Speaker...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Thuddeus Nzambia, I have not allowed you to speak. Hon. Thuddeus Nzambia can proceed to second the Motion. Give him the microphone.

(Laughter)

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you, Hon. Temporary Speaker. I beg to second the Report.

Hon. Temporary Speaker, I can assure you that progressively, institutions have been improving; and that calls for the Committee to stand firm to make it better.

Most of these issues are cross-cutting, and therefore, there is no need of just repeating what I had already said. The Committee has been able to make sure that there is sanity in our institutions.

Hon. Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): If you allow me, Hon. Temporary Speaker, I would like to support this Report and congratulate the Committee for a well-done job. I emphasise the reason why oversight must continue to be what gives honour to this House. When we oversee as Parliament, we ensure that we have issues like collapse of institutions, mismanagement of resources and non-implementation of policy guidelines and statutes. I, therefore, request the other committees and their Chairpersons to follow what this Committee is doing. I do not want to overemphasise what I have said. If you allow me, Hon. Temporary Speaker, I request that the Mover be called upon to reply, so that we can finish the Business. We are doing very well, in terms of time.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya, that is not a request for you to make.

Hon. Owen Baya (Kilifi North, UDA): I apologise, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Your request is declined because this Motion involves Commissions, Boards and other State Corporations. It requires separate consideration and treatment. I want a Member to move Adjournment of debate, under Standing Order 96, for the convenience of the House.

Hon. Baya was very engaged today. I will exercise my discretion, as the Speaker, to adjourn debate on this particular Motion to a future time the House Business Committee will next schedule it for consideration, because of the many institutions and separate sectors they deal with.

The previous Motion dealt with education institutions, mainly technical training institutes. The State Corporations in this Motion are varied. I hope the Committee by Hon. Jack Wamboka, has different recommendations for the various matters under accountability and audit in the Report. Hon. Members, that is my direction. That particular matter will stand referred to the future.

(Debate on the Motion deferred)

Next Order.

ADOPTION OF REPORT ON INQUIRY INTO
PRICING OF TEA IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into the pricing of tea in Kenya, laid on the Table of the House on Thursday, 4th December 2025.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, for the convenience of the House, I order that the Businesses appearing under Orders No. 17, 18, 19, 20 and 21 be deferred for consideration by the House in future when they will be scheduled by the House Business Committee.

(Motion deferred)

BILL

Second Reading

THE KENYA JUDICIARY ACADEMY BILL
(National Assembly Bill No. 42 of 2025)

(Bill deferred)

MOTIONS

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF NG-CDF FOR FYS 2016/2017 TO 2021/2022

THAT, this House adopts the Tenth Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National Government Constituencies Development Fund for the Financial Years 2016/2017 to 2021/2022, laid on the Table of the House on Tuesday, 2nd December 2025.

(Motion deferred)

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF NG-CDF FOR FYS 2016/2017 TO 2021/2022

THAT, this House adopts the Eleventh Report of the Decentralised Funds Accounts Committee on its consideration of the audited accounts of the National Government Constituencies Development Fund for West Mugirango, Bobasi, Awendo, North Imenti, Kirinyaga Central, South Mugirango, Ugenya, Kieni, Kipipiri, Budalangi and Kiharu Constituencies for the Financial Years 2013/2014 to 2021/2022, laid on the Table of the House on Thursday, 4th December 2025.

(Motion deferred)

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF THE STORES AND SERVICES FUND AND THE OCCUPATIONAL SAFETY AND HEALTH FUND FOR FYS 2020/2021 AND 2021/2022

THAT, this House adopts the Sixth Report of the Special Funds Accounts Committee on its consideration of the Report of the audited financial statements for the Stores and Services Fund for Financial Years 2020/2021 and 2021/2022 and the Occupational Safety and Health Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7th December 2023.

(Motion deferred)

The Temporary Speaker (Hon. Peter Kaluma): Following upon that direction, Hon. Members, I urge you to be upstanding.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 8.54 p.m., this House stands adjourned until Thursday, 16th April 2026 at 2.30 p.m.

(The House rose at 8.54 p.m.)

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