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THE HANSARD

Wednesday, 12th August 2026

(The House met at 9.30 a.m.)

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

PRAYERS

QUORUM

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

(The Quorum Bell was rung)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I order that you stop the Quorum Bell. Hon. Members, we are now ready to transact business. Clerk, proceed.

PAPERS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Deputy Whip of the Majority Party.

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

Reports of the Auditor General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024 30th June 2025 and the certificates therein in respect of the following:

1. Akithii Girls Secondary School
2. Aquinas High School
3. Good Shepherd Girls' Secondary School - Makueni
4. Kamarandi Secondary School
5. Langata High School
6. Mutira Girls High School
7. P.C.E.A Grace Girls High School - Letoire
8. Pwemwai Girls High School
9. St. Angela Nguviu Girls Secondary School
10. St. Augustine Ngenia Boys High School
11. St. Patrick's Boys High School – Waitaluk
12. Uhuru Kenyatta Secondary School.

Thank you.

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

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): We have a request for a statement from Hon. Machua Waithaka. Is he in the House? You may proceed.

DEMISE OF KENYAN MIGRANT
WORKERS IN THE MIDDLE EAST

Hon. John Waithaka (Kiambu, UDA): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the deaths of four Kenyan migrant workers in the Middle East.

The increasing number of young Kenyans seeking employment opportunities abroad has brought hope to many families. However, for some migrant workers, the pursuit of better economic opportunities has ended tragically. In the past two months, four residents from Ting'ang'a and Ndumberi Wards in Kiambu Constituency, namely: Mr James Ndung'u Ngige of Passport No. CK15xx11; Mr George Ngugi Muiru of Passport No. AK03xxx41; Mr Erastus Kiarie Kinyanjui of Passport No. AK06xxx19; and Mr George Chira Njuguna of Passport No. BK10xxx22, who had travelled to Qatar and the United Arab Emirates for employment, reportedly lost their lives under unclear circumstances within a few weeks of arriving in the respective countries. These unfortunate events have caused immense grief to the affected families and raised serious concerns regarding the safety, welfare and protection of Kenyan migrant workers in the Middle East.

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

1. The number of reported deaths of Kenyans migrant workers in Qatar, the United Arab Emirates and other Middle Eastern countries during the past one year, including circumstances surrounding each death.
2. The progress that the government has made in establishing the circumstances surrounding the deaths of the four Kenyans and ensuring accountability.
3. The measures put in place to safeguard Kenyan migrant workers abroad and to ensure a prompt response to cases of distress.
4. The interventions being undertaken to strengthen bilateral labour agreements with Middle Eastern countries and guarantee the safety, dignity and rights of Kenyan migrant workers.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is the Chair of the Departmental Committee on Defence, Intelligence and Foreign Relations in the House? In the absence of the Chair, I would like to pass this to the Leader of the Majority Party. When can this request for a statement be responded to?

Hon. Owen Baya (Kilifi North, UDA): In two weeks, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): In two weeks. Is that okay with you, Hon. Machua?

Hon. John Waithaka (Kiambu, UDA): It is okay, Hon. Temporary Speaker.

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

BILLS*First Readings*

THE PENSIONS (AMENDMENT) BILL
(National Assembly Bill No. 19 of 2026)

THE FOREIGN SERVICE (AMENDMENT) BILL
(National Assembly Bill No. 24 of 2026)

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

Second Reading

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (AMENDMENT) BILL
(National Assembly Bill No. 36 of 2023)

*(Moved by Hon. Didmus Barasa
on 29.7.2026 – Morning Sitting)*

*(Resumption of debate interrupted
on 29.7.2026 – Morning Sitting)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, no one was on the Floor on this Bill, so anyone is free to contribute. Are there any Members who are interested in Order No. 10? Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I rise to request that, now that the debate was done very well, the Mover be called upon to reply so that we can move to the next Order.

Thank you, Hon. Temporary Speaker.

(Hon. Didmus Barasa entered the Chamber)

The Mover is here. He is coming in.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, I can see him.

Hon. Owen Baya (Kilifi North, UDA): Hon. Didmus Barasa, you are supposed to be in your seat and replying.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I would like to put the question.

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

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to move that the National Transport and Safety Authority (Amendment) Bill...to reply. I want to thank...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I would like you to go on record and say clearly what you are doing. You are replying.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I beg to reply. I thank all the Members who have contributed to this Bill. I also want to assure them that I have

taken note of their concerns, which we will use to improve the Bill during the Committee of the whole House. With those few remarks, I beg to reply.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will put the question.

(Question put and agreed to)

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

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we are in the Committee of the whole House. We have three Bills to execute. First is the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024); second is the Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024); and third is the Gold Processing Bill (National Assembly Bill No. 47 of 2023. We will start with the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) by Hon. Naisula Lesuuda. I can see she is already here, ready to prosecute.

(Hon. Naisula Lesuuda stood in her place)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): There is nothing for you to say at this point, Hon. Lesuuda. Please take your seat.

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

Clause 3

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda, you may now proceed. You have an amendment.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new clause—

Amendment of section 4 of Cap. 408.	3. Section 4(2) of the principal Act is amended by inserting the following new paragraphs immediately after paragraph (a)— (aa) designing and constructing designated tracks for non-motorized transport for existing roads and new roads under
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its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorized transport;
(ab) erecting appropriate signage for the designated tracks;

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Would you like to give a justification?

Hon. Naisula Lesuuda (Samburu West, KANU): Yes, Hon. Chairlady. The amendment is to confer upon the Kenya National Highways Authority (KeNHA) the function of designing and constructing designated tracks for non-motorised transport, with appropriate signage.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

Is there any interest in this? There is no interest.

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

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

(Clause 3 as amended agreed to)

Hon. Members, if you wish to participate in this Bill, please press the intervention button.

Clause 4

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Amendment of section 7 of Cap. 408.	4. Section 7(2) of the principal Act is amended by inserting the following new paragraphs immediately after paragraph (a)— (aa) designing and constructing designated tracks for non-motorized transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorized transport; (ab) erecting appropriate signage for the designated tracks for non-motorized transport;
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This amendment is to confer upon KeNHA the function of designing and constructing designated tracks for non-motorised transport, with appropriate signage. It is intended to specify the authorities mandated to construct roads. The other one was KeNHA, and now we are also giving the Kenya Rural Roads Authority (KeRRA) the power to do so.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Marianne Kitany, Member for Aldai.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairlady. Road signage must be put on roads. These designations are also very important. This is because,

nowadays, as you travel and drive, you find bumps here and there without any signage or indication that there is a bump. This has caused many accidents. Therefore, if this mandate is clearly spelt out for all the road agencies, it would be very good because it will ensure that traffic is properly managed on the roads. Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Dorothy Ikiara, Nominated Member.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Chairlady. I support the amendment by Hon. Naisula Lesuuda.

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

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

(Clause 4 as amended agreed to)

Clause 5

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will start with the amendment by Hon. Naisula.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 5 and substituting therefor the following new clause—

Amendment of section 10 of Cap. 408.	5. Section 10(2) of the principal Act is amended by inserting the following new paragraphs immediately after paragraph (a)—
	(aa) designing and constructing designated tracks for non-motorized transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorized transport;
	(ab) erecting appropriate signage for the designated tracks for non-motorized transport;

The amendment is to confer upon the Kenya Urban Roads Authority (KURA) the function of designing and constructing designated tracks for non-motorised transport, with appropriate signage. We had KeNHA, then KeRRA, and now KURA.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Naisula. Vice-Chairperson, Departmental Committee on Transport and Infrastructure.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): One minute, please. Take your seat first.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Now, Hon. Vice-Chair, you may proceed.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Chairlady, I propose that the Bill be amended by deleting Clause 5.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I was asking you to comment on the proposed amendment by Hon. Lesuuda because you realise that they are the same. If hers is accepted, yours will fall. Therefore, you may proceed to make comments on Hon. Lesuuda's amendment.

Hon. Didmus Barasa (Kimilili, UDA): I have put it in a better version without changing anything, but to ensure that the amendment provides the appropriate numbering to the Bill. Hon. Temporary Chairlady, we propose:

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause—

Amendment of section 10 of Cap.408.	5. Section 10(2) of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (a)— (aa) designing and constructing designated tracks for non-motorized transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorized transport.
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This is basically to ensure that the Bill is also amended by inserting the following new clause immediately after Clause 5: That the Principal Act is amended by inserting the following new section immediately after Section 11A...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Vice-Chair, I noticed that you are going outside this amendment.

(Hon. (Dr) Robert Pukose raised his hand)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Before we go to you, Hon. Pukose, the amendment by Hon. Lesuuda is the same as your amendment. Look at Clause 5, Part aa, and then go to Hon. Lesuuda's amendment on Page 2144. You will realise that they are the same. Therefore, I wanted you to comment on hers so that we can decide on hers first.

Hon. Didmus Barasa (Kimilili, UDA): Thank you very much, Hon. Temporary Chairlady. I have realised that they are very similar. I, therefore, drop mine and support the amendment moved by Hon. Lesuuda.

*(Proposed amendment by
Hon. Didmus Barasa dropped)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Vice-Chairperson. Hon. Dorothy, do you have an interest in this?

(Hon. Owen Baya raised his hand)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Deputy Leader of the Majority Party. Hon. Ikiara, Hon. Baya takes precedence. I will come to you.

Hon. Owen Baya (Kilifi North, UDA): Thank you. The amendment proposed by Hon. Lesuuda is good. I want to tell my brother that Hon. Lesuuda has discouraged you as false. Therefore, you do not have to belabour the point. This amendment is very good, and I think we need it to move the country forward. If you go to more modern cities, this is what you see: cycling lanes, pedestrian walkways and even walkways for people who need assistance.

However, Hon. Lesuuda, you also need to move forward and not just state what the authority needs to do. You may need to look at how we can implement it. Do we compel the National Treasury to ensure that funds are provided? When funds are set aside for a road, I thought that funds should also be set aside for the construction of these facilities. If we leave it this way, yes, the law compels them to do it, but they may cite lack of funds and other challenges and avoid doing this.

Otherwise, our cities and towns need to be modern. To modernise a town is to provide good road networks. Good road networks in Kenya must now be defined to include a track for motorised transport, a track for non-motorised transport and a track for cyclists. That is what a good road and a good town should have. Therefore, I support the amendment, Hon. Temporary Chairlady. Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Ikiara.

Hon. Dorothy Muthoni (Nominated, UDA): Hon. Temporary Chairlady, I quite agree with what the Deputy Leader of the Majority Party said. We should ensure that we provide funds for these amenities. Otherwise, even if we provide for them and do not facilitate their implementation, it will be an exercise in futility. However, I support the amendments by Hon. Naisula.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

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

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

(Clause 5 as amended agreed to)

Hon. Members, now that Hon. Naisula's amendment has been carried, the one for the Committee falls. In any case, the Committee agrees with Hon. Lesuuda's amendment. So, there is no problem.

Clause 6

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

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

Section 22 of the principal Act is amended—

- (a) in subsection (1) by inserting the following new paragraph immediately after paragraph (a)—
 - (aa) to co-operate with county governments in the exercise of their functions under section 11A.
- (b) in subsection (2) by inserting the words “cycling lane, pedestrian walkway” immediately after the word “road” appearing in paragraph (a).

The amendment seeks to require the various road agencies to cooperate with the county governments in realising the construction, signage and safe use of non-motorised transport facilities. Additionally, the amendment corrects a typographical and numbering error occasioned during the publication of the Bill.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

Hon. Julius Melly, Member for Tinderet.

Hon. Julius Melly (Tinderet, UDA): This is a very important amendment, Hon. Temporary Chairlady, because county governments are the owners of the lands where most of

these roads pass. More importantly, the pedestrians and the cyclists who are often victims of road accidents actually reside in those counties.

Therefore, by providing for them in this Bill, it will enhance safety and reduce conflict by bringing county governments into the decision-making on where non-motorised transport facilities should be constructed.

I support what Hon. Lesuuda said.

*(The Temporary Chairlady consulted
with the Clerk-at-the-Table)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I would have wanted the Chair to comment on this Clause because he also has an amendment. However, I want to explain to you that the only difference between the Committee's amendment and Hon. Lesuuda's is that the Committee has used the word "consult". In contrast, Hon. Lesuuda has used the word "cooperate". So, as you comment, please bear that in mind. Proceed.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Chairlady. I support these amendments. The differences in wording are minimal and mean the same thing. So, I am dropping the Committee's proposed amendments to support the version proposed by Hon. Naisula.

Thank you.

*(Proposed amendment by
Hon. Didmus Barasa withdrawn)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chair. I do not see any other interest in this, so I will go ahead and put the question.

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

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

(Clause 6 as amended agreed to)

Now that the Hon. Lesuuda's amendment has been carried, the one by the Committee falls.

Clause 7

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended in the proposed new section 46A—

- (a) in paragraph (a), by inserting the word "efficiency" immediately after the word "use";
- (b) in paragraph (b), by inserting the words "and support facilities" immediately after the word "lanes";
- (c) by deleting paragraph (d);
- (d) by inserting the following new paragraphs immediately after paragraph (d)—
- (e) the use of green infrastructure and environmental protection;

- (f) promotion of technological innovation and advancement;
- (g) strict use of the lanes designated for pedestrians and cyclists;
- and
- (h) the safety of users of non-motorized transport.

The reason for this is to require the Cabinet Secretary to make additional regulations on the design and construction of non-motorised transport lanes. This will ensure efficiency, uniformity of design and standards for support facilities, the use of green infrastructure and environmental protection. We have seen many trees being cut down without others being planted when roads have been constructed. There is also promotion of innovation and strict use of lanes designated for pedestrians and cyclists so that vehicles cannot drive on them. Lastly, we must guarantee the safety of the users of non-motorised transport facilities.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. Charles Ngusya Nguna, CNN.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Chairlady. I want to support this Clause 7 as proposed by Hon. Naisula, especially the issues of green infrastructure. I recall Hon. KJ had brought this issue of green infrastructure before the House. Most of our newly built roads do not have trees planted on the sides. Planting trees along these roads is essential to help clean the air, reduce carbon emissions, and protect our environment. Even when driving along a road with trees, it feels much better, making this an important effort.

Hon. Temporary Chairlady, I fully support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, go ahead, the Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you. I am happy to contribute to this, Hon. Temporary Chairlady. I take exceptional cognisance of paragraph (e): the use of green infrastructure and environmental protection. I want to say the following two things.

I support you, Hon. Lesuuda. I can see you are being apprehensive. I support the Bill, but I want to state the following regarding the use of green infrastructure. We see solar lights being installed on many roads by both national and county governments as part of our green energy initiative. However, durability is a problem; these solar lights rarely last more than five years. Then they no longer work. So, the next government comes and also puts another post next to it. So, you now have two posts. The next one comes and puts another one. So, our roads are now littered.

I want to deliberately use the word “littered” because of the green energy thing. Roads are littered with posts with lights that do not work. So, you have a lot of dirt. It is not neat anymore on those roads. So, when we talk about green infrastructure, we need to rethink solar energy on our roads. If solar lighting cannot last for up to 30 years, it should not be installed at all. I have seen this issue clearly on the roads in my home town of Watamu. If you go to that town, you will not want this to be done because every regime is putting up a solar lamp. Kenya Power also has its own lights. Therefore, it is littered.

The second one is the same (e): environmental protection. I like the way that we want trees. Very well, but what does Kenya Power do? We have planted so many trees to create nice boulevards so that we have greenery in the town. But when those trees grow closer to those power lines, Kenya Power comes without notice and without regard to anything and cuts all of them, leaving the town bare.

We need to find a pattern of development on the road. We put the green energy lines, whether solar, where trees should be planted and where Kenya Power lines should be, in such a way that it is neat, so that Kenya Power does not destroy the effort of many young people who stay in the scorching sun to plant trees. Municipalities spend a lot of money to water those

trees. Then Kenya Power comes and cuts down trees without warning or notice. I want to tell Kenya Power directly from the Floor of this House that they must stop doing this. They rely on trees for power poles, yet they do not plant a single tree themselves. We need to find a balance on our roads, especially on this issue. I support it, but I do not know how this will be put into law so that we have a law to stop Kenya Power from cutting trees on the road. I thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, we have an amendment from the Hon. Chairperson, and I would like to give details on the amendment. If you go to our Order Paper No. 2145, you will see the amendments that the Hon. Lesuuda is making, very clearly stipulated. The amendment by the Committee focuses on e: that is, the use of green infrastructure and environmental protection, which is already in Hon. Lesuuda's amendment. So, Hon. Chairperson, if you may make a comment bearing that in mind, we will make progress.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Chairlady. First, I support the amendments by Hon. Naisula because they are similar. I want to react briefly to what Hon. Owen Baya has said by saying the following:

First, trees are important for environmental protection. Now, we cannot put into this law the type of trees to be planted and where. It is the responsibility of the road agency not to plant those trees under the power lines. So, we are not going to put into this legislation that you have to plant. It is common sense that where the power line passes, they should plant shrubs that do not go beyond the power lines because the power lines must also be protected. So, we are not going to prescribe which type of trees to be planted and where. So, those who will be planting should not plant trees under the power lines. So, this is in order.

Second, we cannot discourage this country from enhancing solar or green energy. We need to tell the agencies to have a maintenance plan so that these solar plants are maintained to avoid over-reliance on electricity, which is not clean. It is a bit dirty. So, Hon. Owen Baya, the other agencies should pick it up from where Hon. Naisula has left off to ensure that they do not erect another solar light where there is an existing one. They should repair and have a maintenance plan. But green or solar energy is the way to go. I wish to drop the Committee's amendments and support the amendments by Hon. Naisula.

*(Proposed amendment by
Hon. Didmus Barasa dropped)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Before we go to Hon. Lesuuda—I can see she wants to comment—let us hear Hon. CNN.

Hon. Charles Nguna (Mwingi West, WDM): Yes, just as suggested by Hon. Owen Baya, it is very important to note that solar energy is the way to go. It is clean. It is very important, and we have plenty of sun in our country. What we need is proper continuation by county and national governments to ensure the lights are maintained properly. It does not have to last for 30 years. But maintenance can even make the lights last longer. So, I support this.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): You know, Hon. Didmus Barasa is my friend. I like him, and I like his cap. Although it is not Parliamentary, we have allowed him to wear it in the House. But you know, Kenya Power needs to have a program. The more trees they cut, the more they must plant. Suppose this tree is in the wrong place; fine, because it interferes with the power. They can cut it, but they also need to provide a plan for planting more trees. They do not destroy what is in existence.

Secondly, I like the argument by Hon. Didmus Barasa here that we plant shrubs. That is okay, and I do not argue against planting shrubs. But sometimes, Kenya Power comes and puts a power line where trees are already growing. Yet they have designers who decide where the line should pass. They deliberately run the lines under trees. I am very passionate about the environment. Even when we want to enjoy power, we must also protect the environment. So, I do not know how Hon. Naisula will put it. Probably the Cabinet Secretary in charge of the Ministry of Energy should put a regulation in place to balance power and the environment so that we do not have one agency destroying the environment and another trying to protect it.

I thank you, Hon. Lesuuda.

(Hon. Naisula Lesuuda spoke off the record)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Yes, you will, Hon. Lesuuda. I want you to be the last on this after the Hon. Julius Melly. However, before we get to the Hon. Julius Melly, we have guests in our Public Gallery this morning—the Africa Goal Organisation from Embakasi West Constituency, Nairobi County. You are welcome to the National Assembly to continue observing the proceedings of the House.

Hon. Julius Melly.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairlady. I think the amendment is in order. I laud what the Hon. Chairperson of the Committee has just indicated. That trees and environmental protection are part and parcel of any construction progress in this country.

The fact is that before even Kenya Power put up their poles, they did wayleave signing. So, they need to know that we have trees, and if they are going to cut them down, it will be one among many. They are not going to cut everything. So, this is not going to stop the road contractors; by maintaining the environment and keeping it safe, we make the place better and more conducive to living. It is wrong for our society not to have trees growing, and it is very important for our health and the environment. I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairperson. Hon. Lesuuda, you can be the last one on this.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. Listening to my colleagues, I believe we are all saying the same thing. We agree that green infrastructure is very important for protecting the environment. We all remember what Waiyaki Way was like during the time of the late Gakuo. Do you remember how the trees were, and how beautiful it was even driving there? But now, when you use that Waiyaki Way, there are no trees at all.

The Cabinet Secretary will make additional Regulations. I will be very keen to see the issues of those solar lines, because it also talks about the promotion of innovation. We also need to be innovative in how we put up the green infrastructure. I will be very keen to see the regulations the Cabinet Secretary will bring to this House.

Thank you, Hon. Temporary Chairlady.

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

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

(Clause 7 as amended agreed to)

Hon. Members, now that Hon. Lesuuda's amendment is carried, the one by the Hon. Chairperson of the Committee falls.

Clause 8

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda, you have an amendment.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

Insertion of a
new section 46B
in Cap. 408.

8. The principal Act is amended by inserting the following new section immediately after section 46A—

Enforcement.

46B. The traffic police shall ensure the strict use of the cycling lanes and pedestrian walkways and the safety of users of non-motorized transport.

The justification for this amendment is to require traffic police to enforce the use of cycling lanes and pedestrian walkways and to ensure the safety of the users of non-motorized transport lanes. The whole essence of this is that we have seen that enforcement is normally a challenge in our country. It is not the lack of laws. It is not the lack of Regulations, but a lack of enforcement. Even when we travel abroad, it is not that those people also like following rules to drive correctly. It is because there are penalties and consequences for not following the law. So, enforcement is very important, and that is what this Clause does.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

Yes, Hon. Martha Wangari, Member for Gilgil.

Hon. Martha Wangari (Gilgil, UDA): Thank you so much, Hon. Temporary Chairlady. I congratulate my sister, Hon. Naisula Lesuuda, who has brought this Bill to this Floor and reached this stage. You will agree that she is one of the poster girls for affirmative action. She has been nominated and elected twice and is now going for a third election, which will be successful in Samburu West.

I want to support this amendment. When you drive in Nairobi, sometimes you may see a traffic offence being committed, maybe by a public transport vehicle. Yet the police will harass a smaller car on the side but let the matatu go. Therefore, the issue lies in enforcement. This goes to whoever will be seeking to be re-elected or elected as President in this country; we need to fix the systems. There is something that we are not doing right. We may build very good roads or do very well in building very good houses, but if we do not have rules being enforced and followed, we will be doing all this in vain. I therefore support and hope that the enforcement will be done properly, and that order will be restored on our roads.

I say this knowing that those of us from Nakuru know what kind of accidents we are witnessing every day. Families are being wiped out. Just the day before yesterday, we had a very bad one in Karai. This can be solved by having order on the roads and just following the rules. I support. I hope that this will be enforced in real time.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Melly, Member for Tinderet, go first.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairlady, the amendments by Hon. Lesuuda are very important for this country, now and in the future. When we travel outside the country, we see the seamless flow of traffic. We see the order and even the way the

roads are maintained and well taken care of not only by the road maintenance agencies, but also by the road users themselves.

This Bill comes in to put a sense of order by telling the police to ensure that the cyclist lane remains the cyclist lane, and the pedestrian lane remains so. But if you go around this city, you will realise that motor vehicle users do not have decorum or a sense of respect for cyclists' and pedestrians' lanes. Provided a lane is motorable and usable, they use it, and there is no penalty. I want us as a House to rein in this issue. Including respect for traffic lights by motorcyclists. So that the motorcyclists know when it is time to move and when it is time to stop. This is a Bill that we, as a House, need to put more regulations on. Penalties should be instituted to bring order to our cities and towns and make them safe for our citizens. I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Owen Baya. Hon. Chairman, you will come after Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Well, I agree with Lesuuda, but I am looking at the constitutionality of this clause: the traffic police. We also know that the Fourth Schedule of the Constitution is very clear and says that, functionally, traffic enforcement is in the hands of counties. It is in the hands of county governments. If we say "traffic police," that probably requires an addition. You need to add it so that you can compare. Part 2 of the Fourth Schedule delegates traffic and parking to county governments. I have seen towns where police come in. In a town like Mombasa, traffic control and all that is actually done by the county enforcement. I do not know whether it happens here in Nairobi and other towns, but constitutionally this could be interpreted as overreach. I think it requires an amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will go first to the Hon. Chairman, then come to you, Hon. Martha Wangari.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Chairlady. I support these amendments and say the following. One is that in our country we have a problem of lack of enforcement. This is because those found breaking traffic laws are usually inconvenienced in going about their business. Something which makes them appear as if they want to bribe the enforcers so they can get away with it. As it is a tradition everywhere across the world, when you commit a traffic offence, you are supposed to be given a form prescribing the amount of money that you should pay. You do not have to pay it immediately. You can be given as little as 24 hours or as long as 12 days. Once that is done, then there will be no form of inconvenience that will make the enforcers try to assist the offender by asking for a bribe so that they can go about their business.

Two, on what Hon. Owen Baya has said, we should not confuse the Traffic Act with what Hon. Naisula is proposing to cure. The Traffic Act gives the traffic police officers the mandate to enforce the Traffic Act. Even the County Government Act spells out the mandate of the county enforcement officers about traffic flow. We therefore cannot put everything in this legislation. I support the amendment as it is, as suggested by Hon. Naisula.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, as we proceed, it is important to note that this Bill concerns counties. What the Deputy Leader of the Majority Party, Hon. Owen Baya, has said is relevant. There is no harm because it will still go to the Senate anyway, and it is indicated in the Bill. I believe that the mover had looked at it clearly. On the statement on how the Bill concerns county governments, it is indicated that it concerns counties.

Let us have Hon. Martha Wangari. After that, I will put the question.

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Chairlady, I support this amendment, but I hear what Hon. Owen is talking about. In the Fourth Schedule, county transport is a delegated function. It touches on the county roads, street lighting, traffic, parking, and public road transport in the counties.

I feel that we still need a national law. It is very important. This is because the way Mombasa County is handling their county transport is not the same way Nairobi is handling its county function. Just recently, we saw a county official in Nairobi punishing public transport offenders. Which law are they using to punish the public transport offenders? I feel that even if the counties have the leeway, we still need a national law that makes it uniform so that whatever offences are committed will be dealt with at that level.

Hon. Temporary Chairlady, this goes to the mover: The Constitution, under Article 189, creates a framework on how national and county governments can cooperate. I say that because I do not think any county has implemented all the functions under the Fourth Schedule. They have done all their county roads, their controls, and their air pollution measures. If we load more and more onto these counties, we will end up just coming here to complain. Article 189 of the Constitution stipulates the framework for cooperation between the two levels of government, but we need a national law and regulation to ensure that uniformity is achieved.

Thank you. I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Let me give a chance to the Hon. (Prof) Phylis Bartoo, Member for Moiben. Professor, is this of interest to you?

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Chairlady. I support the amendment on enforcement. However, it is also important to inculcate virtues in Kenyans so that it is not about the police forcing people to do things. It should be natural. Just like in advanced countries where people differentiate and respect pedestrian paths from roads for vehicles. Even our schools should support inculcating these virtues in our students, so that we have a smooth society.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Naisula Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. After consultation with my colleagues, and having listened to Hon. Martha, I agree to maintain it as it is. The different agencies have a role to play both at national and county levels. There is also an amendment for the counties. I also want to let my sister, Hon. Bartoo, to know that people in advanced countries do not just follow rules because it is the right thing to do. They have very strict and serious penalties with dire consequences. If anything, theirs are instant. Once you get home, there is the ticket. No one wants to get a ticket. If you get the ticket twice or thrice, your licence is revoked. Just normal human beings would like to be policed. As Kenyans, we must be policed to follow the law and rules.

Thank you.

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

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

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

(Clause 8 as amended agreed to)

Clause 9

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Naisula Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 9.

It is meant to delete a provision that unduly restricts the coming into force of the proposals contained in the Bill. Initially, I had given a time-frame but I changed it after listening to my colleagues during the Second Reading. In the debate, they said we should not give a limit that it comes into force after 5 or 10 years. It could come into force immediately. That is what this amendment is doing.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I would like the first chance to go to the Chairman after I propose the question. Both are deletions.

(Question of the amendment proposed)

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Chairlady, I want to commend Hon. Naisula. When she appeared before the Committee, these were the concerns that we had. She is very brilliant. She carried the Committee's aspirations by deleting it so that the Bill can come into effect immediately it is assented to. Thank you, Hon. Naisula. I ask the people who elected you to give you a third term.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I do not see any other interest in this amendment.

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

(Clause 9 deleted)

New Clause 5A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 5—

Insertion of a new section 11A in Cap. 408.

5A. The principal Act is amended by inserting the following new section immediately after section 11—

Functions of county governments.

11A. Each county government shall—

- (a) design and construct designated tracks for non-motorized transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorized transport;
- (b) erect appropriate signage for the designated tracks for non-motorized transport;
- (c) maintain and enforce the use and operations of non-motorized transport; and
- (d) create public awareness and conduct public participation on matters relating to safety and the use of non-motorized transport.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Lesuuda, move the Second Reading for the new clause.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move that new clause 5A be now read a Second Time.

It seeks to compel each county government to construct designated tracks for non-motorized transport on their roads and erect appropriate signage for them. They are supposed to maintain and enforce the use and operations of non-motorized transport. This is what the Deputy Leader of the Majority Party was referring to. The county government has a very big role in ensuring that there is enforcement at the county level, and also creating public awareness on safety and use of non-motorized transport.

In the other amendments, we looked at agencies like KeRRA, KURA and KenHA. We also have to task the county governments since they also construct roads, especially in the towns and the cities. We need to have that uniformity. This role is then given to the county governments.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairlady (Dr) Rachael Nyamai): Chair, what do you have to say? You have a similar amendment.

Hon. Didmus Barasa (Kimilili, UDA): We will drop our amendment and support Hon. Naisula's amendment since they are similar.

(Proposed New Clause by the Departmental Committee withdrawn)

Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Naisula.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended by—

- (a) inserting the following new definition in proper alphabetical sequence—

“mobility assistance device” means a technological mechanical device that assists a person with mobility impairment to move or improve his or her physical mobility;

- (b) deleting the definition of “non-motorized vehicle” and substituting therefor the following new definition—

“non-motorized vehicle” means any vehicle that is not self-propelled and includes a bicycle, wheelchair, tricycle and scooter which does not exceed the prescribed speed;

The purpose of the amendment is to provide a clear definition of two key terms used in the Bill. That is mobility, assistance device and non-motorised vehicle. After listening to Members during the Second Reading debate, the Departmental Committee Members felt that it was important to be more specific on these two key terms.

Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. Martha Wangari.

Hon. Martha Wangari (Gilgil, UDA): I rise to support the amendment, specifically on the pedestrian definition. Sometimes we just assume that everyone is able to travel on foot. Yet we have some on wheel chairs. It is very important to also consider persons living with disabilities in the definitions. That way, they can be accorded the same treatment as everyone else with the ability to walk. I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Departmental Committee Chair, would you like to comment on this one given that you also have an amendment?

Hon. Didmus Barasa (Kimilili, UDA): We had amendments on clause 2(a) and (b). We are dropping the one on paragraph (a), which is similar to the amendment being considered but we will maintain the amendment to paragraph (b). It is basically the definition of the word 'pedestrian' by inserting the words 'or by using a mobility assistance device' immediately after the words 'travelling on foot'. This is to ensure that the amendment also expands the scope of the definition of pedestrians.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chair, let us first prosecute the amendment by Hon. Lesuuda. Thereafter, you will focus on your amendment to paragraph 2(b).

Hon. Didmus Barasa (Kimilili, UDA): Correct, so for this one, we drop ours and support the one for Hon. Naisula.

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

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

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I now give opportunity to the Departmental Committee Chair to move his amendment to clause 2 (b).

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Chairlady, I beg to move:

THAT Clause 2 of the Bill be amended in the definition of the word "pedestrian" by inserting the words 'or by using a mobility assistance device' immediately after the words 'travelling on foot'.

This is to ensure that the scope of the definition of pedestrian is expanded to include persons who use mobility-assisted devices.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Chairlady. I am in agreement with the Chair of the Departmental Committee on Transport and Infrastructure. I support it.

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

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Mover, go ahead and move the motion for reporting to the Plenary.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed)

THE BREASTFEEDING MOTHERS BILL
(National Assembly Bill No. 8 of 2024)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we will proceed and consider the next Bill but before doing so, I would like to bring to your attention the fact that we will defer the Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024) by Hon. Sabina Chege.

(Bill deferred)

THE GOLD PROCESSING BILL
(National Assembly Bill No. 47 of 2023)

We will now consider the Gold Processing Bill (National Assembly Bill No.47 of 2023) by Hon. Bernard Shinali. I can see that he is right here, ready to prosecute it.

(Clauses 3, 4, 5, 6, 7, 8, 9 and 10 agreed to)

(Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 agreed to)

(Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 agreed to)

(Clauses 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 agreed to)

(Clauses 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 agreed to)

(Schedule agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I now call upon the Mover, Hon. Shinali, to move the motion for reporting to the plenary.

Hon. Bernard Shinali (Ikolomani, ODM): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Gold Processing Bill (National Assembly Bill No. 47 of 2023) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTIONS

CONSIDERATION OF REPORT ON THE KENYA ROADS (AMENDMENT) BILL

The Temporary Speaker (Hon. Martha Wangari): Where is the Hon. Temporary Chairlady?

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Kenya Roads (Amendment) Bill (National Assembly Bill No.31 of 2024) and its approval thereof with amendments.

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

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Didmus Barasa to second the Motion for agreement with the report of the Committee of the whole House.

The Temporary Speaker (Hon. Martha Wangari): Proceed, Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): We shall defer the putting of the question.

(Putting the question deferred)

CONSIDERATION OF REPORT ON THE GOLD PROCESSING BILL

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Temporary Speaker, I beg to report that the Committee of the Whole House has considered the Gold Processing Bill (National Assembly Bill No. 46 of 2023) and approved the same without amendments.

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

Hon. Bernard Shinali (Ikolomani, ODM): Hon. Temporary Speaker, I beg to move that the House do agree with the report of the Committee of the whole House on its consideration of the Gold Processing Bill (National Assembly Bill No.46 of 2023).

I request the Member for Shinyalu, Hon. Fred Ikana, to second the Motion.

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

Hon. Fred Ikana (Shinyalu, ANC): Hon. Temporary Speaker, I second

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, I defer the putting of the Question for obvious reasons.

(Putting the question deferred)

*(The Temporary Speaker consulted
the leading Clerk-at-the-Table)*

(A Member spoke off the record)

The Temporary Speaker (Hon. Martha Wangari): Not really, not really. Not at this point. Maybe we can do it after the proposal for Third Reading.

We will re-arrange Order Paper a bit. I am told that the Member for Manyatta is on his way to the House. He is a bit late. Therefore, we start with Hon. Didmus Barasa. Are you ready? Yes. We will start with Order No. 13. We can revert back to Order No. 12 at the right time.

BILL

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL (National Assembly Bill No. 62 of 2023)

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I beg to move that the Employment (Amendment) Bill (National Assembly Bill No. 62 of 2023) be read a Second Time. The objective of this Bill is to ensure that civil servants and other people whom the government has employed are given a notice period when being transferred from their current stations to the other stations. This is very important because transfer of civil servants from their current stations to the other stations must be dictated by meritocracy. It should never be a punitive gesture. Many families are suffering because a spouse wakes up in the morning to find that he has been transferred from their current station. This has been disrupting families. A country that does not respect family values does not go anywhere. Families are the integral part of a government.

If you look around globally, like in India, you will realize that civil servants are given a notice period of three months before being transferred to any other station so that they plan and organize themselves. In the USA, under the Code of Federal Regulations (CFR), employees are usually given a 30-day minimum written notice before being reassigned or transferred. They do the same in the Republic of South Africa. They give a one-month notice period.

The key principles are that Kenyans must be given reasonable time to prepare. The Judiciary is an example with a policy on this matter in our country. Judges are given a notice period before transfers. We have seen teachers suffering in this country. Heads of institutions

or principals sanction transfers of those they feel like they do not want around. At times the transfers happen at the middle of a term. We have single parents taking care of their children and the education of their children is disrupted if they are transferred to stations hundreds of kilometres away.

What I am simply saying in this Bill is that people must be given a notice period to plan themselves in terms of looking for schools where their children will go or having sufficient time to try and get a place to stay, unless it is an emergency and the person seeking transfer has satisfied definition of an emergency. It is not too much to ask that civil servants who play a key role in providing service to Kenyans be given a notice period before they are transferred.

A couple that has been looking for a child for very many years approached me before I came up with these amendments. The gentleman told me that he had just gotten a very good doctor who advised on putting him on a medication that he was supposed to use for 14 days at an opportune time so that he would get his wife pregnant. He was transferred from Western Kenya to Kilifi before he was halfway through the dose. The man cries up to today. Many families are suffering.

I have seen situations where an individual is transferred immediately from one station to another, citing incompetency. Transfers do not cure incompetency. Incompetency can only be cured through capacity building, skill analysis and maybe by assigning such persons different roles. All I am asking in this proposed amendment is that anybody or civil servant, whether a teacher or a police officer, must be given a notice period before transfer.

Many countries have advanced the welfare of their civil servants by ensuring merit before sanctioning transfers. The International Police (Interpol) Service is an example with a policy that says a police officer cannot be in a particular area for more than a certain number of years. By so doing, one just knows that he or she ought to be transferred from one station to another. That is a form of being given a notice period. Such notice must be given in writing so that an affected officer organizes himself or herself accordingly.

Establishing public problems and providing their cure is one of the cardinal responsibilities of this House. A public problem exists in terms of the manner in which Kenyan workers are transferred from one station to another. Sometimes one is forced to move to a new station at very short notice without considering the fact that civil servants also have families and children. They have children and other dependants. The salaries of some civil servants are not even enough to enable them hire house girls or house boys. They are literally the same people who take care of their families. So, when one wakes up one morning and receives a letter transferring him to a faraway station without being given a notice period to enable him make arrangements for their families and settle their children, it is punitive.

Many people have resigned from their current roles because they could not fathom a transfer that comes abruptly. This Amendment Bill seeks to streamline such matters in the public service. It is even going to motivate civil servants to work for this country with dedication, knowing that nothing will disrupt their lives and the lives of their families. When the time comes for them to move from one station to another, they will be given a notice period during which they can plan for their families, look for schools for their children and make any other necessary arrangements before they move to their new stations. For those who are on medication, they will have ample time to look for qualified doctors, especially specialists, in the areas where they have been deployed.

This Amendment Bill seeks to realign the Kenyan civil service with the changing times. It will enable Kenyans to work in a manner similar to citizens of many countries with comparable jurisdictions. This Bill does not have any monetary implications. It does not affect the implementation of any Human Resource (HR) policy. We are simply asking that Kenyans deserve some kind of dignity, respect and qualified transfer arrangements from their current work stations to other stations.

If this Bill is approved and assented to, it will motivate Kenyan civil servants. It will ensure that the Kenyan civil service gives it all, in providing services on behalf of the Government of Kenya. Many civil servants are demotivated because they do not know when they will be asked to move to another station. In line with what is happening globally and regionally, before you are transferred, you will be given some period of notice. I request my fellow Members of Parliament to consider supporting this Bill.

Even if there are issues that need to be addressed, our Standing Orders provide that when a Member brings a proposal to the House in the form of a Bill, it is simply an idea brought before the diversity of Kenyans, who are represented here by Members of Parliament, for improvement by way of amendment proposals during the Committee of the whole House. I therefore invite Members to scrutinize this Bill properly. Let us support, approve and implement it.

During the public participation conducted by the Departmental Committee, many Kenyans and institutions supported this Bill. In fact, the Bill ought to have been brought here 15 years ago, but God does things His own way and at His own time. He has a purpose for why we are bringing it at this time. I therefore want to ask my colleagues to support this Bill. Let us pass this Bill so that it requires civil servants to be given a notice period before being transferred from one station to another.

This Bill will streamline the civil service. Today we have some women who are being sexually harassed. When they do not yield to such harassment, the people leading those institutions transfer them, as a way of punishing them, from one station to another. The same applies to men, because sexual harassment has no respect for gender. We have men who are sexually harassed, just as we have women who are sexually harassed. To put a stop to those things, transfers must, first, be merited.

Secondly, an employee must be given a notice period so that they do not just wake up in the morning and they are told that they have been transferred from Bungoma to Malindi, or from Kwale to Turkana. That way, Kenyans can at least continue to give service to our country with decorum.

With those remarks, I beg to move that the Employment (Amendment) Bill (National Assembly Bill No. 62 of 2023) be read a Second Time.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Who is your seconder?

Hon. Didmus Barasa (Kimilili, UDA): I ask Hon. Owen Baya to second.

Hon. Owen Baya (Kilifi North, UDA): Hon. Didmus Barasa, while I would like to second, I have other thoughts that may not be in parallel to yours. Anyway, now that you have given the privilege to second, I will do so but allow me to speak freely.

Hon. Temporary Speaker, there is good intention in this Bill, and I like the way Hon. Didmus Barasa has put it. He said the Bill has come to the House as a proposal or good idea. I accept that spirit. I want to say that here is one thing I have learnt in Parliament, especially during the 12th Parliament. Hon. John Mbadi, who used to be my leader then on the Orange Democratic Movement (ODM) benches, taught me that as much as you may want to do legislation, please, do not over-legislate. This Bill risks being a case of over-legislation. If you look at Clause 11, you will realise that we have said very many things in this Bill.

Hon. Didmus Barasa has raised very good points but Clause 11 says that each employer should develop and implement a transfer policy for its employees. All the things that obtain from Clause 15A onwards, to my best understanding, are policy issues. You are saying that each employer should develop and implement a transfer policy for its employees yet in Clause 5 you say that in effecting a transfer, the employer shall take into account...I think there is some typographical error there. It says that, in effecting a transfer, the employer shall take into account the requirements for compliance with the transfer policy of the employer, the

requirement for compliance with the criteria of transfer set by the employer, the interests of the employer, the duration of the transfer, where... When you talk about requirement for compliance with the criteria of transfer set by the employer, that is policy already. When you talk about requirement for compliance with the transfer policy of the employer, again, that is policy. So, I do not know.

I support the idea of ensuring that employees are not transferred arbitrarily, and that they should be given due consideration when planning to transfer them. However, making statute out of such an interesting provision may run counter to a lot of employers. It is probably something that is already happening. When you say in this Bill that, where applicable, the employer should facilitate the employee to move to the new place of work by providing reasonable transport for the movement of the employee and his or her personal effects, probably including the family, and providing a salary advance to enable the employee to move, which would be reasonably recoverable in reasonable instalments, there are certain companies that already give transfer allowances. There are certain companies where, when you are being transferred, you are given a transfer allowance. That already obtains.

On provision of reasonable transport, I want to talk about the police. When police officers are being transferred, the local police Land Rover ferries their belongings to their new stations. So, this is a good idea.

I support Hon. Didmus Barasa, who will be the Governor of Bungoma County, Insha'Allah. I support him on two things. Firstly, we need to give dignity to transfers. When they must happen, there has to be some dignity to it. Somebody should not be transferred to punish them. Sometimes it is necessary to shift one person to another place if their work is not going on well and it is thought that the person will perform better at another place but it should not be punitive. Transfers should not be used as a form of punishment. I agree with that.

Secondly, when transferring a person, there are certain things that must be taken into cognizance. I saw a pregnant woman who was one month due being transferred to a far-flung place without regard to where the closest maternity was. That is not something that we must do. I also witnessed a person who had six months to retirement being transferred to a far-flung station from where he comes from. That is not right. I have also seen very sick people being transferred. Due consideration must be made when transferring such a person. Transfers in Kenya should be about building synergy. They should be about transferring skills and helping an organization to become more efficient. Transfers should be about building more capital in terms of transfer of skills. Sometimes bosses bring personal feelings to their jobs and consider what they feel about one person, and not necessarily what that person produces for the organisation. Because they may not relate well with a person or because they may not like a person, they transfer that persons regardless of his output in the organization. We need to look at things differently.

If we must move this country forward in terms of human capital and human capital development, a transfer should become that which enables a company to become a better organization. We have seen transfers of teachers to a new area and when they get to the new schools, things become better in that school. That is the kind of transfer that we would like to see happening. We have seen transfers where a principal is not doing very well in a certain school because of the obtaining environment but when he is transferred to another environment, he does even better in the new environment. Such transfer gives opportunity to another person who comes to that new place to uplift the school. Those are the kinds of transfers that we need to encourage. Therefore, this country needs to re-look at how transfers are done. However, I would have liked this to be done through regulations and policy, and not necessarily through statute.

In the defunct Provincial Administration, which is currently called National Government Administration, we have seen people who were doing very well as Assistant

County Commissioner (ACC) or Deputy County Commissioner (DCC), helping to improve the livelihoods of the community, but someone else would think that the officer was probably looking for political power. The officer would be accused of looking for popularity and have him transferred from the field to Jogoo House to become a desk officer, killing the career of that officer completely. Some officers become threats to their seniors, and the only way the seniors deal with them is to punish them by removing them from the areas where they are very competent and transfer them to areas of incompetence to kill the dreams of those persons. Therefore, I agree with Hon. Didmus Barasa that we must bring sanity to the transfer regime of public officers in this country so that transfers become enablers of production, enablers of performance and enablers of betterment, and not punishment, retrogression or killing dreams and careers of other officers.

Hon. Temporary Speaker, I beg to second Hon. Didmus Barasa. I wish him well. At the Committee stage, we will need to propose amendments, drop some things and improve the Bill so that we make better laws for the country.

Thank you, Hon. Temporary Speaker.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Member for Tigania West.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Speaker, thank you very much for giving me an opportunity to contribute to this important Bill by Hon. Didmus Wekesa Barasa. The family unit, not just in this country but the world over, is under threat. It is important for us to note this very carefully because, under all circumstances, we need to protect the family unit. This Bill has been introduced at a time when we all agree that there is need for us, as a country, to bear that in mind. We notice how the family unit has performed. Some professions handle this very differently. A number of companies consider certain factors, but there may be no general policy on how transfers should be handled. That is why I think Hon. Barasa is right in coming up with guidelines that could be legislated to basically manage this particular space.

I have in mind a profession like teaching. I believe all of us, as Members of Parliament, have at one time or another been approached by Teacher X or Teacher Y to assist them with transfers. Most married ladies, if we consider professions across the board, are actually teachers. Teachers are the most married professionals. I do not have statistics but this is according to my observation. When we were young and looking for wives, we considered teachers as best suited because they would be living with the children. Because they manage children of other people, they would, most probably, manage yours as well. So, I would like to take a minute to discuss the teaching profession.

All of us have been bombarded, at one time or another, by teachers asking us to assist them. The limit of five years before one qualifies for a transfer should actually work because in the early five years, people organize themselves to fit. When men seek transfers, especially when they want to join their spouses, the request is mostly completely denied but when women are involved, there is a general assumption that it is only men who should be joined and not women to be joined at some point. Most employers rarely consider the family unit when they occasion transfers.

In some cases, as the previous speakers have alluded to, some transfers are not effected because they are necessary but because they are disciplinary in nature, or because there is some level of disagreement between the person occasioning the transfer and the person being transferred. The was policy on decolonization was practised a few years ago. It was used to move many teachers from their domains and areas of familiarity. While it appeared like a good idea, later on, it had to be reversed because it occasioned many problems. Some of the problems

could not be solved otherwise. It is important for us to consider growth and development in careers. We must occasion transfers so that one can gain experience.

If we left merit to manage transfers in various professions, probably, we might do the right thing. Child upbringing requires both parents to be present; in most cases, when the parents are there. That is why, besides, of course, being able to work, we also need to bring up reliable and dependable future generations. That is why parenting is an issue in this country, and it is important, where it is in place, to be protected or to be given the attention that it requires. On one hand, a certain law basically allows for paternity leave and goes to an extent of even saying, okay, when you have a child born in a family, there is need for even the man to be there. If you look at it critically, yes, indeed, the man will be able to assist, but the child will not feel it. The child will not know.

I want to allude to the fact that when it is critical for both parents to be there, in most cases, they are not there. And if you look at what has been happening in this country, we over-promoted the girl child against the boy child. Right now, we are seeing the results. Today, we have more educated girls than boys; we have more forthright and outgoing girls than boys; we have more powerful girls than boys. Because we are a patriarchal society, it is always a fact that it is a man who will propose to marry a woman. I am also making this assumption deliberately, knowing that some of us do not believe in that, but that is a norm that has been happening, unless we belong to another society, which is not true.

My point is that there is a certain age which is extremely important in shaping the life of a boy or a girl into a man or a woman of the future. It is the age of around three years, when people start understanding their surroundings, and around 13 years when they start becoming dependent in their teenage years. Those 10 years are critical in the life of a child. Whatever a child is properly taught around that age, they never forget. If you take them to church, they will keep on going to church forever. If you keep them away from church, and if you keep them away from even associating, they will be loners and they will live their life that way. So, the life-shaping age is around there. Again, I may not be speaking from very reliable and verifiable research, but this is what I have noted and known as we live this life.

It is important for us to consider having both parents if it is possible. I agree with the five-year rule when it comes to the Teachers Service Commission. In other professions, I think it is three years or five years. I do not know whether it is in law. I stand corrected if it is in law, but I think that makes sense. My proposal is this: you should come up with solutions. Let us not just say transfers should not happen, or transfers should be managed; we should also propose certain solutions.

One of them is that, in the early stages of life in a profession, when people are looking outward and they are young and energetic and open-minded, I think transfers are not an issue. Whenever a young person is placed, they are okay, but when they start forming families or starting families, it becomes important. Early childhood is important when it comes to developing the lives of children. Therefore, at that time, transfers should be managed by listening very carefully to the family unit to try and get to know exactly whether it is genuine or not.

When it comes to midlife, I have in mind that people have probably grown in their professions, they have reached management levels and they are now competing on merit for better positions... I think at this particular point in time, again, flexibility can come in. It is possible to manage this age-wise also. Flexibility in the sense that we now need people to be more open to more challenging situations. We need people to take up bigger roles. We need people to also understand the peculiarities of various surroundings that they find themselves in or environments that they find themselves in. Therefore, we should open that particular flexibility.

At the end of the day, I think, again, we need to listen very carefully to the family unit because at this particular age, young people, young children, have become mature. People may want to be brought closer together or allowed to manage their families otherwise. The amendments to the Employment Act are in very good faith, and they come in to try and manage what is not already managed in the existing laws. Therefore, I support.

Thank you very much.

The Temporary Speaker (Hon. Martha Wangari): Very well. Before I give the next speaker, allow me to recognise in our Speaker's Gallery students from Nyali School from Nyali Constituency, Mombasa; and, Gatoto Junior and Primary School from Embakasi South, Nairobi. We welcome them to observe the proceedings of the House.

Member for Marsabit, you have the Floor.

(Hon. Owen Baya spoke off the record)

Hold on, Hon. Waqo. Hon. Owen, you want to...

Hon. Owen Baya (Kilifi North, UDA): I want to say something to the students from Nyali.

The Temporary Speaker (Hon. Martha Wangari): Yes, you have a minute.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker, and I want to welcome the students from Nyali School to the House. My name is Owen Baya, Member of Parliament for Kilifi North. It is a pleasure to have you here. Parliament is a great place to be. Leadership is not only nurtured in school, but it is also grown in schools and implemented or done here in this House through legislation, oversight, and representation. That is what we do in this House.

As you go back to your school, work hard, do your best, do what your teachers tell you to do; do not do what your teachers do not tell you to do. Do what your parents tell you to do. One of the greatest things that we bring into Parliament is knowledge. Be knowledgeable. Be young people who fear God and have value systems. You will become great men and women. I hope one day, many of you will sit in this Chamber as legislators and become leaders that we will always be very proud of. So, *karibuni sana* to this hallowed Chamber of Parliament.

Thank you very much.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this very important amendment Bill that speaks on employment. I also want to congratulate the sponsor, Hon. Didmus Wekesa Barasa, for coming up with this amendment, which is very helpful to all of us Members of Parliament and Kenyans out there.

I have looked at this brief amendment and I want to say that I support this Bill because it is speaking to our current challenges and will solve a lot of problems that we have been going through as a country. When you look at the Bill, the processes and practices of transfer of employees have been arbitrary and have been misused to the detriment of employees, especially those in public service. This is very true because we all know very well what some of our employees go through. Some people have suffered in the hands of their bosses.

This Bill, therefore, seeks to provide clarity on the modalities of transfer of employees in good faith and in a fair way. We know very well that, in the past, many people, many supervisors, have not taken into consideration what we call work ethics. They have also not considered the rights of employees. Teachers, especially, and young employees have suffered in the hands of their employers or their supervisors. We know very well that teachers, medics, and other people have suffered. Some have even developed depression, terminal illnesses, and even lost their jobs because of the challenges they have gone through!

Hon. Temporary Speaker, I support this because in Clause 15A (3), the Bill proposes that subject to subclause 2, an employee who wishes to transfer to another place of work shall notify the employer in writing of the intention to move to another place of work and such requests shall be considered in accordance with subclause 5. Often time, employees' requests have been rejected. I know of and have been following a case for the last three years, where a young man requested a transfer from one station to another, but it has been a problem getting that transfer. That has caused problems for his family. The young wife takes care of three children while the husband works away from home. That has affected the family's growth and their social affairs.

When you look at human nature, we are good at punishing each other, especially here in Kenya. People are good at demonstrating and showing that they have the ability to demean, demoralise, and show others that they are more powerful. This has created a terrible and negative impact on families. Young families in Kenya are faced with many financial challenges. Some are unable to send their children to school yet they are teachers. Some are unable to mentor and become role models to their children because one partner is always away.

Hon. Temporary Speaker, I support this Bill because it gives the employee a reason for the intended transfer by an employer. It also informs the employee of the implication of the transfer on the employee's contract of service. This has not been previously practiced. We know that some directors and immediate bosses in this country have been dictators to their employees. When we implement this Bill, it will notify the employee of the measures an employer envisages that shall be taken in relation to the employee, if any. It also requires the consent of the employee before effecting the transfer. This opportunity has been denied in the past, but when this is done, we will be able to help and grow the employee-employer relationship.

Under (e), the Bill states, "where applicable facilitate the employee to move to the new place of work". In the past, employees who have been transferred to different stations have suffered leaving some of them begging. When this is done, it will help facilitate and enable the family left behind and the person who is moving to settle smoothly. Again, (e) (i) and (ii) of the Bill really encourages me. In (i), it states, "providing reasonable transport for the movement of the employee and his or her personal effects" and (ii) states, "providing salary advance to enable the employee to move". We lacked this in the past but it will now help anybody who is affected by a transfer to be more effective and go through that process with a lot of ease. In the past, people have been depressed at the point of a transfer. When we take into consideration our teachers and medics, some of them earn minimal salaries and transferring them causes a lot of confusion making them unable to continue with their lives.

In Subclause 5, it states what an employer needs to take into account when effecting a transfer, especially from (c) to (f), which has picked my interest. It states the interest of an employer; the duration of transfer, whether permanent or temporary; and, the length and frequency of the transfer. I, especially, took interest in (e) because sometimes a person is transferred to three different places within a year. The length, frequency, and duration of the transfer should be put into consideration. We must propose that one must stay at one station for at least three years to enable them to settle and start a life, unless something pushes them. I advise the sponsor to ensure that transferring one person to three different places within a year becomes an issue of the past. We should recommend a minimum of three years for one to be based at a new station.

The skills and competencies of the employee should also be put into consideration even during their employment to ensure they do not become irrelevant to the work that they are doing. In subclause 11, each employer should develop and implement a transfer policy. In fact, in addition to the Human Resource Policies and Procedures Manual, we should develop this employment policy that will guide everybody and should be practiced in every sector.

With those few remarks, I support this Bill. It is my prayer that it will soon be assented to so that it can guide and guard the nation to ensure every employee affected by a transfer has an easy life.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Naisula Lesuuda.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Speaker. I rise to support the Employment (Amendment) Bill (National Assembly Bill No. 62 of 2023) by my colleague and friend, Hon. Didmus Barasa. He seems to be on a roll with the number of Bills he is bringing to this House.

This particular Bill is very important. It is actually something that Members of Parliament deal with every other day. Many people come to us asking for transfers, some claiming to have stayed in a certain place for way too long. I think this Bill will remedy that and ensure this work is not left to a Member of Parliament or to someone who is known to someone. I am sure there are many Kenyans who do not have the privilege of having someone powerful or someone who can help with the transfers. This Bill is, therefore, important and timely.

I just have a reservation on one of the clauses, where he says if an employer wants to initiate a transfer, they have to seek the consent of the employee before effecting it. This is good but I can imagine: Where there is no consent, what happens? We cannot tie down employers fully. There are parts of this country where an employee would prefer or would want to be deployed forever and there are other parts where an employee would not want to work. You can imagine transferring someone from a station they prefer; they will not give consent. What happens thereafter? I really want to hear about that because this would really tie down the employer from doing their job.

It is very unfortunate that most times when transfers take place, being sent to some parts of this country is considered a punishment. If someone is employed and sent to Marsabit, Samburu, Wajir, Garissa or other hardship areas, you find them saying they would rather not go. These are very young people who are looking for job opportunities. We should ensure that when a civil servant or anyone is sent to any part of this country, it is not a form of punishment.

I also like what he is curing with this Bill, where sometimes people are transferred to a certain region when they have made a mistake. That is what then creates the perception that certain areas are dumping sites. If you have failed or you are not performing, you are sent to a certain region. Therefore, we make some regions look like they are not a conducive place to work or are not part of Kenya. I really like the fact that that is being taken care of here, especially in Clause 7, which says: “An employee who is the subject of disciplinary proceedings shall not be transferred until such proceedings are concluded and all mechanisms for appeal under the Constitution or any other regional law have been exhausted.”

Hon. Temporary Speaker, I believe this is a very important clause because we all know or have heard of such cases. For example, there is a certain prosecutor in Maralal who, if you check his track record, was corrupt in all other places that he had worked, especially on matters to do with children. He was then brought to Maralal while he still had an ongoing disciplinary case. We are not going to transfer problems across the country.

If someone has failed, they should step aside until the disciplinary proceedings are concluded, or they have appealed before they are transferred to a certain station or area. This is because we have seen cases where, when cabinet secretaries and principal secretaries go to a certain area and find someone who is not working, they are quick to say those people are transferred. As I said, most of the time, such people are sent to those hardship areas. It looks like a punishment. One is being punished by being transferred to those areas. There is no part of this country that wants people who have failed in other stations. So, I really appreciate this part of the Bill.

Second, I think it will be important, and we will look at the amendment later in the Committee of the whole House, if we can think of how to reinforce on how long someone can stay in one station. There are many reasons, the first one being familiarity. This is where you become too comfortable in that area. You start doing your own small business, which is also good. However, it is just important that people are able to work in different parts of this country, and everybody should have that experience.

However, it should also be that when that time reaches for transfer, the process should be seamless. It is so saddening when we get some messages here of a teacher or police officer who has stayed in one school or station for 10 years. Already, there is a policy to take care of this issue. For example, there is a policy at the Teachers Service Commission (TSC) that you are eligible for transfer after five or six years, but you will find someone has stayed in one school for 10 years! It should be automatic. They should not even look for me as a Member of Parliament to intervene. The system should work.

Hon. Temporary Speaker, that is why earlier on when you were contributing to my Bill, you said that as a country, we just need the systems to work. If you are due for transfer, let the transfer happen without looking for me or anybody else. If you have been working in a hardship area and now you are supposed to work, probably, in what others would call “down Kenya,” let that distribution be fair.

There is also a certain issue that we must discuss, especially in these areas where there is hardship allowance. If you are working in the counties of Samburu, Marsabit, Turkana, and such like areas, you are entitled to a hardship allowance. We get people who just seek employment in those areas but they do not report or go to work there. For example, if you are a teacher who gets an opportunity to work in those areas, but then immediately ask for a transfer to be moved from those hardship areas, it disadvantages children of those areas.

We fought for affirmative action so that locals can also get those opportunities to teach children. We cannot have people getting an opportunity, for example, in Samburu County as a teacher, but because they know somebody in TSC, they immediately go and ask for a transfer. What happens to the children of that place? These are very fundamental issues that this Bill looks at and takes care of. I think it is also very progressive in ensuring that these issues of transfers are taken care of.

There has to be fairness as well. When this House passed a Bill to reverse the delocalisation policy, we saw some teachers from some regions quickly taken back home. However, that was not the case for teachers from some areas. For example, it took so long for the teachers who had been sent to Marsabit County, where there was no problem, but we had already said that the delocalisation policy was not working. We had teachers whose families broke down. For others, it was just very difficult to work where they were, especially with the kind of salary they were getting. We realised that there was no fairness in reversing the policy across the country. Therefore, this Bill is going to take care of fairness. It is going to deal with issues like taking care of employees so that they are motivated and they can serve in their respective areas in the country.

Lastly, I want to, especially, speak to our young people. When you get a job opportunity anywhere in this country, please, take up the position, give your best, and serve. It is not fair to the people you have been sent to go and serve, that immediately you have been transferred you now start looking for a transfer, or you do not want to work there. This Bill should not curtail people from working where they have been posted. The spirit is commendable.

Since Hon. Didmus is going to the county to run for Governor, please, give me a minute to say something about counties. Transfers should not be political such that just because you do not support a certain Governor, you are transferred from one docket to the other!

The Temporary Speaker (Hon. Martha Wangari): Give her 30 more seconds.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Speaker. I just wanted to caution Hon. Didmus, since I know he has ambitions. I wish him the very best to become a Governor. Mostly, we find political witch hunt at the county and even at the national level. If you are not supporting this regime and another regime comes in, you get transferred. We just have to be fair and let civil servants be civil servants.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well, before I give the next Member a chance to contribute, allow me to recognise in the Speaker's Gallery, learners from Ukunda Bright Angels Academy from Msambweni Constituency, Kwale County. We also have learners and teachers from Miale ya Tumaini from Kajiado North Constituency, Kajiado County. You are welcome to observe the proceedings of the House.

Member for Igembe Central Constituency, Hon. Karitho.

Hon. Daniel Karitho (Igembe Central, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Bill. First, I want to congratulate Hon. Barasa, for bringing forth this very crucial and important Bill. In fact, it has come at the right time and I really support it.

On this issue of transfers, every employer has set a time limit when every employee should serve before requesting for transfers. I believe Kenya is a digital economy. The systems should be available to communicate whenever an employee should move after serving the mandatory duration in their given stations. We have instances where we mostly have teachers and police officers who have served in certain stations for a long period against their wishes even after serving for the mandatory period, which they should serve before requesting transfers. The Bill has stipulated clearly how we would like these transfers to be implemented.

For example, I know of a certain teacher who has served in a region for more than six years away from her husband. They were newly married before getting the job. They have been trying to get a transfer, but it has become impossible. The same teacher got seriously sick, and they requested another transfer, which they were not granted. When they came to me, I went to the Teachers Service Commission (TSC) to intervene, and the transfer was finally granted. The question is, what would have happened if the teacher did not have anyone who would have assisted her to get the transfer? That is why we find that some teachers and police officers have even been going to rehabilitation centres because of these effects.

Hon. Temporary Speaker, this Bill is very crucial. I request that we follow it to the letter and make sure that it is enacted into law so that the employer does not punish the employees. There are those who, when they ask for transfers, are even taken to far distances from where they were, just because they requested to be moved from that area. I would like to encourage both the TSC and the National Police Service Commission (NPS) to consider having incentives for those who are in far-flung areas. The hardship allowance they are given is not enough. They should be compensated more to motivate them so that even when transfers are not available, they are comfortable and can feel as if they are working like any other Kenyan.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Moiben, Hon. Bartoo, are you on this?

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker, for also giving me the chance to contribute to this Bill. I thank Hon. Didmus Barasa for bringing such a crucial amendment. Most of the time, when Kenyans are employed, they sign to work in any part of Kenya. Also, due to efforts aimed at promoting national cohesion and integration, it is good to experience every part of Kenya. Every institution normally has a transfer policy. However, it is unfortunate that such policies have been misused. They are just kept in files in offices, and when something happens, they can be used as punishment.

For instance, in the TSC, we have cases where teachers are transferred to the middle of nowhere, to a different town, yet they have children, noting that their salary is never enough. They are sent to very far-flung areas in different parts of the country to teach. It is okay for them to be transferred, but the issue is: do they consider the children one is going to move with, or do they leave them at home under the mercy of domestic workers and so on?

This amendment is very important so that it is made clear that the transfer policy is not used as a punishment. I have a case in my constituency involving the Administration Police at Kimumu Police Station. It is like a dumping ground for them. Any policeman who has an issue, be it alcoholism or a disciplinary case, is dumped at that station. I do not know for what reason. I thought they should first of all consider rehabilitating them before dumping them at that station.

The amendment also seeks to ensure that the right procedures are followed. Hon. Didmus Barasa gave an example of the Judiciary. He noted that it has a clear policy that transfers are effected after every three years. So, when one is posted to a station, they sit there knowing that in the next three years they are due for transfer to another station. And it is not just transfer; they are well catered for in terms of pay. They are provided with the means of transferring their luggage to the new station. They even go ahead to make sure that one gets temporary accommodation as they look for a suitable place for themselves. Institutions should plan to emulate such practices. At times, parents who have children with special needs are suddenly transferred to other parts of the country where they cannot adequately provide for their children. They are expected to care for the child and also find a suitable school for them, yet nobody cares.

In my constituency, I have a case where a mother had a child with special needs and was transferred to work in another far-flung part of Kenya. I do not want to name the place or the mother. She tried very hard to stop the transfer, but it did not work. Eventually, she decided to quit the job. She quit the job, not because it was her wish but because she had a child with special needs who was receiving special treatment, attending a special school, and was entirely dependent on the mother. So, she decided to quit the job. As we speak, she is being treated for depression. I wonder why we wait until such a thing happens.

I thank Hon. Barasa for bringing such an important amendment. Sometimes, we have cases where people are transferred due to their political affiliations. You find that when an election is conducted, and one was supporting a different political side from the one that wins, they become a victim. We have had so many principals and headteachers in our country who have been transferred to places they did not wish to go. They were not even given notice; they were just told to pack and leave because of their political affiliations. For how long are our citizens going to be subjected to such treatment?

The transfer policy should be strictly followed. The Constitution gives us the right of association, the right to freedom of speech and so on. So, nobody should victimise anybody because of their political affiliations through transfers. Just because someone does not align with those who come to power should not be a reason for that person to be transferred. This creates fear, and people work under very stringent conditions. It is very important to make it clear that the transfer policy should not be used arbitrarily or abused to serve the interests of those in power.

We have had cases of families that have broken down. A family has just been married, and one person is transferred to one part of the country while the other is transferred to another part of the country. How do you expect such families to grow? Eventually, they part ways and go in different directions, and then we blame society and the moral fabric of society, yet sometimes we are the ones who create such problems. We should give our employees time to plan their lives. When you get a job, transfers should be done in a systematic manner. If I know that after three years, I am due for a transfer to another location, it should be clearly specified.

For instance, it should be specified that if I am working in Nakuru, after three years, the next time a transfer is to be made, I must be given prior notice and time to plan. If one is unable to move, they should provide sufficient reasons that are listened to. Sometimes our employees beg for transfers, and they provide very valid reasons along with medical documents, yet these requests collect dust because nobody wants to listen. We must not misuse the transfer policy or punish our people simply because they do not know anyone or are not related to a "big man or big woman" to receive favour from the employer. The process should be smooth. Employees should be happy in their workplaces and understand that whenever they wish to be transferred, or whenever the employer wishes to transfer them, they will be approached and given sufficient time to prepare.

There are instances where individuals are transferred just as they are nearing retirement. I have seen cases where someone is given a transfer just four months before retirement. How do you expect such an employee to survive, plan, relocate to a new area, and find accommodation, only to be transferred back after four months without any incentive or stipend? Even when compensation is involved, it can take forever. You may be transferred in January, and before you receive any benefits, you are two years deep into your new station. How do they expect you to survive? It is important to make this process clear and smooth to ensure that people do not feel punished.

The Temporary Speaker (Hon. Martha Wangari): Very well. Allow me to recognise the learners and teachers from Mary Immaculate School from Kwanza constituency, Trans Nzoia County. You are welcome to observe the proceedings of the House. The next chance will go to the Member for...

(Hon. Janet Sitienei raised her hand)

Hon. Sitienei, I do not see your request here. Why are you raising your hand?

(Hon. Janet Sitienei spoke off the record)

You will be next after the Member for Manyatta. Please, get your cards. Hon. Members, replace your cards if you have lost them. Member for Manyatta, do you wish to contribute to this?

Hon. Gitonga Mukunji (Manyatta, UDA): No. The next one.

The Temporary Speaker (Hon. Martha Wangari): Then let us have Hon. Kemei. Before Hon. Kemei, let us indulge the Member for Turbo.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this Bill. From the outset, I wish to thank Hon. Didmus Barasa for bringing this timely amendment Bill. It is important that when we employ, we must take care of our employees. This Bill will cure arbitrary transfers without policy regulation. It will establish policy regulations to ensure that all transfers are fair, competence-based, need-based, and promote a fair distribution of employees across our country.

In the past, we have seen very unfair transfers of employees, whether they are teachers, doctors, or any other government employees, being transferred due to non-performance or disciplinary measures. We seek to see a scenario where if an employee is indiscipline, they must complete the disciplinary process and remain in their position. We do not want certain areas to become dumping grounds for non-performing employees. They must remain where they are, be disciplined there, and continue working in those stations so that other areas do not become dumping grounds.

We also wish to see transfers executed with consideration of the health and family matters of the worker. Some employees may be unwell and wish not to transfer due to health reasons. We must not subject them to transfers away from their family vicinity.

Furthermore, this Bill will help ensure a fair distribution of employees within the country. For example, we sometimes find that teachers may be transferred to one school while another is understaffed, all due to arbitrary transfers. Therefore, this Bill is going to correct many issues. Considering that these employees are human beings, we must ensure their stability. Many are transferred far from their families, and some may be unwell. Recently, we had a case where a teacher died at home because she was living alone in a very remote area to which she had been transferred. She had also been acting as deputy principal for too long. Unfortunately, she passed away alone in her house because of her circumstances. We must consider the health of our employees.

Some transfers are done because of political affiliations. This should not be the case. Every employee has the right to be where they are. This particular amendment will introduce a policy that regulates these issues so that employees, wherever they may be, understand that they are working for a specified period. After that, they can be transferred, but in a manner that is fair and impartial.

Hon. Temporary Speaker, I wish to thank the Member for bringing forth this amendment, which will cure many concerns. We have realised that some employees are unfairly transferred; some are moved due to indiscipline, which should not warrant a transfer to another location. If an employee cannot be disciplined within their workstation, then they should be dismissed, or appropriate disciplinary measures should be taken. Transferring a problem to another station is not the solution. Overall, I fully support the amendment.

Thank you for allowing me this opportunity to add my voice.

The Temporary Speaker (Hon. Martha Wangari): Very well. Next, we have Hon. Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. From the outset, I want to support this amendment Bill, an Act of Parliament to amend the Employment Act 2007 and for connected purposes. I thank Hon. Didmus Barasa, the Member for Kimilili Constituency in Bungoma County, for introducing this important amendment.

In examining the insertion of new section 15A, it is evident that the transfer of employees is important; it means the deployment of an employee from one duty station to another. I have previously worked as a teacher in various stations, and I have observed that some teachers request a transfer while others are transferred without their knowledge. The reasons for their transfer are often not communicated. Consequently, the employee—in this case, the teacher—goes through a great deal of distress. Considering the context of their family background and engagements, a newly married individual, for instance, may be transferred from one station to another, sometimes even across counties. Additionally, even those nearing retirement age could be subject to transfers. It gives a lot of stress to teachers, the National Government Administration Officers (NGAO) and police officers.

When somebody is transferred without their knowledge, they are not given time to prepare. This therefore cause a lot of agony to the teacher, police officer or any other employee. We recently saw the transfer of staff who were in the National Health Insurance Fund (NHIF). And with this new Social Health Authority (SHA), some staff are being transferred back to the Public Service Commission. They have been distributed to other departments and ministries which have born issues. In the first case, they do not know where they are being transferred to. This Bill will therefore address the issue of transfer.

Some bosses misuse the positions they have and, in the process, they transfer employees to settle their scores. One area of concern is that if you are not aligned to the CEO, the principal or to the head of the institution, you could be transferred. They can say you are a difficult employee without taking into consideration what the employee is going through. And instead of the affected employees being taken for rehabilitation, they are transferred. They therefore

transfer the problem from one station to the other. This Bill will hence address such cases. The transfer should be made in good faith and the employee informed, maybe six months in advance so that they can prepare. Some transfers are genuine and are done in good faith. Some are done because of the skills or if an employee is needed in a certain place. But that should be communicated.

These issues have caused families to disintegrate which is unfair. I do not have the statistics but I would imagine that the many cases of infidelity happening around is caused by separation of families. I may not be specific in terms of statistics, but I know it is one of the causes of infidelity. I know of a case where a lady teacher was transferred to another county and the husband stayed at home. This lady teacher went and lived with another man. The husband got disturbed that he even wanted to kill the other man living with the wife. I wish families could stay together.

I stand to support the Bill. I also want to thank Hon. Didmus Barasa for bringing this Amendment Bill. I encourage him to continue with what he is doing. He is a good person and he is doing a lot of service to our people. I wish him well in Bungoma County.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Igembe North.

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this important Bill. First, allow me to thank the Mover, Hon. Barasa, for bringing a very critical Bill to amend the Employment Act, 2007. This is a very important Bill because it provides safeguards to employees against arbitrary harassment, misuse and intimidation by employers. This Bill is so critical because it will enable employees to work in their environment without fear. In the past, transfers have been used in a very awkward manner. If the employers or administrators are weak, they use transfers to coerce the workers who in turn, would not deliver. The Bill is critical because it will enable employees to work in an environment devoid of intimidation.

Transfers are normal in some cases. They are used to stabilise institutions. We are not against normal transfers that are meant to stabilise the structures or the institutions where employees work. The Bill corrects the injustices that go against the tenets of a conducive working environment. I support it by saying that when transfers are being given, they should consider issues like age, health and even family background. Transfers are majorly used in the teaching sector and police service.

In the Police Service, if a person or administrator is not comfortable with an employee, they are switched. For example, there is the Administrative Police (AP), General Duty Police, Anti-Stock Theft Unit (ASTU) and the Traffic Police. If you work in areas deemed to be lucrative, like the Traffic Police, you can be moved to another sector as a form of harassment or intimidation if your boss is not satisfied. It is not right and the employees should be cushioned from such adversaries.

If your husband is working in Lamu, moving you to Mandera or Kisumu goes against the tenets of fair labour practices and Article 41 of the Constitution. This destabilises families as well as the learning and working environments. It is good to look at such factors when transfers are being done. They should not be punitive to an extent that the employee becomes distressed or resigns. We have employees taken to the rehabilitation centres every now and then due to harassment by the employer or their bosses. This should be minimised. The Bill is meant to cure such injustices so that Kenyans can work in a conducive environment and deliver for the posterity of this country.

With those few remarks, I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Very well. Allow me to recognise students who are seated in the Speaker's Gallery, Pentagon Academy, Suna West, Migori

County. In the Public Gallery, we have Line Member School, Kiminini Constituency, Trans Nzoia County. We welcome you to observe the Proceedings of the House.

Mbunge wa Mombasa.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana, Mhe. Spika wa Muda kwa kunipatia huu fursa ili nami nimpongeze Mhe. Didmus Barasa kwa kuwafikiria wafanyakazi, hasa walimu na wengine ambao huwa wanapewa *transfers* za kiholela.

Nikiangalia huu Mswada na jinsi alivyoweka marekebisha, watu wengi wamekuwa wakipata matatizo mengi sana wakati wa *transfer*. Pengine mwalimu ni mgonjwa na yuko na daktari wake wa karibu ambaye anajua hali yake vizuri. Akipewa transfer ya ghafla, atalazimika kutafuta namna ya kupata matibabu yake na hiyo ni ngumu. Wengine ni familia, kama baba na mama ambao wamekaa wote sehemu moja. Ghafla bin vuu, bila hata kuulizwa, unapata mama anatolewa na kupelekwa sehemu nyingine mbali. Baba ameachwa na watoto wako shule, ndipo unapata walimu wanapata msongo wa mawazo. Ndoa nyingi pia zinavunjika.

Ninanishangazwa kwamba, hata wanapopewa uhamisho wa kazi wa haraka, ikifika wakati wa kupandishwa vyeo, hawakumbukwi vile wanavyokumbukwa wakati wa uhamisho. Waalimu na polisi wengi wamepata msongo wa mawazo. Kabla mtu hajatulia vizuri sehemu moja, anatolewa na kupelekwa sehemu nyingine. Hii inaathiri wanafunzi shuleni. Watoto wangu waliniambia kuwa wanapoletewa mwalimu mgeni, wanamuogopa maana walikuwa wamezoeana na yule aliyehamishwa. Pengine huyo mwanafunzi yuko na upungufu fulani kimaumbile na alikuwa ameelewana na yule aliyehamishwa maana alikuwa anampeleka taratibu. Waalimu wanapobadilishwa, wanafunzi huchukua muda kabla waelewane na mwalimu mgeni au mafunzo yake.

Shule nyingi za kibinafsi zinafuzu kwa sababu waalimu wao wanakaa na wanafunzi tangia mwanzo mpaka muda fulani ipite. Wako na utaratibu na wanajua shida za wanafunzi wao. Lakini katika shule zetu za Serikali, matokeo ya mtihani sio ya kuridhisha kwa sababu kila kuchao, tunabadilisha waalimu kutoka sehemu moja hadi kwingine. Punde tu mwalimu anapofanya mpangilio yake wa kazi, anahamishwa kwingine. Huenda pale amepolekwa, wako nyuma kwenye utaratibu wa masomo na anabidi amerejelea nyuma.

Mhe. Spika wa Muda, ninampongeza Mhe. Didmus Barasa. Yeye amefanya vyema Bungeni na hata mashinani. Unapoangalia mbinde zake, utafurahi. Ni kiongozi ambaye anajiamini. Ninakuombea kila la heri kule Bungoma ili uweze kuibuka mshindi kwa sababu umefikiria wananchi wa chini kwa yale unayoyaeleza hapa Bungeni. Umefikiria mwalimu ambaye yuko Kiminini ambaye ametulia na ng'ombe, mbuzi na familia yake asije akapigwa uhamisho wa ghafla bin vu na kupelekwa Mombasa kwenye joto. Akifika huko, hajui aangelie afya yake au afanye kazi.

Huu Mswada utasaidia sana maana utashauri walimu kwanza kabla ya kuwahamisha. Walimu na askari huja ofisini mwangu kuniomba nizungumze na wakubwa wao kazini ili wasitolewe sehemu walioko kwa sababu wako na mtihani maanake walijiunga na vyuo vikuu kuzidisha masomo yao. Wanapotolewa na kupelekwa sehemu zingine, wanawezakukosa nafasi ya kujiboresha zaidi. Kutokana na haya, ndoto zao za kujiboresha katika maisha zinaanguka.

Wakati mwingine mwalimu anaezakuwa ametofautiana kidogo na mwalimu mkuu na anahamishwa mara moja. Najua wanafuatilia mjadala huu wa leo kwa sababu ni jambo ambalo limekuwa likiwaumiza sana. Tunapozungumzia hili jambo Bungeni, hatuwaonei watu fulani. Walimu wakuu wengine wangependa walimu kukaa katika shule moja ili wanafunzi waboreke zaidi. Hii inafanya walimu kuwa na msongo mkubwa wa mawazo. Labda mwalimu huyo ametoka mazingira tofauti na yule anayebadilishwa naye labda anataka kubaki pale.

Mhe. Spika wa Muda, ningeomba tuhamishe wale ambao wameomba maombi maalum. Labda mwalimu ameomba kuhama kwa sababu ameolewa Bungoma na anataka kutoka Mombasa ili afanye kazi karibu na mume wake ili walee familia e. Kwa mfano, mwalimu

anaezakuwa amejijenga sehemu fulani na angependa kubaki pale. Mwalimu mwenyewe anafaa kuomba ahamishwe. Ikiwa kuna shida au tatizo, itatuliwe kabla mwalimu hajahamishwa wala sio kuficha ushahidi au kuweka finyange ili kumuumiza mwalimu.

Ninamuunga mkono Mhe. Didmus Barasa kutoka ndani ya roho yangu. Yale unayoyafanya, endelea na unipee siri ya kuingia mahali na kutoka na watu wote.

Asante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Njoro.

Hon. Charity Chepkwony (Njoro, UDA): Thank you very much, Hon. Temporary Speaker for allowing me to support the Bill raised in this Parliament by Hon. Barasa. I support what my colleagues have said. It is true. We have seen very innocent Kenyans being punished over transfer issues. As Hon. Zamzam from Mombasa has said, the issue of transfers have been turned into an issue of punishment for many of the employees, especially teachers, police officers and Kenya Forest Service (KFS) officers by their employers. I, therefore, stand to support Hon. Barasa on this Bill because it will bring justice and fairness in this country. To some extent, people living with disabilities (PWDs) have suffered the same. They try to get justice, but it is denied or delayed. Therefore, I propose that PWDs be given preference in choosing where they want to be stationed. It should be by choice.

On the same note, there are incidents where police officers and KFS officers get injured while on duty. Sometimes, goons injure these officers to the extent of becoming disabled. I request that in such incidents; they automatically allow such officers to work from where they come from or be given preference in choosing.

I feel for the teachers in this country. A teacher with young children coming from my Constituency, Njoro, is transferred to the Northern part of Kenya. After some time, when the family is still in Njoro, the same teacher is probably transferred again to Coast Province. After some time again, the same teacher is transferred from Mombasa to Kisumu. We have traumatised families of public servants through these transfers. Therefore, let every transfer be in good faith. Let people have a human face when planning transfer matters. Let the requests come from the employees and not dictatorship and punishment by the employers. Families of these employees are really suffering. If a parent is punished and transferred to a different part of this country, the children's upbringing suffers and improving their lives becomes harder. Therefore, this Bill will bring fairness, justice and decrease impunity by some employers punishing innocent Kenyans.

Hon. Temporary Speaker, the Employment (Amendment) Bill will bring fairness and justice. It will reduce impunity by some employers who punish innocent Kenyans sometimes. Let me also support what our colleagues have said. It is a shame when politicians take advantage to punish people in their respective constituencies or counties because of political interests. The issues of Kenyans should be totally excluded from political issues. We support this Bill because we expect good things to come out of it. After it is implemented, we expect better families, very motivated workers in this country and good production because people will be motivated to do the right things at the right place.

Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this classic and important Bill in this country and at this time when we are led by His Excellency President William Samoei Ruto.

The Temporary Speaker (Hon. Martha Wangari): Member for Makueni.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker for giving me this opportunity to add my voice to this Bill. The practice of transferring workers is a human resource management tool mainly aimed at ensuring equity in the use of competencies. Key competencies and experiences are shared within the country and institutions.

The Mover of this Bill looked into transfers of workers. Transfers are not bad, but they are wanting in this country, especially in specific departments, mainly within the teaching

profession and the State Department for Interior and National Administration, especially the National Police Service (NPS). The Bill proposes that we establish standardised ways of carrying out these transfers, so that they serve their intended purpose. They should not be used for manipulation. The human resource of this country is supposed to make us move forward and add value in every area, so that we can advance, as a country. When transfers are used as tools to punish, manipulate or undermine— as it has already been said by many Hon. Members— we miss the point.

This is a very important Bill. We have good Bills, but their implementation is a challenge. As we consider this Employment (Amendment) Bill, we need to set out the enforcement mechanisms clearly. We can propose good amendments, but if the mechanisms for implementation are wanting, we will revert to the status quo. We need to be very clear on the mechanisms for implementation and oversight.

People can do their work and still make mistakes which are there so that we build our human resource and become better. They are not there to punish people. This happens in the State Department for Interior and National Administration. As we approach the political season, people will be transferred left, right and centre, so that they go and support other people's agendas. This is misuse of human resource. Every worker must benefit this country. I hope the passage of this Bill will help us streamline this particular abuse.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Before I give the next Member a chance to contribute, allow me to recognise, in the Public Gallery, students and teachers from PCEA Kagaru Church School from South Imenti Constituency, Meru County. In the Public Gallery, we have Keiyo South Farmers Association from Keiyo South Constituency, Elgeyo Marakwet County. We welcome them to observe Proceedings of the House. I see that the Member of Keiyo South would like to welcome his farmers. Also, welcome all the other guests.

Hon. Gideon Kimaiyo (Keiyo South, UDA): Asante Mhe. Spika wa Muda. Ningependa kuwaambia wanafunzi walio hapa kwamba wamekuja mahali sheria inaundwa. Huko mbele nawaombea Mungu. Mfanye bidii ili mfike hapa siku za usoni. Wananchi wanaotoka Keiyo South tunaowaita *hustlers* pale nyumbani ni miongoni mwa wageni wetu. Nawakaribisha Bungeni. Hapa ndipo tunakaa tukiunda sheria.

Inawezekana kwamba kila aliye na nia anaweza kuja hapa. Miaka ishirini iliyopita, nilikuja hapa kama mgeni kutafuta Mhe. Nicholas Biwott ndipo anilipie karo niende shule. Leo naketi hapa kama Mbunge. Inawezekana kwa *hustlers* wote walio pale nyumbani Keiyo South. *Bakule* wangu pale, karibuni Bunge.

The Temporary Speaker (Hon. Martha Wangari): Mheshimiwa wa Keiyo Kusini, kulingana na Kanuni za Bunge, lazima umalize kwa Kiswahili ukianza mchango kwa lugha hiyo.

Mbunge wa Marakwet Magharibi, endelea.

Hon. Timothy Kipchumba (Marakwet West, Independent): The Member from Keiyo South has uttered a word that must be struck out from *The Hansard*. Could the Member tell us what *bakule* means on the Floor of this House? Is it in order to use a Kalenjin word on the Floor of the House?

The Temporary Speaker (Hon. Martha Wangari): Member of Keiyo South, did you utter that word? What does it mean?

Hon. Gideon Kimaiyo (Keiyo South, UDA): Mhe. Spika wa Muda, sikuwa na nia mbaya kutumia hilo neno. Ni neno la urafiki pale nyumbani. Ninasema karibu kwa marafiki wangu ambao wamenitembelea.

Asante.

The Temporary Speaker (Hon. Martha Wangari): Nakuelewa. Lakini unafaa kuweka alama za nukuu ukitumia maneno ambayo hayaeleweki kwa kila mtu.

Hon. Gideon Kimaiyo (Keiyo South, UDA): Nimesikia, Mhe. Spika wa Muda. Asante.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Let us have the Member of Marakwet East, Hon. Kangogo Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you for giving me the opportunity to contribute to the Employment (Amendment) Bill of 2023. I want to start by opposing it. I do not know if Members have read the implications of the Bill, especially to our public service. The Bill will make public service ungovernable. You will have government employees who are not responsible to their superiors. You will need to seek their consent before you transfer them. Where can such happen? What kind of civil service and public service are we going to have as a country?

Clause 4(d) of the Bill reads, “Where an employee is to be transferred, the employer shall require the consent of the employee before effecting the transfer.” Which employee would want to be transferred maybe to the northern part of the country or to other parts of the country? All employees would want to stay within their homes, cities and towns.

Hon. Temporary Speaker, let me give an example of our military service. If today we have an emergency in Lamu County or in the northern frontiers of the country and we need to transfer some officers to reinforce officers on the ground, we will be required to first get consent from them. What if they refuse? This Bill will lead to litigation after litigation in our courts for almost all our civil service. This is a very dangerous Bill for the country. What is the definition of an employee in the Employment Act of 2007? It must be clear. It does not exclude our military.

Hon. Temporary Speaker, we have had Kenyans crying out that a number of traffic police officers collect bribes on our roads. The traffic commandant acknowledged that they have a lot of problems and suggested that officers need to be transferred from one place to another. Suppose in such a situation, they decline the transfers on account that they have not given their consent. What kind of a government will we have? What kind of a civil service will we have? The issue of transfer should not be legislative; it should be a regulation issue. We already have an employment Act and regulations that govern how transfers, promotions and discipline is done in the public service.

I would like to inform my friend, Hon. Didmus Barasa, that this Bill is not good for our country; it is not good for our civil service and it is not good for our public service. As of now, we already have many litigations by police officers in courts. A number of police officers are transferred from one station to another, but they decline the transfers. A number of them claim that the Inspector-General of Police does not have powers to transfer them from one station to another because the National Police Service Commission is their employer. We have seen the push and pull between the National Police Service Commission and the Inspector-General of Police because of a *lacuna* law. Again, we cannot have an Inspector-General of Police who does not oversee police officers. That is what we are trying to cure.

I ask honourable colleagues to read the Bill first. They will find that the Bill is not good for us. We love our employees and teachers. I heard some Members who contributed saying that the Teacher Service Commission sometimes wakes up in the morning and transfers a husband or a wife, therefore, separating a family.

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

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Member for Tigania West?

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): I respect the Chair of the Departmental Committee on Blue Economy, Water and Irrigation who has been making his contributions. However, it is surprising that he is reading the Bill selectively.

The Temporary Speaker (Hon. Martha Wangari): He is doing what?

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): He is reading the Bill selectively. He has read a few clauses and left out others.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mutunga, you are totally out of order. You also spoke on the Floor and did not speak to all the clauses of the Bill. Allow the Member to contribute unless something is really out of order. Yours, is a point of debate.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, my good friend, Hon. Mutunga, has not quoted the Standing Order he has stood on.

The Temporary Speaker (Hon. Martha Wangari): I have already ruled, Hon. Kangogo.

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

(Hon. Danson Mwashako spoke off the record)

The Temporary Speaker (Hon. Martha Wangari): The Member has said nothing so far since I gave him the Floor.

Hon. Danson Mwashako (Wundanyi, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): For what?

Hon. Danson Mwashako (Wundanyi, WDM): On what he had said earlier. He has just said something that was not good.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mwashako, you have just walked in. I do not want us to derail Members who have been sitting here since 9.30 a.m.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker. While walking in, I clearly heard the Member, who is the Chair of a very good Committee, insinuating that Members have not read this report. When he said he is going to oppose, he indicated that Members have not read. Is it good to cast aspersions on Members that we are contributing without reading the report?

The Temporary Speaker (Hon. Martha Wangari): Hon. Mwashako, I think I heard the Member say, because some Members are not here, he only urged all of us to read the Bill. I do not think it is bad. What did you say, Hon. Kangogo?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I persuaded Members to read the Bill because it only seeks to amend one clause of the Act. I know some Members listen to what other Members are saying and contribute without reading.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): You are making it worse, Hon. Kangogo.

Hon. Kangogo Bowen (Marakwet East, UDA): I have not quoted anybody. Allow me to conclude by saying we love the human resource in our country. They are doing a good job for the Public Service and the Civil Service, including our teachers. We must have discipline on how these employees transact their business. Having employees to determine when they will be transferred or not, is not good.

I oppose this Bill.

Hon. Didmus Barasa (Kimilili, UDA): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): There is a point of information from Hon. Didmus. Do you accept it or are you done?

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

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): I inform the Hon. Member that this proposal does not provide that those who are being transferred have to accept before they are transferred. This proposal is simply saying that they must be given a notice period before they are transferred. It happens in the Judiciary. He has not read and he was not here when I was moving it.

Secondly, which is very important, is we are just saying that transfers must be merited. The reason must be given to the person being transferred. You do not wake up one morning and then you have been transferred to Isiolo. We are saying that when transfers are done, they need to be cognisant of the health of the person to be transferred, the family of the person to be transferred and many issues. So, the Member should read it properly and understand before he misleads the country.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, I also have a copy of this Bill. Allow me to just set the record straight. Let me just read it because it is important. Clause 4 says where an employee is to be transferred, the employer shall:

1. Give the employee the reasons for the intended transfer.
2. Inform the employee of the implications.
3. Notify the employee of the measures.
4. Require the consent of the employee before effecting the transfer.

Hon. Members, we all have a copy of the Bill and there are many copies on the Floor. Let us be factual in our debates because our Standing Orders guide us to do so.

The Temporary Speaker (Hon. Martha Wangari): Are you done, Hon. Kangogo?

Hon. Kangogo Bowen (Marakwet East, UDA): This is the point I wanted to put across because Hon. Didmus is saying there is no part of the Bill that seeks consent. You have just read and I quoted Clause 4(d). You require consent of the employee before you effect the transfer. Which employee would want to go on transfer? Hon. Temporary Speaker, I oppose.

The Temporary Speaker (Hon. Martha Wangari): It is your right to actually support or oppose. I heard what Hon. Didmus was telling you? He asked what is wrong with what is written. Nothing is wrong, Hon. Members. This is a House of debate and we debate to improve any law for posterity. Allow me to give Hon. John Emathe a chance to contribute.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Speaker. I support the Bill from the onset. Kenya is one of the countries that is known to have excellent human resource capital in the world, like the former President of the USA, President Obama. Job transfers are normally granted either as a carrot or as a stick. When granted as a stick, it is sometimes punitive or used to correct a behaviour. However, when we dwell so much on transfers being a carrot, it will become defeatist for us as a House to only understand that employees will always push for better conditions of transfers. For the military, we will need to introduce a caveat in the amendment if the Bill to also speaks to the military or employees of the security sector in this country. We must have that discussion.

In Turkana, we have the General Service Unit (GSU) police at the borders. We have them in Lokichogio, Kibich and Lokirama and they normally work in shifts. If you know the way they administer their security services in this country, you will understand that their conjugal rights are denied by default. When they overstay in a station, they join the local communities around and sometimes get “wives” in that community. I want to thank some of the leaders who said we should allow them to keep on working in those areas even if that is what is happening. If they go, what will happen to our security?

I have witnessed officers being recruited into the police and sent to hardship areas. When they go for an operation, some of them get killed by bandits. These are new recruits who have just graduated and have not yet earned their first salary. Therefore, when the word

“consent” is introduced in the amendment, it needs to be looked at keenly. We have to define the meaning of “consent” in the amendment. I do not want to dwell so much on it.

I know Hon. Didmus will be vying for governorship of Bungoma County. If this proposed amendment Bill is his way of preparation, he should understand that it will be a challenge to handle the staff. He is dangling a carrot to them to be their Governor. I want to tell him that he will face challenges in terms of unproductive staff. They will want him to give them consent of transfer and he will not be able to. They will then go to the nearest court and he will be having Bills to pay. Therefore, he needs to be very careful when such an amendment is proposed. Governors in some counties, like where I come from, use transfers as a stick to move staff who do not conform to their ideologies or who do not support them to areas that do not even have offices. For example, I have staff who have been sent to Aro, Kapedo, Suguta and Kibich areas just because they do not support the Governor. When Hon. Didmus gets into office and he is bombarded with such challenges, what will be his response? His staff will be coming to him for consent.

On another wavelength, the Teachers Service Commission (TSC) handle with goodwill transfers recommended for some staff to be moved on disciplinary grounds. The response will be that the teachers cannot be demoted even when they are perpetual absentees. TSC cannot demote someone who became a principal in some school and later becomes a perpetual absentee or does not conform to the TSC regulations. Such a teacher will not be granted a transfer immediately because TSC regulations tie even the supervisors in the offices. What will you do; will you still go for a consent? Sometimes the consent may not be forthcoming and if you act, the teachers will go to the nearest court. Those are the challenges that we need to weigh and see whether this amendment will help us or it will be detrimental as we serve our country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Timothy.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker for giving me an opportunity to comment on this important Bill. First of all, I congratulate Hon. Didmus Barasa. The people of Kimilili made the right decision by sending this very consequential Member of Parliament to this honourable House. Teachers in this country have faced a myriad of challenges. One of the issues is in reference to the transfer of teachers. Teachers in this country have suffered. They are being transferred haphazardly by TSC. We are in this House to legislate.

If there are gaps in the Teachers Service Commission Act, 2012, then it is upon this House to ensure that we go through the Act and propose amendments in the best interest of teachers in this country. Teachers make presidents. They are the ones who teach us from nursery school to higher institutions up to the point that we become Members of Parliament. Therefore, as a House, we have an obligation to protect the best interest of teachers in this country. I respect the amendment.

Ordinarily, transfers are carried out by the TSC in respect to teachers. But again, they must have a human face. You cannot just wake up in the morning, transfer a teacher from Nairobi to Mandera or to any corner of this Republic without taking their concerns into consideration. Health is an issue. Family is an issue. I, therefore, support this very important amendment.

There are other issues that affect teachers, including terminal leave. As we speak, teachers in this country are the only civil servants that do not get terminal leave like the rest. We must discuss those issues. There is also the issue of pension. Teachers in this country retire while others even die without getting their pension. Why can we not take action as a House to protect the best interest of teachers?

Finally, the issue of consent is one that we can amend. We cannot throw the baby with the bathwater. If there is an issue with consent, we shall sit down as a House and rectify.

However, in so far as other issues like health and family are concerned, we should consider. I support the Bill with amendments.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Toroitich, there are no amendments on the Floor. You can only support the Bill as it is and propose amendments at the right time.

Hon. Members, that Bill will have a balance of one hour and 23 minutes when it is next scheduled.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today, Wednesday, 12th August 2026 at 2.30 p.m.

(The House rose at 1.00 p.m.)

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