



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. IV NO. 37**

## THE HANSARD

Thursday, 24<sup>th</sup> April 2025

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, we have no Quorum in the House. Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Order, Hon. Members. We now have a Quorum to transact Business. Please, take your seats and settle down.

I wish to consult with your leaders on how we shall proceed. After Order 2, we shall proceed directly to Orders 8, 9, 10, 11, 12, 13, 14, and 15.

*(Hon. Junet Mohamed spoke off the record)*

Pardon? You want me to communicate while standing? Okay.

With regard to Order 15, I wish to inform the House that we have met and made tremendous and acceptable progress in discussions involving myself, the majority and minority party leadership, and the leadership of the Council of Governors (COG), led by the Chairman, on the matter that has been causing considerable anxiety among many Members.

I wish to assure you that everything is under control, and there is no unnecessary exposure to the issues that have been causing anxiety for you, as Members of Parliament. You are safe, secure, and all is well. Therefore, I encourage you that when we reach that Order, since it has already been moved and seconded, we should dispose of it. As it is not a technical matter, we may conclude it as swiftly and practically as possible, so that we can attend to other Businesses.

Your leaders, Hon. Baya, Hon. Millie, Hon. Junet and Hon. Osoro, who were present with me during the meeting with the Chair of the COG and the Director of Legal Affairs at the COG, are fully informed of the matters discussed. As your Speaker, I give you a firm assurance that I shall always remain your first and last line of defence in safeguarding your interests.

*(Applause)*

Thank you.

Clerk-at-the-Table, call out the Orders.

*(Hon. Raphael Wanjala and Hon. Mary Emaase stood in the aisle)*

Hon. Wanjala, kindly take your seat. Hon. Maria may follow and speak to you quietly where you are seated. Are you age-mates?

Hon. Members, I have a brief communication to make.

### COMMUNICATION FROM THE CHAIR

#### KAMUKUNJI ON PUBLIC PARTICIPATION MODALITIES FOR CONSTITUTION OF KENYA (AMENDMENT) BILL

Hon. Members, you may recall that on Thursday, 17<sup>th</sup> April 2025, I issued a Communication on the planned granular public participation exercise on the Constitution of Kenya (Amendment) Bill (National Assembly Bill No.4 of 2025). The Bill seeks to amend the Constitution of Kenya to entrench the National Government Constituencies Fund, the Senate Oversight Fund, and the National Government Affirmative Action Fund in the Constitution.

In the Communication, I noted that in compliance with Article 256(2) of the Constitution, the country-wide public participation would be undertaken from Monday, 5<sup>th</sup> May to Wednesday, 7<sup>th</sup> May 2025 in all the Constituency and County Offices.

Additionally, pursuant to Article 118 of the Constitution, the Clerk placed advertisements in the Daily Newspapers on Monday, 21<sup>st</sup> April 2025 and Tuesday, 22<sup>nd</sup> April 2025, inviting members of the public to attend public hearings, to make oral submissions or submit memoranda on the Bill to amend the Constitution.

The advertisements provided a two-week notice before the commencement of country-wide public participation hearings. The Clerk has reported that his Office has already received, and continues to receive, numerous submissions from the public through the email addresses provided.

I also directed the Clerk to organise a *Kamukunji* where Members would be apprised of the modalities and administrative arrangements put in place to facilitate the said public participation exercise. In this regard, Honourable Members, I wish to inform you that the *Kamukunji* has been scheduled for next week, Tuesday, 29<sup>th</sup> April 2025, at 11:00 a.m. in the Main Chamber. This initiative is of critical importance as Members will play a central role in spearheading the process within their respective constituencies and counties.

The forum will also present an opportunity for Members to discuss other matters relating to the welfare of Members and the facilitation of representation and oversight roles of Members and the House.

Therefore, I implore all of you to attend this important briefing. It will ensure a unified understanding and effective coordination as we engage with the public on this exercise.

In addition, I have instructed all Members of the Parliamentary Service Commission to attend the *Kamukunji*. If there are concerns, as many of you have been raising, I urge you to read the Constitution for the proper procedure to remove holders of constitutional office.

*(Hon. Joshua Kandie spoke off the record)*

Order, Hon. Kandie! You are getting disorderly. I know you differently.

*(Laughter)*

*Ulikula nini lunch?*

*(Laughter)*

Hon. Members, we have four Commissioners from this House, two from the Senate, and two non-Member Commissioners. They will all attend the Kamukunji so that you can ask them about any issues related to staff welfare, Members' welfare, or any other issues you may wish to raise, except what Hon. Kandie is saying.

Thank you, Hon. Members. Let us move to the Next Order.

*(Several Members walked into the Chamber)*

Hon. Members on their feet, take your seats.

## **BILLS**

### *Second Readings*

THE SOCIAL PROTECTION BILL  
(National Assembly Bill No. 12 of 2025)

*(Moved by Hon. Owen Baya on 22.4.2025)*

*(Debate concluded on 23.4.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

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

*(Hon. Josses Lelmengit stood on the gangway)*

Hon. Lelmengit, take your seat.

THE VALUE ADDED TAX (AMENDMENT) BILL  
(National Assembly Bill No. 11 of 2025)

*(Moved by Hon. Owen Baya on 23.4.2025 – Afternoon Sitting)*

*(Debate concluded on 23.4.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

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

*(Hon. Francis Sigei stood on the gangway)*

Order, Ambassador Sigei. Take the nearest seat. Do you prefer to be called Ambassador or PC?

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

THE TREATY MAKING AND RATIFICATION (AMENDMENT) (NO. 2) BILL

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(National Assembly Bill No. 9 of 2024)

*(Moved by Hon. George Murugara on 23.4.2025 – Afternoon Sitting)*

*(Debate concluded on 23.4.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

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

*(Hon. Junet Mohamed stood on the gangway)*

Order, Leader of the Minority Party. Take your seat or freeze.

THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT BILL  
(National Assembly Bill No. 72 of 2023)

*(Moved by Hon. Owen Baya on 23.4.2025 – Afternoon Sitting)*

*(Debate concluded on 23.4.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

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

Hon. Members on their feet, take your seats.

## MOTION

### APPROVAL OF SESSIONAL PAPER ON KENYA FOREIGN POLICY

THAT, this House adopts the report of the Committee on Defence, Intelligence and Foreign Relations on its consideration of Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya, laid on the table of the House on Tuesday, 22<sup>nd</sup> April 2025 and approves Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya.

*(Moved by Hon. Major (Rtd) Abdullahi Sheikh on 23.4.2025 – Afternoon Sitting)*

*(Debate concluded on 23.4.2025 – Afternoon Sitting)*

*(Question put and agreed to)*

## BILLS

### First Readings

### THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL

(Senate Bill No. 39 of 2023)

THE ENERGY (AMENDMENT) BILL  
(Senate Bill No. 42 of 2023)

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

*Second Reading*

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL  
(Senate Bill No. 1 of 2025)

*(Moved by Hon. Samuel Atandi on 17.4.2025)*

*(Resumption of debate interrupted on 17.4.2025)*

Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Speaker. In the spirit of the discussion we started, and looking at the import of this Bill, the position is that we have had a robust discussion, agreements, and consent has been entered to withdraw the Court case.

Hon. Speaker, regarding this Order, I implore you and the Members to allow the Mover to reply so we can move to the Committee of the whole House. Anyone with issues to raise at the debate stage can do so during the Committee of the whole House, so that we can show goodwill on the matter. We should gain time and expedite the process. There is nothing much to discuss on the County Governments Additional Allocations Bill; these are figures.

Hon. Speaker, if you allow, we can move in that direction. Thank you.

**Hon. Speaker:** Hon. Members, I will allow the House to decide.

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

Mover.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Speaker, I take this opportunity to thank you and the leadership of the House for helping us resolve the issues that surrounded the passing of this Bill.

In passing this Bill, the House has done much justice to Kenyans. This Bill will allocate Ksh42 billion from donors, in the form of loans and grants, to run programmes in the health, water and sanitation, and agricultural sectors. These are the things that will help transform the lives of our people across the country.

With those remarks, I beg to reply.

*(Several Members stood along the gangways)*

**Hon. Speaker:** Order, Hon. Members. Take your seats.

Hon. Members, after putting the Question at Order 15, we will go straight to the Committee of the whole House on the same Bill listed at Order 16. Thereafter, the House will go back to Orders 3, 4, 5, 6 and 7. I know Hon. Kitayama has a Petition. After that, we will go back to Order 17.

Hon. Members, I will now put the Question to Order 15.

*(Question put and agreed to)*

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

Hon. Members, before we go to the next Order, allow me to acknowledge our visitors in the Public Gallery. We have the Evangelical Christian Church School from Moyale, Saku Constituency, Marsabit County, and Little Lambs Academy, Kapseret Constituency, Uasin Gishu County. On my behalf and that of the House, we welcome the students and those accompanying them to the House of Parliament.

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order of the Committee read)*

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

## IN THE COMMITTEE

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

### THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (Senate Bill No.1 of 2025)

**Hon. Chairlady:** Hon Members, we are in the Committee of the whole House to consider the County Governments Additional Allocations Bill (Senate Bill No.1 of 2025)

*(Clauses 3 and 4 agreed to)*

#### Clause 5

THAT, Clause 5 of the Bill be amended—

- (a) in sub-clause (5), by deleting the expression “except allocations under subsection (1)(a)” appearing immediately after the word “shall”
- (b) in sub-clause 8, by deleting the expression “subsections (1) and (2)” and substituting therefor the expression “subsection (1), (2) and (3)”

**Hon. Chairlady:** There is a proposed amendment by the Chairman of the Budget and Appropriations Committee.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Chairlady, I would like to stand down the proposed amendment. The amendment was supposed to remove from the Estimates about Ksh523 million, which was earmarked for constructing five county headquarters. Hon. Chairlady, I have since received instructions from the National Treasury confirming that that money is available, and therefore, there is no need for the amendment.

*(Proposed amendment by Hon. Samuel Atandi withdrawn)*

*(Clause 5 agreed to)*

*(Clauses 6, 7 and 8 agreed to).*

*First Schedule.*

THAT, the First Schedule to the Bill be deleted and replaced with the following new Schedule—

### FIRST SCHEDULE

Conditional Additional Allocations to County Governments from National Government's Share of Revenue in FY 2024/25 (Kenya Shillings)						
		FY 2023/24	FY 2024/25			
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Basic Salary Arrears for County Government Health Workers.	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D	Column E
1	Baringo	92,926,764		63,810,000	19,263,318	83,073,318
2	Bomet	132,634,641		74,070,000	21,261,693	95,331,693
3	Bungoma	492,962,800	186,000,000	107,400,000	39,854,059	333,254,059
4	Busia	376,591,665	186,000,000	66,390,000	23,691,627	276,081,627
5	Elgeyo/Marakwet	64,400,155		37,200,000	15,685,017	52,885,017
6	Embu	363,131,838	186,000,000	60,300,000	32,801,231	279,101,231
7	Garissa	264,807,925	186,000,000	74,520,000	32,981,339	293,501,339
8	Homa Bay	415,917,803	186,000,000	88,620,000	26,419,251	301,039,251
9	Isiolo	64,333,234		21,630,000	12,147,883	33,777,883
10	Kajiado	41,355,485		50,070,000	43,495,118	93,565,118
11	Kakamega	294,386,469		127,500,000	44,529,977	172,029,977
12	Kericho	140,552,947		45,690,000	43,439,856	89,129,856
13	Kiambu	409,665,074	52,631,579	94,680,000	119,957,202	267,268,781
14	Kilifi	138,924,099		116,100,000	58,281,743	174,381,743
15	Kirinyaga	367,510,449	186,000,000	36,660,000	19,389,816	242,049,816
16	Kisii	186,645,942	173,368,421	88,200,000	72,428,277	333,996,698
17	Kisumu	130,537,637		89,940,000	75,399,627	165,339,627
18	Kitui	179,499,580		74,100,000	43,756,694	117,856,694
19	Kwale	90,011,220	226,000,000	52,140,000	28,773,123	306,913,123
20	Laikipia	76,547,852		25,230,000	40,454,974	65,684,974
21	Lamu	62,515,370		14,520,000	11,301,830	25,821,830
22	Machakos	445,350,986	186,000,000	83,250,000	58,646,293	327,896,293
23	Makueni	173,836,213		113,700,000	30,568,273	144,268,273
24	Mandera	13,777,962		18,540,000	19,809,159	38,349,159
25	Marsabit	2,389,320		60,090,000	15,028,763	75,118,763
26	Meru	488,329,627	186,000,000	111,480,000	43,915,785	341,395,785
27	Migori	394,621,807	186,000,000	88,380,000	27,687,815	302,067,815
28	Mombasa	262,131,098	52,631,579	71,610,000	108,971,914	233,213,493

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Conditional Additional Allocations to County Governments from National Government's Share of Revenue in FY 2024/25 (Kenya Shillings)						
		FY 2023/24	FY 2024/25			
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Basic Salary Arrears for County Government Health Workers.	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D	Column E
29	Murang'a	452,896,800	52,631,579	46,050,000	56,993,611	155,675,190
30	Nairobi	14,721,991		224,010,000	112,268,649	336,278,649
31	Nakuru	484,883,209	52,631,579	99,390,000	90,404,261	242,425,840
32	Nandi	378,705,606	52,631,579	96,660,000	26,764,781	176,056,360
33	Narok	139,655,079		49,800,000	21,496,514	71,296,514
34	Nyamira	342,563,428	52,631,579	44,370,000	19,979,711	116,981,290
35	Nyandarua	242,624,039		41,610,000	16,043,981	57,653,981
36	Nyeri	156,487,648		74,250,000	55,172,326	129,422,326
37	Samburu	12,431,664		46,140,000	13,079,798	59,219,798
38	Siaya	423,929,548	52,631,579	63,810,000	22,723,820	139,165,399
39	Taita Taveta	50,418,729		41,070,000	32,591,911	73,661,911
40	Tana River	136,049,566		28,890,000	6,982,057	35,872,057
41	Tharaka Nithi	174,459,830		37,950,000	24,597,481	62,547,481
42	Trans Nzoia	366,941,692	52,631,579	67,200,000	46,626,677	166,458,256
43	Turkana	12,815,035		74,250,000	24,986,518	99,236,518
44	Uasin Gishu	379,487,557	186,000,000	61,980,000	9,600,471	257,580,471
45	Vihiga	97,662,444		43,380,000	15,044,112	58,424,112
46	Wajir	11,656,907	173,368,421	60,810,000	19,869,801	254,048,222
47	West Pokot	72,161,965		77,490,000	13,933,594	91,423,594
	<b>GRAND TOTAL</b>	<b>10,116,848,690</b>	<b>2,853,789,474</b>	<b>3,234,930,000</b>	<b>1,759,101,729</b>	<b>7,847,821,203</b>

*(Question Proposed)*

**Hon. Chairlady:** There is an amendment. Go on record.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Chairlady, I equally withdraw the amendment with the same reasoning that National Treasury Planning has confirmed availability of funds.

Thank you.

*(Proposed Amendment by Hon. Samuel Atandi withdrawn)*

*(First Schedule agreed to)*

*Second and Third Schedules*

**Hon. Chairlady:** Could you confirm on record that there is no amendment?

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**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon Chairlady, I confirm that there is none.

**Hon. Chairlady:** Okay.

*(Second and Third Schedules agreed to)*

*Clause 2*

**Hon. Chairlady:** Confirm that there is no amendment.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Chairlady, there is no amendment.

**Hon. Chairlady:** Thank you.

*(Clause 2 agreed to)*

*(Title agreed to)*

*Clause 1*

**Hon. Chairlady:** Chairperson, Budget and Appropriations Committee, confirm there is no amendment.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Chairlady, I confirm there is no amendment.

**Hon. Chairlady:** Thank you.

*(Clause 1 agreed to)*

Mover? Hon. Atandi?

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Chairlady, I beg to move that the Committee do report to the House its consideration of the County Governments Additional Allocations Bill (Senate Bill No.1 of 2025) and its approval thereof without amendments.

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

## MOTION

### CONSIDERATION OF REPORT ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL

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

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the County Governments Additional Allocations Bill (Senate Bill No. 1 of 2025) and approved the same without amendments.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. Mover.

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**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

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

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, Hon. Members. The mood in the House is that I put the Question.

*(Question put and agreed to)*

## BILL

### *Third Reading*

#### THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (Senate Bill No. 1 of 2025)

Mover.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to move that the County Governments Additional Allocations Bill (Senate Bill No. 1 of 2025) be now read a Third Time.

I also request Hon. (Dr) Pukose to second.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, I stand to second a Third Reading of the County Governments Additional Allocations Bill (Senate Bill No. 1 of 2025).

*(Question proposed)*

**Hon. Members:** Put the Question.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you, Hon. Members.

I have confirmed that the House is properly constituted for the purpose of making this decision. I, therefore, put the Question.

*(Question put and agreed)*

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

## PETITION

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

#### RESETTLEMENT OF KURIA PEOPLE IN NAROK COUNTY

**Hon. Maisori Kemero** (Kuria East, UDA): Hon. Temporary Speaker, I rise to read the Public Petition No.10 of 2025.

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I, the undersigned, on behalf of *Mnyonge Ana Haki*, a welfare association of the Kuria people, also known as the Tende, and residents of Migori County, draw the attention of the House to the following:

THAT, the Kuria people historically occupied the area now known as Moyoi in Trans Mara (Narok County), referring to it as Gutura, and their presence predates that of the Siria Maasai who arrived later in the 18<sup>th</sup> century;

THAT, the Kuria had lawfully paid for 20,000 acres of the land in the 1950s following colonial-era agreements, and these facts were upheld through historical documents, community testimonies, and court-supervised settlements;

THAT, on 2<sup>nd</sup> February 1989, government security forces conducted a forceful and violent eviction of the Kuria people from their ancestral land, resulting in displacement of over 13,000 people, destruction of homes, rape, looting and burning of property;

THAT, the National Land Commission (NLC), following extensive hearings, issued Gazette Notice No. 1550 of 1<sup>st</sup> March 2019, awarding the 20,000 acres to the Kuria people and recommending restitution with integration of current occupants;

THAT, despite the NLC's Ruling, implementation has stalled allegedly due to interference by corrupt individuals and uncooperative local administration;

THAT, the ongoing land impasse continues to fuel tension and insecurity in the region, affecting inter-communal peace and stability along the Trans Mara border;

THAT, false narratives have been peddled suggesting the Kuria people intend to alter county boundaries, a claim which they refute and clarify that they only seek land restitution and not boundary alteration;

THAT, the displacement and denial of land rights violate key constitutional provisions, including Articles 40 (right to property), 43 (right to adequate housing), 63 (community land), and 67(2)(e) (land injustice redress mandate of NLC);

THAT, the Kuria people continue to suffer in informal settlements and slums, lacking access to proper shelter, livelihood, and dignity despite the government's obligation to protect their rights;

THAT, the Kuria people have made several appeals to government departmental agencies and the Judiciary, including the Truth, Justice, and Reconciliation Commission (TJRC), all of which affirm the legitimacy of their land claim; however, all these efforts to address the matter have been futile; and,

THAT, the matter in respect of which this Petition is made is not pending before any Court of law or constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Engages the Ministry of Lands, Public Works, Housing and Urban Development and other relevant authorities with a view to investigating into the alleged irregular, illegal acquisition of lands by private developers; and, recommend for restitution of the 20,000 acres of land to the Kuria people in line with ruling made by the National Land Commission 2019.
2. Recommend for cancellation of irregular land titles and resurveying of the area to enable proper land adjudication and settlement of all rightful claimants.
3. Recommend that the affected Kuria families be verified, resettled, and adequately compensated, and that resources be allocated to facilitate their dignified return.
4. Makes any other recommendation or action it deems fit in addressing the plight of the petitioners.

And your petitioners will forever pray.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Robert Mbui, do you want to speak on this Petition?

**Hon. Robert Mbui** (Kathiani, WDM): Yes.

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

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Temporary Speaker. I stand to support this Petition by the Member representing the people of Kuria. The issue of land has been a thorn in the flesh of this country. In fact, we not only have the TJRC Report that he talked about, but we also have the Ndung'u Commission Report on the Illegal and Irregular Allocation of Public Land. We have tried so many ways to deal with the land issue. We established the National Land Commission when the new Constitution was promulgated, but the land problem persists. I do not know whether this Committee will figure out how to help the country on land issues as they handle this Petition, so that it can be a thing of the past. We cannot continue in this manner. I support the Petition, and I want to ask the committee to do justice to this Petition now that it is under new leadership. New brooms sweep better.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Adan Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Temporary Speaker. Addressing historical injustices was one of the reasons for the agitation for the promulgation of the Constitution. As a country, we must not be afraid to make certain decisions that will be critical in improving our image and adding value to our diversity, representing the nation-states that constitute our premier nation.

This Petition filed in the National Assembly attempts to address issues that critical organisations have either escaped or refused to acknowledge. It is high time that the National Land Commission... Under Chapter 15 of the Constitution, we have so many constitutional commissions. The reason the framers of the Constitution decided to give the commissions constitutional, institutional, statutory, and budgetary independence was to give them space within our governance platform to function independently without being hampered by the day-to-day decision-makers. Therefore, the National Land Commission and other constitutional commissions should take their mandates seriously and give Kenyans a reason for their continued existence. I, therefore, support this Petition within the context of dealing with historical injustices. If there is one region that has been really abused through the Sessional Paper No. 10 of 1965 and many administrative platforms, it is the Northern region of Kenya. When I see people from other regions being stigmatised because of historical decisions, I remember where we have come from. Today, I empathise with these people. I urge the relevant committee to expedite the process. My recommendation is that we should not reduce this House to a talking shop.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): You have made your point.

Hon. Kasim Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Asante sana, Mhe. Spika wa Muda, kwa kunipa fursa hii. Sijui suala hili la ardhi na wananchi kunyanyaswa tuliimbie, tulizungumzie au tulililie ili wananchi wapate haki yao. Sio tu watu wa Kuria peke yake walioathirika. Kila wakati tunalizungumzia hili suala la ardhi, haswa sehemu za Pwani kama Matuga na Kwale ambako watu wananyanyaswa kila kuchao... Kuna sehemu kama Darad kule Diani, ambako watu wenye vibali walivyopewa na Serikali bado wananyanyaswa na mabwanyenye.

Naunga mkono ardhilhali hii iliyoletwa na Mhe. Marwa Kitayama kwa niaba ya watu wake wa Kuria. Kama walivyozungumza wenzangu, itafika wakati ambapo kwa sababu ya suala hili, tutalazimika kuwa na vikao maalum, kama Wabunge, kuona ni vipi tutabatilisha sheria za tume ya mashamba, *the National Land Commission Act*, ili iwe na nguvu; na vipi

tutatumia vitengo mbalimbali vya Serikali ili visitumiwe na mabwanyenye kuhaini hatua za Serikali na kuwanyanyasa wananchi. Wakati umefika wa Bunge kuchukua hatua dhabiti ya kulinda wananchi wake.

Ahsante.

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

Hon. Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Speaker. I support this Petition by Hon. Kitayama. It is about the rights of minorities. In this country, the Bill of Rights is very clear. We must thank the framers of our 2010 Constitution. Justice delayed is justice denied. Hon. Kitayama has talked about historical issues of history and discrimination. He is a minority in a place where there are one or two constituencies that the Kuria can talk about. If he vies for the governor position in the remaining six constituencies in the same area, he will not get votes in that county. Unless we address the rights of minorities, they will continue to be disadvantaged in this country, and they will continue to lag. When the Report of this Petition comes to the Floor of the House, it will be important that it is observed with the best lenses so that the rights of minorities are restored.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Finally on this, let us have Hon. Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary. I stand in solidarity with my friend in his Petition concerning land issues in his constituency. The issue of land conflicts has been clearly picked out in the Njonjo Commission Report, the Ndungú Report, the National Land Policy, and subsequent legislations. The Constitution of Kenya envisaged two separate approaches to solving historical land injustices and land disputes. When we created the National Land Commission, we believed and trusted it would have a full constitutional mandate to resolve such issues. However, over time, its mandate has been emasculated through internecine wars between the main Ministry, the Cabinet Secretary, and the National Land Commission, which are unnecessary. Through this Petition, I hope the legal lacuna will be identified and land dispute resolution matters returned to the National Land Commission. We should also have local land dispute mechanisms which are faster and more efficient. It will consider local issues expeditiously. I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. This Petition is referred to the Public Petitions Committee. Is the Chair in the House? Any member of the Public Petitions Committee in the House? After how long will you respond?

*(A Member spoke off record)*

Very well. You have been given a maximum of 90 days to bring that petition to the Floor of this House. Thank you.

Before we go to the next Order, let me acknowledge and recognise Apostolic Carmel School from Kapseret Sub County, Uasin Gishu, in the public gallery. Hon. Members, please applaud the students in the Public Gallery.

*(Applause)*

I do not know if the Member of Parliament for that constituency is in the House. Do we have any other Member of Parliament from that county?

Next Order.

## PAPERS

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**The Temporary Speaker** (Hon. Omboko Milemba): The Leader of the Majority Party.

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

1. Reports of the Auditor-General on the financial statements of Commodities Fund Staff Mortgage and Car Loan Scheme for the years ended 30<sup>th</sup> June 2020 and 30<sup>th</sup> June 2023 and the certificates therein.
2. Reports of the Auditor-General on hybrid generation of off-grid power system (Credit No. CKE 106601L) for the year ended 30<sup>th</sup> June 2022 of the Kenya Power and Lighting Company.
3. Summary reports of the Auditor-General on the national government for the 2023/2024 Financial Year.
4. Reports of the Auditor General on financial statements for the year ended 30<sup>th</sup> June 2023 and the certificates therein in respect of—
  - (a) Chamasiri Technical and Vocational College
  - (b) Chanzeywe Technical and Vocational College
  - (c) Chuka Technical and Vocational College
  - (d) Dr Daniel Wako Murende Technical and Vocational College
  - (e) Ebukanga Technical and Vocational College
  - (f) French College Kaimosi
  - (g) Kaiboi Technical Training Institute
  - (h) Karumo Technical Training Institute
  - (i) Kenya Seed Company (Rwanda) Limited
  - (j) Kibo Seed Company Limited
  - (k) Kiirua Technical Training Institute
  - (l) Kimasian Technical and Vocational College
  - (m) Kisiwa Technical Training Institute
  - (n) Lafey Technical and Vocational College
  - (o) Matili Technical Training Institute
  - (p) Matungu Technical Training Institute
  - (q) Mukiria Technical Training Institute
  - (r) Ramogi Institute of Advanced Technology
  - (s) Simlaw Seeds Company (Kenya) Limited
  - (t) Simlaw Seed Company (U) Limited

Thank you, Hon. Temporary Speaker.

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

**Hon. Charles Onchoke** (Bonchari, UPA): Thank you, Hon. Temporary Speaker. I found myself sitting in the leadership row. It is appalling to notice that the table for the Whip of the Minority Party does not hold. It is falling apart. What is going on? We want urgent action to be taken so that the table is restored.

*(Laughter)*

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Member, come up clearly. What are you speaking about? What is your point of order?

Very well. Next Order.

## QUESTIONS AND STATEMENTS

Before we get Statements by Members, let me allow the Leader of the Majority Party to give his Thursday Statement.

## STATEMENTS

### BUSINESS FOR THE WEEK OF 28<sup>TH</sup> APRIL – 2<sup>ND</sup> MAY 2025

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 22<sup>nd</sup> April 2025, to prioritise business for consideration during the week. With regard to business scheduled for Tuesday next week, the House is expected to consider the following Bills at various stages, some of which are listed in today's Order Paper:

1. The Committee of the whole House on—
  - (a) The Social Protection Bill, 2025.
  - (b) The Value Added Tax (Amendment) Bill, 2025.
2. Second Reading of—
  - (a) The Learners with Disabilities Bill, Senate Bill No. 4 of 2023.
  - (b) The National Cohesion and Integration Bill, 2023.
  - (c) The Political Parties (Amendment No. 2) Bill.
3. Ratification of Agreements on Fisheries Subsidies. This is very important for Members from fish-growing areas. The Chairman here will look at the ratification so that we can, yes, the Bill is coming.
4. The Third Report of the Public Investments Committee on Social Services, Administration and Agriculture on consideration of audited accounts of specified State corporations.
5. Reports of the Public Investments Committee on Governance and Education on consideration of audited accounts of State Corporations for the Central Region.
6. Consideration of Comprehensive Economic Partnership Agreements between the Republic of Kenya and the United Arab Emirates.
7. Consideration of nominees for appointment as members of the Board of the Central Bank.

It is important to note that the Central Bank will have a new Board, and we, as the 13<sup>th</sup> Parliament, have the privilege of considering the nominees.

Further, in accordance with the provisions of Standing Order 42A(5) and (6), I wish to convey that the Prime Cabinet Secretary, Hon. Musalia Mudavadi, who is also the Cabinet Secretary for Foreign and Diaspora Affairs, is scheduled to appear before the House in the afternoon of Wednesday, 30<sup>th</sup> April 2025 to respond to concerns on the criteria used by the government to classify hardship areas and payment of hardship allowance to teachers and other civil servants. We have been pushing this for the last month, and Hon. Jared Okello has been at the forefront. We need to be here to listen to the Cabinet Secretary on the payment of hardship allowance to teachers and other civil servants.

In addition, the Prime Cabinet Secretary is scheduled to respond to the following Questions:

1. Question 34/2025 by the Member for West Mugirango, Hon. Stephen Mogaka, regarding measures taken by the government to assist Mr Chris Ayuga Barake (passport No. B203878), who was arrested and detained in India on 6<sup>th</sup> October 2023 on allegations of online fraud.



2. Question 35/2025 by the Member for Nandi County, Hon. Cynthia Muge, regarding details of all children born to Kenyan mothers in the Kingdom of Saudi Arabia and efforts being made to process their return to Kenya.
3. Question 46/2025 by the Member for Gem, Hon. Elisha Odhiambo, regarding strategies and measures for streamlining the process of integration of Kenyans born abroad and their recognition as Kenyan citizens.

In conclusion, the House Business Committee will convene on Tuesday, 29<sup>th</sup> April 2025, to schedule business for the rest of that week. I wish to lay this Statement on the Table of the House. I wish all Members a beautiful and happy weekend as they go to their constituencies to engage with their constituents on matters of development.

Hon. Temporary Speaker, I beg to lay.

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Hon. Martha Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Temporary Speaker, for indulging me. On Tuesday, I requested a Statement on gambling, specifically the Aviator game of chance, and the Speaker ruled that it should be brought to the Floor of the House today. It is not listed in the Order Paper. You can give some guidance. We are scheduled for recess next week, and it is very urgent that we discuss that matter.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, Hon. Martha. I vividly remember you asking for that particular Statement. Is the Chair of the Departmental Committee on Finance and National Planning in the House? I cannot see him in his usual place. Any member of the Committee?

Deputy Leader of the Majority Party, you need to undertake to remind the Chair of the Committee to bring a response to the request by Hon. Martha on Tuesday.

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

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

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Temporary Speaker. I refer to the Statement just read by the Deputy Leader of the Majority Party. Two weeks ago, we raised some fundamental issues here that needed to be responded to by the Cabinet Secretary for Roads and Transport. We expected to have him yesterday, but he did not show up. The explanation we got was that he is in China. Next week, being the last week before we proceed for recess, I hoped that the House Business Committee would have scheduled the Cabinet Secretary to appear and respond to some pertinent issues that need to be discussed. Quite a number of these issues were raised before the Committee, and they were to be responded to by the Departmental Committee on Roads and Transport, but they were subsequently dropped so that the Cabinet Secretary would respond to them.

In the absence of the Cabinet Secretary, the Statements and Questions raised to the State Department of Transport over two months ago will not be responded to as we go on to recess. I seek your indulgence, Hon. Temporary Speaker, for the Leader of the Majority Party to explain and perhaps give us an undertaking when we expect the Cabinet Secretary for Roads and Transport to address some very pertinent issues, especially before we start the decision-making process.

**The Temporary Speaker** (Hon. Omboko Milemba): You have made your point quite clear. Very well put. While sitting in his place, the substantive Speaker indicated that the Cabinet Secretary was out of the country, and he may appear before the House next week. The Deputy Leader of the Majority Party, could you comment on that?

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I have heard from Hon. Mwenje about this matter. This is the second time he has raised the issue. As you said, the substantive Speaker gave reasons why the Cabinet Secretary could not appear last Wednesday. However, I undertake to ensure that we get communication from his office. By

Tuesday, we will inform you if he will appear on Wednesday. I would also like him to appear alongside the Prime Cabinet Secretary on Wednesday. The issues of the Prime Cabinet Secretary are not many; they are just a few items. It is possible to have the two Cabinet Secretaries appear on Wednesday. I undertake that we will make arrangements to have the Cabinet Secretary for Roads and Transport be in the House on that day.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): I further add that in the interest of all the Members, you make an undertaking as you have indicated that he appears alongside the Prime Cabinet Secretary. Matters concerning roads greatly concern every Member. Thank you.

Let us go to the next Statement by the Hon. Joseph Gitari, Member of Parliament for Kirinyaga Central.

STATUS OF THE OPERATIONALISATION OF  
THE INOI DIVISION IN KIRINYAGA

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Temporary Speaker. I rise to request a statement regarding the Operationalisation of the Inoi Division in Kirinyaga County.

Pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the operationalisation of Inoi Division in Kirinyaga County.

Inoi was gazetted as a Division vide *Gazette Notice* Vol. CXIX on 21<sup>st</sup> June 2017. However, the Government is yet to operationalise the administrative units. The inordinate delay has denied the residents of Kirinyaga County access to essential government services that would have been offered at the divisional offices.

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

1. The reasons for the inordinate delay in the operationalisation of Inoi Division as gazetted vide *Gazette Notice* Vol. CXIX on 21<sup>st</sup> June 2017.
2. Report on the measures the Government is taking to operationalise Inoi as a Division, including timelines.

I thank you, Honourable Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. The Chairman of the Departmental Committee on Administration and Internal Security.

*(Hon. Ali Raso rose in his place)*

Go ahead.

**Hon. Dido Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I have heard what Hon. Gitari is seeking. Last week, when Hon. Kipchumba Murkomen, the Cabinet Secretary for Interior and National Administration, appeared before the House, he addressed himself to that issue. Additionally, he appeared before the Committee on Tuesday. He gave us an undertaking to provide a comprehensive list of all pending cases of sub-counties, divisions and locations that have not been operationalised. For that reason, we will undertake to provide a response to the House immediately we resume from recess.

Thank you, Hon. Temporary Speaker.

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

*(Hon. Timothy Kipchumba rose in his place)*

Go ahead.

**Hon. Timothy Kipchumba** (Marakwet West, UDA): Hon. Temporary Speaker, I wish to thank Hon. Gitari for raising that substantive issue. The Cabinet Secretary for Interior and National Administration should take the issue of the operationalisation of administrative units in this country seriously. This issue is not only in Kirinyaga but across the country. I call upon the Cabinet Secretary for Interior and National Administration and the Departmental Committee on Administration and Internal Security to take up that matter and ensure that, apart from operationalisation of administrative units, they outline the legal framework guiding the setting up of new administrative units in this country. There is no clear framework. It is only given as a token or upon request.

Hon. Temporary Speaker, I second that Statement.

**The Temporary Speaker** (Hon. Omboko Milemba): Order! There is no need to second a Statement. I have been a religious follower of this matter. As Hon. Raso explained, when the Cabinet Secretary was here, he made an undertaking that is now in progress. The sentiments you are putting across were put across the same day, but we thank you for them. Hon. Raso, note those statements. We told the Cabinet Secretary to undertake that and bring a list.

Yes, Hon. Raso.

**Hon. Dido Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker, for indulging me. The Member of Parliament for Marakwet was in the House when the Cabinet Secretary said he needed Ksh2.5 billion to operationalise every administrative unit that has been gazetted. So the onus is on us. If we are ready to give him the money, the administrative units that have been gazetted will be operationalised. For that reason, Hon. Gitari's Statement will be responded to, but we cannot play the ball outside this House. This is a budget-making House. We must look for the money.

Thank you, Hon. Temporary Speaker.

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

#### STATUS OF SECURITY MEASURES IN FAFI CONSTITUENCY

**Hon. Farah Yakub** (Fafi, UDA): Thank you, Hon. Temporary Speaker. Pursuant to Standing Order 44(2) (c), I rise to request a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the status of security measures in Fafi Constituency, Garissa County, following a recent attack by suspected *Al-Shabaab* militants.

It is with profound concern that I report the tragic loss of six police reservists and injury of four other officers in a heinous attack that occurred on 23<sup>rd</sup> March 2025 in Biyamadhow, Fafi Constituency. The assailants, believed to be members of the *Al-Shabaab* terror group, staged a coordinated assault on a police reservist camp at dawn, deploying firearms and explosives to overwhelm the facility. Shockingly, there has been no official statement or communication from the relevant government authorities on this matter. This attack is the latest in a series of security breaches attributed to *Al-Shabaab*, a group officially designated as a terrorist organisation by the Government of Kenya and the international community, often targeting military personnel, security installations, and civilians alike, primarily in frontier counties such as Garissa, Wajir, and Mandera.

The National Police Reservists (NPRs) have played a critical role in supplementing formal security operations, particularly in remote and underserved areas. It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Provide information on the government's mechanism for compensating the families of six NPR officers who tragically lost their lives in Fafi Constituency.
2. State measures the Government has taken to cover the medical expenses of the four officers who sustained injuries during the attack.
3. Provide details on any ongoing or planned support programmes, financial, psychological, or otherwise, for the affected officers and their families.
4. State the immediate security interventions with long-term strategies the Government is implementing to safeguard the residents of Fafi Constituency and prevent further attacks by *Al-Shabaab* or other militant groups.

I thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): The Vice-Chairperson of the Departmental Committee on Administration and Internal Security, Hon. Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I believe the Member has made a substantive request. His constituency borders our neighbouring country and is under a serious security threat. Although we will share the Statement with the Ministry, I ask him also to engage the Committee. We need to make an effort to visit the region to help out and brief the House accordingly.

**The Temporary Speaker** (Hon. Omboko Milemba): So, how long?

**Hon. Ali Raso** (Saku, UDA): Immediately after the recess.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. The next Statement is by Hon. Adagala, but she wrote to the Speaker. Therefore, this request for a Statement is held in abeyance.

Next is Hon. Mayaka. Order, Hon. Mayaka. I have been informed that Hon. Adagala instructed Hon. Bartoo to present the statement on her behalf. Before we get to you, Hon. Mayaka, let us have Hon. Bartoo on behalf of Hon. Adagala.

#### POWER OUTAGES ACROSS THE COUNTRY

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Temporary Speaker. Allow me to welcome the students from Kapseret Constituency, in Uasin Gishu County, on behalf of the Member of Parliament, Hon. Oscar Sudi, who is away on official duty.

*(Laughter)*

Hon. Temporary Speaker, Kapseret Constituency is in Uasin Gishu, and I come from the same county. I welcome the students and encourage them to feel at home. This is Parliament, where the laws of the land are made. I hope that by the time you leave this House, you will have learned something that will positively shape your lives.

I will now go to the Statement by Hon. Beatrice Adagala. This is a request for a Statement regarding continued power outages across the country. Pursuant to Standing Order 44 (2) (c), I rise to request a Statement from the Chairperson of the Departmental Committee on Energy regarding continued and increasingly frequent power outages being experienced across the country.

In the recent past, the country has experienced persistent and widespread power outages, some lasting several hours and, in certain areas, occurring daily. These blackouts have affected households, disrupted businesses, endangered patients in healthcare facilities, and raised serious concerns over the stability and reliability of the national power grid. Despite previous assurances from the Kenya Power and Lighting Company (KPLC) and other energy sector stakeholders, the problem persists, causing significant economic losses and eroding public confidence in our national power infrastructure.

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Hon. Temporary Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Energy on the following:

1. Report on the causes of the frequent and prolonged power outages being experienced across the country;
2. The steps being taken by the Ministry of Energy and KPLC to stabilise the power supply and prevent constant and repeated outages;
3. The immediate mitigation measures being implemented to protect essential service providers such as hospitals, learning institutions, and security installations from these outages;
4. The progress made in upgrading and maintaining the national power infrastructure, including timelines for resolving persistent faults and ensuring the reliability of the national grid; and
5. Plans to diversify the country's energy mix to reduce overdependence on certain power sources and enhance resilience in the face of climate, technical, or economic shocks.

I thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Chairperson of the Departmental Committee on Energy.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, we will respond to this once we resume after recess.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. What is it, Hon. Member?

**Hon. Onesmus Ngoyoyo** (Kajiado North, UDA): Hon. Temporary Speaker, I came up with the same question and was informed that it would be on the Floor today. Hon. Gikaria must take the replies to this House seriously.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Member, this is a Statement, not a Question.

**Hon. Onesmus Ngoyoyo** (Kajiado North, UDA): My concern is regarding the response. He stated that he would reply after we returned from recess. Many people depend on power in Ngong, Rongai, and Kiserian to operate their barbershops, salons, and other businesses. These businesses are closing down due to continuous maintenance issues and are experiencing outages up to three days a week. We cannot wait for a response after recess; we need an answer before we go on break next week. Three weeks is too long for the small business owners in our communities. Even some of our residences, as Members of Parliament, are affected. Hon. Gikaria, as the Chairperson of the Departmental Committee on Energy, you must provide answers to this House. Why are you saying we have to wait until after recess?

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Member. It is only proper that we give the chairperson ample time to prepare. I therefore instruct Hon. Gikaria...

*(Loud consultations)*

*(Hon. Onesmus Ngoyoyo remained upstanding)*

Order! Take your seat, Hon. Ngoyoyo. I gave you the chance to speak. You cannot manoeuvre me around. We need to give the Committee time. Before Hon. Gikaria speaks on this matter, I can see Hon. Phelix is also enraged. What is it?

**Hon. Phelix Odiwour** (Langata, ODM): This is not the first time that issues related to power outages and blackouts have been raised in this House. We have brought Statements and asked Questions, yet we are always told to wait for a week, a month, or even three weeks. The Committee meets every Tuesday and Thursday to discuss the same questions.

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Hon. Gikaria, as the Chairperson of the Departmental Committee on Energy, I asked a Question regarding Silanga, where we have been experiencing power issues. The transformers brought on the ground cannot sustain the community. When we talk of last-mile connections, some people have not experienced them; we do not even know how far the mile is.

Therefore, Hon. Gikaria, we need you to provide answers today. Hon. Temporary Speaker, please ask him to respond. We keep discussing the same issue repeatedly.

**The Temporary Speaker** (Hon. Omboko Milemba): You have made your point.

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

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

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. Members are raising substantive issues regarding transformers. We recently learned that some of the transformers purchased are defective. I know something is being done about this. However, something as basic as a tree falling and power going out from yesterday morning has not been addressed. I called to report the outage, and we still have no power. Is this just a case of Kenya's powerlessness, or is it actually Kenya Power? Perhaps they should officially consider changing their name to "Kenya Powerlessness, Disconnection and Darkness". This is a joke. If there was one agency known for efficiency, it was the Kenya Power & Lighting Company PLC. Water services used to give us nightmares. Kenya Power & Lighting Company PLC, are you competing with water services at being ineffective or trying to sabotage Hon. Wandayi because he is an expert? Please reconnect the power. Let us not be talking about issues like transformers. This is just a tree that has fallen. Surely, you are joking.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. I think Members have many serious concerns. Just take your place.

Hon. Lesuuda made another Request for a Statement concerning power. Let us hear her on it, possibly to cover some of the Members' interests. Then, I can make a ruling. Proceed, Hon. Lesuuda. Go directly to your Request for a Statement.

#### STATUS OF PERSISTENT POWER OUTAGE IN SAMBURU WEST

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you. Listening to my colleagues, I wish electricity bills were delayed and cheaper.

Pursuant to provisions of Standing Order 44(2)(c), I wish to request a Statement from the Departmental Committee on Energy Chairperson regarding persistent power outage in Samburu West Constituency, including Maralal Town.

Samburu West Constituency, particularly Maralal Town, has been experiencing repeated blackouts for the past several months without any prior notice, explanation, or projected timelines for restoration. The power interruptions have caused immense inconvenience to residents and led to substantial financial losses to local businesses. Many local businesses rely entirely on electricity to power their operations. The situation is particularly unacceptable considering the already difficult economic environment. Especially in a region that continues to grapple with the effects of historical marginalisation despite promises of equal opportunity under the devolved system of governance.

The continued power outages and Kenya Power's lack of communication constitute a clear violation of the legal obligations set forth in the Energy Act of 2019 (CAP 225). Further, under the Consumer Protection Act of 2012, consumers have a right to fair service delivery. They are entitled to seek compensation where economic losses arise from negligence or disruption in utility services.

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

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1. The immediate and underlying causes of the persistent power outages currently being experienced in Maralal Town and other parts of Samburu West Constituency.
2. Reasons for the lack of formal communication or advance notification to residents and businesses of the power supply interruption, as required by law under the Energy Act and the Kenya Power & Lighting Company's service charter.
3. Measures that the ministry has put in place to urgently resolve these outages and ensure a consistent and reliable power supply to Samburu West Constituency, moving forward.
4. Any alternatives or strategic partnerships being explored by the ministry to provide Maralal Town and the entire Samburu West Constituency with supplementary or backup power sources to mitigate the effects of power outages in future.
5. Plans, if any, by the ministry to compensate affected residents and businesses for the losses occasioned by perennial power outages.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Gikaria, speak generally about the interest that your Committee is already raising in the House.

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

I agree with the concerns of Members regarding power outages in the country. This morning, I signed a letter to visit Roysambu and Ruaraka constituencies, where there are many live transformers, so that we could understand the problem. Is it the transformers? Secondly, I want Hon. Members to understand that trees fall during rainy seasons. Remember, there was a time Kenya Power brought down so many trees and people on social media complained about planting trees, yet the company was cutting them down. The trees falling on power lines contribute to almost 80 per cent of power outages. We will address that.

**The Temporary Speaker** (Hon. Omboko Milemba): When are you bringing the Statement?

**Hon. David Gikaria** (Nakuru Town East, UDA): Tuesday is a very short period. To be honest, we will bring responses if we are given time after the recess.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, I want you to indulge Hon. Gikaria. Remember, he is the new Chairman of that Committee. I am also affected just like you are. Hon. Gikaria, immediately after recess, bring those replies and all others that Members of Parliament may speak to you about. You see the interest.

Two, Leadership in the House has to organise to bring the Cabinet Secretary of the Ministry of Energy and Petroleum immediately we come back from recess. That will mitigate the many issues the Members of Parliament have regarding the energy sector. Thank you.

Hon. Irene Mayaka.

#### TRANSFER OF FUNDS COLLECTED THROUGH ETA SYSTEM

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Speaker.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the transfer of funds collected through the Electronic Travel Authorisation System (eTA) system to foreign banks.

The eTA system was implemented with effect from 1<sup>st</sup> January 2024 in line with the Presidential directive on a visa-free regime in Kenya. Under the regime, all visitors, including

infants and children – except citizens of the East African Community (EAC) – intending to travel to the Republic of Kenya, are required to have an approved eTA before the start of their journeys. The Cabinet approved the introduction of the Treasury Single Account (TSA), a unified structure of Government bank accounts for consolidating Government cash resources into a single account or a set of linked accounts domiciled at the Central Bank of Kenya (CBK).

There have been allegations that billions of shillings collected through the eTA system were deposited in private foreign bank accounts in Switzerland. On 14<sup>th</sup> April 2025, the Government Spokesperson confirmed that a Swiss company involved in the early rollout of the eTA system received the funds. This arrangement contravenes Article 206(1) of the Constitution. The Article establishes the Consolidated Fund to which all monies raised or received by the national Government must be paid, unless an Act of Parliament excludes, or a state organ lawfully retains money to cover its expenses.

In addition, Section 28(1), and Section 28(6) of the Public Finance Management Act (CAP 412A) mandate that only the National Treasury can authorise the opening of bank accounts for national and county government entities, which must maintain complete and current records of all such accounts.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

1. The circumstances that led to the funds collected through the eTA system being deposited in foreign bank accounts instead of the TSA through the eCitizen system.
2. A report on the particulars of the foreign bank accounts holding fees collected under the eTA platform, and if there were any relevant approvals by the National Treasury authorising the opening and maintenance of the same.
3. The quantum of funds held in these bank accounts, the corresponding period the funds have been held, and the settlement dates since the inception of the implementation of eTA system.
4. Details on the settlement framework entered into by the Government and the foreign Swiss company for funds collected through the eTA system.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Where is the Chairman of the Departmental Committee on Finance and National Planning? Leadership, do you undertake that the reply will be brought to the House?

**Hon. Naomi Waqo** (Marsabit County, UDA): Yes, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Please undertake that the reply to that request for a Statement will be brought to the House immediately after recess.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I will do that.

**The Temporary Speaker** (Hon. Omboko Milemba): Next is Hon. Joshua Kandie.

#### RAMPANT CASES OF SNAKE BITES IN BARINGO COUNTY

**Hon. Joshua Kandie** (Baringo Central, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding rampant cases of snake bites in Baringo County.

Baringo County harbours around 38 out of the 171 snake species found in Kenya. Five of these snakes are highly poisonous: black mamba, red spitting cobra, brown spitting cobra, puff adder, and boomslang. Alarming, the region has been recorded as having one of the highest incidences of snake bite cases in the country. For instance, the District Health



Information System reported that from January 2022 to July 2022, there were 254 documented cases.

Recently, on 3<sup>rd</sup> July 2024, the late Mr Amos Cheburet Kimeres, who was in good health and going on with his daily activities at home, was fatally bitten by a poisonous snake. Despite being rushed immediately to Kabarnet Referral Hospital, he unfortunately succumbed to the poisonous snake bite while undergoing treatment. Subsequently, the family sought compensation from the Kenya Wildlife Service (KWS, which they were denied on the basis that the Wildlife (Conservation and Management) Act (Cap. 376) was amended in 2019 to exclude compensation for snake bite incidents resulting in injury or death.

In 2021, the Cabinet Secretary for Tourism and Wildlife assured the public that the ministry was working towards reinstating compensation for victims of snake bites. However, this commitment remains unfulfilled to date. The lack of redress is also particularly concerning in Baringo County, where frequent and fatal snake bites continue to devastate families, often stripping households of their primary earners.

Hon. Temporary Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on the following:

1. The steps taken by the Ministry of Tourism and Wildlife to reinstate compensation for victims of snake bites, particularly in Baringo County and other regions where such cases are rampant.
2. The measures put in place or are being considered to provide interim relief to the affected families who suffer the loss of their loved ones due to snake bites, such as the family of Mr Amos Cheburet Kimeres, who succumbed to a snake bite.
3. A report on the number of snake bite incidents leading to fatalities or severe injuries recorded in Baringo County from 2024 to date, and the interventions made in each case.

Thank you, Hon. Temporary Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Before the Departmental Committee on Tourism and Wildlife Chairperson responds, let me listen to a point of order from the Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): It is a point of information, and other Members can help us. I assume that keeping data on various illnesses and injuries falls under the health function, which is devolved. The County Executive Committee (CEC) member in charge of health in Baringo County should address the prevalent attacks that exist. That is where the point of contact should be.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Is the Chairperson of the Departmental Committee on Tourism and Wildlife in the House? Is the Vice-Chairperson or a Member of this Committee in the House?

**Hon. Khamis Chome** (Voi, WDM): Yes.

**The Temporary Speaker** (Hon. Omboko Milemba): You can undertake on behalf of your Committee. Proceed.

**Hon. Khamis Chome** (Voi, WDM): I thank you, Hon. Temporary Speaker. On behalf of the Committee, I believe we can execute the matter during the recess and hopefully bring the reply once we come back, given the available time between now and when we are going for recess.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): You can or you will bring the reply?

**Hon. Khamis Chome** (Voi, WDM): We will bring the reply.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. That is now more proper. The next Statement is by Hon. Amos Mwago.

#### COLLAPSED BRIDGES IN STAREHE CONSTITUENCY

**Hon. Amos Maina** (Starehe, JP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding collapsed bridges in Ngara and Landimawe wards within Starehe Constituency.

Section 10(2) of the Kenya Roads Act (Cap. 408) provides that the Kenya Urban Roads Authority (KURA) is responsible for the management, development, rehabilitation, and maintenance of urban roads, which includes any bridges on these roads. In recent months, heavy rainfall has led to severe flooding in Starehe Constituency, resulting in two bridges collapsing in Ngara and Landimawe wards. These bridges serve as a transportation link. Their destruction has paralysed movement within the constituency. Unfortunately, this has adversely affected school-going children, who now struggle to access their schools, undermining their constitutional right to education and disrupting the constituency's economic activities.

Hon. Temporary Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. Report on the status of rehabilitation of the collapsed bridges in Ngara and Landimawe wards in Starehe Constituency, including timelines for their reconstruction.
2. The immediate measures the ministry is implementing to provide temporary crossing solutions for the residents.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Chairperson of the Departmental Committee on Transport and Infrastructure.

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Temporary Speaker. We will avail a response in the next three weeks.

**The Temporary Speaker** (Hon. Omboko Milemba): Did you say three weeks?

**Hon. George Kariuki** (Ndia, UDA): No. Two weeks after recess.

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

**Hon. Amos Maina** (Starehe, JP): Hon. Temporary Speaker, I urge the Chairman of the Departmental Committee on Transport and Infrastructure to try to fast-track the immediate solutions. Currently, we are experiencing heavy rainfall in the Starehe Constituency. The lack of these bridges inhibits movement. If you seek a temporary solution to help people cross the bridges now, it will be appropriate. But two weeks after the recess, which is three weeks, is too long.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, Hon. Mwago. You are quite objective. Therefore, the Chairperson should bring the Statement immediately after recess, given that school-going children are affected.

The next request for a Statement is by Hon. Amina Mnyazi.

#### AIRCRAFT SAFETY AT MALINDI INTERNATIONAL AIRPORT

**Hon. Amina Mnyazi** (Malindi, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of

the Departmental Committee on Transport and Infrastructure regarding aircraft safety at Malindi International Airport.

On 10<sup>th</sup> January 2025, an aircraft registration No. 5Y-CDC, operated by the Kenya Aeronautical College, was involved in a tragic crash two kilometres from Malindi International Airport. It resulted in the loss of three lives, injuries to three others and extensive damage to the aircraft. Barely two months later, on 8<sup>th</sup> March 2025, a Cessna 152 aircraft registration number 5Y-BYQ owned by the Kenya School of Flying, was also involved in a tragic accident. This resulted in the loss of the life of a student pilot.

Following these incidents, aircraft accident investigators from the Ministry of Roads, Transport and Public Works and the Kenya Civil Aviation Authority (KCAA) visited the crash sites. They retrieved the engines of both aircraft for further examination. Reports on the preliminary findings regarding the aircraft accidents were released. However, to date, no official conclusive reports have been released to the public or the affected institutions regarding the probable causes or contributing factors, and safety recommendations for accident prevention to ensure aircraft safety. These incidents raise concerns about the state of aircraft safety at Malindi International Airport and the need for additional safety protocols to prevent such occurrences in the future.

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

1. The current status of investigations into the two aircraft accidents involving aircraft operating from the Malindi International Airport.
2. An official report on the findings regarding the probable causes of the accidents and the safety recommendations by the Ministry of Roads and Transport and the Kenya Civil Aviation Authority (KCAA).
3. The expected timeline for the conclusion and publication of the results of the investigations to the public and affected institutions.
4. Measures being implemented by the Ministry of Roads and Transport and the KCAA to improve air safety for aircraft used in training at the Malindi International Airport and in airports nationwide.
5. Plans by the Government to compensate the families of the victims, including specific timelines for compensation.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Chairperson of the Departmental Committee on Transport and Infrastructure.

**Hon. George Kariuki** (Ndia, UDA): Hon. Temporary Speaker, we shall bring a response two weeks after recess.

**The Temporary Speaker** (Hon. Omboko Milemba): You have enough time, so bring it immediately after recess. Committees should work.

**Hon. George Kariuki** (Ndia, UDA): That is correct. No problem.

**The Temporary Speaker** (Hon. Omboko Milemba): The next request for a Statement is by Hon. Jose. Is that Jose or Joseph?

**Hon. Josses Lelmengit** (Emgwen, UDA): Josses.

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

#### UPGRADING OF THE ELDORET-KAPSABET-CHAVAKALI ROAD

**Hon. Josses Lelmengit** (Emgwen, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the upgrading of the Eldoret-Kapsabet-Chavakali Road (C39).

The Eldoret-Kapsabet-Chavakali Road (C39) is an important transport route facilitating regional connectivity by linking Uasin Gishu, Nandi and Vihiga counties, and further linking to Kakamega, Bungoma, Kisumu and Siaya counties. Notably, the road boosts agriculture and trade by connecting markets in Eldoret City, Mosoriot, Chepterit, Kapsabet, Chepsonoi, Cheptulu, Mudete, Chavakali and Shamakhoho, while also providing access to Chebut and Mudete tea factories and transportation of perishable farm produce like tea leaves, cereals, fruits, milk and vegetables to markets. It is also the link road to the Eldoret International Airport and key health facilities like the Moi Teaching and Referral Hospital (MTRH), the Kapsabet County Referral Hospital, the Jumuia Hospital, the Kaimosi Sub-county Hospital and the Sabatia Eye Hospital.

Despite the crucial significance of the Eldoret-Kapsabet-Chavakali Road, it has never been expanded to meet the increasing traffic demand since it was tarmacked many years ago. Consequently, it faces significant congestion due to the expansion of Eldoret City, the towns along it and the convergence of traffic from other regions. Notably, traffic from the South Rift, Nyanza, Kisii and Western Kenya converges on this road via major roads such as the Chemelil-Nandi Hills-Namgoi Road, the Kisumu-Chavakali-Kapsabet Road and the Kakamega-Chavakali-Kapsabet Road, straining the already heavily trafficked and narrow road. This has negatively impacted socio-economic activities in the region by raising transport costs, delaying emergency responses, and hindering investors in public transport due to high wear and tear costs. Further, its deplorable state has caused fatal accidents, such as the tragic accidents at Chemarmar in June 2023 and at Mutwot on 10<sup>th</sup> January 2025, which claimed four lives and left others critically injured.

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

1. A report on the maintenance record of the Eldoret-Kapsabet Road (C39) since 2013, including the details of the contractors, total expenditure incurred on maintenance, the scope of works done in each maintenance cycle, and inspection reports.
2. The short-term and long-term strategies for improving and expanding the Kapsabet-Chavakali Road, including fully overhauling and re-carpeting the surface instead of the current periodic patchwork maintenance, to get value for public funds invested in the repairs.
3. Plans by the Kenya National Highways Authority (KeNHA) to dual the Kapsabet-Eldoret section of the road and construct proper road shoulders to ease flow of traffic on this critical road.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you, Hon. Josses Lelmengit of Emgwen. Chairperson of the Departmental Committee on Transport and Infrastructure, remember that this road serves me, and I am seriously affected by what Hon. Josses is talking about. Proceed, Chairperson.

**Hon. George Kariuki** (Ndia, UDA): Hon. Temporary Speaker, we will respond after recess.

**The Temporary Speaker** (Hon. Omboko Milemba): It is okay. We can even give you two weeks after recess on this one because we want a comprehensive answer. Please, Hon. Josses, accept that the comprehensive response will come two weeks after recess because this road has interfered with the connectivity between Eldoret, Kapsabet and Vihiga. The Member for Aldai is also an interested party.

Let us move to responses to requests for statements. We will start with a response by the Departmental Committee on Administration and Internal Security Chairperson on a request for a Statement by Hon. Kakai Bisau, the Member for Kiminini, who is in the House.

## RESPONSES TO REQUESTS FOR STATEMENTS

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. The Cabinet Secretary responded to the Statements sought by Hon. Kakai Bisau and Hon. Hussein Barre of Tarbaj on Tuesday. The responses were comprehensive, and my colleagues were satisfied.

I have two other statements which were not responded to, one by Hon. Amina Dika, the Member for Tana River County, and the second one by the Member for Nyeri County, Hon. Rahab Mukami. If the two Members are in the House, I could respond to those two.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Kakai Bisau, is that the correct position?

**Hon. Bisau Kakai** (Kiminini, DAP-K): Thank you, Hon. Temporary Speaker. We met the Cabinet Secretary for Interior and National Administration and the Principal Secretary, and they addressed the question. However, as per my request for a Statement, the affected Bukhala family, which lost their daughter, has not been getting frequent updates. They need to be frequently updated, and the Cabinet Secretary agreed that that will be done. There is also a missing person of interest, Mr Orwa. The Cabinet Secretary assured me and the family that they would continue pursuing this person until he is brought to book.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Ali Raso, you may proceed to give a response to a Statement sought by Hon. Amina Dika. Is she in the House?

**Hon. Ali Raso** (Saku, UDA): Yes, she is in the House.

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

## DISAPPEARANCE OF MR ABDULLAHI AHMED MOHAMED

**Hon. Ali Raso** (Saku, UDA): Hon. Temporary Speaker, the Member of Parliament for Tana River County, Hon. Amina Dika, requested a Statement on the disappearance of Abdullahi Ahmed Mohamed of ID No. 42848612, a resident of Ngumu Village, Tana River County. The Member particularly sought to be informed on:

1. The steps taken to address the disappearance of Mr Abdullahi Ahmed Mohamed.
2. Status of investigation of the disappearance of Mr Abdullahi.

Regarding the steps taken to address the disappearance of Mr Abdullahi Ahmed Mohamed of ID No. 42848612, I wish to respond as follows: On 5<sup>th</sup> October 2024, Mr Ibrahim Ahmed reported the disappearance of his cousin, Mr Abdullahi Ahmed, at Garsen Police Station vide OB No. 16/05/10/2024. He reported that he had earlier been abducted and dropped off at a petrol station within Garsen Shopping Centre by abductors who were armed and travelling in a black Toyota Hilux Double Cabin bearing registration number KCU 576U. He further alleged that the same individuals followed and subsequently abducted his cousin, Mr Abdullahi Ahmed Mohamed, a 73-year-old male.

An inquiry into the matter was immediately opened under Inquiry File No. 2/2024, and statements were recorded from relevant witnesses. The victim's mobile phone number was traced and found to have been switched off within Garsen Town on the same day. The matter was also reported, and the data was shared with the National Transport and Safety Authority (NTSA), requesting ownership details of the suspected vehicle to aid in the investigations. However, the NTSA has not yet furnished the requested details to the police.

Regarding the status of the investigation into Mr Abdullahi's disappearance, the matter is currently before the court with a *habeas corpus* Petition No. E005/2025 issued by the Malindi High Court. The investigating officer has filed a replying affidavit in response to the petition. Subsequently, the duplicate inquiry file has been forwarded to the office of the Director of

Public Prosecutions (DPP), and as of now, the file has not been returned to the police for action. The case is pending before the court.

I beg to respond.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Amina Dika.

**Hon. Amina Dika** (Tana River County, KANU): Thank you, Hon. Temporary Speaker. I find the ministry's response unsatisfactory and lacking in seriousness because Mr. Abdullahi disappeared six months ago, in October 2024. I am surprised that obtaining a vehicle's registration or proof of ownership can take over six months.

Hon. Ali Raso, I would also like to know when you expect to receive the registration details from NTSA, because six months is far too long. Additionally, when is the file from the DPP expected to be returned?

Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Ali Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. We mulled over this issue of registration, and it is true that some people can operate with fake number plates or fabricate them. That could be the difficulty with NTSA. However, we will not stop at that. We will demand answers from NTSA on what they are doing and the cause of the delay.

On the second issue raised by the Member, I believe the DPP cannot be rushed or work under the direction of the Ministry of Interior and National Administration. However, we will indulge the ministry to use its good office to request the DPP to hasten this matter.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. You are aware that these matters are not brought here in vain. Therefore, you should take a further undertaking on when you will bring that extra progress report to Hon. Amina Dika.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. I believe we are well guided on that matter. As committees, we do not take it for granted that Members ask questions and that the responses brought here are frivolous. We will go the full mile to establish the issues that are missing.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. You may proceed to also give a response to a Statement sought by Hon. Rahab Mukami, Member for Nyeri County.

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

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

#### MURDER OF GILBERT KINYUA MUTHONI AT KNH

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker.

The Member of Parliament for Nyeri County, Hon. Rahab Mukami, requested a Statement regarding the recent murder of a patient in Kenyatta National Hospital. The Member particularly sought to be informed on:

1. Status of investigation into the death of Gilbert Kinyua Muthoni.
2. Actions being taken to ensure the perpetrator of the crime is arrested and prosecuted.
3. Measures being put in place to intensify security of health facilities in the country.

I wish to respond as follows: Gilbert Kinyua Muthoni was killed on 7<sup>th</sup> February 2025 within Kenyatta National Hospital's Neurology Patients Ward Level 7B, male section, Group

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C, Cube Two. The incident was reported at the Capitol Hill Police Station. The Homicide Investigation Bureau, alongside the forensic team from the Directorate of Criminal Investigations (DCI) laboratory, were called in to process the crime scene.

The deceased was found to have sustained a deep cut on the throat, and the beddings were heavily soaked with blood. The cube contained two beds, meaning the victim shared the space with another patient. Blood droplets were observed on the floor, trailing from the deceased's bed towards the adjacent patient's bed. The suspected blood traces collected from the floor, crocks, kitchen knife and fingernails were swabbed for forensic analysis and submitted to the Government Chemist in Nairobi on 7<sup>th</sup> February 2025. The CCTV footage from Ward 7B was retrieved for further review.

Statements were recorded from key witnesses: nurses on duty, security personnel, a cleaner and one of the patients in the same ward. On 25<sup>th</sup> February 2025, analysis results confirmed that the Deoxyribonucleic acid (DNA) profile generated from the blood stains on both the knife and floor swabs matched the DNA profile of the deceased. However, the fingernail clippings did not yield any foreign DNA profile, and the swabs from the crocks contained only lightly stained human blood. After the investigation, the file will be forwarded to the Office of DPP for review and further direction.

Hon. Temporary Speaker, on the actions being taken to ensure the perpetrator of the crime is arrested and prosecuted, I want to report that the investigations are ongoing. Once finalised, any persons found culpable will be arraigned before Court.

The following measures are being taken to enhance security in health care facilities:

1. Health facilities are encouraged to formulate safety and security regulations.
2. Installation of CCTV cameras and security scanners in health care facilities.
3. Police have enhanced security in medical facilities, and the Directorate of Criminal Investigations (DCI) is fast-tracking an investigation into the killing of the late Gilbert Kinyua.
4. Finally, management, staff, and patients are urged to share critical information via the *Fichua Kwa* DCI toll-free hotline 0800722203, which guarantees confidentiality and the reporter's safety.

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

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Rahab Mukami.

**Hon. Rahab Mukami** (Nyeri County, UDA): Thank you, Hon. Vice-Chairman and Hon. Temporary Speaker. I appreciate the response; so far, so good. However, from the response, it looks like they already know the culprit who killed that person, because they are talking about the knife and the Crocs, and they could even see the movements. Kindly, I urge that they try to push the DCI to get hold of this person so we can close this chapter.

Otherwise, thank you very much for your response.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Vice-Chairman, any other? Wait, let us take one or two from those interested. Hon. Robert Mbui, I can see your name here. Do you want to weigh in on this?

*(Hon. Robert Mbui spoke off the record)*

Anyway, proceed, Hon. Vice-Chairman.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I thank Hon. Mukami for raising this statement. When we read through what the police provided, the crime scene resembles that of James Hadley Chase, where a fellow killed a patient in a hospital ward and walked away without being noticed or anyone picking up on it. For that reason, she has raised some fundamental issues, and we will push the ministry to urge the Director of Public Prosecutions (DPP) and DCI to hasten the process.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mukami, do you have a follow-up question? I do not see any more interest.

**Hon. Rahab Mukami** (Nyeri County, UDA): Thank you, Hon. Temporary Speaker. I am certain Hon. Vice-Chairman is going to push them.

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

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Speaker. I have a concern. Does a hospital like Kenyatta National Hospital (KNH) not have a surveillance system or cameras? I wonder and struggle to believe that somebody can just walk into a hospital and kill a patient and walk out without being noticed.

**The Temporary Speaker** (Hon. Farah Maalim): Where is the Chairman? I do not see any further interest in this except that. Respond to that.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. My colleague has raised something fundamental. Earlier, I said that if criminals can walk into a ward and kill a patient at Kenyatta National Hospital, the top hospital in Kenya, one must ask how safe other patients are. It could be your son, wife, brother, or mother. These are some of the fundamental issues addressed in actions expected of healthcare facilities, including things like CCTV, scanners, and enhanced security.

As a Committee, we will discuss the matter with the ministry from this point so that we can visit some of these facilities and find out first-hand if security has been enhanced.

Thank you.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Yes, Hon. (Dr) Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I have listened to the Vice-Chairman of the Departmental Committee on Administration and Internal Affairs on the issue of a patient being attacked in a hospital. Even as we look at the security element, we should not overlook the conspiracy issue. I believe there could be some collusion between the workers in the hospital and some of these crooks who attack patients. If we focus purely on the security guards, we might miss that element, and people will continue suffering.

The case of KNH is very scary. You should also focus on the issue of insider arrangements.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): The presumption is that when you talk about security, you are looking at the totality of all that. Hon. Vice-Chairman, do you have something to add to that?

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. Hon. Makali is an economist, not a security person.

From a security point of view, when you report a crime, you are actually the first suspect, and the police will start with you. That is how security is enhanced or issues are pursued. For that reason, he has raised a very important point.

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

**The Temporary Speaker** (Hon. Farah Maalim): Point of order?

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

**Hon. Ali Raso** (Saku, UDA): I am also on a point of order.



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

**Hon. Ali Raso** (Saku, UDA): Hon. Temporary Speaker, she can be on a point of order on something else, not this one, because I am an expert on this one.

On what Hon. Makali said, when we reviewed this case by looking at the statement with the DCI, we are almost of the opinion that there is no way somebody will come from outside to kill a patient if there are no insiders who know where the patient is, which bed they are on or who they are occupying that space with. The DCI is covering the ground in terms of investigating the nurses, cleaners, and everybody else involved in that ward on that day.

That point is important, and it has been noted. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. Let me correct Hon. Vice-Chairman, as a lawyer, I am an expert in security by legal training, and security must follow the law. However, that was not my point of order. I have been listening to the responses, and I am wondering why this matter, though it is connected, is before the Departmental Committee on Health?

**The Temporary Speaker** (Hon. Farah Maalim): The matter happened in a health facility.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): That is the problem. This is a security issue, not a health issue. It is not about whether this person was being treated.

**The Temporary Speaker** (Hon. Farah Maalim): He is not the Hon. Chairman of the Departmental Committee on Health. He is the Hon. Vice-Chairman of the Departmental Committee on Administration and Internal Affairs.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): That is okay. I think because he was talking about an issue on health. If he is responding as security, that is okay.

**The Temporary Speaker** (Hon. Farah Maalim): Health comes in on the collaboration.

We shall go to the next one. Hon. Lekuton. Sorry, Hon. Chairman, Departmental Committee on Energy.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, for the record, we do not have any statements pending before the Departmental Committee on Energy. All of them have been prosecuted and responded to. Earlier on, there was a notion that we were not responding.

This statement was requested on Thursday last week, and today, a week later, we already have a response.

Thank you, Hon. Temporary Speaker.

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

**The Temporary Speaker** (Hon. Farah Maalim): Excellent. Proceed.

**Hon. David Gikaria** (Nakuru Town East, UDA): It is true that we want to appreciate the work of the Cabinet Secretary on matters related to the requested parliamentary statements. Hon. Lekuton, Member of Parliament for Laisamis Constituency, had requested a statement, and the following are the submissions:

The first question requested a comprehensive report detailing the project implementation matrix from inception to accomplishment, key milestones, and the number of turbines KenGen intends to install. The project is located within Loiyangalani and North Horr Wards. KenGen conducted a comprehensive technical feasibility study between 2020 and 2023 through the Agence Française de Développement (AFD) as an interested financier. Several critical factors, including resource availability, minimum environmental impact, proximity to existing infrastructure and robust community engagement, guided the site selection.

Phase I of the project will consist of 45 megawatt turbines totalling 200 megawatts and a 52.5-kilometre transmission line to the sub-station in Sirima. Phase II of the project will have an 800-megawatt installed capacity. Below is a breakdown of activities already undertaken. It is quite lengthy, and I hope Hon. Lekuton has a copy. It is a table of activities already undertaken up to completion of the feasibility study that started in February 2019, where there was an application for Marsabit County Government to develop wind power, followed thereabouts up to now, March 2025, where we have the environmental impact assessment report being prepared. Lastly, the free prior and information consultation and consent has been going on since 2019.

The second question was about the total acreage of land KenGen intends to use for the project, including the buffer zone. The Marsabit Wind Farm project will require approximately 49,800 hectares to accommodate the installation of wind turbine generators, supporting infrastructure and internal road networks. This includes 365 square kilometres in Loiyangalani Ward and 56 square kilometres in North Horr Ward. The designated area accounts for the necessary buffer zone and transmission way leave.

The third question was about the action taken by KenGen to address the concerns raised during public participation as a precedent for the project implementation. It is important to appreciate that KenGen has carried out extensive engagement with the community and other stakeholders. In a joint workshop held on the 21<sup>st</sup> and 22<sup>nd</sup> March 2025 in Isiolo which included representatives from the five ingenious communities, council of elders, professionals, women, youth and persons living with disability, it was agreed that certain issues raised would be addressed through technical studies while other issues would be resolved during environmental and social impact assessment report that will be going on.

The fourth question was about assurance that the planned infrastructural development stemming from the project, especially roads, will traverse Laisamis Constituency. The response is that the primary mandate of KenGen is power generation. However, the company will collaborate with the relevant Government institutions to ensure that the project equipment is safely transported to the site. KenGen will continue to monitor the various efforts being made in the area on road construction or modifications. A final decision will be taken at the project implementation stage based on the best route that will be more efficient, especially considering wide loads requiring a large clearance.

Lastly, regarding the project's funding framework, the response is that the Marsabit Wind Farm Project's total investment is approximately €450 million, and a development finance institution is developing the transmission line. At present, KfW and AFD have been involved in the project from 2018 to 2024. KenGen will also leverage Government incentives or subsidies. The financing negotiations of the project have not yet begun.

We have Question No. 6 on modalities for how KenGen intends to implement the project prior to fully acquiring the community land. The response is that KenGen is waiting for the completion of the community land registration, as other preparatory studies such as Environmental and Social Impact Assessment (ESIA), Birds and Bats survey, and Free Prior and Informed Consent continue. Therefore, the implementation of the project will only occur after the pending issues have been addressed.

Hon. Temporary Speaker, that is the response from the Cabinet Secretary, Hon. Opiyo Wandaayi.

Thank you.

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

**Hon. Joseph Lekuton** (Laisamis, UDM): Thank you, Hon. Temporary Speaker. While I thank my Colleague, the Hon. Chairman of the Departmental Committee on Energy, for the good answers, I feel he has left many of my questions unanswered. Allow me to go one by one on the six questions that he has just answered.

I find it very difficult to believe that six years down the road of doing feasibility studies...

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Chairman, I hope you are taking note of all the questions he intends to ask.

Proceed.

**Hon. Joseph Lekuton** (Laisamis, UDM): I find it hard to believe that six years after the feasibility studies and even the road survey have been done, KenGen is still not sure where the road will go through. I feel and smell a sinister motive in this specific question. It is not well answered; I need more clarification because any society that produces energy must be rewarded, and one of those rewards is infrastructure. A society will not develop without infrastructural activities on its soil.

Secondly, in my request for a statement, I also asked where the headquarters of this KenGen project will be located. We know for sure that almost 90 per cent of the project is in Laisamis Constituency. Again, the answer to that question is vague. Feasibility studies have been done for almost four years, yet the information given to the public participants, including the local men and women who cannot read and write, professionals and anyone who lives in that area, is piecemeal. They are not given answers in full. They are introducing any chapter they want, bringing it on, and leaving out the ones they do not like. Therefore, feasibility studies must be well documented and presented.

The fourth issue is that KenGen should conduct public participation in its entity, as far as the communities living there are concerned. We have the Elmolo, Turkana, Rendille, Samburu and many tribes that live there, but KenGen has chosen to call each individual group to Isiolo and talk to them. This is a collective effort. This is community land. All those people should be brought together with the professionals of Laisamis Constituency because different information is given to each group separately. Therefore, the community cannot comprehend the entire issue of how KenGen will operate on their land.

On the issue of commitment to land registration, there is no signed document by KenGen indicating that no project will start until the community land is fully registered. That is another mistake they have made, and we need the issue clarified. They have also not answered the number of turbines located within Laisamis Constituency. Now that we know 200 megawatts will be installed and each turbine will carry several megawatts, we need to know the number of megawatts that will be located within Laisamis for us to discern how much of our land is being used by KenGen to produce power. This is a very serious issue that affects the people of northern Kenya, whose only chance is the wind resource. The people are not well-engaged by KenGen. None of what the people say is being taken into consideration. I beg you to allow the Departmental Committee on Energy to visit Mt. Kulal in Loiyangalani to look at the site where KenGen will put up the power plant. That way, this Parliament will understand what we are talking about.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Chairman, I recollect that you talked about 400,000 hectares. Is that the farm or the area of the plant itself? You have to differentiate between the two. My presumption is that the farm is very big, but the power collection happens at a central place.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker. I did not get your question. Is it about the €450 million?

**The Temporary Speaker** (Hon. Farah Maalim): No, the acreage of the land.

**Hon. David Gikaria** (Nakuru Town East, UDA): The acreage is 49,800 hectares.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed and answer the questions.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, I appreciate the very keen listening of Hon. Lekuton. I agree with him that six years down the

line is quite a long time. Regarding where the equipment will pass, KenGen, through the Cabinet Secretary, responded that they will collaborate with relevant government institutions to ensure the equipment is safely transported.

**The Temporary Speaker** (Hon. Farah Maalim): Order. Hon. Lekuton is on a point of order. I have a feeling it is because of something you said.

**Hon. Joseph Lekuton** (Laisamis, UDM): Thank you, Hon. Temporary Speaker. The Chairman keeps referring to government agencies. What happened to the communities that live on that land? Can they be the first point of contact? Can they be the first people to be asked what needs to be done on their land?

**The Temporary Speaker** (Hon. Farah Maalim): Chairman, continue. The feeling I get is that you are talking about a collective government agencies approach. We need to get this as clear as possible. It is a very important issue that needs to be clarified fully.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, I totally agree. These are the issues I will be raising with the Ministry for clarification. As per the Standing Orders, I am very limited unless I go back to the Ministry. I totally agree with all six issues raised by Hon. Lekuton, including the location of the headquarters, which is not mentioned. We need a full disclosure about the public participation forum. They gave the names of the council of elders and the people they met. Hon. Lekuton is talking about the Turkana and other communities living there that are not mentioned and were never involved in public participation.

In terms of land registration, KenGen is waiting for the completion of registration of the community land.

**The Temporary Speaker** (Hon. Farah Maalim): Who is supposed to do that?

**Hon. David Gikaria** (Nakuru Town East, UDA): It is KenGen.

**The Temporary Speaker** (Hon. Farah Maalim): Is KenGen waiting for something that has to be done by KenGen?

**Hon. David Gikaria** (Nakuru Town East, UDA): KenGen is waiting for the completion of land registration. It is a process.

**The Temporary Speaker** (Hon. Farah Maalim): Is KenGen waiting for the completion of land registration by KenGen?

**Hon. David Gikaria** (Nakuru Town East, UDA): Not by KenGen.

**The Temporary Speaker** (Hon. Farah Maalim): By who?

**Hon. David Gikaria** (Nakuru Town East, UDA): By the Ministry of Lands, Public Works, Housing and Urban Development and the County Government of Marsabit. I believe that is the process. I will check with the Ministry.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Raso, who also comes from the same region, is on a point of order. Let us hear from you, Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. With the benefit of the doubt to the Chairman, these answers come from the Ministry. There is the famous Lake Turkana Wind Power that generates 360 megawatts for the national grid. The reason the community went to Court is exactly what KenGen is doing. There was total denial of participation by the local community, yet KenGen had used almost 150,000 acres of their land. In this particular case, Hon. Joseph Lekuton has never been involved, yet he is a Member of Parliament representing the people. If he is not involved, who are the people being consulted by KenGen? For that reason, I think Hon. Lekuton is right. Let KenGen sit with the Member and the leadership of Marsabit. This is a national resource. Although it will benefit the immediate host community, it will also benefit the larger community of Marsabit.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Chairman, I take note of the limitations that you are placed in. Unfortunately, under our current Constitution, Committee

Chairpersons are doing the work that used to be done by Ministers who were in both the Executive and the Legislature. It puts you on a conveyor belt. You could take more questions from Members, and then we can agree on another date. Clearly, the response is not up to the expectations and standards this House is prepared for.

Hon. Bisau

**Hon. Bisau Kakai** (Kiminini, DAP-K): Hon. Temporary Speaker, thank you very much for this opportunity. The issue is across the board. The answers always given by the Ministry of Energy and Petroleum are like quick fixes. We are blessed with the sun for half the year, if not more. Why do we not think outside the box to ensure that we utilise natural resources and go the solar way?

Secondly, there has been a complete blockade of Power Purchase Agreements (PPAs). If we liberalised the market and allowed more players with better technology, we would have more suppliers competing with existing ones and get power at lower rates. I expect the Departmental Committee on Energy and the ministry to think outside the box. Let us be ahead and appreciate the natural resources we have.

Secondly, in support of Hon. Lekuton, Marsabit is the host community. The host community must be part and parcel of originating the supply chain by involving local leaders in the whole process. That is how multinationals have succeeded or failed. Their failure or success starts with respecting the host community.

In a nutshell, I am telling the Departmental Committee on Energy Chair that we should think outside the box and ensure we get value for money. At the same time, take advantage of natural resources. We have the sun. Let us get more solar energy. We have the sea. Let us get more wind. Open up the market for more players.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. (Dr) Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I agree with you that most Chairs are conveyor belts. Even as we blame them, we have to also bear in mind that they are not able to answer the questions straight.

I want to confirm that the Departmental Committee on Energy Chair has been doing a good job. I raised a Question over the last year. He found and sorted it within the two weeks he has been there. Therefore, I congratulate him.

The response to the Request for Statement indicates that the project cost is in Euros, yet we are addressing Kenyans. Tell the Principal Secretary that it is good to bracket the amounts in Kenyan Shillings where the original figure is in Euros. Kenyans relate to Kenyan shillings and not Euros. That will help us.

**The Temporary Speaker** (Hon. Farah Maalim): That is probably because our exchange rate keeps changing.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Temporary Speaker, you can always indicate the exchange rate of a currency on particular dates because Kenyans can relate to it. When you say EUR450 million, even those in this House will start calculating if I ask a quick question about how much that money is. They should include the estimated amount in brackets in Kenyan shillings so that Kenyans appreciate the cost.

**The Temporary Speaker** (Hon. Farah Maalim): Contracts are in compatible currencies because these are liabilities or debts to pay. In our case, they are either in euros or in dollars. Therefore, it does not matter how much the exchange rate is. At the end of the day, that is our liability as a country.

*(Hon. Japheth Nyakundi raised his hand)*

Yes, Hon. Member. You have something to raise. Proceed.

**Hon. Japheth Nyakundi** (Kitutu Chache North): Thank you.

I also want to support Hon. Lekuton, that area Members of Parliament or leaders of that area and the community at large should be involved in bringing their views on issues pertaining to their community when such mega projects come up.

My brother, Chair of the Departmental Committee on Energy, I believe there are enough competent people in the Ministry of Energy and Petroleum. Next time, we need to invite the Cabinet Secretary of the Ministry of Energy and Petroleum and the Principal Secretary of the State Department of Energy here because they are competent people. That will enable us to ask them such Questions so that they can answer us better. I believe they have better answers than the Chairperson of the Departmental Committee on Energy.

As my brother just said regarding Power Purchase Agreements, we should open up areas so that we have competition. Right now, you have ceased, and no power purchase agreements are being made in the country. We need to open up that space to have more players in that area, and we will get energy at a cheaper rate. It would be better for us if there were people who could give us power at a cheaper rate.

I support Hon. Lekuton. I request that the Ministry of Energy and Petroleum open that space for other players to give out Power Purchase Agreements.

**The Temporary Speaker** (Hon. Farah Maalim): The Member of Wajir South, Hon. Adow. Move to the microphone on your right-hand side.

**Hon. Mohammed Adow** (Wajir South, ODM): Thank you.

*(Hon. Joseph Lekuton consulted with Hon. David Gikaria)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Lekuton, give the Chair an opportunity to hear what Members of Parliament are raising so that he can take them down.

**Hon. Mohammed Adow** (Wajir South, ODM): Public participation in government decision-making is vital in any democracy. Kenya is not an exception. We have to be very wary of projects like this being carried out in the name of energy and the provision of services to the people. In 1988, I remember very well a company called Kenya Oil Service that ended up in North Eastern Kenya, particularly Garissa, Wajir, Marsabit, and the region. Claims exist, some of them verifiable, that they buried toxic waste in that area, which is exacerbating the prevalence of cancer cases in that part of the country.

In June of last year, I brought a Question to this House. The Speaker ruled on that matter. The Departmental Committee on Environment, Forestry, and Mining was tasked with investigating that matter. My honourable colleague, now the Chairperson of the Departmental Committee on Energy, is in the House and can prove what I am saying. That matter has not been concluded until now.

**The Temporary Speaker** (Hon. Farah Maalim): It is not the substantive matter we are dealing with. However, because of the collective responsibility of all Chairs and leadership of the House, the former Chair could raise that with the current Chair to bring the issue at an appropriate moment. Now we are dealing with Marsabit.

**Hon. Mohammed Adow** (Wajir South, ODM): Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Melly, you intended to raise something on the same. I thought I saw your hand up. Was it for something else or this?

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I am just waiting for debate on the Learners with Disability Bill.

**The Temporary Speaker** (Hon. Farah Maalim): You do not raise your hand regarding an Order that is not on the Floor of the House. Wait for the Order.

Chair, I suggest that you take all these concerns into account. Indeed, there is wisdom behind why we have community land. It is anchored in our Constitution to protect

communities. The Questioner is saying that the community has the requisite expertise to sit down and negotiate these things. The first thing you do when you want to do a project is negotiate about the land or location of the project. You do not say “we are waiting for an agreement,” or rather “the registration of the piece of land,” much later, when you are into the process. It is community land. I am sure there is a way you can deal with the community, the lawful and rightful owners, to allow this project to take place on their birthright or asset. Then you proceed from there.

If the Questioner agrees, I suggest that we give him ample time. I do not know how many weeks he needs to ask all these pertinent Questions. That is so that he is not ambushed again when you are not well prepared. Hon. Lekuton, you have six Questions here. Is there anything else that you want to raise?

**Hon. David Gikaria** (Nakuru Town East, UDA): Most obliged, Hon. Temporary Speaker. I will take your advice. I have agreed with Hon. Lekuton. Sometimes, ministries do not understand some of these things. On behalf of the Committee, I will be requesting the secretariat that we also visit that place to understand exactly what they are saying and even listen to the people through public participation. A report was brought before Parliament then, but it lapsed due to time. So, we are reintroducing it to this House.

**The Temporary Speaker** (Hon. Farah Maalim): Is it the Report on Independent Power Producers (IPPs)?

**Hon. David Gikaria** (Nakuru Town East, UDA): Yes. We are doing so for Parliament to make a decision. The Committee raised many critical issues regarding the cost per kilowatt hour (kWh) of the IPPs. It is unbelievable. We have an IPP charging Ksh83 per kWh.

**The Temporary Speaker** (Hon. Farah Maalim): Is it Ksh83 cents per unit?

**Hon. David Gikaria** (Nakuru Town East, UDA): It is not cents but Ksh83 per kWh. Geothermal Development Company (GDC), through KenGen, gives us power at four cents per kWh. These are some of the issues we want to look into, and whether these agreements should come before Parliament before they are assented to or signed by the Ministry and the players. This will give Parliament a voice on the cost of power by IPPs and many other issues that the Committee raised. Hopefully, we will table that Report as soon as we return from recess.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): For the benefit of Hon. Bisau, the Chairperson is also conscious of the fact that most of those...

*(Hon. David Gikaria spoke off the record)*

Just a moment, Hon. Gikaria. You will speak.

Many of the IPPs charge on capacity. You will make that clear because I am sure you have better information than I. This means you pay them for capacity but not the power they supply. In my opinion, this is one of the things that makes power extremely expensive. As Members of Parliament, that matter came up when we had the retreat in Naivasha. Why is it that you can buy power from Ethiopia for only five cents or Ksh5? How much was it? Was it 0.5 cents or five cents?

*(Hon. David Gikaria spoke off the record)*

**Hon. David Gikaria** (Nakuru Town East, UDA): US\$5 cents

**The Temporary Speaker** (Hon. Farah Maalim): This translates to Ksh5 per unit. On the other hand, we pay Ksh80 per unit to IPPs. As a House, this is an area we should delve into. Hon. Gikaria, proceed with what you wanted to raise. Under your watch, we believe you will do a very good job.

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**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, you are right. The IPPs charge per capacity. Whether they supply power or not, we have to pay them. This is a conversation that Parliament will have.

**Hon. Julius Melly** (Tinderet, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Julius Melly is on a point of order.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Temporary Speaker, you have raised a pertinent issue. There is what we call ‘deemed produced power.’ I once sat in the Public Investments Committee on Commercial Affairs and Energy. We were investigating IPPs. As the Chairperson has raised, this House has to look more critically into the money the taxpayer is paying to IPPs, under Public Private Partnerships (PPP), for idle generators or investment that is gathering dust. We are paying through our noses for deemed power.

I saw this under the Lake Turkana Wind Power and the idle geothermal power stations, which raise power bills in our homes, industries and other sectors. This makes the cost of living high and the production of goods very expensive. This makes Kenya very uncompetitive as an investment destination in this region. The Chairperson of the Departmental Committee on Energy has a lot to do. If we need to grow this economy, we must start with energy, which is a basic need. We must make sure that we make it affordable and accessible to all homes.

I support this particular discussion.

**The Temporary Speaker** (Hon. Farah Maalim): Excellent. Chairperson, you have to understand the concept of lifting the veil in law. When we were in Naivasha, I said that you could not locate the camels that were stolen by the owner. These contracts were lopsided because very powerful people in the system had interests. Unless you go back, lift the veil and get to the bottom of the rot, Kenyans will always get a raw deal.

Sorry, proceed. It is not a tradition for the Chair to mention some of these things, but I am also a Member of Parliament representing a constituency. Proceed.

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you. Hon. Temporary Speaker. You have a lot of information on these IPPs. I do not want to repeat this, but we once paid Ksh10 billion because somebody finished his power station, but we had not completed the transmission line. We paid it based on deemed power. Anyway, this is a conversation that we will have.

Secondly, Hon. Makali Mulu asked why we use euros or dollars. I agree with him. Anybody sourcing funding externally has a hard time dealing with the Kenyan currency. As he said, it is good to indicate the currency. As we talk about the 450 million euros, we should indicate it for conversion purposes. This is a good thing for us to do.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): How long do you need to come up with a very comprehensive answer? I presume this will be after you hold a session with the Members of Parliament from the affected areas, the Ministry of Energy and Petroleum and all the other stakeholders.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, we are going for a long recess after next week for purposes of the budget-making process. I will request my brother for the timetable on when the committees are supposed to make their budget. Hopefully, we will handle it during the recess.

**The Temporary Speaker** (Hon. Farah Maalim): Can we assume that you will have an answer when you come back from recess?

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

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Lekuton, are you happy with that?



**Hon. Joseph Lekuton** (Laisamis, UDM): Yes, Hon. Temporary Speaker. I am grateful.  
**The Temporary Speaker** (Hon. Farah Maalim): Okay. It is so directed by the Chair. Next Order.

### MOTION

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

#### ADOPTION OF REPORT ON CONSIDERATION OF IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I am the one moving this Motion.

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

THAT, this House annuls in entirety the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations, 2024, Legal Notice No. 187 of 2024, for failure to comply with the Constitution, the Statutory Instruments Act...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Deputy Leader of the Minority Party. The tradition is that you first read the Motion verbatim:

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

THAT, this House adopts the Report of the Committee on...”

Then, you proceed and finish.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I have read it out exactly as it is printed.

**The Temporary Speaker** (Hon. Farah Maalim): Was it moved earlier?

**Hon. Robert Mbui** (Kathiani, WDM): Yes, it was already moved.

**The Temporary Speaker** (Hon. Farah Maalim): Okay, proceed.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you.

Hon. Temporary Speaker, I beg to move:

THAT, this House annuls in entirety the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations for failure to comply with the Constitution, the Statutory Instruments Act (Cap. 2A), the Interpretation and General Provisions Act (Cap. 2) and the Prevention of Terrorism Act (Cap. 59B).

Legal Notice No. 187 of 2024 was published in the Kenya Gazette on 20<sup>th</sup> November 2024 and laid on the Table of the House on 16<sup>th</sup> January 2025.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Mbui. I have sought clarification from the Clerks-at-the-Table. I have been told that this Motion is supposed to be moved now. It has never been moved before. If you want to move it now, the tradition is to do what I told you:

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

THAT, this House adopts the Report of the...”

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I wish you could go back to the record. I have read, “Hon. Temporary Speaker, I beg to move that this House annuls...”

**The Temporary Speaker** (Hon. Farah Maalim): Not “annuls”. You do not have it right. You should say, “adopts”.

**Hon. Robert Mbui** (Kathiani, WDM): Oh, I am sorry.

**The Temporary Speaker** (Hon. Farah Maalim): You are talking about a piece of legislation without information.

**Hon. Robert Mbui** (Kathiani, WDM): That statement is completely missing from the Report.

**The Temporary Speaker** (Hon. Farah Maalim): You better get it right.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I beg to move:

THAT, this House agrees...

**The Temporary Speaker** (Hon. Farah Maalim): No! You should say, “adopts”. Do you have the Order Paper? Give him the Order Paper so he can read the terms of the Motion verbatim. Go to Order No.17. You are a senior Member.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I beg to move...

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough, proceed now.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations, 2024, laid on the Table of the House on Thursday, 17<sup>th</sup> April 2025, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, Cap 2A, annuls in entirety the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations published as Legal Notice No.187 of 2024.

The decision to annul in entirety the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations (Legal Notice No.187 of 2024) is due to failure to comply with the Constitution, the Statutory Instruments Act, Cap 2A, the Interpretation and General Provisions Act, Cap 2, and the Prevention of Terrorism Act, Cap 59B.

Legal Notice No.187 of 2024 was published in the Kenya Gazette on 20<sup>th</sup> November 2024 and laid on the Table of the House on 16<sup>th</sup> January 2025. It was made pursuant to Section 50 of the Prevention of Terrorism Act, 2012, Cap 59B, thus qualifying it as statutory instrument within the meaning of Section 2A of the Statutory Instruments Act.

The Committee on Delegated Legislation considered this statutory instrument in accordance with the Constitution, the Statutory Instruments Act, Cap 2B, the Prevention of Terrorism Act, Cap 59B, and the Interpretation and General Provisions Act, Cap 2. The Committee further held a consultative meeting with the Ministry of Interior and National Administration on 17<sup>th</sup> April 2025, as required under Section 16 of the Statutory Instruments Act, before arriving at its recommendation.

The objective of the Regulations is to give effect to various obligations imposed by the United Nations Security Council Resolutions on targeted financial sanctions in respect of terrorism financing and proliferation financing. This was necessitated by Kenya's current status under enhanced monitoring by the Financial Action Task Force (FATF) and the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), commonly referred to as the FATF Grey List.

While the Committee on Delegated Legislation appreciates the urgency and international obligations underlying the making of the Regulations, our scrutiny revealed the following legal and procedural deficiencies:

1. The Legal Notice was published on 20<sup>th</sup> November 2024 but forwarded to the Clerk of the National Assembly on 6<sup>th</sup> December 2024, which is outside the seven-day statutory timeline provided under Section 11(1) of the Statutory Instruments Act.

2. The Regulations impose penalties exceeding those permitted under Section 24(5) of the Statutory Instruments Act, which caps fines at a maximum of Ksh1 million and imprisonment at six months, unless expressly provided for in the parent Act. For instance, Regulation 33 of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024 (Legal Notice No.187 of 2024) proposes a fine of up to Ksh3 million or imprisonment for a term not exceeding seven years, without cross-referencing Section 30 of the Prevention of Terrorism Act.
3. Several provisions, including Regulations 16(2)(d), 20(2)(1), and 37 of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024 (Legal Notice No.187 of 2024), delegate substantial legislative authority to non-legislative actors, contrary to Section 13(m) of the Statutory Instruments Act, which clearly states that any regulation-making authority cannot inappropriately delegate legislative powers.
4. Regulation 17(1) of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024, is defective in its drafting as it does not clearly articulate the freezing mechanisms to be adopted. This contravenes Section 13(h) of the Statutory Instruments Act, which prohibits vague or ambiguous drafting.
5. Despite assertions in the explanatory memorandum, the regulation-making authority failed to furnish any proof of actual public participation or stakeholder consultations. This offends Articles 10 and 118 of the Constitution, as read together with Section 5 of the Statutory Instruments Act.

Having considered all the legal and procedural shortcomings, and pursuant to the Constitution, the Prevention of Terrorism Act, Cap 59B, the Statutory Instruments Act (No. 23 of 2013), and Standing Order 210(4)(b). The Committee recommends that this House annul in its entirety the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024 (Legal Notice No.187 of 2024) for non-compliance with the Constitution and all the relevant enabling laws.

The Committee wishes to express gratitude to the Office of the Speaker and the Office of the Clerk for the support they accorded us during the discharge of our duties. We also recognise the commitment and dedication of the Committee Members and the technical team assigned to this Committee.

On behalf of the Members of the Committee on Delegated Legislation, and pursuant to Standing Order 210, it is now my honour and duty to table and move the adoption of the Report of the Committee on Delegated Legislation on its consideration of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024 (Legal Notice No.187 of 2024).

I beg to move and call upon Hon. Charles Onchoke to second.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Charles Onchoke.

**Hon. Charles Onchoke** (Bonchari, UPA): Thank you, Hon. Temporary Speaker. I rise to second the Motion for the adoption of the Report of the Committee on Delegated Legislation on its consideration of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024 (Legal Notice No.187 of 2024).

The regulations that were considered by the Committee on Delegated Legislation are fatally defective in law, substance and procedure. They offend the Constitution in a very material manner. Unconstitutional laws or regulations should not be passed. In arriving at this

decision, the Committee considered the relevant laws and the Constitution. In addition to that, it was guided by the established traditions and customs of processing statutory instruments. The Committee invited the relevant ministry for a discussion and walked them through all the defects noted in the regulations.

Hon. Temporary Speaker, it is noted that the regulations were brought to the National Assembly nine days outside the timeline stipulated in the Statutory Instruments Act. The regulations purport to delegate powers they do not possess to the regulating authority. As you are aware, no further delegation can be permitted once power is delegated.

With those few remarks, I second the Motion to annul these regulations.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough.

*(Question proposed)*

This is a straightforward issue.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I thank the Committee and the mover of the Motion, Hon. Mbui, for the details regarding the annulment of these regulations. Having a Committee that keenly examines what has been presented is important. I support their position in three areas, and on that basis, I will be supporting the Motion.

Firstly, the regulations are against the Constitution. It is a very basic principle in law-making that anything that goes against the Constitution is null and void. Based on that, the Committee was on top of things by saying that we should annul the regulations.

Secondly, this is the only House with the power to make laws. However, in their wisdom, they delegate part of that power to lower institutions like ministries. That means that, if need be, the power can be taken away at any time. I get very concerned when I hear someone operating on delegated power going ahead and further delegating it. That is unprocedural and another good reason to annul these regulations.

Thirdly, issues of terrorism, as discussed in these regulations, are very sensitive. Whenever we talk about terrorism in this country or the world, people get interested in what is captured in such regulations. Terrorism is not good, and no one in the world supports it. Therefore, anything concerning it must be handled properly. It is unfortunate that the authority delegated with the powers to make these regulations wanted to delegate those powers further, thereby diluting their importance. I support this Committee and urge Members of this House to agree with its position. We should, therefore, annul these regulations and pave the way for improved versions, which will be done by the right authority with the delegated powers.

In conclusion, I have realised that only regulations are annulled on the Floor of this House. We never see what is approved.

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

*[The Temporary Speaker (Hon. David Ochieng') took the Chair]*

I wish there were a way we could be educated, even on those that have been approved by the Committee, in a summary manner, to know what they approved. That will keep us up to speed in terms of information, so we sometimes do not comment on things we are unaware of. This is because they were passed through the Committee, but the House did not get the chance to appreciate what was approved.

With those recommendations and comments, I support the position of the Committee to annul these regulations. Thank you very much for giving me the opportunity.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Muchira.

**Hon. Michael Muchira** (Ol Jorok, UDA): Thank you, Hon. Temporary Speaker. I also rise to support the report of the Committee on Delegated Legislation. The mover of the Motion has made the case of the Committee.

The Constitution of Kenya vests legislative authority in this Parliament. Therefore, this Parliament is the sole body composed of the people's representatives. The law provides that Parliament may delegate this responsibility to various agencies and bodies. It also provides that these bodies and agencies can only make regulations under the supervision of Parliament. Therefore, it is within the powers of this House to nullify regulations that are made by agencies if it finds that they did not follow the relevant procedures.

I listened carefully to the mover of this Motion and picked two reasons for the nullification. One of them is a lack of public participation or a lack of proof that the agencies did public participation when making these laws. As we know, public participation is a constitutional requirement. No law, even in this House, can pass without public participation.

The other reason for nullification that I picked from the mover of the Motion is the violation of the Constitution.

Hon. Temporary Speaker, I support.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you.

Hon. Oundo, do you want to speak to this?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, let me join the Committee in adopting its report to annul these specific regulations.

During the last term, I sat on the same Committee. If any aspect of the law-making process is shamelessly, routinely, and brazenly abused by the Executive, it is subsidiary legislation. That is where the most punitive provisions are contained, the most punitive penalties are hidden, and the excesses of the Executive can be found. The Statutory Instruments Act is designed so that we either have to accept the regulations in their entirety or annul them entirely.

Many times when they want to be notorious, they skip pre-publication scrutiny and bring it to us when it is already complete. At times, we engage in pre-publication scrutiny, and then they totally disregard the views of the Committee Members and proceed to publish the regulations as they are. At one time, we were so furious when we sat with the Agriculture and Food Authority, and we said that the Sugar Regulations were bad because they hurt the farmers badly. Surprisingly, the Cabinet Secretary, Hon. Munya, proceeded to publish them. So, when they came, they told us it was done by State House. We said it was okay, we would let State House pass the regulations, but we annulled them. Indeed, we annulled them. I feel good that the Committee still has the spine and temerity to stand up to the Executive and annul unconstitutional statutory instruments. This is a growing trend that we must nip in the bud early enough. Many things are being pushed down our throats from foreign institutions and bodies; they are not homegrown. The definition of terrorism in this country is not domesticated. Actually, it was plucked from somewhere and brought to us. Some laws are outrightly unconstitutional and will claw back the gains of the Bill of Rights in the Constitution.

I want to urge the Committee and those who are behest on pushing the Executive's agenda to be careful. They should ensure that they do not please external bodies. They may end up hurting our people. Some activities undertaken in this country are not terrorism. For example, when a group of Maasais move around with *rungus* celebrating a certain ritual, that is not an act of terror. However, for a white man, when he sees a huge group of people moving together, he imagines that they are committing an act of terror. The Bukusu, when escorting their boys after circumcision, sing very tough songs. Any person would be scared by their agility of jumping up and down, and might think something is wrong.

We must stand up for our values and solve our problems domestically. Some of the terror acts that have happened were obviously the result of the security sector's negligence and

were purely criminal. We should not adopt foreign ideas that will kill our common activities. For example, a night runner is not a criminal. Why would he be considered a terrorist? He is not a criminal. Night running is a sport.

Thank you.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Omanyo, do you want to speak to this?

**Hon. Catherine Omanyo** (Busia County ODM): Thank you, Hon. Temporary Speaker. I support the annulment of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations 2024 in their entirety, published as Legal Notice No. 187 of 2024. This is because some discriminate against tribes, clans and specific people.

If I may be open enough, if I wear a hijab and travel abroad, some countries would really scrutinise me. They will look at my name and country of origin and conclude non-existent things. Such happens at our local level where a tout will jokingly say, “*simamisha kuna bomu moja ina shuka*”. This is said when a passenger is alighting a bus or matatu, which means that a Muslim brother or sister is alighting. It is not good. Some regulations make people start stereotyping others. This is not good. I can choose to dress and travel the way I want. If the whole world is a global village, then let us all treat each other with respect and appreciate other people's cultures.

If people do anything wrong, they should be punished, whether they have no religion, are in a cult, or are Christians or Muslims. However, we should not be stereotyping a particular religion as terrorists. Thank you.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Members, since there is no further interest in this matter, the Motion is clearly spent.

The decision on this Motion will be made the next time it is in the Order Paper.

*(Putting of the Question deferred)*

Next order.

## MOTION

### ADOPTION OF REPORT ON CONSIDERATION OF IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Mbui, are you dealing with this?

**Hon. Robert Mbui** (Kathiani, WDM): Yes. Hon. Temporary Speaker.

I beg to move the following Motion:

That this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Prevention, Suppression and Disruption of Proliferation Financing) (Amendment) Regulations, 2024, laid on the Table of the House on Thursday, 17<sup>th</sup> April 2025, and pursuant to the provisions of section 18 of the Statutory Instruments Act, Cap 2A annuls in entirety the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Prevention, Suppression and Disruption of Proliferation Financing) (Amendment) Regulations published as Legal Notice No. 188 of 2024.

These regulations are similar to those we have just addressed in the previous Motion. The problems we faced with the two regulations are similar. This is because almost every law passed on the Floor of the House allows the implementer of the law, in most cases, government ministries and departments, some authority to also make regulations or guidelines. So, they can fully implement the law because it cannot be 100 per cent detailed.

Unfortunately, in making these regulations, the regulatory-making authorities often go beyond the mandate that is allowed to them. The Committee on Delegated Legislation is guided by the contents of the Statutory Instruments Act. Whenever any regulation is presented to the Committee, we must check against the Constitution, the Statutory Instruments Act and the parent Act upon which the regulations are made to ensure conformity. So, the problems we faced with the previous regulations were also very evident in these ones.

First and foremost, there was the issue of time. The Statutory Instruments Act indicates, under Section 11(1) on laying of statutory instruments before Parliament, that every Cabinet Secretary responsible for a regulatory-making authority shall, within seven sitting days after the publication of the statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament.

Unfortunately, these regulations were tabled late, beyond the seven-day period allowed under the Statutory Instruments Act. Therefore, they have already offended the Statutory Instruments Act. On that basis, the Committee has absolutely no other recourse. The only thing the Committee can do is either allow the regulations to proceed or follow the law and annul them, and there is no other alternative. So, based on the timing, the Committee is proposing an annulment.

Articles 10 and 118 of our Constitution are clear that there has to be public participation in all matters that are of importance to the people. Section 5 of the Statutory Instruments Act also talks about the participation of the people. So, there was absolutely no evidence of any public participation or consultation between the Ministry and anyone on the matters contained in these regulations. So again, we felt that it offended the Statutory Instruments Act and the Constitution. Again, we have no alternative but to propose annulment.

The Statutory Instruments Act is clear about the amount that can be penalised within the confines of the Act, and the maximum allowed penalty is only Ksh1 million. These regulations are imposing a fine of Ksh3 million. That is way beyond what the Statutory Instruments Act can allow. The only way that the regulatory-making authority can penalise Ksh3 million is if they refer to any other law, and that must also be clearly indicated in the instrument that they present to the Committee. These regulations did not indicate where the Ksh3 million came from. Therefore, it is offensive to the Statutory Instruments Act, which clearly indicates the amount that can be penalised.

Section 13 of the Statutory Instruments Act talks about the relevant considerations when the Committee is dealing with any statutory instrument. Section 13(h) states that any regulation that:

“(h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation.”

Then it cannot be passed. We noticed that there were grey areas, yet the statutory instrument is supposed to give clarity. If they create a grey area, it offends Section 13(h).

On the same relevant consideration, Section 13(m) says that no regulation shall be presented that:

“(m) inappropriately delegates legislative powers.”

Regulatory-making authorities have often been given powers to make regulations, but they go beyond the Parent Act and Constitution to create their own law. Only Parliament should make laws. That is why we felt these regulations overstep the mandate given to regulatory-making authorities.

We beg the House to agree with the Committee and annul to allow the Ministry to go back to the drawing board and correct these errors as quickly as possible. They can then present proper regulations for us to pass.

With those few remarks, I beg to move and request Hon. Charles Onchoke, Member of Parliament for Bonchari, to second.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Onchoke.

**Hon. Charles Onchoke** (Bonchari, UPA): Hon. Temporary Speaker, I rise to second the Motion to adopt the Report of the Committee on Delegated Legislation on the Consideration of the Prevention of Terrorism (Implementation of The United Nations Security Council Resolutions on Prevention, Suppression and Disruption of Proliferation Financing) (Amendment) Regulations, 2024

I second. Thank you, Hon. Temporary Speaker.

*(Question proposed)*

Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. Very briefly, I agree the Committee. It has made a very interesting observation. As a House, this is something we need to be very careful with. When I listen to the mover, Hon. Mbui, make his remarks, he mentions that there have been cases where regulation-making authorities are making laws instead on focusing on the existing laws.

Procedurally, regulations are supposed to operationalise Acts of Parliament; this is the operational stage of the law. That being the case, in a situation where this House has passed a law and the regulatory-making authority adds things outside the Act of Parliament, that should be illegal. That is what the Committee is telling us. When they looked at these regulations, some elements were not supported or did not originate from the main Act. As a House, we cannot support this. Based on this reasoning, and without even addressing the constitutionality and other related issues, this House has a reason to annul these regulations. We should give the relevant Ministry another opportunity to create proper regulations that align with the existing Act of Parliament.

I support.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you.

Hon. (Dr) Oundo, do you want to contribute to this matter?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, I am not contributing to this.

**The Temporary Speaker** (Hon. David Ochieng’): Okay, let us hear from Hon. Melly, who wishes to contribute.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Temporary Speaker, I rise to support the annulment of these regulations. I agree with the mover, Hon. Mbui, that the State must ensure we adhere to the Constitution. These regulations have flouted the laws of the land, including the Statutory Instruments Act, among other essential elements that we, as a House, need to uphold.

The power of this House lies in legislation. However, as we delegate these powers to respective Government institutions, they must follow the law, especially when drafting regulations. In several instances, I have seen Government agencies and institutions come up with regulations that are inimical and not in line with the laws governing their sector. A good example is the education sector.



Looking at the Terrorism Bill, the rights and privileges of the citizens are trumped upon. There are instances where our country adopts foreign rules and regulations that cannot be effectively implemented here.

Therefore, the work of the Committee on Delegated Legislation is commendable, and I support the annulment in its entirety. On that note, it is important that all Government agencies ensure that their regulations do not contravene the Constitution before gazettment.

I support.

**The Temporary Speaker** (Hon. David Ochieng): Hon. Members, since there is no further interest in this matter, I will defer putting the question to the next time it is scheduled in the Order Paper.

*(Putting of the Question deferred)*

Next Order.

## BILL

*(Second Reading)*

### THE LEARNERS WITH DISABILITIES BILL (Senate Bill No. 4 of 2023)

Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Temporary Speaker, I beg to move that the Learners with Disabilities Bill (Senate Bill No. 4 of 2023) be now read a second time.

This Bill was referred to the Committee following its First Reading on 7<sup>th</sup> November 2023. It was submitted from the Senate on 26<sup>th</sup> October 2023.

This is an important Bill that will amend at least 46 clauses related to learners with disabilities and the institutions that support them. The Bill seeks to establish a comprehensive legal and institutional framework for the education of learners with disabilities. It regulates the conduct of institutions serving these learners. It also addresses the broader community, promoting inclusive education in line with our constitutional values and Kenya's international obligations. The Bill seeks to promote the teaching of learners with disabilities across the country.

The Committee placed a public advertisement under Article 118(1)(b) of the Constitution. Only one formal memorandum was received from the National Disabilities Forum. We invited and engaged key stakeholders on this Bill. We realised that up to 1.7 million Kenyans have various forms of disabilities. It was not good that we were going to consider this Bill with only one grouping. We invited the following stakeholders, among others: United Disabled Persons of Kenya, SIDE Relief, Kiambu Disability Network, Kenya National Deaf Association, Women Challenge to Challenge, and Students with Special Needs Association. The need to invite the stakeholders was based on the constitutional requirement of public participation in the law-making process. We must meet this threshold before bringing the matter before the House. The Committee held several meetings and reviewed the Bill clause by clause as required.

To give background information, over 1.7 million Kenyans have disabilities of various kinds, such as hearing and mental impairments. We normally say the individuals are differently endowed. Of this number, 39 per cent access primary school education. It is important that Members are apprised that this statistic cuts across the Republic. Many families, communities and institutions have people with disabilities. Thirty-nine (39) per cent access primary education, but just 9 per cent attend secondary school. Despite progressive initiatives like Free

Primary Education in 2003, over 1 million children with disabilities remain out of school. This is something we should know as a House.

This Bill seeks to promote learners with disabilities so that individuals with these children can take them to school, whether in institutions for disabled persons or integrated schools. We need to promote this by motivating special education teachers by paying them more to assist these young people.

Over the years, the Government has undertaken a number of reforms through the Ngala Mwendwa, Gachathi, Koech, Kamunge, and Munavu Reports. The Government has been trying to ensure that learners with disabilities are assisted through proper legal procedures. On this basis, a number of institutions were established. Institutions like the Kenya Institute of Special Education (KISE) and the Kenya Institute of the Blind (KIB) were all established to assist learners with disabilities and help individuals endowed differently in terms of sight, hearing impairment and mental disorders. These were to come up with institutions like the Thika School for the Blind and all other special institutions across the country.

I want to run through the Bill. Clauses 1 to 4 define the objects, definitions, and guiding principles. The Bill then goes on to define the various aspects of disabilities. It is important for this House to note that we proposed certain amendments to entrench, ingrain, and make the kind of disabilities we are talking about more understandable.

Clauses 5 to 8 elaborate on the rights and responsibilities of learners, parents and governments. Many Government institutions end up discouraging learners with disabilities simply because of their language and choice of words. I want to make it very clear that no parent chooses children. They are got by birth. Most of them are stigmatised. Through this Bill, we need to come out and encourage most of our parents and institutions. Disability is not inability. It does not disadvantage them too much. For example, we should integrate those with physical and other disabilities and look at them as other children.

Clauses 4 to 19 give the registration, admission, and management of institutions. That is why I also said the Bill looks at institutions. How do you admit these children? How do you register institutions for learners with disability? More importantly, how do you manage some of these institutions? The Committee looked into all those issues and proposed a number of amendments to strengthen the issues raised.

The Committee made several observations and captured stakeholder input. For example, the Committee supported the inclusion of teacher aides and a clearer definition of “inclusive education”. We have learners with serious disability issues in most schools today. Mental issues and problems with movement are examples. We cannot rely on one teacher only. We need specialised teachers or teacher aides with a medical understanding of the situations of the children. We will have the mainstream teacher teaching the lesson with the help of an aide who is almost a caregiver, giving support services. In most institutions, you will discover that the teacher aide will encourage the learner to like schooling even more and be in that place. Therefore, the aide will be of assistance to the disabled learner.

The Committee also realised we need to recommend the deletion of Clause 30. It contravenes Article 50, which is on fair hearing. We have talked about a fair hearing. At times, a student with a hearing impairment or some challenges is given marks of the same level as a normal child. I am talking about all those visual and hearing challenges.

On another note, we have increased penalties and imprisonment to up to three years or both for individuals who might take advantage of disabled people. As the Departmental Committee on Education, an individual who takes advantage of a disabled child, molests, or mistreats them does more disservice than they would to a normal child.

Clause 28 of the Bill provides that every special needs education institution shall ensure that its non-teaching professional staff and any person providing special needs services within its premises are properly qualified in their special areas. After thorough deliberation and public

consultation, the Committee recommended that the House approve the Learners with Disabilities Bill, with amendments as detailed in the schedule of amendments appended to the Committee's Report.

In conclusion, the Bill affirms our national and international obligations to uphold the dignity and rights of persons with disabilities, especially children and youth. It gives legislative weight to the constitutional principles of inclusivity, equality, and non-discrimination in education. The Committee remains committed to supporting a just, accessible and inclusive education system for all learners in Kenya.

I beg to move, and request Hon. Member for Kiminini to second.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Bisau.

**Hon. Bisau Kakai** (Kiminini, DAP-K): Thank you, Hon. Temporary Speaker. At the outset, I rise to second and support the Learners with Disabilities Bill (Senate Bill No. 4 of 2023). Disability is not inability. Given a chance, these children can excel more than ordinary children.

The Bill devolves the management of learners with disabilities from county governments. We will have County Education Boards and County Education Resource Centres to help these children. The Bill says that the Cabinet Secretary for Education will ensure equality. Special needs schools will be equipped properly, and the children will have all the rights. The Bill is crucial because it captures financing and policy regulation, institutional management, and the rights and responsibilities of all institutions. The parents of these children are also critical. The Bill talks about ensuring they provide their children access to these institutions.

In many homes, children with disabilities are seen as second-class and sometimes are not given priority in terms of going to school. Some institutions, like Kilimani Integrated Primary School, have tried integrating the blind. Teachers looking after disabled children in this school are not paid on time because their budget is not a priority. Basic equipment like braille is not in place.

Hon. Temporary Speaker, I second and support this Bill because it is good news for the 43<sup>rd</sup> tribe of this country, which very few people talk about or support.

I support the Bill. Thank you.

**The Temporary Speaker** (Hon. David Ochieng'): You are not supporting it, but seconding it.

**Hon. Bisau Kakai** (Kiminini, DAP-K): I second the Bill. Thank you.

*(Question proposed)*

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Dorothy Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I rise in this House today as a happy person. At the outset, I support the Learners with Disabilities Bill (Senate Bill No.4 of 2023). We talk about disabilities a lot, but we do not know the extent to which people who live with disabilities are impacted.

We must first realise that there are many forms of disabilities. We have the deaf and hard of hearing, the visually impaired, the physically challenged, autistic persons, and those with multiple disabilities. When it comes to learning, it is imperative that we look at these categories individually. In addition to debating the Bill, we must go further to ensure that disabilities are managed at a policy level. I commend the Departmental Committee on Education, but I wish they could go a step further to amend the Bill to introduce a special unit that will be exclusively in charge of special institutions, just like the Technical and Vocational Education and Training (TVET) institutions that take care of TVET colleges. The unit should have its own Principal Secretary.

There are 1.7 million people in our country who live with disabilities, which is not a small number. We should manage disabilities at a policy level. There are schools in this country that cater to various disabilities. Teachers who are specially trained to handle visually impaired children are in schools for the blind. We also have schools for the deaf and hard of hearing, which care for students and pupils in that category. We also have teachers who take care of children who are physically challenged and autistic.

However, we have not determined whether we have sufficient institutions to care for those children. Are we giving this group of citizens a fair share of what the Government should provide its citizens? Have we equipped our schools correctly so that these special categories of persons can access everything they need to be comfortable? We found that the gadgets and equipment people with disabilities require are not available because they are too expensive. For instance, the blind need braille machines, the deaf need hearing aids, and the physically handicapped need special wheelchairs to take them from point A to point B. Sometimes those gadgets are not available because they are too expensive.

We have occasionally proposed on the Floor of this House to have those items duty-free so that they are accessible, or for the Government to provide them for free. Unfortunately, a majority of the people who have children with disabilities are low-income parents who are not even able to provide for themselves.

Hon. Temporary Speaker, when it comes to the teacher-student ratio, there are never enough teachers to take care of children with disabilities. The Kenya Institute of Special Education (KISE) trains various categories of teachers to care for children with various disabilities, but the ratio in these institutions is still insufficient. Children are taken to most of these institutions, but they do not get the specialised care required to advance their lives to a level where we can comfortably say that they can compete globally with other children.

Hon. Temporary Speaker, in the developed world, children with any form of disability are well taken care of. All their bills are managed by their governments. In addition to education, healthcare is very expensive for this category of children. It is the responsibility of the Government to take care of children with disabilities. However, I do not want to discredit the Kenyan Government because under the leadership of His Excellency, President William Samoei Ruto, it has given cash transfers to this category of children to help improve their quality of life.

I want to buy into the idea of the Departmental Committee on Education and Research Chairperson, who has clearly said that we need to integrate these children into normal institutions. This is the only way they can be more accepted in society. However, there are children with very severe disabilities who cannot be integrated.

The Government must look at ways and means to give severely disabled children a fair share of their lives to socialise. While some may not be able to learn much in school because they cannot conceptualise anything, they must be given an opportunity to socialise and know that there is life beyond the confinement of their parents' houses. What happens to parents of severely disabled children? They cannot carry them on their backs to any institution or expose them anywhere because they do not have any other caregivers. They, therefore, need an institution where they can, at least, be taught how to cater for themselves.

Hon. Temporary Speaker, it is the responsibility of the Government to give every human being a chance to live life to the maximum, whether they are aware of where they are or not. Even the noise alone can wake them up and make them aware of the world. I strongly support this crucial Bill. If there is anything that is happening in the Departmental Committee on Education and Research that will take them to heaven, then it is thinking about this special category of persons.

I support. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng'): Member for Machakos County.

**Hon. Joyce Kamene** (Machakos County, WDM): Thank you, Hon. Temporary Speaker, for this opportunity to air my views on the Learners with Disabilities Bill (Senate Bill No.4 of 2023). I applaud the minds that came up with this great Bill. I have heard the Departmental Committee on Education Chairperson articulate it, and I believe this is long overdue. If there is one thing I am passionate about, it is children living with disabilities. I have travelled to various schools across my county, and I can attest that most students studying in Special Schools are learning in deplorable environments. Just last month, the head teacher of Wamunyu School for the Mentally Handicapped called for assistance because the school toilet had sunk. They did not know what to do, as no funding was available. The parents could afford to put up another toilet. When she called for a meeting with the parents, they cried, asking where they would take the children. With this kind of framework, institutions will have a clear policy on how to run the schools and how they will be funded.

I also visited another facility in Masinga, where special needs students in the primary school shared the same dormitories as the boarders. The school was looking for ways to ensure the young boys did not cross over to the young girls because the boys had attempted to access the girls' sleeping quarters. What does this say? These schools have been neglected for a long time. In some parts of the country, there are so many of these institutions that funding is not enough. Even the capitation that is forwarded to those schools is never enough.

I support this Bill and hope the whole House will strongly support it, too. I hope that it will be fully implemented because parents are suffering. Most of them come from needy backgrounds and, therefore, cannot afford to take their children to boarding facilities.

With those few remarks, I support. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng'): Member for Ol Jorok, you may proceed.

**Hon. Michael Muchira** (Ol Jorok, UDA): Thank you, Hon. Temporary Speaker. I also rise in support of the Learners with Disabilities Bill. Special Needs Education is an area that we have really overlooked as a country, and it is time that we put emphasis on these institutions.

Hon. Temporary Speaker, the right to education is a constitutional right, and nobody should deny any learner the right to education based on disability. This Bill removes the barriers that normally exist in terms of access to education for learners with disabilities. It also recommends that learners with disabilities should access support services to ensure smooth learning. The Bill also ensures that the existing infrastructure in our learning institutions is friendly to the learners. Hon. Temporary Speaker, as we pass this law, we also need to ensure that when it comes to budgeting, we allocate resources to Special Needs Education, as it faces an acute funding shortage. This House has a role in budget-making, and as we prepare the Financial Year 2025/2026 Budget, we need to be intentional about funding Special Needs Education in two or three ways.

First, we need to ensure that the Teachers Service Commission (TSC) is well funded and that we have teachers trained in special needs. In most of our areas, schools and classrooms for special needs have been closed due to a lack of special needs teachers. When we follow up with the TSC, we are told they do not have enough money to employ enough special needs teachers. So, this is an area that, as a House, we need to look at and ensure that we have enough money ring-fenced purposely for the special employment of special needs teachers and ensure that, besides employment, we also have skills development for those specific teachers.

Also, in terms of budgeting, we need to ensure that we allocate enough funds for infrastructure in public schools, especially special needs schools, wings and institutions, and that learners have enough assistive devices because some lack them.

As I support this law, I ask that we be intentional in our budgeting and allocate enough money to ensure that Special Needs Education is supported in this country.

I support. Thank you.

**The Temporary Speaker** (Hon. David Ochieng): Hon. Member for Teso South, would you like to speak on this matter? Go ahead.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this very important Bill. Children with disabilities are our children, brothers, and sisters. Therefore, it is their right to have access to education, which will eventually give them access to opportunities. However, the stark reality is that these institutions are faced with a number of challenges. Therefore, this Bill is timely and very important. I have visited special schools in my constituency. You find that teachers and parents are so committed. Some teachers get into their own pockets to provide food for the children in the special schools. These special schools have been ignored for a very long time. You will find children sleeping on the floor in those schools. They have no food to eat and no assistive materials for training.

Therefore, this Bill speaks of inclusive education, where learners with disabilities can learn alongside their peers with appropriate support. They ought to access basic facilities within these institutions. Even in our budgeting at both national and county governments, I support my colleague who has said we must be very deliberate in our budgeting to ensure that we allocate resources, taking cognisance of the specific needs and disparities within certain areas, especially the marginalised areas. We should even have an affirmative action for marginalised areas so that we can accommodate children with special needs.

Hon. Speaker, capacity building is also very critical. This Bill provides that institutions taking care of special needs children and the staff therein must be capacitated enough to take care of the special needs children. We must also be deliberate when it comes to bursaries and ensure that we provide for these special schools. I am happy that this Bill is speaking to all these things. In some areas, parents are still locking children with special needs in their homes. They are not taking them to schools. I am very happy with the teachers in the special schools in my constituency. They get out of the school compounds and visit homes to look for these children and take them to school. It is so that they can also access education. There is a need for us to support these institutions so that the teachers' work is made a little easier and comfortable as they commit themselves to supporting and providing for children with disabilities.

I support this Bill.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Makali Mulu, go ahead.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I appreciate the Senate for originating this Bill. If my memory serves me well, this Bill was in this House but lapsed because of the end of the term. A Senator picked it thereafter. I also thank the Departmental Committee on Education for agreeing to co-sponsor the Bill. This is how we should be doing things: whichever House originates a Bill, we can get an Hon. Member from that House to co-sponsor it, and then we get the laws in place.

I want to share some practical experiences with these learners with disabilities. My constituency, Kitui Central, has three institutions serving learners with disabilities. I have institutions serving those who are mentally disabled, people who are deaf or hard of hearing, and the visually impaired. I have had a chance to interact with them. Everything relating to these children with disabilities is also special. It makes their education so expensive to everyone involved, including the parents.

I appreciate this Bill because it proposes a legal and institutional framework. Therefore, we can provide the right learning environment to learners with disabilities. For example, the ones who are visually impaired use braille. I once brought a Petition to this House and the Departmental Committee on Education. There are about 24 teachers in this country who can assist in the development of the material they use. Hon. Temporary Speaker, for your information, those teachers are not employed by the Teachers Service Commission (TSC). They live on handouts from the parents of the institutions. In the whole Republic of Kenya,

there are about 24 teachers who can help, yet the TSC cannot even take them up and put them on their payroll to motivate them. They are playing such a key role in the education of these children with disabilities, but they are not being paid. As a House, I wish we could identify such teachers and ensure they are employed even before we employ the other teachers.

The Ministry of Education's structure is minimal. Actually, it is through the National Government Constituencies Development Fund (NG-CDF) that we have helped them get some facilities. We have renovated classrooms, workshops, and dormitories. I appreciate one NGO from Germany. It has done a massive structure for the visually impaired. If you go there, you will ask yourself the role of our Government in this important special education.

Now that the Bill is here with us, I agree with my colleagues that we must work very hard as a House to ensure we pass it. Other than institutional and legal frameworks, I do not know whether we could be very specific with the financial framework of funding special learners during the Third Reading. That is so that the Bill will be very strict in how the Government funds this special education. In that case, our kids will be able to get the right education.

Parents are the other important bit. We all know education is free in this country. What has happened? We have lumped special schools with primary schools for normal children. We say education is free at the primary level. You will find that we do not consider these institutions when giving bursaries because they still offer basic primary school education. However, if you look at the statistics the Mover provided, he has told this House that only 9 per cent of learners in basic primary and secondary level education transition to secondary education because of the expenses involved.

Many parents have come to my office looking for support because principals of secondary schools have asked them to pay for the upkeep of their students. As I said earlier, it becomes very expensive since everything required of these students is special. Most parents are unable to afford them. I agree with Hon. Emaase, although I do not know if it is she or the other Hon. Member who said that a majority of these children come from poor homes. When you do your research, you will realise that very few of them come from well-to-do families.

On that note, you will realise that the education of learners with disabilities is so expensive that most parents cannot afford it. To make things worse, you and I, patrons of the NG-CDF, cannot support them through bursaries because of the Act. In that case, parents are on their own. Even as we debate this important Bill, and because basic education is free, it is important that we get an exceptional way out. We need to ensure that we have a special fund to assist parents in getting their children to school. Otherwise, we will be excluding them from the normal life expected of a child.

The integration policy is the other thing that has not worked. The Government developed a policy saying all these pupils should be integrated into the main education system. You know, we are saying that they are special cases. Their understanding is slower than that of normal or genius children. They cannot keep the same pace when teachers teach them. Therefore, these children are marginalised even in terms of teaching.

It is important that we determine levels of disability even as we talk about integration in the education system. Otherwise, most disabled children will be left behind, while some of them are isolated. You will find them on their own when you go to their classrooms. They do not even interact with other students. The issue of learners with disability is very important. I agree with those who say we must give them special attention if we want to go far as a country. We must give them special budgets for them to reach the levels they want in their education.

With those many remarks, thank you for this opportunity. I appreciate the Departmental Committee on Education and the Senate for this important Bill. I urge Hon. Members to fast-track this Bill to the Third Reading and have it passed and assented to so that our children can benefit from it. I submit.

**The Temporary Speaker** (Hon. David Ochieng'): Member for Kipkelion East.

**Hon. Joseph Cherorot** (Kipkelion East, UDA): Thank you, Hon. Temporary Speaker, for giving me time to contribute. I thank the Senate for coming up with this Bill, and I congratulate the Committee for taking the time to dig deeper and coming out with more details about the Bill. Students with special needs are actually part of our environment and our families. It is only that they have different needs, which is why we say they have special needs. It has taken a lot of time for this Bill to be brought before this House. This is the right time to move forward. If we do so, we will help students with special needs. This should not only happen in schools. I also want to encourage parents to be involved in taking care of these students with special needs. We are all candidates for the special needs category. Today we may be okay, but tomorrow we may find ourselves in the same position.

A good learning environment should be created for learners with special needs. In some schools and offices, you will find that there are only staircases available for persons with disabilities to access them. The Government should be encouraged to create a suitable environment for them.

My constituency has two special schools: Kipkeleon Special School and Kedowa School for the Deaf. If these students are encouraged and given proper education, they can do marvellous things. Last year, Kedowa School for the Deaf did very well. They qualified for the Kenya National Music Festivals Competition. That was the same thing with Kipkeleon Special School. If we are to help these schools, the Government has to be very keen, especially regarding capitation. The Government should add more capitation for students with special needs. If it does so, the special students will be properly assisted because they have special talents and are good at academics. Some of the personnel in hospitals working as doctors are persons with disabilities. Some of them have good jobs. Therefore, we should not curtail their talents.

The Government should have a Permanent Secretary dealing with special needs in the Ministry. By doing so, it will manage students with special needs well. More training and support should be given to teachers with students with special needs. I know they are committed and sacrifice a lot of their time. It is not easy for them. Although some of them have been taught in colleges and universities on special needs, they still need to be encouraged so that they can readily offer themselves to assist students with special needs.

Some churches have established schools for learners with special needs. For example, we have Kipchimchim Special School in Kericho County, which was started long ago by the Catholic Church. Most of the students with special needs are taken there. I encourage different institutions to support them, if possible.

I support the Bill, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng'): I have skipped Member for Funyula three times. Allow me to give him the opportunity to contribute. Go ahead.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. The beauty about our current Standing Orders is that I will still have my five minutes when the matter is slated for debate in the next sitting.

As my colleagues have done so far, I also stand to support the Learners with Disabilities Bill (Senate Bill No. 4 of 2023). As Parliament, both the Senate and the National Assembly, I do not know what kind of rapid response measures we can implement to ensure that some of these critical Bills do not lapse or take inordinately long to be concluded. This Bill is very fair and progressive. It is a build-up to two important Acts: The Basic Education Act and the Children's Act.

Indeed, if you peruse through, there are too many cross-cutting issues borrowed from various existing Acts to patch up and bring into play the Learners with Disabilities Bill. First of all, they are learners who are clearly defined in the Basic Education Act. There is already an



Act dealing with people living with disabilities. We presume they are children. Therefore, I invite the Committee as they propose amendments to this Bill. Some of them might need consequential amendments in the other Acts so that we can align them and make the Bill airtight. This will enable us to avoid duplication, repetition, or overlapping responsibilities and roles.

Disability is not inability. Many adults and children are disabled, but abled differently. There are those able to talk, enact plays, and have arguments. They will grow up to become politicians. Some are abled analytically who will grow up to become advisors and technocrats. Some are abled in such a way that they might not comprehend the basics of “one, two, three” at an early stage, but they are useful to our families.

As I have always done in Funyula Constituency since I was elected in 2017, regardless of the outcome, all children deserve to be in school. Whether they are A-plus students or of lesser academic prowess, they deserve to be in school. A child should not be denied the opportunity to go to school because of physical inability or slow comprehension of recitable material brought to us from Europe.

I must pride myself that, for a long time, Nangina Special School has been one of the leading and largest special schools in most parts of lower Western Kenya, Busia, and parts of Siaya. Obviously, these children have special needs. When you go to those places, we have tried our best. Looking at their levels of disability, the conditions are not sufficient. We have established Busembe Integrated Primary School over time. Unfortunately, being an integrated school, the level of attention given to the boys and girls at Busembe is probably not the same as that at Nangina Special School. We tried to establish another integrated school in Busibi, but obviously, the level of attention was not adequate.

As a country and community, we have a moral obligation to our boys and girls who are physically challenged and who might not have the same academic prowess as the rest of us to be taken care of.

The Bill is fairly elaborate, with quite a number of provisions. These provisions would require a very clear understanding. One of the issues...

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Oundo, you clearly know why I am interrupting you.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I understand, I have been here for some time.

**The Temporary Speaker** (Hon. David Ochieng’): You will have a balance of four minutes next time this Bill is ready for debate in the House.

## ADJOURNMENT

*(Hon. Mary Emaase remained seated)*

**The Temporary Speaker** (Hon. David Ochieng’): Order, Hon. Emaase!

Hon. Members, the time being 7.00 p.m., the House stands adjourned until Tuesday, 29<sup>th</sup> April 2025, at 2.30 p.m.

The House rose at 7.00 p.m.

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