



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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Thursday, 14th August 2025

The House met at 10.00 a.m.

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

PRAYERS

QUORUM

The Temporary Speaker (Hon. Martha Wangari): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung and stopped)

Serjeants-at-Arms, the Bell is not ringing. Ten minutes are not yet done.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. We shall begin the business of the day.

PETITION

The Temporary Speaker (Hon. Martha Wangari): Member for North Imenti, Hon. Rahim, you have a Petition.

COMPENSATION AND LAND ALLOCATION TO MAU MAU WAR VETERANS

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I am reading a Petition regarding compensation and allocation of land to Mau Mau war veterans.

I, the undersigned, on behalf of the Mau Mau freedom fighters of Meru County, draw the attention of the House to the following:

THAT, Section 3 of the Kenya Heroes Act establishes a legal framework for the recognition---

*(Hon. Kangogo Bowen and Hon. Kassait Kamket
blocked the Hon. Temporary Speaker's view)*

Hon. Temporary Speaker, I cannot be heard because of the noise.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kangogo, and Tiaty Member of Parliament, you are blocking the Speaker from the Member on the Floor.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I repeat.

I, the undersigned, on behalf of the Mau Mau freedom fighters of Meru County, draw the attention of the House to the following:

THAT, Section 3 of the Kenya Heroes Act establishes a legal framework for the recognition and honour of national heroes, stipulating that a person shall be considered a hero if they have selflessly contributed and sacrificed for the nation in any of the functional areas, including the liberation struggle.

THAT, since Kenya attained Independence in 1963, a section of Mau Mau veterans who endured displacement by the colonial government through discriminatory laws and flawed land policies, including forced evictions, have never received any form of reparation.

THAT, despite the formation of the Mau Mau Veterans Association (MMWVA) to unify all Mau Mau veterans, regional leaders of the association were never appointed, and the funds allocated by the Government were misappropriated, leaving veterans and their families without the desired economic relief.

THAT, regional associations such as the Nakuru District Ex-Freedom Fighters Organisation (NDEFFO) were established to advocate for land rights and other forms of reparation. However, veterans from other regions, including Meru, were excluded from these initiatives.

THAT, previously, Mau Mau war veterans, notably through organisations like NDEFFO, were compelled to consolidate resources and fundraise to purchase land from white settlers, excluding many who could not afford to participate.

THAT, most of the land formerly held by white settlers has since reached the end of its lease period, as provided under Article 65 of the Constitution. However, the National Land Commission, despite its mandate to investigate present or historical land injustices and recommend redress, has never investigated pre-independence land injustices perpetrated against the Mau Mau.

THAT, the relentless efforts by Mau Mau war veterans to seek closure and obtain reparations for the violations of their economic rights, including evictions, forced labour, rape, and murder committed by the British colonial government, have remained unaddressed.

THAT, the issues raised in this Petition are not pending before any court of law, constitutional body, or any other legal institution.

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

1. Intervenes to ensure that the Mau Mau veterans and their families are resettled on their ancestral land, which was alienated by the colonial government and white settlers.
2. Recommends the establishment of regional representation of Mau Mau war veterans within the Mau Mau War Veterans Association.
3. Recommends the official recognition and commendation of the Mau Mau movement under the First Schedule of the Kenya Heroes Act.
4. Engages the National Land Commission to investigate pre-colonial land injustices committed against the Mau Mau veterans.
5. Makes any other recommendations it deems appropriate in addressing the plight of the petitioners.

And your petitioners will ever pray.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. I do not know if the Members who have indicated interest in speaking are doing so on the Petition. Hon. King'ara, is it on the Petition?

Hon. Simon King'ara (Ruiru, UDA): No.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mbui?

Hon. Robert Mbui (Kathiani, WDM): No.

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

Hon. Victor Koech (Chepalungu, CCM): No.

The Temporary Speaker (Hon. Martha Wangari): That Petition will be committed to the Public Petitions Committee.

Next Order.

PAPERS

The Temporary Speaker (Hon. Martha Wangari): Under Papers, we have the Chairperson, the Departmental Committee on Justice and Legal Affairs, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

Hon. Gonzi Rai (Kinango, PAA): On a point of order.

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

Hon. Gonzi Rai (Kinango, PAA): I was supposed to receive a response to my Statement by the Ministry of Defence.

The Temporary Speaker (Hon. Martha Wangari): We are not there yet. Hold it until we are on Order No.7.

Hon. Gonzi Rai (Kinango, PAA): Okay.

The Temporary Speaker (Hon. Martha Wangari): Hon. Murugara, proceed.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I beg to lay the following Paper on the Table of the House:

A Report of the Departmental Committee on Justice and Legal Affairs on the consideration of the Elections (Amendment) (No. 2) Bill, 2024, (Senate Bill No. 29 of 2024).

Thank you.

I also wish to raise a point of order---

The Temporary Speaker (Hon. Martha Wangari): Hon. Murugara, you first lay the Paper on the Table.

Hon. George Murugara (Tharaka, UDA): I have laid the Paper. I have a second one to lay on the Table through a point of order.

My attention has been drawn to a circular dated 12th August 2025 by the Public Procurement Regulatory Authority---

The Temporary Speaker (Hon. Martha Wangari): Hon. Murugara, hold on. Let us exhaust this Order first. We will give you a chance later.

Hon. Gikaria, Chairperson, Departmental Committee on Energy. Are you on the phone, Hon. Gikaria?

(Laughter)

Hon. David Gikaria (Nakuru Town East, UDA): I am sorry, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): You have some Papers to lay.

Hon. David Gikaria (Nakuru Town East, UDA): Not yet, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Not yet? Hon. Murugara, I will indulge you for the next one.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

My attention has been drawn to a circular dated 12th August 2025 by the Public Procurement Regulatory Authority to various Government agencies regarding the enforcement of compliance with the mandatory use of the Electronic Government Procurement System (EGPS) by all public procurement entities. I will lay this Paper on the Table. I am pleased to note that the Chairperson of the Committee on Delegated Legislation is present so that this can be looked into.

Having gone through the circular and considering the provisions of the Statutory Instruments Act, this circular is a statutory instrument par excellence, and it should have been brought before the Committee on Delegated Legislation for scrutiny and approval. It appears to have the force of law by declaring that failure to comply will constitute an offence.

I request that directions be given for this circular to be referred to the Committee on Delegated Legislation for scrutiny, especially because it does not seem to have undergone any public participation.

The Temporary Speaker (Hon. Martha Wangari): Hon. Murugara, you and I sat in the Committee on Delegated Legislation last term, so be careful not to do their job.

Hon. George Murugara (Tharaka, UDA): Thank you, I will stop there. I beg to lay this particular Circular and request that you kindly refer it to that Committee for scrutiny as required under the Statutory Instruments Act.

(Hon. George Murugara laid the document on the Table)

The Temporary Speaker (Hon. Martha Wangari): Thank you very much. We have the Hon. Chairman of the Committee on Delegated Legislation. I must confirm that as the Liaison Committee, this matter; the issue of E- procurement and the process of transition has been brought to us. Hon. Chairman, I think you can shed some light on that before I commit it.

Hon. Samuel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker. I am aware that this matter was discussed extensively yesterday in the Liaison Committee, although I was not there. When I came in, you had just concluded.

I want to thank Hon. Murugara for raising this matter. This is a very grievous issue which requires pronouncement by this House. Article 94 of the Constitution is as clear as day and night. It states that no person can make anything that has a force of law except Parliament. A Statutory Instrument as a force of law, has just been stated clearly by Hon. Murugara. For avoidance of doubt, I want to read out what a Statutory Instrument is under the Statutory Instruments Act which was passed by this House and which no one can contravene.

It states as follows:

“A statutory instrument means any rule, order, regulation, direction, form, tariff of cost or fees letters, pattern commission, warrant, proclamation, by law, resolution, guidelines or other statutory instruments issued, made or established in the execution of a power conferred by or under an Act of Parliament under which that statutory instrument or subsidiary legislation is expressly authorised to be issued.”

It is as clear as day and night. There is no state officer who has the power to issue any command that has a force of law. That if you contravene, you will be liable to certain sanctions. Therefore, I am very happy that this has been laid. Hon. Mbui, Hon. Vice- Chairman who are here and I are very happy. We will take it up.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chairman, you are already doing the work of the Committee.

Hon. Samuel Chepkonga (Ainabkoi, UDA): I am only taking responsibility.

The Temporary Speaker (Hon. Martha Wangari): I direct as follows: You have given the law and what it says. We understand what you are saying but I would like the Committee on Delegated Legislation to take a serious dive into this matter; interrogate the legal framework.

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You know the options also available to you *via* the Statutory Instruments Act so that you bring a report to this House. This, Hon. Chepkonga, may not wait. Bring the report on Tuesday before we go on recess because it a serious matter. Since we will have a sitting the whole day, make sure that the Report is ready. It is so directed.

Next Order.

The Temporary Speaker (Hon. Martha Wangari): Hon. Gikaria, are you ready?

Hon. David Gikaria (Nakuru Town East, UDA): No.

The Temporary Speaker (Hon. Martha Wangari): You are still not ready. You were supposed to lay a Paper then move a Notice of Motion.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Speaker, we were to do that. I have signed on my part because it was a Joint Committee.

The Temporary Speaker (Hon. Martha Wangari): It was to be Co- joined.

Hon. David Gikaria (Nakuru Town East, UDA): My other colleague has not signed.

The Temporary Speaker (Hon. Martha Wangari): It has to wait.

Hon. David Gikaria (Nakuru Town East, UDA): I have requested the Clerks -at-the-Table but they have told me it cannot be laid until it is signed.

The Temporary Speaker (Hon. Martha Wangari): Okay. Next Order.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. Martha Wangari): We have Statements that are being requested first. Hon. Gikaria, you have been listed here. Are you ready for this one?

REQUEST FOR STATEMENT

LEGAL REPRESENTATION FOR KENYA WILDLIFE OFFICERS FACING LEGAL CHARGES

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Speaker, pursuant to Provisions of Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the legality of legal representation by Kenya Wildlife Service (KWS) officers facing criminal charges in connection with the disappearance of Brian Odhiambo.

On 6th March 2025, six officers namely; Senior Sergeant Francis Wachira, Alexander Lerogoi, Isaac Ochieng', Michael Wabukala, Evans Kimaiyo and Abdulrahman Suli were arraigned in court and charged with an offence of abduction with intent to murder Mr Brian Odhiambo, a fisherman who went missing on 18th January 2025 in Nakuru. Mr Brian Odhiambo is alleged to have been abducted by the officers at his residence in Nakuru Town and efforts to trace him have been unsuccessful to date.

It is deeply concerning that despite the gravity of the charge, the said officers remain in service within KWS and are reportedly being represented in court by a legal counsel of the public institution. This raises concern about the misuse of public resources to defend persons charged with criminal offences in their individual capacities, as well as likely interference with the court proceedings, considering that the charges have been preferred against the officers in their individual capacities and not on behalf of the institution.

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 justification for KWS assigning legal counsel at public expense to represent the six officers currently facing criminal charges in their individual capacities.

2. Confirmation on whether the utilisation of public funds and resources for the stated purpose complies with Article 226 of the Constitution and the Public Finance Management Act, Cap. 412A, which prohibits unlawful and unauthorised use of public funds and if not, the action taken to cause the responsible officer to refund the state public money.
3. A report on the current employment status of the officers, including clarification as to whether they are in active service or under suspension during the pending investigation into the matter of the disappearance of Mr Brian Odhiambo.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Chairperson of the Departmental Committee on Tourism and Wildlife Committee, is that Hon. Kareke? Is he in the House? If not, is the Vice-Chairperson here? Deputy Leader of the Majority Party?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I promise to give a response once we come back from recess.

The Temporary Speaker (Hon. Martha Wangari): Very well. This should be the first week of resumption. Next are responses to Statements.

RESPONSES TO STATEMENTS

INSECURITY IN ISIOLO COUNTY

We have a response from the Departmental Committee on Administration and Internal Security. Hon. Tongoyo, or the Member for Saku. The Question is on insecurity in Isiolo County, by Hon. Tubi. Is the owner of the Question in the House?

Hon. Ali Raso (Saku, UDA): Hon. Temporary Speaker, we do not have a response to that Question. In hindsight, we expected the issue to be discussed yesterday when the Cabinet Secretary was on the Floor. Nevertheless, we will still ask the Ministry to give us a response.

The Temporary Speaker (Hon. Martha Wangari): Endeavour to bring the Statement to the House.

SENTENCING OF MS MARGARET NDUTA IN VIETNAM

The next Question is on the sentencing of Ms. Margaret Nduta in Vietnam by Hon. Sabina Chege. Is she in the House? Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, do you have a response to the Statement?

Hon. Nelson Koech (Belgut, UDA): Yes.

The Temporary Speaker (Hon. Martha Wangari): The Member is not in the House, so just table the response.

Hon. Nelson Koech (Belgut, UDA): Much obliged.

(Hon. Nelson Koech laid the document on the Table)

SAFETY OF MISSING MS RIZIKI LUVUNO MAMBO IN SAUDI ARABIA

The Temporary Speaker (Hon. Martha Wangari): The next response is still by the Departmental Committee on Defence, Intelligence and Foreign Relations, responding to a question by Hon. Gonzi Rai, the Member for Kinango, on the safety of Ms Riziki Luvuno Mambo, who went missing in Saudi Arabia. Chairperson, do you have the response?

Hon. Nelson Koech (Belgut, UDA): I do.

The Temporary Speaker (Hon. Martha Wangari): The Member is in the House, so prosecute it.

Hon. Nelson Koech (Belgut, UDA): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order No.44 (2) (C), the Member for Kinango Constituency, Hon. Gonzi Rai, requested a Statement from the Cabinet Secretary for Foreign and Diaspora Affairs, regarding the status of Ms. Riziki Luvuno Mambo in the Kingdom of Saudi Arabia. The Member specifically sought to be informed the following:

1. The circumstances surrounding the arrest of Ms. Riziki Luvuno Mambo by Saudi Arabian police.
2. Steps that the relevant Government agencies have taken to ascertain her whereabouts and secure expeditious release from custody and repatriation to Kenya for proper physical and mental care.
3. Measures that the Government has taken to guarantee the safety of all Kenyans living and working abroad, to ensure that they receive timely Government assistance in cases of distress.

The Committee engaged the Ministry of Foreign and Diaspora Affairs on the matter.

I, therefore, wish to respond as follows: On the first question regarding the circumstances of Ms Mambo's arrest, the Ministry reported that in July 2023, Ms. Riziki Luvuno Mambo travelled to the Kingdom of Saudi Arabia for a two-year contract as a domestic worker. The family reported to the State Department for Diaspora Affairs about her arrest and detention at a facility referred to as Sawari Police Station in Jeddah.

Upon inquiry by the Kenyan Embassy in Riyadh, the consulate in Jeddah, it was established that there is no police facility by the name Sawari Police Station in the Kingdom. A search was conducted of the said police station, but it did not yield results. Furthermore, Saudi law enforcement authorities shared with the Kenyan Embassy a list of all Kenyans in detention, custody and prison between April 2024 and October 2024, in which Ms. Mambo's name did not appear.

On the second question concerning steps taken to ascertain whereabouts, the Ministry informed the Committee that the search was expanded to include hospitals and deportation centres with the assistance of Kenyan diaspora networks in Saudi Arabia. The search remains ongoing, and once her location is established, the Government will provide all necessary assistance to facilitate a reunion with her family.

Regarding the measures to guarantee the safety of Kenyans abroad, the Ministry outlined the following measures taken by the Government. There has been an establishment of diplomatic missions to cater for Kenya's needs in Saudi Arabia, including an Embassy in Riyadh and a consulate in Jeddah. There has also been the creation of the Department for Diaspora Affairs to safeguard the welfare, rights and interests of Kenyans abroad.

Further, there is provision of repatriation and vacation services in times of distress and emergencies. There is also continuous registration of Kenyans abroad at the embassies and the State Department of Diaspora Affairs for accountability. There has been the signing of labour agreements, which are aimed at safeguarding the rights and welfare of Kenyans working abroad.

Moreover, the Ministry has introduced mobile consular services, outreach programs to reach Kenyans even in remote areas abroad, and ensure they are provided with essential Government services and documentation like passports, national IDs, birth certificates for children born abroad, and other services. They have also developed legal aid information frameworks and pre-departure manuals to provide Kenyans going abroad with information on their rights and essential basic information about their country of destination.

The Ministry has also established reporting channels for distress cases via ministries, the e-citizen portal, hotlines, email, and a 24-hour call centre at the State Department of Foreign

Affairs. There has been provision of emergency travel documents and financial assistance for the repatriation of Kenyans in distress without passports.

Finally, through diaspora engagements, the Ministry continues to sensitise Kenyans on observing the laws of their host countries to avoid conflict with the law, which might lead to arrest. The Ministry of Foreign and Diaspora Affairs further states that it remains committed to safeguarding the welfare, rights, and interests of Kenyans abroad, and will continue to employ all necessary measures to guarantee their safety and well-being in foreign countries.

I submit.

The Temporary Speaker (Hon. Martha Wangari): Member for Kinango, before I give you a chance, allow me to recognise learners from Ncoroiboro Primary School in Buuri Constituency, Meru County, seated in the Public Gallery. I will allow Hon. Dorothy to welcome them on our behalf.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you. On behalf of the Member for Buuri Constituency, Hon. Mugambi Ndikiri, and myself as a representative from that constituency, I would like to extend a warm welcome to Ncoroiboro School in this House of Parliament. I encourage the learners to observe the proceedings in Parliament, as this is where important functions such as legislation, oversight, and representation take place. We are here to represent the interests of the people who elected us.

Hon. Temporary Speaker, Ncoroiboro School is an old school that has produced so many professionals in this country. I am sure the learners with us today will be part and parcel of those professionals as they go along their studies. Now that they are in Parliament, I challenge them to produce a parliamentarian from among them as well as other professionals. We leverage technology---

The Temporary Speaker (Hon. Martha Wangari): Do not debate more than that, Hon. Muthoni.

Hon. Dorothy Muthoni (Nominated, UDA): Hon. Temporary Speaker, I want to encourage the girls to know that even the Speaker seated on the Chair today is a woman. So even ladies have an opportunity to sit in this House and sit in the highest seat.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Muthoni. Hon. Member for Kinango, are you satisfied with the response? If not, do you have a follow-up question or questions?

Hon. Gonzi Rai (Kinango, PAA): Thank you, Hon. Temporary Speaker. While I appreciate what has been explained by the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations, my appeal and that of the family is for to the Government and the Ministry Foreign Affairs to expedite their search to ensure that at least Riziki Mambo is found, be it alive or dead, though our wish is for her to reunite with her family.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Chairman, do you have anything else to add?

Hon. Nelson Koech (Belgut, UDA): Mhe. Gonzi, tutatia bidii tuhakikishe kwamba kuna mawasiliano ili uweze kuijulisha familia. Kabla wakati huo, nawatakatia na kuwaombea kila la heri kuwa atapatikana akiwa hai.

The Temporary Speaker (Hon. Martha Wangari): Asante. Next Order.

Hon. Ali Raso (Saku, UDA): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): Hon. Raso, what is out of order?

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. We have the Statement regarding insecurity in Isiolo.

The Temporary Speaker (Hon. Martha Wangari): The one you had just spoken about?

Hon. Ali Raso (Saku, UDA): Yes.

The Temporary Speaker (Hon. Martha Wangari): Well, the Member who asked the Question is not in the House. Table the response.

Hon. Ali Raso (Saku, UDA): Much obliged. Thank you.

(Hon. Ali Raso laid the document on the Table)

The Temporary Speaker (Hon. Martha Wangari): Hon. Clive, what is out of order?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. Last week, I sighted a Statement from the Chairman of the Departmental Committee on Health regarding a child who was stuck in India due to non-remittance of Ksh500,000 by the Social Health Authority (SHA). SHA had promised to pay before the child was sent there for treatment from Kenyatta National Hospital (KNH).

I was promised to get a response this week, but I cannot see---

The Temporary Speaker (Hon. Martha Wangari): Is it not listed in today's responses?

Hon. Clive Gisairo (Kitutu Masaba, ODM): What I am saying is that the Chairman had committed to respond this week, but he is not in the House and it has not been listed on the Order Paper. I wonder whether Parliament has become a House where we give empty promises.

The Temporary Speaker (Hon. Martha Wangari): The Chairman of the Departmental Committee on Health is not in the House. Is the Vice-Chairman in the House? If not, Leader of the Majority Party, this comes back to you. When we give pronouncements here, they should be honoured if there was a promise for this week.

Hon. Owen Baya (Kilifi North, UDA): The week is not over; it includes the afternoon. Allow me to inform the concerned Chairman so that your response can be in the afternoon brief.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Mizighi, are you on a point of order?

Hon. Haika Mizighi (Taita Taveta County, UDA): Not really, Hon. Temporary Speaker. I just wanted to thank the Chairman of the Departmental Committee on Health for the response he has given to Hon. Gonzi. He was really in distress. He was even pushing the Committee on Diaspora Affairs and Migrant Workers to respond on the same. I appreciate the response.

Thank you.

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

MOTION

CONSIDERATION OF REPORT ON SENATE AMENDMENTS TO THE LAND (AMENDMENT) BILL (Senate Bill No. 40 of 2022)

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

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Temporary Speaker, I beg to report that the Committee of the whole House considered the Senate Amendment to the Land (Amendment) Bill (National Assembly Bill No. 40 of 2022) and approved the same without amendments.

The Temporary Speaker (Hon. Martha Wangari): Mover, Hon. King'ara.

Hon. Simon King'ara (Ruiru, UDA): Hon. Temporary Speaker, I beg to move that this House do agree with the Report of the Committee of the whole House on its consideration of the Senate Amendment to the Land (Amendment) Bill (National Assembly Bill No. 40 of 2022).

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I start by appreciating this House, which held our hand from 2020 when I brought this Bill. I also appreciate Hon. Nyamai, who was chairing the Committee then. The House moved this Amendment Bill, which primarily touches on public land gazettment and titling, so that public land is locked.

Later on, the Bill lapsed around 2022, but in the same year, we brought it back, and the same honourable House found it relevant. It went through all the stages of a Bill and was later sent to the Senate. I am also grateful to the Senate for the friendly amendment they introduced. The amendment proposes that the legislation be gazetted, which is important, especially matters touching on public land.

It is important to note that if we do not lock public land, we will not have any place to put government facilities, like schools, hospitals, and even police stations. In the morning, we wanted to work on a land where we can build a market. Unfortunately, one would need an acre to have a great market, noting that it is one of the most populous in the country. I only got half an acre. I do not know how to go about it. If we were to make any progress, the Government has got to go back and buy land for such facilities, yet we had ample land area, which was not locked, and somebody grabbed the land.

I am so grateful to everybody, especially those Members who are very positive in supporting this Bill, including the current Chairman of the Departmental Committee on Lands, Hon. Joash.

With those few remarks, I beg to move. I request Hon. George Murugara to second.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I beg to second.

Thank you.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Nyamai, go ahead.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): I do not know why it is not accepting. Hon. Temporary Speaker, thank you very much. There seems to be a problem with the connection to the cards.

Thank you very much for giving me a chance to comment on this very important Bill that was initiated by the Hon. King'ara, Member for Ruiru. I congratulate him, particularly for his patience. This being a devolved matter, the Bill was discussed here and later went to the Senate.

It is so important that we ensure that the land that has been given to the government is properly documented and registered. As Hon. King'ara has said, we now realise that we require land that is documented because of the Affordable Housing project. It is impossible to get an acre of land in a constituency. If you try to construct a police station, but you are not able to get land, and get it, it is not documented.

This Bill is also very important for the National Land Commission (NLC). They will be able to use it for the vesting of land. It is sad to learn that land acquired compulsorily for the construction of roads, the reserves along our highways and rural roads have not been properly surveyed, documented, or registered with the name of the National Treasury. That is very important and is the reason most Government land is lost. Some surveyors, with wrong intentions, leave out public land. They later go back to the same pieces of land because they are aware that the land has not been properly gazetted or registered in the name of the National Treasury. The same pieces of land are then subdivided and benefit other people. This is a very important Bill.

I congratulate the National Assembly and the Senate for the good work done. I hope it sees the light of the day, because this is not the end. It will need to go all the way to become an Act of Parliament for it to be useful.

Hon. Temporary Speaker, people who have huge chunks of land are supposed to give a percentage of it back to the Government. When they do so, that land is often taken advantage of because of failure to gazette and register it properly in the name of Government, specifically the National Treasury. Congratulations, Hon. King'ara.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker, for this opportunity. I join colleagues in appreciating this Bill, and in particular, Hon. King'ara, who has been spearheading it. I hope it will see light of the day by becoming an Act of Parliament. I was sponsoring the Parliamentary Pensions (Amendment) Bill, which touches on the lives of Members of Parliament who are here and those who have left. I am a bit concerned that, as of now, nothing seems to be moving, but I am happy to see the Leader of the Majority Party here.

As we serve Kenyans, we must remember that very soon, we may be part of the ordinary citizens. It is important to finalise this Bill for the sake of the Members who have left this House and those who will leave very soon. I remind Members that we are all potential former Members of Parliament.

Hon. Temporary Speaker, through your indulgence, I beg that we finalise with this Bill, possibly before the end of this year, because we will get into politics next year. It will be very difficult to prosecute a Bill touching on us, as politicians, when we are campaigning.

I submit.

The Temporary Speaker (Hon. Martha Wangari): Very well. Leader of the Majority Party, that issue has been pending. You can give an undertaking to have it scheduled, at least in this session. That would be important.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I am well guided. We will take it up in the House Business Committee.

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

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Speaker. I rise to support Hon. King'ara on this Bill because it is very important for us to protect public land. The same people who sometimes subdivide land to allocate it to the public are the ones who fake title deeds to grab it, knowing that such land has no documentation.

We have very serious issues in our constituencies. For instance, there may be a public school without a title deed. You may have land but cannot put up affordable housing projects, build a Kenya Medical Training College, or a Technical and Vocational Education and Training (TVET) institution. These lands belong to the public but lack documentation.

This Bill will go a long way in safeguarding the future of our children and public land. There is a realisation that the usage of public land is diminishing in one way or the other. Much of it has been grabbed, including in Kiambaa Constituency. I was telling Hon. King'ara that we do not even have public land to put up an affordable housing project. Most public land has been grabbed, with people constructing very serious houses on it. It is now becoming a nightmare for the Government to repossess those lands. We must, therefore, ensure that the remaining public land is safeguarded by providing proper documentation.

The National Land Commission must rise to this occasion, not only to report, but to also allocate and issue title deeds for specific public lands. For example, if it is a police station, they must ensure that it has documentation so that, even in years to come, the title deeds are in the custody of Harambee House or the National Treasury. This will ensure that we protect the

few remaining public lands for the purpose of benefiting the public that we represent. I congratulate *Mheshimiwa* King'ara for coming up with this Bill.

I support.

(Question put and agreed to)

Next Order.

BILL

Second Reading

AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (National Assembly Bill No. 35 of 2025)

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) be now read a Second Time.

This is a very short Bill with about three clauses. Principally, the intent of this Bill is to have monies that are undercharged to air passengers, both for domestic and international flights, and shared between the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund, to now be shared amongst these institutions but to the exclusion of the Tourism Promotion Fund. In its place, the Bill proposes the Tourism Fund, a more centralised fund that will be better placed to ensure that this money goes to the promotion of tourism-related activities and projects.

The Bill also shares out this money to the Kenya Meteorological Service Authority, as envisaged in the Bill that we passed yesterday. Members are aware that this authority does not exist yet because we only passed that Bill yesterday. The Committee is now in a consultative meeting with the Cabinet Secretary for Roads and Transport. We want to know whether, by the time we come to Third Reading, we will need to have the Kenya Meteorological Service Authority enlisted as part of the beneficiaries of these funds or leave it to receive money from the Exchequer.

The Bill proposes to allocate part of this money to the Kenya Meteorological Service Authority so as to ensure a sustainable revenue stream and enable it to deliver on its statutory mandates, particularly accurate weather forecasting, which is critical for aviation safety and disaster preparedness. As much as it is also very good and effective in forecasting weather for our farmers and other national needs, the specific intent of the Bill is to ensure that the Authority, in addition to money from the Exchequer through appropriation from the National Assembly, can have another sustainable revenue stream. The Members who were here during debate on the Meteorological Bill are aware that the authority has the opportunity to get money allocated by this House for its work. Currently, the Committee is engaged in proposing amendments in Committee of the whole House, hopefully on Tuesday morning, so that there is no duplication, should we appropriate money to that Authority from the House from the Air Service Charge.

Hon. Temporary Speaker, this charge is levied on both local and international flights. Local flights are charged Ksh600, while international flights are charged US\$50. Currently, this money is shared with the Kenya Airports Authority (KAA) that gets the largest share, because they run the airports that patronise passengers in flights. They get about 60 per cent. Another 20 per cent goes to Kenya Civil Aviation Authority (KCAA) and to the Tourism

Promotion Fund. On domestic flights, KAA gets the largest proportion of 50 per cent, with 30 per cent going to KCAA and 20 per cent going to Tourism Promotion Fund.

We propose that this money be allocated to the Tourism Promotion Fund to avoid duplication of money going to various entities within the tourism sector and improve efficiency by ensuring tourism-related projects are supported from a single unified fund, which is the Tourism Fund. This is a short Bill and therefore does not require much explanation.

The other issue that Members need to take note of in this Bill is that, unlike before when base money is shared under the Act, we are creating more flexibility to allow the Cabinet Secretary, through Kenya Gazette Notice, to specify the proceeds amongst the beneficiaries based on needs and adaptability of emerging needs without delays for further legislative amendments. For instance, if we were to incorporate the Tourism Promotion Fund and need to change the ratios as they are in an Act of Parliament, we would have to bring it here to allow Parliament to legislate again, which can take quite a long time, as alluded by Hon. Makali on the Bill he was proposing. We are aware how long he has been in Parliament. It becomes a little bit cumbersome if we have to come back to the House to legislate. Therefore, we want to give the Cabinet Secretary the flexibility to apportion more money in the future, should that need arise, to either KAA, perhaps if they will need to build a new airport, or KCAA, which might require enhancements to aviation safety. This way, the Cabinet Secretary has the leeway to propose the ratios for sharing this money through the Kenya Gazette.

With those many remarks, I beg to move and request the Deputy Leader of the Majority Party, Hon. Owen Baya, to second.

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

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I would like to thank the Leader of the Majority Party for ably moving the Bill. This is a fairly short Bill that seeks to ensure that the money apportioned under the Air Passenger Service Charge is shared among other institutions. There are three institutions earmarked for that utilisation: namely the Kenya Meteorological Services Authority, for which we passed a Bill regarding it yesterday. I am sure it will get presidential assent. The Kenya Meteorological Services Authority does a lot of work, including weather updates. Aeroplanes depend on weather forecasts from the Authority to determine whether it is safe or not to fly. However, it does not have its source of revenue however much it is involved in ensuring we are safe when flying. It is only fair for it to draw some money from the APSC.

Another important beneficiary is the Tourism Fund. Air services make a lot of money from tourists. We realised it is important to continue to funding the Tourism Fund to continue attracting more tourists. The Fund will also continue to provide funds for KCAA and KAA.

This Bill includes some amendments like showing where the money has come from. The APSC receives money from grants, donations, bouquets and gifts, as well as money from any other source approved by the Cabinet Secretary in charge of finance, through budgetary appropriation by Parliament for purposes of the Fund.

Therefore, for us to ensure air services in this country are properly taken care of, there are certain institutions that need to be funded so that we continue to command a level of respect in the world of air travel.

For that reason, I second and request Members to support this Bill so that we pass it as quickly as possible to ensure that we provide funds for these other bodies.

(Question proposed)

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

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Bill.

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This Fund has always existed and has always been shared out, but amongst three institutions. What has changed in this Bill is the Tourism Promotion Fund. When air passengers pay, one of the critical areas the Bill aims to support is the tourism sector. The money was initially going to the Tourism Promotion Fund, but the new proposal is that it goes to the Tourism Fund, which is central so that it can be used properly for purposes of dealing with the tourism industry.

The other new one that has been introduced is the Kenya Meteorological Services Authority. The Meteorological Department is very critical in air transport because before any plane takes off, it must give a report, check weather patterns or any issue that can affect the aeroplanes. Therefore, it did not make sense that it was not being supported by the sector, given that it is one of the critical institutions in air travel. It is now important to adjust to support the Meteorological Department. The other two institutions that were already there will also require funds to improve services within the industry.

Finally, KAA requires the money to improve facilities at airports. It is out of these funds we are supposed to ensure that we provide enough money over time. When more people travel through our airlines, we will collect enough money to enable us to build more airports. We have seen attempts in the recent past where there was an attempt to privatise one of our airports. We must use the money generated from our air tickets wisely to enable us to get enough capital to embark on building a new wing in our airport.

Hon. Temporary Speaker, some of the installations are so critical that we must ensure that the government is involved. These are critical installations. Therefore, we must ensure that the government has some say. We cannot allow certain critical infrastructure to be in the hands of private investors.

I am also concerned by reports circulating in the corridors of power that even the Kenya Pipeline Company (KPC) may soon be privatised. What kind of country would Kenya be if our energy and fuel distribution, and management of airports were in private hands? That would mean that someone outside the government could effectively run this country. This regime must stop these games of transferring control of critical infrastructure that belongs to Kenyans. We must ensure that our taxes are used to develop our infrastructure and not to enrich private individuals, so that we do not lose the essence of governance. This money should be shared fairly, so that we develop the tourism and air travel sectors and ensure that Kenya prospers.

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

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support the Bill.

Having served as Vice-Chairman of the Committee for a long time, I wish to state two or three points. I support the proposed merger of the Tourism Promotion Fund (TPF) and the Tourism Fund. However, I wish to tell the Leader of the Majority Party, who is the sponsor of this Bill, that as we prepare to channel the biggest chunk of the funds to the Tourism Fund, we must also consider the important role and policies that the TPF has enabled. It supports other institutions that promote tourism by funding the Kenya Tourism Board (KTB), sponsoring the Magical Kenya campaign, and supporting projects within the Kenya Wildlife Service (KWS) and other institutions.

As we support the TPF, it would be prudent to give it some leeway, perhaps a year or two, before merging it with the Tourism Fund, so that it can complete the existing projects that it has been sponsoring. If we deny them the funds they have been receiving, what will become of those projects? They will become ghost projects. The TPF has been funding the Ronald Ngala College, the KWS and other institutions within the tourism sector. We should ensure that as we release funds to the Tourism Fund, there are enough policies to support other tourism activities beyond what the TPF has been able to do. They are in charge of the Ronald Ngala College and sponsorship of the Bomas of Kenya. We should ensure that other tourism-related

activities have enough funds to continue attracting tourists to the Republic of Kenya, and marketing Kenya as a tourism destination.

As we prepare to merge the two institutions, we should give the TPF a timeframe to complete the ongoing projects that they have been sponsoring. Once this Bill is assented to by the President, they will not have funds to support other ongoing projects. We must introduce a transition clause to this Bill during the Committee of the whole House to ensure that they complete all ongoing projects before they wind up and merge with the Tourism Fund.

I support the Bill as I wait to see the amendments that the Committee will propose.

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

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker. I would also like to add my voice to the debate on this Bill, which I find quite enriching. My only concern is that this Fund was mainly used to directly manage airport-related services. What will happen to the services managed by the Kenya Airports Authority (KAA) once these funds are allocated to other services?

We have a habit of hindering systems that work only to create others that do not work. That is not very helpful. What problem are we trying to solve by diversifying this Fund to include meteorological services? How will the KAA be affected if we withdraw these funds? Our airports have many problems. Will we further degrade them? Where will the KAA get resources to manage the airports? The more we offload funds to other services, the more we weaken the management of the KAA, which may weaken the entire tourism industry. We need to clearly evaluate what is or is not working.

We have a growing tendency of floating money that has no specific mandate. We recently introduced the Affordable Housing Scheme to build decent houses for Kenyans. That Fund is now being used to do anything and everything. It is not in order to diversify these funds and create loopholes for people to access floating money while we neglect the core services of the Fund. The Mover of the Bill should give us more information on what is currently working and what is not working as opposed to offloading and diversifying funds from KAA and weakening the core mandate of the airlines.

The Temporary Speaker (Hon. Martha Wangari): Hon. (Dr) Makali Mulu, proceed.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I also want to support this Bill. The justification for the institutions to get the money has been well explained by the Mover and some of the Members who have contributed to the Bill. Sufficient justifications have been presented on why the KAA, the Kenya Civil Aviation Authority (KCAA), the Tourism Fund, and the Kenya Meteorological Department should get funds.

The Leader of the Majority Party said that once the money is collected from airline passengers, it will be shared amongst various institutions. He said that the decision on how to share out the money can be left to the accounting officer. We need to be a bit careful with that. The accounting officer should tell us how much money goes to each institution. Resource-sharing is such a sensitive matter that we may need to look at what each institution gets because at some point, certain agencies may need more money than others. The decision on what percentage of the funds goes to each institution should be left to Parliament. Instead of leaving that decision to one accounting officer, there should be a team of accounting officers who sit down, discuss and agree on the shares. If we leave it to an individual, we may cause confusion and conflict between the accounting officers. We might have to look into that during the Committee of the whole House Stage, so that those percentages are well explained.

As Hon. Mbui said, we need to have a national conversation about the privatisation of public institutions or parastatals because some of them are very strategic. Leaving them to private individuals might be a bit tricky for the country.

We want to hear what the Public Debt and Privatization Committee and the Departmental Committee on Energy, which are discussing the KPC matter. These committees should tell the House what is going on with regard to matters of privatization. This House will have to take time and debate the issue of KPC in a very sober way so that we do not put such a strategic parastatal in the hands of private sector players. That will be debated when it comes to the House.

I hope the concerned committees will be able to give us the right direction. I also hope that the concerned committees will not be influenced. The President has said that the committees of this House are getting influenced. I think we will get a report which is objective, and which will have been discussed thoroughly based on information provided so that we clean ourselves as a House. Let us remember what was said yesterday – that, committees of this House are getting influenced externally. I would want to see us cleaning ourselves from such allegation, if it is true. From where I sit, I believe that statement. We might have to give ourselves time to discuss that statement. Personally, I do not agree with it.

For now, I support the Bill.

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

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Speaker, I also rise to support the Bill. This amendment is very critical because the previous arrangement appeared to be a conflict of interest. This is because the Cabinet Secretary, who was supposed to make regulations, was also sitting in the same Tourism Promotion Fund (TPF). The merger of the TPF and the Tourism Fund will be very critical because they both speak to the same language. A Tourism Fund is for purposes of promotion of the tourism. What just needs to be added is what the TPF was doing, and it is not being done by the Tourism Fund.

Looking at the amendment, it will not be expected that an Act of Parliament has to be amended for the issues to be adjusted. Therefore, when a Cabinet Secretary is given the powers, I think it should be very clear that it has to be through regulations. That also needs to come before Parliament through the relevant committee for that adjustment to be adopted by the Parliament.

I support.

The Temporary Speaker (Hon. Martha Wangari): Hon. Joseph Denar.

Hon. Joseph Hamisi (Nominated, ANC): Thank you, Hon. Temporary Speaker. I rise to support the Bill. I think the most important thing is for us to be able to look at the functions of the Metrological Department. When you look at it, this is a Department which has been underfunded and it has no resources. Everywhere you travel, and with climate change effects like floods, the Metrological Department form a key part of our lives. If we put it into the air service charge, which is distributed now between Kenya Airports Authority (KAA), and the other institution, this will form part and give the Cabinet Secretary a leeway to distribute the fund. But the key factor that we need also to look at is how this amount will be distributed.

I think my colleague has also said that there is the Tourism Fund and TPF, which has been funding and giving a lot of grants. It has been funding Utalii College and most colleges that are standing. It has also been funding Tourism Board. So, we need to look at the moment it exists, which projects they are doing and how are they are going to be funded. But I rise to support this Bill.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): There are no more interests? I do not see you on my system. Why are all of you raising your hands? Hon. Jematiah and Hon. Patrick, where are your cards? Hon. Wamaua, you will have the first go. I can see your card, finally.

Hon. Mary Njoroge (Maragwa, UDA): Thank you so much, Hon. Temporary Speaker. I rise to support the Air Passenger Service Charge (Amendment) Bill by the Leader

of the Majority Party, because it is a critical legislative intervention that aims to enhance the public service delivery in both the aviation and tourism sectors. By streamlining the fund allocation, it is going to eliminate the duplication and strengthen the meteorological capacity that underpins aviation safety and national resilience.

In summary, the proposal is going to reallocate the aviation funds, making sure that we retain the Kenya Airports Authority (KAA) and the Kenya Civil Aviation Authority (KCAA) as beneficiaries of the same. It also redirects tourism-related funds to the Tourism Fund and discontinue the use of the TPF because it is like a duplication. It also introduces these funds to the Kenya Meteorological Service Authority as a beneficiary to guarantee sustainable financing of its core mandate.

Previously, these funds had been directed to TPF whose function overlaps the tourism. Therefore, with the introduction of the same, it is going to correct this in a way that this money will be used in a prudent way. This is a progressive move that will improve the efficiency, reduce administration overheads, and strengthen our tourism promotion efforts. We know what tourism is doing and the kind of money that the country is getting.

The underfunded metrological services is now going to have enough of its capacity so that it can also be able to improve on the critical areas of its mission, and maybe assist us with the disaster preparedness that we require, and also be able to monitor the climate properly. Some of these areas, since they were underfunded, were affecting us. We really need to check on the climate if our aviation is to be effective. I want to request the Members to support this for the benefit of the tourism industry, our aviation sector, and also the safety and prosperity of our nation.

I support.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. I also rise to support this Amendment Bill.

Going through the Bill, you realise that it is going to help us as a country to forge forward. This is a Bill that has been practised in other countries, where most of the authorities have been merged to reduce duplication of roles. The TPF, KAA, and Meteorological Department, they work hand in hand. The Bill is going to help us to get quality services. When you merge them, you are able to get proper mandate and efficiency. It is also going to be quite effective in most of their deliberations and work. What I like about this Bill is that it is not a money Bill in the meaning of Article 114 of the Constitution. It is not going to incur expenditure of public coffers. When we integrate these authorities, we will have a better financing model and tourism will be enhanced. The meteorological department is going to be a key player in air transport. The Bill will not affect the counties. It will improve our revenue collection. I support.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Nyando. There is a problem with the microphones on this side. The ICT team should look into this problem.

Hon. Jared Okello (Nyando, ODM): Thank you very much, Hon. Temporary Speaker for the opportunity. I lend my support to the Air Passenger Service Charge (Amendment) Bill. It is true that we have had great challenges with our airline industry. The Fund will inevitably help to boost and perpetuate a better airline industry. Our pride of Africa – the Kenya Airways – even though a going concern, has not been left behind in the very intensive challenges of the airline industry. I was privileged to be in New York when Kenya Airways had its maiden flight to America. I woke up very early to go to the airport to receive our airline. It was an expression of nationalism. Indeed, it was great pride for our country to have our aircraft fly straight from Nairobi to the United States of America. The aircraft was not piloted by anybody else but Mr Kariuki who flew it for 16 hours to New York.

For those of us who fly Kenya Airways, you will bear me witness that the conditions of those aircrafts do not befit the conditions of international airline industry. While people are

moving to the Dreamliner and the Boeing 707, we are still stuck in the old order. Therefore, I believe that with this funding and goodwill of our good Government, we will procure state of the art airlines to compete in the international community.

Whether you travel domestically or internationally, our airline charges exorbitantly high for reasons that we do not understand. As my friend, the Leader of the Majority Party said, at times you can seat in an aircraft next to a person who has only paid Ksh5,000 while you have paid Ksh40,000 for a one-way ticket. This kind of disparities, particularly with the domestic airlines needs to stop. When the Emirates and the Qatar Airways charge much less, it is because they believe that they do not have to make a lot of money as a country on air transportation. They want to attract people to their nations so that they can purchase goods and stay in their countries.

When you have a layover time of three hours in an airport, chances of spending money on food, freshening up or buying things in a duty-free shop are very high. Therefore, the notion that we can only make money by overcharging passengers needs to be taken to the back banner so that we attract more people to our country.

We have lost a lot of tourists to Ethiopia, Zambia, Zimbabwe and many other African nations yet the Maasai Mara is the Eighth Wonder of the World. We need to put more effort in streamlining our air industry so that we attract many people to this country in terms of ...

Hon. Elisha Odhiambo (Gem, ODM): On a point of order, Hon. Temporary Speaker.

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

Hon. Elisha Odhiambo (Gem, ODM): Thank you, Hon. Temporary Speaker. I have just listened to the Member for Nyando insinuating that we have lost tourists to Zambia and other African nations without giving a statistical reference and incontrovertible data. I am sure that Hon. Jared has travelled all over the world. At least he can remember that I hosted him and Madam Speaker in my house in Moris Town, but that is beside the point.

(Laughter)

What is important is that when he chooses to give examples, he should give concrete figures.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Nyando. We still have a problem with the microphones on this side.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, I do not have to necessarily respond to what Hon. Elisha said.

It is true that Agriculture has been our best foreign exchange earner for many years. Tourism has always been our number two best foreign exchange earner. However, that has been overtaken by light industries. Therefore, we need to pay much credence to our tourism industry and, by extension, make sure that our airline industry works for the betterment of our nation.

I support this Bill and I hope that it will inject impetus ...

The Temporary Speaker (Hon. Martha Wangari): Wait, Member for Nyando. The Member for Ainabkoi, Hon. Chepkonga, looks very agitated. What is out of order?

Hon. Samwel Chepkong'a (Ainabkoi, UDA): Thank you, Hon. Temporary Speaker. You can see that some things in the exchange between the Member for Nyando, Hon. Jared Okello, and his neighbour were necessary while others were not necessary. Therefore, it proves that it is time for the Mover to reply. Will I be in order to request that you call upon the mover to reply?

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Nyando, are you done with your contribution?

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, fortunately, I got the statistics with regard to what we have lost in tourism as a nation. In 2019, we netted USD1.76 billion from the tourism industry. In 2022, the amount dropped to USD1.7 billion. That means we lost USD600 million in the tourism sector. That downward trajectory continued over the years but in the interest of time, I will not read them through to date.

It is true that we need to adopt a new approach in the airline industry and by extension stabilise our economy. The broad-based government has undertaken to brighten the future of this country by shading off parochial and partisan interests that do not serve the interest of this country. When people hope from one state to another in the United States of America, castigating our country - which they purportedly served with dedication - it does not serve the interest of our country at all. For those who are geared towards improving our nation, they should come back to the country and sit down with us. We will either show them how to protest decently or how to move the country forward under the broad-based government.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, a Member has risen under Standing Order 95 for the mover to be called upon to reply. I will put the Question.

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

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I beg to reply.

I thank all the Members who have spoken for their invaluable contributions on the Air Passenger Service Charge (Amendment) Bill. As I said, at the beginning of next week, we will have Committee of the whole House proceedings to consider amendments that Members may propose.

With those few words, I second.

(Question put and agreed to)

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

The Temporary Speaker (Hon. Martha Wangari): Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL
(Senate Bill No.28 of 2024)

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The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members. We are in the Committee of the whole House to consider the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024).

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended by—

(a) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) in paragraph (h), by inserting the words “or unreasonably delays” immediately after the word “fails”;

(b) deleting paragraph (c) and substituting therefor the following new paragraph—

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

(n) conducts or holds an election in a polling station which has not been published in the Gazette and publicised through electronic and print media of national circulation and other easily accessible medium;

(o) knowingly or intentionally interferes or alters declared results or knowingly or intentionally causes another person to interfere or alter declared results.

The justification is that Section 6 (h) provides for the failure by a member or staff of IEBC to declare the results of an election under the Elections Act. The provision already acknowledges the role of the Chairperson of IEBC to declare results of a presidential election within seven days, as well as the role of other staff of IEBC to declare results of an election immediately after the closing of polling. Therefore, there is no need to cascade the offence. The inclusion of ‘unreasonable delay’ as an offence in declaring election results is necessary to consider the instances where a staff of IEBC exceeds the reasonable timeframe for declaring election results.

I beg to move.

(Question of the amendment proposed)

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

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

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

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

Clause 4

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 4.

The reason is that Section 17 of the Act provides for offences relating to the use of technology in elections. The technology referred to is the equipment and processes used by IEBC to carry out an election. In addition, the amendment creates the offence of digital interference with political rights of a person, which are covered in various sections of the Act, including Section 9 on bribery.

I beg to move.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are Hon. Jared Okello and Hon. Harold Kimuge Kipchumba in the House? Do you have interest in contributing to this amendment? There is no interest.

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

(Clause 4 deleted)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have finished, Hon. Members. I call upon the mover to initiate the reporting process. Proceed, Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is a co-sponsored Bill, Hon. Temporary Chair Lady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Okay. Deputy Leader of the Minority Party, Hon. Mbui, proceed.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024) and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON THE ELECTION
OFFENCES (AMENDMENT) (NO. 2) BILL

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(Senate Bill No.28 of 2024)

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024) and approved the same with amendments.

The Temporary Speaker (Hon. Martha Wangari): Mover to move motion for agreement with the report.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Chairlady, I beg to move that the House do agree with the Committee in the said report and request Hon. Kimani to second.

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, do I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

BILL

Third Reading

THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL (Senate Bill No.28 of 2024)

The Temporary Speaker (Hon. Martha Wangari): Mover to move motion for Third Reading.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Chairlady, I beg to move that the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024) be now read a Third Time and request the Leader of the Majority Party, Hon. Kimani Ichung’wah, to second.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to second. This Bill is among the NADCO Report implementation Bills. I co-chaired NADCO with the Wiper Democratic Movement party leader and former Vice-President, Hon. Kalonzo Musyoka. The Bills are very important in helping the Independent Electoral and Boundaries Commission (IEBC) and our country to midwife the next general elections.

Therefore, I commend all those who were with us in NADCO. They include Hon. Kalonzo Musyoka, Hon. Omar Hassan, Hon. Amina Mnyazi, and Hon. Eugene. No. I cannot thank Hon. Eugene because he disappeared. I thank Hon. Cecily Mbarire, the able Cabinet Secretary of Energy, Hon. Opiyo Wandayi; Hon. Okong’o Omogeni and the Leader of the Majority Party in the Senate, Hon. Aaron Cheruiyot and, of course, the able leadership of President William Ruto and the former Prime Minister Hon. Raila Amollo Odinga.

The Bill sets pace on what the country has been speaking about—the implementation of NADCO recommendations. I commend both Houses for the passage of this second or third Bill among legislative proposals that came out of the NADCO process. The First being the reconstitution of IEBC under the amended Act that we did last. We now have IEBC in place.

The Bill seeks to foster what was expected of the IEBC. I hope that the IEBC team that is now in place will get in motion to start preparing for not just the by-elections slated for later days this year but also for the general election.

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I beg to second.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chepkonga, you know I have to propose the Question first.

(Question proposed)

Hon. Samwel Chepkonga (Ainabkoi, UDA): I thank you. It will be a travesty of justice if I do not say something yet I appeared before the very competent Committee that the Leader of the Majority Party chaired together with the leader of the Wiper Patriotic Front, Hon. Kalonzo Musyoka. The party with the word 'patriotic' is questionable. Maybe, we agree with "front".

I must say that the public participation conducted by NADCO was quite extensive and fruitful. The proposals that came out of it, one of which we have just considered in the Committee of the Whole House and now in the Third Reading, were very innovative and progressive. The Bill comes at a very timeous moment because of the reconstitution of the IEBC. These very important provisions will help us ensure that we conduct fair, transparent, and accountable elections.

I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. There being no more interest in this, allow me to put the question.

(Question put and agreed to)

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

MOTION

APPROVAL OF THE AFFORDABLE HOUSING REGULATIONS

The Temporary Speaker (Hon. Martha Wangari): Chair of the Committee on Delegated Legislation, Hon. Chepkonga

Hon. Samwel Chepkonga (Ainabkoi, UDA): I thank you, 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 Affordable Housing Regulations, 2025, laid on the Table of the House on Tuesday, 12th August 2025, and pursuant to the provisions of Section 59(4) of the Affordable Housing Act, Act No.2 of 2024, this House approves the Affordable Housing Regulations published as Legal Notice No.114 of 2025.

Article 43(1)(b) of the Constitution guarantees every person the right to accessible and adequate housing as well as reasonable standards of sanitation. In addition, Article 21 obligates the state to take legislative, policy, and other measures, including setting standards to achieve progressive realisation of the rights guaranteed under Article 43 of the Constitution.

To give effect to article 43(1)(b), Parliament enacted the Affordable Housing Act, Act No. 2 of 2024, which establishes a framework for development and access to affordable and institutional housing and connected purposes. That also includes social and rural housing.

We noticed that there were some very small constituencies with big populations. One Member of our Committee, Hon. Oluoch, represents one of them. His constituency is 4 by 4

square kilometres with a voting population of 130,000 people. The area is too small and the people living there would not afford affordable houses.

Therefore, the Regulations provide for social housing in place of affordable housing to accommodate Article 43 of the Constitution.

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

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

Section 4 of the Act imposes a housing levy at the rate of 1.5 per cent of the gross salary of an employee or the gross income of a person that is not otherwise subject to the levy as gross salary. Section 5 requires employers to deduct levy from an employee's monthly salary, contribute an equivalent amount as the employee's share, and remit employee's and employer's contributions to the appointed authority or collector within nine working days after the end of a month.

The levy is intended to generate funds for development and financing of affordable houses for Kenyans. Pursuant to Section 59 of the Affordable Housing Act, the Cabinet Secretary of Lands, Public Works, Housing, and Urban Development has enacted regulations to facilitate effective implementation of the Act and provide clarity on its application and implementation.

The Committee on Delegated Legislation considered these regulations in accordance with the Constitution, the Statutory Instruments Act, the Affordable Housing Act of 2024, and the Interpretation and General Provisions Act CAP. 2. In compliance with Section 16 of the Statutory Instruments Act, the Committee held a meeting with the State Department of Housing and Urban Development on Thursday, 7th August 2025.

The salient features of these regulations are as follows.

The regulations made contain very important provisions that seek to resolve a number of issues that the Act itself did not provide for. Among them, the regulations provide for preliminary provisions including citation and interpretation of certain words used but not interpreted in the Act.

Of importance is that Part II of the regulations provides for the allocation of affordable housing units. As you know, there was much doubt as to whether people would be interested in affordable houses. Recently, we saw what happened when the President launched the affordable housing programme and the number of interested people. We also saw the number of people who were already moving into those houses. Therefore, there has been massive interest.

Therefore, the Cabinet Secretary has provided criteria of allocating the houses and the reasons someone would be denied. The Part contains provisions on eligibility criteria for allocation of an affordable housing unit, the procedure for allocation of the unit, the procedure of the board to decline an unsuccessful application, and a rate of deposit that has been capped at 5 per cent of the purchase price as provided under Regulation 7 of these regulations.

It also provides the eligibility criteria and how one qualifies to be allocated a house. Currently, the Committee is engaged in proposing amendments in Committee of the whole House, hopefully on Tuesday morning, so that there is no duplication, should we appropriate money to that Authority from the House from the Air Service Charge.

Hon. Temporary Speaker, this charge is levied on both local and international flights. Local flights are charged Ksh600, while international flights are charged US\$50. Currently, this money is shared with the Kenya Airports Authority (KAA) that gets the largest share, because they run the airports that patronise passengers in flights. They get about 60 per cent. Another 20 per cent goes to Kenya Civil Aviation Authority (KCAA) and to the Tourism

Promotion Fund. On domestic flights, KAA gets the largest proportion of 50 per cent, with 30 per cent going to KCAA and 20 per cent going to Tourism Promotion Fund.

We propose that this money be allocated to the Tourism Promotion Fund to avoid duplication of money going to various entities within the tourism sector and improve efficiency by ensuring tourism-related projects are supported from a single unified fund, which is the Tourism Fund. This is a short Bill and therefore does not require much explanation.

The other issue that Members need to take note of in this Bill is that, unlike before when base money is shared under the Act, we are creating more flexibility to allow the Cabinet Secretary, through Kenya Gazette Notice, to specify the proceeds amongst the beneficiaries based on needs and adaptability of emerging needs without delays for further legislative amendments. For instance, if we were to incorporate the Tourism Promotion Fund and need to change the ratios as they are in an Act of Parliament, we would have to bring it here to allow Parliament to legislate again, which can take quite a long time, as alluded by Hon. Makali on the Bill he was proposing. We are aware how long he has been in Parliament. It becomes a little bit cumbersome if we have to come back to the House to legislate. Therefore, we want to give the Cabinet Secretary the flexibility to apportion more money in the future, should that need arise, to either KAA, perhaps if they will need to build a new airport, or KCAA, which might require enhancements to aviation safety. This way, the Cabinet Secretary has the leeway to propose the ratios for sharing this money through the Kenya Gazette.

With those many remarks, I beg to move and request the Deputy Leader of the Majority Party, Hon. Owen Baya, to second.

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

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I would like to thank the Leader of the Majority Party for ably moving the Bill. This is a fairly short Bill that seeks to ensure that the money apportioned under the Air Passenger Service Charge is shared among other institutions. There are three institutions earmarked for that utilisation: namely the Kenya Meteorological Services Authority, for which we passed a Bill regarding it yesterday. I am sure it will get presidential assent. The Kenya Meteorological Services Authority does a lot of work, including weather updates. Aeroplanes depend on weather forecasts from the Authority to determine whether it is safe or not to fly. However, it does not have its source of revenue however much it is involved in ensuring we are safe when flying. It is only fair for it to draw some money from the APSC.

Another important beneficiary is the Tourism Fund. Air services make a lot of money from tourists. We realised it is important to continue to funding the Tourism Fund to continue attracting more tourists. The Fund will also continue to provide funds for KCAA and KAA.

This Bill includes some amendments like showing where the money has come from. The APSC receives money from grants, donations, bouquets and gifts, as well as money from any other source approved by the Cabinet Secretary in charge of finance, through budgetary appropriation by Parliament for purposes of the Fund.

Therefore, for us to ensure air services in this country are properly taken care of, there are certain institutions that need to be funded so that we continue to command a level of respect in the world of air travel.

For that reason, I second and request Members to support this Bill so that we pass it as quickly as possible to ensure that we provide funds for these other bodies.

(Question proposed)

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

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Bill.

This Fund has always existed and has always been shared out, but amongst three institutions. What has changed in this Bill is the Tourism Promotion Fund. When air passengers pay, one of the critical areas the Bill aims to support is the tourism sector. The money was initially going to the Tourism Promotion Fund, but the new proposal is that it goes to the Tourism Fund, which is central so that it can be used properly for purposes of dealing with the tourism industry.

The other new one that has been introduced is the Kenya Meteorological Services Authority. The Meteorological Department is very critical in air transport because before any plane takes off, it must give a report, check weather patterns or any issue that can affect the aeroplanes. Therefore, it did not make sense that it was not being supported by the sector, given that it is one of the critical institutions in air travel. It is now important to adjust to support the Meteorological Department. The other two institutions that were already there will also require funds to improve services within the industry.

Finally, KAA requires the money to improve facilities at airports. It is out of these funds we are supposed to ensure that we provide enough money over time. When more people travel through our airlines, we will collect enough money to enable us to build more airports. We have seen attempts in the recent past where there was an attempt to privatise one of our airports. We must use the money generated from our air tickets wisely to enable us to get enough capital to embark on building a new wing in our airport.

Hon. Temporary Speaker, some of the installations are so critical that we must ensure that the government is involved. These are critical installations. Therefore, we must ensure that the government has some say. We cannot allow certain critical infrastructure to be in the hands of private investors.

I am also concerned by reports circulating in the corridors of power that even the Kenya Pipeline Company (KPC) may soon be privatised. What kind of country would Kenya be if our energy and fuel distribution, and management of airports were in private hands? That would mean that someone outside the government could effectively run this country. This regime must stop these games of transferring control of critical infrastructure that belongs to Kenyans. We must ensure that our taxes are used to develop our infrastructure and not to enrich private individuals, so that we do not lose the essence of governance. This money should be shared fairly, so that we develop the tourism and air travel sectors and ensure that Kenya prospers.

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

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support the Bill.

Having served as Vice-Chairman of the Committee for a long time, I wish to state two or three points. I support the proposed merger of the Tourism Promotion Fund (TPF) and the Tourism Fund. However, I wish to tell the Leader of the Majority Party, who is the sponsor of this Bill, that as we prepare to channel the biggest chunk of the funds to the Tourism Fund, we must also consider the important role and policies that the TPF has enabled. It supports other institutions that promote tourism by funding the Kenya Tourism Board (KTB), sponsoring the Magical Kenya campaign, and supporting projects within the Kenya Wildlife Service (KWS) and other institutions.

As we support the TPF, it would be prudent to give it some leeway, perhaps a year or two, before merging it with the Tourism Fund, so that it can complete the existing projects that it has been sponsoring. If we deny them the funds they have been receiving, what will become of those projects? They will become ghost projects. The TPF has been funding the Ronald Ngala College, the KWS and other institutions within the tourism sector. We should ensure that as we release funds to the Tourism Fund, there are enough policies to support other tourism activities beyond what the TPF has been able to do. They are in charge of the Ronald Ngala College and sponsorship of the Bomas of Kenya. We should ensure that other tourism-related

activities have enough funds to continue attracting tourists to the Republic of Kenya, and marketing Kenya as a tourism destination.

As we prepare to merge the two institutions, we should give the TPF a timeframe to complete the ongoing projects that they have been sponsoring. Once this Bill is assented to by the President, they will not have funds to support other ongoing projects. We must introduce a transition clause to this Bill during the Committee of the whole House to ensure that they complete all ongoing projects before they wind up and merge with the Tourism Fund.

I support the Bill as I wait to see the amendments that the Committee will propose.

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

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker. I would also like to add my voice to the debate on this Bill, which I find quite enriching. My only concern is that this Fund was mainly used to directly manage airport-related services. What will happen to the services managed by the Kenya Airports Authority (KAA) once these funds are allocated to other services?

We have a habit of hindering systems that work only to create others that do not work. That is not very helpful. What problem are we trying to solve by diversifying this Fund to include meteorological services? How will the KAA be affected if we withdraw these funds? Our airports have many problems. Will we further degrade them? Where will the KAA get resources to manage the airports? The more we offload funds to other services, the more we weaken the management of the KAA, which may weaken the entire tourism industry. We need to clearly evaluate what is or is not working.

We have a growing tendency of floating money that has no specific mandate. We recently introduced the Affordable Housing Scheme to build decent houses for Kenyans. That Fund is now being used to do anything and everything. It is not in order to diversify these funds and create loopholes for people to access floating money while we neglect the core services of the Fund. The Mover of the Bill should give us more information on what is currently working and what is not working as opposed to offloading and diversifying funds from KAA and weakening the core mandate of the airlines.

The Temporary Speaker (Hon. Martha Wangari): Hon. (Dr) Makali Mulu, proceed.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I also want to support this Bill. The justification for the institutions to get the money has been well explained by the Mover and some of the Members who have contributed to the Bill. Sufficient justifications have been presented on why the KAA, the Kenya Civil Aviation Authority (KCAA), the Tourism Fund, and the Kenya Meteorological Department should get funds.

The Leader of the Majority Party said that once the money is collected from airline passengers, it will be shared amongst various institutions. He said that the decision on how to share out the money can be left to the accounting officer. We need to be a bit careful with that. The accounting officer should tell us how much money goes to each institution. Resource-sharing is such a sensitive matter that we may need to look at what each institution gets because at some point, certain agencies may need more money than others. The decision on what percentage of the funds goes to each institution should be left to Parliament. Instead of leaving that decision to one accounting officer, there should be a team of accounting officers who sit down, discuss and agree on the shares. If we leave it to an individual, we may cause confusion and conflict between the accounting officers. We might have to look into that during the Committee of the whole House Stage, so that those percentages are well explained.

As Hon. Mbui said, we need to have a national conversation about the privatisation of public institutions or parastatals because some of them are very strategic. Leaving them to private individuals might be a bit tricky for the country. We want to hear what the Public Debt and Privatization Committee and the Departmental Committee on Energy, which are discussing

the KPC matter. These committees should tell the House what is going on with regard to matters of privatization. This House will have to take time and debate the issue of KPC in a very sober way so that we do not put such a strategic parastatal in the hands of private sector players. That will be debated when it comes to the House.

I hope the concerned committees will be able to give us the right direction. I also hope that the concerned committees will not be influenced. The President has said that the committees of this House are getting influenced. I think we will get a report which is objective, and which will have been discussed thoroughly based on information provided so that we clean ourselves as a House. Let us remember what was said yesterday – that, committees of this House are getting influenced externally. I would want to see us cleaning ourselves from such allegation, if it is true. From where I sit, I believe that statement. We might have to give ourselves time to discuss that statement. Personally, I do not agree with it.

For now, I support the Bill.

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

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Speaker, I also rise to support the Bill. This amendment is very critical because the previous arrangement appeared to be a conflict of interest. This is because the Cabinet Secretary, who was supposed to make regulations, was also sitting in the same Tourism Promotion Fund (TPF). The merger of the TPF and the Tourism Fund will be very critical because they both speak to the same language. A Tourism Fund is for purposes of promotion of the tourism. What just needs to be added is what the TPF was doing, and it is not being done by the Tourism Fund.

Looking at the amendment, it will not be expected that an Act of Parliament has to be amended for the issues to be adjusted. Therefore, when a Cabinet Secretary is given the powers, I think it should be very clear that it has to be through regulations. That also needs to come before Parliament through the relevant committee for that adjustment to be adopted by the Parliament.

I support.

The Temporary Speaker (Hon. Martha Wangari): Hon. Joseph Denar.

Hon. Joseph Hamisi (Nominated, ANC): Thank you, Hon. Temporary Speaker. I rise to support the Bill. I think the most important thing is for us to be able to look at the functions of the Metrological Department. When you look at it, this is a Department which has been underfunded and it has no resources. Everywhere you travel, and with climate change effects like floods, the Metrological Department form a key part of our lives. If we put it into the air service charge, which is distributed now between Kenya Airports Authority (KAA), and the other institution, this will form part and give the Cabinet Secretary a leeway to distribute the fund. But the key factor that we need also to look at is how this amount will be distributed.

I think my colleague has also said that there is the Tourism Fund and TPF, which has been funding and giving a lot of grants. It has been funding Utalii College and most colleges that are standing. It has also been funding Tourism Board. So, we need to look at the moment it exists, which projects they are doing and how are they are going to be funded. But I rise to support this Bill.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): There are no more interests? I do not see you on my system. Why are all of you raising your hands? Hon. Jematiah and Hon. Patrick, where are your cards? Hon. Wamaua, you will have the first go. I can see your card, finally.

Hon. Mary Njoroge (Maragwa, UDA): Thank you so much, Hon. Temporary Speaker. I rise to support the Air Passenger Service Charge (Amendment) Bill by the Leader of the Majority Party, because it is a critical legislative intervention that aims to enhance the public service delivery in both the aviation and tourism sectors. By streamlining the fund

allocation, it is going to eliminate the duplication and strengthen the meteorological capacity that underpins aviation safety and national resilience.

In summary, the proposal is going to reallocate the aviation funds, making sure that we retain the Kenya Airports Authority (KAA) and the Kenya Civil Aviation Authority (KCAA) as beneficiaries of the same. It also redirects tourism-related funds to the Tourism Fund and discontinue the use of the TPF because it is like a duplication. It also introduces these funds to the Kenya Meteorological Service Authority as a beneficiary to guarantee sustainable financing of its core mandate.

Previously, these funds had been directed to TPF whose function overlaps the tourism. Therefore, with the introduction of the same, it is going to correct this in a way that this money will be used in a prudent way. This is a progressive move that will improve the efficiency, reduce administration overheads, and strengthen our tourism promotion efforts. We know what tourism is doing and the kind of money that the country is getting.

The underfunded metrological services is now going to have enough of its capacity so that it can also be able to improve on the critical areas of its mission, and maybe assist us with the disaster preparedness that we require, and also be able to monitor the climate properly. Some of these areas, since they were underfunded, were affecting us. We really need to check on the climate if our aviation is to be effective. I want to request the Members to support this for the benefit of the tourism industry, our aviation sector, and also the safety and prosperity of our nation.

I support.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. I also rise to support this Amendment Bill.

Going through the Bill, you realise that it is going to help us as a country to forge forward. This is a Bill that has been practised in other countries, where most of the authorities have been merged to reduce duplication of roles. The TPF, KAA, and Meteorological Department, they work hand in hand. The Bill is going to help us to get quality services. When you merge them, you are able to get proper mandate and efficiency. It is also going to be quite effective in most of their deliberations and work.

What I like about this Bill is that it is not a money Bill in the meaning of Article 114 of the Constitution. It is not going to incur expenditure of public coffers. When we integrate these authorities, we will have a better financing model and tourism will be enhanced. The meteorological department is going to be a key player in air transport. The Bill will not affect the counties. It will improve our revenue collection. I support.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Nyando. There is a problem with the microphones on this side. The ICT team should look into this problem.

Hon. Jared Okello (Nyando, ODM): Thank you very much, Hon. Temporary Speaker for the opportunity. I lend my support to the Air Passenger Service Charge (Amendment) Bill. It is true that we have had great challenges with our airline industry. The Fund will inevitably help to boost and perpetuate a better airline industry. Our pride of Africa – the Kenya Airways – even though a going concern, has not been left behind in the very intensive challenges of the airline industry. I was privileged to be in New York when Kenya Airways had its maiden flight to America. I woke up very early to go to the airport to receive our airline. It was an expression of nationalism. Indeed, it was great pride for our country to have our aircraft fly straight from Nairobi to the United States of America. The aircraft was not piloted by anybody else but Mr Kariuki who flew it for 16 hours to New York.

For those of us who fly Kenya Airways, you will bear me witness that the conditions of those aircrafts do not befit the conditions of international airline industry. While people are moving to the Dreamliner and the Boeing 707, we are still stuck in the old order. Therefore, I

believe that with this funding and goodwill of our good Government, we will procure state of the art airlines to compete in the international community.

Whether you travel domestically or internationally, our airline charges exorbitantly high for reasons that we do not understand. As my friend, the Leader of the Majority Party said, at times you can seat in an aircraft next to a person who has only paid Kh5,000 while you have paid Ksh40,000 for a one-way ticket. This kind of disparities, particularly with the domestic airlines needs to stop. When the Emirates and the Qatar Airways charge much less, it is because they believe that they do not have to make a lot of money as a country on air transportation. They want to attract people to their nations so that they can purchase goods and stay in their countries.

When you have a layover time of three hours in an airport, chances of spending money on food, freshening up or buying things in a duty-free shop are very high. Therefore, the notion that we can only make money by overcharging passengers needs to be taken to the back banner so that we attract more people to our country.

We have lost a lot of tourists to Ethiopia, Zambia, Zimbabwe and many other African nations yet the Maasai Mara is the Eighth Wonder of the World. We need to put more effort in streamlining our air industry so that we attract many people to this country in terms of---

Hon. Elisha Odhiambo (Gem, ODM): On a point of order, Hon. Temporary Speaker.

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

Hon. Elisha Odhiambo (Gem, ODM): Thank you, Hon. Temporary Speaker. I have just listened to the Member for Nyando insinuating that we have lost tourists to Zambia and other African nations without giving a statistical reference and incontrovertible data. I am sure that Hon. Jared has travelled all over the world. At least he can remember that I hosted him and Madam Speaker in my house in Moris Town, but that is beside the point.

(Laughter)

What is important is that when he chooses to give examples, he should give concrete figures.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Nyando. We still have a problem with the microphones on this side.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, I do not have to necessarily respond to what Hon. Elisha said.

It is true that Agriculture has been our best foreign exchange earner for many years. Tourism has always been our number two best foreign exchange earner. However, that has been overtaken by light industries. Therefore, we need to pay much credence to our tourism industry and, by extension, make sure that our airline industry works for the betterment of our nation.

I support this Bill and I hope that it will inject impetus ...

The Temporary Speaker (Hon. Martha Wangari): Wait, Member for Nyando. The Member for Ainabkoi, Hon. Chepkonga, looks very agitated. What is out of order?

Hon. Samwel Chepkong'a (Ainabkoi, UDA): Thank you, Hon. Temporary Speaker. You can see that some things in the exchange between the Member for Nyando, Hon. Jared Okello, and his neighbour were necessary while others were not necessary. Therefore, it proves that it is time for the Mover to reply. Will I be in order to request that you call upon the mover to reply?

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Nyando, are you done with your contribution?

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, fortunately, I got the statistics with regard to what we have lost in tourism as a nation. In 2019, we netted USD1.76 billion from the tourism industry. In 2022, the amount dropped to USD1.7 billion. That means we lost USD600 million in the tourism sector. That downward trajectory continued over the years but in the interest of time, I will not read them through to date.

It is true that we need to adopt a new approach in the airline industry and by extension stabilise our economy. The broad-based government has undertaken to brighten the future of this country by shading off parochial and partisan interests that do not serve the interest of this country. When people hope from one state to another in the United States of America, castigating our country - which they purportedly served with dedication - it does not serve the interest of our country at all. For those who are geared towards improving our nation, they should come back to the country and sit down with us. We will either show them how to protest decently or how to move the country forward under the broad-based government.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, a Member has risen under Standing Order 95 for the mover to be called upon to reply. I will put the Question.

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

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I beg to reply.

I thank all the Members who have spoken for their invaluable contributions on the Air Passenger Service Charge (Amendment) Bill. As I said, at the beginning of next week, we will have Committee of the whole House proceedings to consider amendments that Members may propose.

With those few words, I second.

(Question put and agreed to)

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

The Temporary Speaker (Hon. Martha Wangari): Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL
(Senate Bill No.28 of 2024)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members. We are in the Committee of the whole House to consider the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024).

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 2 of the Bill be amended by—

(a) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) in paragraph (h), by inserting the words “or unreasonably delays” immediately after the word “fails”;

(b) deleting paragraph (c) and substituting therefor the following new paragraph—

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

(n) conducts or holds an election in a polling station which has not been published in the Gazette and publicised through electronic and print media of national circulation and other easily accessible medium;

(o) knowingly or intentionally interferes or alters declared results or knowingly or intentionally causes another person to interfere or alter declared results.

The justification is that Section 6 (h) provides for the failure by a member or staff of IEBC to declare the results of an election under the Elections Act. The provision already acknowledges the role of the Chairperson of IEBC to declare results of a presidential election within seven days, as well as the role of other staff of IEBC to declare results of an election immediately after the closing of polling. Therefore, there is no need to cascade the offence. The inclusion of ‘unreasonable delay’ as an offence in declaring election results is necessary to consider the instances where a staff of IEBC exceeds the reasonable timeframe for declaring election results.

I beg to move.

(Question of the amendment proposed)

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

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

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

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

Clause 4

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 4.

The reason is that Section 17 of the Act provides for offences relating to the use of technology in elections. The technology referred to is the equipment and processes used by IEBC to carry out an election. In addition, the amendment creates the offence of digital interference with political rights of a person, which are covered in various sections of the Act, including Section 9 on bribery.

I beg to move.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Are Hon. Jared Okello and Hon. Harold Kimuge Kipchumba in the House? Do you have interest in contributing to this amendment? There is no interest.

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

(Clause 4 deleted)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have finished, Hon. Members. I call upon the mover to initiate the reporting process.

Proceed, Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is a co-sponsored Bill, Hon. Temporary Chair Lady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Okay. Deputy Leader of the Minority Party, Hon. Mbui, proceed.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024) and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON THE ELECTION
OFFENCES (AMENDMENT) (NO. 2) BILL

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(Senate Bill No.28 of 2024)

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024) and approved the same with amendments.

The Temporary Speaker (Hon. Martha Wangari): Mover to move motion for agreement with the report.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Chairlady, I beg to move that the House do agree with the Committee in the said report and request Hon. Kimani to second.

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, do I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

BILL

Third Reading

THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL (Senate Bill No.28 of 2024)

The Temporary Speaker (Hon. Martha Wangari): Mover to move motion for Third Reading.

Hon. Robert Mbui (Kathiani, WDM): Hon. Temporary Chairlady, I beg to move that the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024) be now read a Third Time and request the Leader of the Majority Party, Hon. Kimani Ichung’wah, to second.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to second. This Bill is among the NADCO Report implementation Bills. I co-chaired NADCO with the Wiper Democratic Movement party leader and former Vice-President, Hon. Kalonzo Musyoka. The Bills are very important in helping the Independent Electoral and Boundaries Commission (IEBC) and our country to midwife the next general elections.

Therefore, I commend all those who were with us in NADCO. They include Hon. Kalonzo Musyoka, Hon. Omar Hassan, Hon. Amina Mnyazi, and Hon. Eugene. No. I cannot thank Hon. Eugene because he disappeared. I thank Hon. Cecily Mbarire, the able Cabinet Secretary of Energy, Hon. Opiyo Wandayi; Hon. Okong’o Omogeni and the Leader of the Majority Party in the Senate, Hon. Aaron Cheruiyot and, of course, the able leadership of President William Ruto and the former Prime Minister Hon. Raila Amollo Odinga.

The Bill sets pace on what the country has been speaking about—the implementation of NADCO recommendations. I commend both Houses for the passage of this second or third Bill among legislative proposals that came out of the NADCO process. The First being the reconstitution of IEBC under the amended Act that we did last. We now have IEBC in place.

The Bill seeks to foster what was expected of the IEBC. I hope that the IEBC team that is now in place will get in motion to start preparing for not just the by-elections slated for later days this year but also for the general election.

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I beg to second.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chepkonga, you know I have to propose the Question first.

(Question proposed)

Hon. Samwel Chepkonga (Ainabkoi, UDA): I thank you. It will be a travesty of justice if I do not say something yet I appeared before the very competent Committee that the Leader of the Majority Party chaired together with the leader of the Wiper Patriotic Front, Hon. Kalonzo Musyoka. The party with the word ‘patriotic’ is questionable. Maybe, we agree with “front”.

I must say that the public participation conducted by NADCO was quite extensive and fruitful. The proposals that came out of it, one of which we have just considered in the Committee of the Whole House and now in the Third Reading, were very innovative and progressive. The Bill comes at a very timeous moment because of the reconstitution of the IEBC. These very important provisions will help us ensure that we conduct fair, transparent, and accountable elections.

I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. There being no more interest in this, allow me to put the question.

(Question put and agreed to)

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

MOTION

APPROVAL OF THE AFFORDABLE HOUSING REGULATIONS

The Temporary Speaker (Hon. Martha Wangari): Chair of the Committee on Delegated Legislation, Hon. Chepkonga

Hon. Samwel Chepkonga (Ainabkoi, UDA): I thank you, 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 Affordable Housing Regulations, 2025, laid on the Table of the House on Tuesday, 12th August 2025, and pursuant to the provisions of Section 59(4) of the Affordable Housing Act, Act No.2 of 2024, this House approves the Affordable Housing Regulations published as Legal Notice No.114 of 2025.

Article 43(1)(b) of the Constitution guarantees every person the right to accessible and adequate housing as well as reasonable standards of sanitation. In addition, Article 21 obligates the state to take legislative, policy, and other measures, including setting standards to achieve progressive realisation of the rights guaranteed under Article 43 of the Constitution.

To give effect to article 43(1)(b), Parliament enacted the Affordable Housing Act, Act No. 2 of 2024, which establishes a framework for development and access to affordable and institutional housing and connected purposes. That also includes social and rural housing.

We noticed that there were some very small constituencies with big populations. One Member of our Committee, Hon. Oluoch, represents one of them. His constituency is 4 by 4

square kilometres with a voting population of 130,000 people. The area is too small and the people living there would not afford affordable houses.

Therefore, the Regulations provide for social housing in place of affordable housing to accommodate Article 43 of the Constitution.

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

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

Section 4 of the Act imposes a housing levy at the rate of 1.5 per cent of the gross salary of an employee or the gross income of a person that is not otherwise subject to the levy as gross salary. Section 5 requires employers to deduct levy from an employee's monthly salary, contribute an equivalent amount as the employee's share, and remit employee's and employer's contributions to the appointed authority or collector within nine working days after the end of a month.

The levy is intended to generate funds for development and financing of affordable houses for Kenyans. Pursuant to Section 59 of the Affordable Housing Act, the Cabinet Secretary of Lands, Public Works, Housing, and Urban Development has enacted regulations to facilitate effective implementation of the Act and provide clarity on its application and implementation.

The Committee on Delegated Legislation considered these regulations in accordance with the Constitution, the Statutory Instruments Act, the Affordable Housing Act of 2024, and the Interpretation and General Provisions Act CAP. 2. In compliance with Section 16 of the Statutory Instruments Act, the Committee held a meeting with the State Department of Housing and Urban Development on Thursday, 7th August 2025.

The salient features of these regulations are as follows.

The regulations made contain very important provisions that seek to resolve a number of issues that the Act itself did not provide for. Among them, the regulations provide for preliminary provisions including citation and interpretation of certain words used but not interpreted in the Act.

Of importance is that Part II of the regulations provides for the allocation of affordable housing units. As you know, there was much doubt as to whether people would be interested in affordable houses. Recently, we saw what happened when the President launched the affordable housing programme and the number of interested people. We also saw the number of people who were already moving into those houses. Therefore, there has been massive interest.

Therefore, the Cabinet Secretary has provided criteria of allocating the houses and the reasons someone would be denied. The Part contains provisions on eligibility criteria for allocation of an affordable housing unit, the procedure for allocation of the unit, the procedure of the board to decline an unsuccessful application, and a rate of deposit that has been capped at 5 per cent of the purchase price as provided under Regulation 7 of these regulations.

It also provides the eligibility criteria and how one qualifies to be allocated a house. It also provides details in terms of payment for affordable housing, including how one can pay on a monthly basis.

Regulation 11 provides the procedure for an application of a loan for the development of a rural affordable housing unit. We have found that this country is not similar in terms of the terrain and culture. What will be considered as affordable housing in Nairobi and other towns, like in Eldoret, where you build skyscrapers, in places like Turkana, Garissa, Wajir and Mandera, affordable housing that needs to be constructed in those areas does not need to go up. You need bungalows because they have sufficient land mass that you can built.

Secondly, the culture of these people cannot allow them to live in skyscrapers. If you went to Turkana today and built a huge apartment, the lower floors and the ground floor will be occupied, the others will remain empty. This particular regulation seeks to cure that. At the beginning, people thought that affordable housing did not include shops, schools and police stations.

All these amenities are required to support the affordable housing that has been constructed. These regulations provide for the construction of police stations, shops and schools within the complex where those houses have been constructed.

Part IV provides for the uptake of affordable housing units. Regulation 14 provides for a list of institutions that may offer financing for the offtake of these affordable housing. It sets out the requirements for approval of an application by an institution to offer financing for offtake under Regulation 15 and the procedure for approval for offtake where the institution complies with the requirements of these regulations.

Part V provides for interest rates for loans issued for purposes of purchasing affordable housing or social housing that has been constructed and for the development of rural homes. Part VI provides for the transfer of ownership of an affordable housing unit. This part sets out procedures for seeking consent for the sale of affordable housing. This will deal with unscrupulous people who want to purchase affordable housing for purposes of speculation so that they make it a business. What these regulations provide is that if you want to transfer, you must apply. It also provides for a period of five years during which you cannot transfer an affordable house once you have purchased it.

Part VII contains miscellaneous provisions which include categorisation of affordable housing units and the establishment of an electronic system for the allocation of an affordable housing unit. The process of applying for an affordable housing is not going to be manual; it is going to be electronic to weed out people who want to corrupt the process. As you know, we want to minimise the human contact in terms of applications.

We have seen very progressive proposals from the National Police Service. They are proposing that applications to be recruited as a police officer have gone online. It is also similar in step with what is happening in e-Citizen. This will either weed out or minimise corruption in the process. It also provides for the development of associated physical infrastructure, the procedure where the board intends to develop an affordable housing scheme on a settlement, procedure for offtake of an affordable housing scheme, the procedure for the publication of a notice, an invitation to tender, where the board intends to agree with private institutions and the procedure for withdrawal of voluntary savings in accordance with Section 52 (4)(a) of the Act.

During the scrutiny of the Affordable Housing Regulations 2025, the Committee made a number of observations. The regulations were published in the Gazette Notice of 9th of July 2025, and submitted to the Clerk of the National Assembly on the 11th of July 2025, within the statutory limit of seven days. So, the regulations comply.

Second, the Ministry of Lands, Public Works, Housing and Urban Development undertook public participation in accordance with Article 118 and 10 of the Constitution. We were satisfied that people were invited, we saw photographs and the number of people participating in various regions. The contributions were very animated, people supported it and these regulations are very appropriate and apt in terms of sorting out the inadequate housing that is in this nation.

Third, in line with Section 6 of the Statutory Instruments Act, the regulations were supported by the Regulatory Impact Assessment. We were also satisfied that it provided for the regulatory impact assessment. Once the Committee is satisfied that all the parameters that were expected to be met within the Constitutional framework, the legislative framework and

within the requirements of Article 118 of the Constitution, it recommends to this House to approve this regulation.

On behalf of the Members of the Committee of Delegated Legislation and pursuant to Standing Order 210, it is my honour to move that this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Affordable Housing Regulation 2025, Legal Notice No. 114 of 2025. I beg to move and request the indomitable Hon. Deputy Leader of the Minority Party, the Hon. Mbui, who is a very efficient and effective Member of the Committee, to second.

Thank you.

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

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker. I rise to second the Motion on the Affordable Housing Regulations 2025.

First and foremost, I am a Member of the Committee of Delegated Legislation. This Committee is guided by the Statutory Instruments Act, which is very clear about what exactly has to be done when we make regulations. It is important to note that when Bills are passed into law, they will have a part where regulations can be made under the laws, to enable proper implementation of the law and to put in details that are sometimes missing.

So, the regulatory making process requires that, first, we check whether the regulations are Tabled on time, because that is within the Act. We also check whether there is proper public participation. I know that has been a question over the years. We have not yet established exactly how much is adequate. But then, once we satisfy ourselves that all the relevant people who are affected by these regulations have been given an opportunity to present their case, and that it has been published in our newspapers and various people from different walks of life have participated, then we convince ourselves that it is enough.

We also make sure that there is a generation of a regulatory impact assessment, which means that if these regulations have a way of impacting a certain sector of the community in a major way, then they must come up with an assessment called the Regulatory Impact Assessment, and these were all done. These regulations put details into things for example, the eligibility criteria, the law says that we will do the houses and they will be given to their contributors. Who qualifies then? We have established that it will be citizens of the country. What age? We have established that it must be adults, so it must be 18 years and above.

The regulations have also put in conditions that you are not eligible to get a house if you have previously been allocated another one. This creates fairness so that a person does not get a house today and then gets another one tomorrow. Basically, the eligibility criterion makes it clear and creates transparency and fairness.

The Regulations also deal with the applications. The law says that you will be given a house but then, how do you get to that stage? These Regulations indicate that once one is eligible then there is a form, that is part of the Schedules, that one would be expected to fill. This is the form you can use as the application for the houses. There is also the Board that is supposed to sit and verify the documents that have been tabled before it and evaluate the ability of the applicants to repay the loan. Once that is confirmed, it goes to the next level.

There are also timelines given because sometimes, if there is no timeline, these boards can work forever on a simple thing. The regulations also state that the whole process must be done within 90 days. If you are eligible and have applied, as per the law, then there is the allocation criterion which says that upon successful application to the Board then one shall be allocated the houses.

The Regulations also indicate that sometimes the Board might decline an application. Not everybody who applies for the houses is eligible. The Regulations provide that in that case the Board's decision to decline; an application has to be made within 14 days. It is important

that an applicant is notified once their application is declined. This is because often, we apply for things but we never know their fate because once you send an application, there is no law that provides that you be informed on what happened.

Regulations show that within 14 days you will be notified of any unsuccessful application. Additionally, the Regulations also indicate how you can seek redress if you are dissatisfied. In case an application is declined, the regulations indicate that the money deposited in pursuit of procurement of that house will be returned to you as your voluntary savings. This is a straightforward way of making sure that the affordable housing process is followed to the letter.

I only have one concern which is not in the Regulations. As much as I fully support the Regulations, I raised an issue with the Principal Secretary on how to make the process even more transparent. This is in a bid to ensure that there is no individual or group of individuals that can take advantage of these hard-earned taxpayers' money. These houses are being put up using monies contributed by all citizens. How do we make sure that nobody sits and favours certain cadre of staff or people? How do we make sure that no one can allocate these houses to their friends or relatives? That is the only thing that I feel has not been answered. I am certain that going forward, we might need to consider that.

I say this because of something that happened recently. I support the win of Harambee Stars 100 per cent. The President offered to give affordable houses to the players and he said that he would pay for them. My question is: do we want to have a law where the President has access and can say, "Give Hon. Robert Mbui a house and give Hon. Chepkonga a house but do not give so-and-so a house?" That is one of the things that we need to address going into the future because we want to make this process transparent and open.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, what is out of order, Leader of the Majority Party, Hon. Kimani Ichung'wah?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, my good friend, Hon. Robert, was doing very well in articulating what is provided for in these Regulations. However, when it turns to political issues, he has selective hearing on what the President says. I would like to clarify to him that the President offered to help the Harambee Stars players to get the affordable housing units. If you listened carefully to what he told them after that statement, he said that the first thing the players should do is to register. That is what is being provided for in the Regulations. There is no provision in the Regulations that allows even the President to give you an affordable housing unit. That is why he asked them to register then he would help them to pay for the deposit and get allocated the housing units. That is exactly what you have been articulating there before—that the Regulations provide for the criteria. For instance, you may not qualify because you do not have a deposit.

Therefore, the President is guaranteeing the Harambee Stars players that they will not fail to qualify because they do not have a deposit since he will pay for them. This is the spirit that we should be encouraging our Harambee Stars team to work with.

I was hoping that Hon. Mbui would offer to pay deposits for his constituents for the housing units being done in Machakos or Kathiani, for instance. I have offered to pay deposit for three *mama mbogas* and two bodaboda riders in my constituency to get the affordable housing units being done in Kikuyu. Thereafter, they will access the loans that are provided for here. It is also important to clarify that there is a criterion being provided for in this Regulation on these loans. Hon. Robert knows that for sure.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker I would not want to have a back and forth.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Mbui, before you conclude seconding this Motion allow me to make a communication. Hon. Members we have many students seated in the Public Gallery and I would like to acknowledge them. I hope they have not left.

1. Moody Awori Primary School, Funyula Constituency, Busia County.
2. Serve Academy, Sabatia Constituency, Vihiga County.
3. Turuturu Junior School, Baringo North Constituency, Baringo County.
4. Muchukwo Junior School, Baringo North Constituency, Baringo County.
5. Kiptaiwa Junior School, Baringo North Constituency, Baringo County.
6. Kasrima Junior School, Baringo County.

(Applause)

I would like to ask you, Hon. Robert Mbui, that as you conclude, you also welcome all the students, on our behalf, to the House.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker. On behalf of the Members, thank you for this opportunity to welcome all those institutions that have come to the House of Parliament. Many times, I hear Members telling students to work hard and become Members of Parliament. I would like to go against that and say that there are many careers in the world, this is just one of them. You can be whatever you choose to be. The sky is the limit for you. Take advantage of the time you have in school and do the right thing. Ensure that you open the future for yourselves.

As I conclude, I would like to say that the Leader of the Majority Party may have misunderstood me. I have absolutely nothing against the President and the wish to support Harambee stars because I am their big fan.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Mbui, you have three minutes.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker, I am just concluding. My concern is how to make this affordable housing issue in such a way that no one has authority directly, including the President, to say that he can give a house to so-and-so. That authority must not be vested in an individual because this is money for all of us; these are our taxes. It is important that that goes into the future regulations. That is a question that us and the Principal Secretary were unable to answer.

As we go forward, we should make sure that we tighten the regulations because sometimes, someone can be President and decide that all those houses will be given to their relatives and friends at the expense of the taxpayer. And I am not talking about the current regime. Let us just tighten the laws that we make in these House. We should not make laws for today but for posterity.

Hon. Temporary Speaker, with those remarks, I second.

(Question proposed)

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Motion. I hear what Hon. Robert Mui says and it is, indeed, important that we have some set criteria to determine who qualifies for affordable housing and how these houses are allocated. That is precisely what these Regulations seek to do. After President William Ruto commissioned and handed over the keys of Mukuru Affordable Housing Project in Embakasi South and some other housing units in Kisumu and Homabay, Kenyans got to see that this housing thing is true, unlike what they were being told before. You remember that

many of our competitors in the political arena had said that this housing programme was a lie and would never happen. They said that it is a conduit for theft, and this money would never build any houses. In fact, many have asked in funerals and other political forum, ‘Who told these people we want houses?’

The challenge is now on the demand. It is, therefore, imperative that we have regulations as have been tabled before the Committee on Delegated Legislation. These regulations will ensure that we have a clear criterion on how we identify the beneficiaries of these houses. Part 8 of these regulations on the miscellaneous provisions, includes the categorisation of affordable housing

There is social housing, market rate housing, and institutional housing. This part categorises what an affordable housing unit, a social housing unit and a market value housing is. Hon. Robert Mbui was saying that as a Member of Parliament he cannot, under any circumstances, qualify for affordable or social housing. On the contrary, he can qualify for market value housing which he will pay much more for.

Many other Kenyans who are able to pay for market rate housing qualify for this too. When one applies for a house, they can classify whether they are applying for social housing that is at the bottom of the pyramid, affordable housing, or market value housing, in the application.

The same part also speaks to the establishment of an electronic system for the allocation of affordable housing units. This is what the mover of the Motion was alluding to. That there will be no human intervention in this electronic system. When I apply for my market rate house, I do not need to know the Principal Secretary, the Cabinet Secretary, or anybody in Government.

The other day I was shocked when a good friend of mine, who is a bishop, asked me how I can help him to get allocated a unit at the Kikuyu Affordable Housing Project. I simply wrote him back on WhatsApp and told him, ‘My good bishop, by simply registering in Boma Yangu and following the instructions therein’. I have had friends in the diaspora asking the same question. How they can access these affordable housing units. Some want to buy for their parents, others for themselves, and others for their relatives back here. I have told many of them that they do not need to know anybody.

As Kenyans we are accustomed that you must know somebody to get something. Kenyans, you do not need to know anybody: not the Leader of the Majority Party, the Deputy Leader of the Minority Party, Hon. Robert Mbui, the Leader of the Minority Party, Principal Secretary, Cabinet Secretary, nor the President. All you need to do is to know the procedure of registration through Boma Yangu and contribute your deposits.

These regulations have also provided for the deposit. Fortunately, that deposit has now been moved from 10 per cent of the value of the house to only 5 per cent. If a house costs Ksh1 million, you only need a deposit of Ksh50,000. That is something Kenyans need to know. I invite Kenyans from across board; those in diaspora, my good bishop, and other church leaders who are asking how we can help them to apply. We do not need to help you. Maybe, only through the empowerment programmes to raise deposits to the 5 per cent, but you do not need any help from anybody to access these units.

The electronic system is foul-proof, transparent, and accountable. If you apply and do not meet the criteria, the regulations provide for an appeal mechanism. For example, if you have not met the threshold of the 5 per cent deposit, you can get back your deposit, continue saving and apply for another unit later elsewhere. You do not necessarily need to apply for a unit within your locality. I have been encouraging Kenyans that these houses being build in Nairobi are not for specific people. They are for the people of Kathiani, Kikuyu, Kisumu. Karachuonyo, or people from Lodwar.

These regulations have also answered a very critical question. Hon. Temporary Speaker, please, allow me an extra minute so that I make this point. The question of rural housing. One of the salient issues during the Second Reading of this Affordable Housing Bill before it became an Act of Parliament, was to answer those questions for those naysayers and the pessimists who were asking us who said they wanted houses. Everybody has a house in their rural areas. Hon. Chepkonga, in moving this Motion, has alluded to that fact. That we have far-flung districts in our country with huge chunks of land. For example, with immense respect to our pastoral communities, our brothers in Turkana were asking: 'How do we go and live in multi-dwelling units when we have all this land at our disposal?'

These regulations are creating the avenue for rural housing. It will not necessarily be that Government institutions and agencies involved in the affordable housing will come and build a house for you. There is now an avenue for you to access money to build a house for yourself in your rural area. Therefore, those in Western Kenya, North Eastern, Northern Kenya, or in Maasai Land who do not want high-rise buildings, can now access a loan. The procedure for that is provided for in these regulations. How do you access a loan to go build the house you want? If you want a five-bedroom bungalow, all you need is to pay a deposit, access the mortgage, get the money and build the house.

The criteria on how to qualify and how they will supervise to ensure that money is not diverted into buying cattle or goats, is stipulated. This will ensure that even Kenyans in rural areas can get housing.

These regulations are timely. I support them and I urge Members to support. I encourage Kenyans to access these houses through the electronic platforms that are provided for. Start saving through Boma Yangu and build your 5 per cent deposit. As I mentioned, the deposit has come down from 10 per cent to 5 per cent. This is encouraging because even within the banking industry, there is no bank that will give you a house with a 5 per cent deposit. Through this Affordable Housing Programme, Kenyans will now access housing, become home owners, and generate wealth for themselves and their families. This will also grow the economy of our country.

This Affordable Housing Programme is not just about affording houses to Kenyans. It is about growing our economy, creating jobs for people, and creating opportunities for industrialisation of our country. Today we have new cement factories in this country. We have new steel manufacturing companies that are rising every day out of this process, including the growth of Technical and Vocational Education and Trainings (TVETs), and technical skills institutions that are training young men and women. Last week the President announced that we will embark on another programme where graduates from our TVETs and technical institutions will be guaranteed internship programmes in the affordable housing units. Whether they are architects, draftsmen, artisans, electricians or other technicians.

Therefore, this programme offers the Kenyan people especially our unemployed youth immense opportunities. I beg that we all support to make it become a reality across the country. To the naysayers and those who were asking whether people in the rural areas want houses, they can now see that we can provide good housing with good sanitation to our rural communities by affording them the opportunity to access loans and...

(Hon. Kimani Ichung'wah' microphone was switched off)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. I have been seeing this name on my screen, Hon. Harold Kimuge Kipchumba, nominated Member.

Hon. Member: He left.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): If he left, I think you should just remove it from the screen. Okay. Hon. Irene Mayaka, nominated Member.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker, for the opportunity to support the Report by the Committee on Delegated Legislation. Looking at the Regulations, I refer the House to Article 43(1)(b) of the Constitution, which states that every person has the right to accessible and adequate housing with reasonable standards of sanitation. This is very specific in terms of what the Constitution provides. However, for the Constitution to be actualised, it is upon this House to offer regulations that give effect to these rights.

I have looked at the different parts of the Regulations. Part 2 talks about the eligibility criteria for the allocation of an affordable housing unit. This, in particular, is very important because we have had situations where many people do not know where to go and who to talk to in order to access affordable housing. The uptake has been extremely high in the previous year. This also speaks to naysayers about the affordable housing. The number of people taking up houses, including those where groundbreaking is just beginning, has really increased. This particular provision in the regulation will help with that.

Part 3 is about public institutions and the provision of institutional housing. This is very important because we have many colleges like the Kenya Medical Training College (KMTTC) and universities and institutions in different parts of the country that need affordable housing. This part is going to help with that because it provides regulations on how they can approach it.

Part 4 is about offtake. It sets out the requirements and procedures for approving an institution to offer financing for offtake. Many financial institutions have wanted to plug into this particular noble cause but have not been able to do so adequately because there was no regulation in place. Part 4 of the Regulations offers the offtake plan and how financial institutions can come into place. I really want to encourage---

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Mayaka. I can now see the card for Hon. Patrick Ntwiga, Member for Chuka, Igambang'ombe. Are you saying that your card has been on since this morning?

(Hon. Patrick Ntwiga spoke off the record)

I noted that you have been here throughout. Hon. Members, I would like to apologise. I have information that you may have inserted your card, but it is not showing on the screen. If you wish to contribute, please, also make use of your hand.

Hon. Mayaka, for now, you may conclude,

Hon. Irene Mayaka (Nominated, ODM): Thank you. I will make this very brief so that other Members can have an opportunity.

Part 6 is about the transfer of ownership of affordable housing units. This is very significant because in the African tradition and in our country, many people want an opportunity to transfer ownership to their families, heirs or dependents. This regulation provides for that particular circumstance.

Finally, Part 8 is about an electronic system for the allocation of affordable housing units. I am a very big proponent of the use of electronic systems in this situation because they are less prone to error than manual systems. They also make the process easier and more seamless. I urge fellow Members to support these Regulations as they are meant to assist in ensuring that the Affordable Housing Act comes into effect in a proper manner that seeks to serve our people.

With those few remarks, I support and submit. I thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Timothy Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the consideration of the Affordable Housing Regulations, 2025. These Regulations are very important because they are made pursuant to Section 59(4) of the Affordable Housing Act No. 2 of 2024.

For proper implementation of the Affordable Housing Act, the Regulations must be in place. Of importance is the reduction of the deposit from the initial 10 per cent to 5 per cent. This makes it possible for every Kenyan who wishes to purchase a house to do so. If there is a reason for the current President to be re-elected, then it would be the affordable housing programme in this country. It has given an avenue for every Kenyan who can make that deposit and pay a very small amount of money to get that particular housing.

I have one challenge that I would like to bring to the attention of Hon. Chepkonga, Chairman of this Committee. Section 59 (3) of the Affordable Housing Act states that the Cabinet Secretary shall table before Parliament, the regulations made under this section within 30 days of the commencement of this Act. That is the law. The Regulations should have been tabled within 30 days of the Act's assent. In future, as a House, we should be careful when drafting these particular provisions of law so as to give the Executive time to prepare regulations. Irrespective of that, I still support so that we can fully implement and effect the Affordable Housing Act.

Finally, I call upon the Committee on Delegated Legislation to rethink the process of making regulations in this country. If we give the Executive the power to make law while this House has no role in amending a statutory instrument, then we will be taking away the power of law-making from this House. These Regulations have come from the Executive, and the only option we have as a House is to either accede to it as a whole or annul without amending even a comma. In future, this Committee, chaired by Hon. Chepkonga, should sit down, reason and amend the Statutory Instruments Act, 2013, so that this House can amend or make certain suggestions on statutory instruments.

If there is no other reason for the re-election of His Excellency Hon. William Ruto for a second term, then the Affordable Housing Programme alone is enough. *Tutam.* Having said that, I support.

Thank you, Hon. Temporary Speaker.

(Laughter)

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

Hon. Members, I would like to reorganise business for the purpose of tabling reports. I would like to give the first opportunity to Hon. Gikaria.

PAPERS

Hon. David Gikaria (Nakuru Town East, UDA): Thank you. I beg to lay the following Paper on the Table:

The Joint Report of the Departmental Committee on Energy and the Select Committee on Public Debt and Privatization on the consideration of Sessional Paper No. 2 of 2025 on the Proposed Privatisation of Kenya Pipeline Company (KPC) Limited.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairperson of the Departmental Committee on Energy. Hon. Chepkonga, on behalf of the Departmental Committee on Transport and Infrastructure, please, proceed and lay the Paper.

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Hon. Samuel Chepkonga (Ainabkhai, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Transport and Infrastructure on its consideration of the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No.35 of 2025).

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much Hon. Chepkonga. Hon. Bashir, on behalf of Departmental Committee on Administration and Internal Affairs.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Administration and Internal Security on its approval hearing of two nominees for appointment as a chairperson and member of the National Police Service Commission.

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

NOTICES OF MOTIONS

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will start with Hon. Gikaria.

PRIVATISATION OF KENYA PIPELINE COMPANY

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Speaker, I beg to give Notice of the following Motion:

THAT, this House adopts the Joint Report of the Departmental Committee on Energy and Select Committee on Public Debt and Privatisation on the consideration of Sessional Paper No.2 of 2025 on the proposed Privatisation of Kenya Pipeline Company (KPC) Limited, laid on the Table of the House on Thursday, 14th August 2025 and approve Sessional Paper No.2 of 2025 on the Privatisation of the Kenya Pipeline Company (KPC) Limited.

Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Bashir on behalf of Departmental Committee on Administration and Internal Security.

NOMINEES TO THE NATIONAL POLICE SERVICE COMMISSION

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Hon. Temporary Speaker, on behalf of the Chairperson of the Departmental Committee on Administration and Internal Security, I beg to give Notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Administration and Internal Security on its Report on the Approval Hearing of nominees for appointment as the chairperson and member of the National Police Service Commission, laid on the Table of the House on Thursday, 14th August 2025 and pursuant to the provisions of Articles 246(2) and 250(2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap.7F, this House approves the appointment of the following nominees as the chairperson and member of National Police Service Commission-

- | | | |
|-------------------------------------|---|-------------|
| 1. Dr Amani Yuda Komora, MBS | - | Chairperson |
| 2. Ms Angeline Yiamiton Siparo, EBS | - | Member |

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I know, Hon. Ochanda, that your card is not working, but the first opportunity will go to Hon. Patrick Ntwiga, Member for Chuka/Igambang'ombe.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Thank you Hon. Temporary Speaker for giving me this opportunity. I might say a few things that might look as if I am not supporting these Regulations. First, I clarify that I stand to support the Regulations,

Second, the housing project is one of the most progressive that has been started in this country. It is a project that faced much opposition which is neither here nor there. This is because, I had an opportunity of going through all manifestos of all political parties that were in the last General Election. Since the time of Hon. Uhuru Kenyatta, all political parties have had housing as an agenda in their manifestos. I congratulate President William Ruto for the courage to start this very important project in this country.

Going to the Regulations, Hon. Temporary Speaker, I congratulate the Committee because they have answered many questions that have been asked by Kenyans. The first one is: what is the criteria for allocation of the houses? These Regulations answer this very important question. The second question is: how can one pass a house over to somebody else after buying it? These Regulations answer this important question.

The third question that has really been used and misused by people who do not support the project is: what will happen to people who have houses and are contributing? These Regulations answer this question too. One can get a loan and put up his or her own house using the money.

Hon. Temporary Speaker, looking at the provisions of constructing houses for institutions, and being the Vice-Chairperson of the Departmental Committee on Health, I have just remembered that hospitals are institutions. So, as we discuss Technical and Vocational Education and Training (TVETs), Kenya Medical Training Colleges (KMTCs) and universities--- In hospitals like Kenyatta National Hospital, Mathari National Teaching and Referral Hospital or Moi Teaching and Referral Hospital or even Jaramogi Oginga Odinga Teaching and Referral Hospital, you will find people queuing in a ward or three people sleeping on a bed in a ward. We know hospitals recover money from people sleeping in a ward. So, why can we not put up a ward in a hospital and the money be recovered from the Housing Levy?

This is a very innovative Fund the country has started despite the opposition. I know very many people are worried about it. We cannot start a project and expect it to get 100 per cent support. At times people are not opposed to something because they are against it, but because some questions are not being answered. For instance, many people ask: what happens to people who contribute, but want to put up their own houses? They may not want to buy the affordable houses. People also ask what would happen to somebody who buys a house, and in our African tradition, want to later pass it over to their children? These questions are answered by the Regulations.

I find that most of the questions and the opposition this project faces are because the Regulations have not been put across. The Regulations fill all gaps and tick all the boxes we have been struggling, as parliamentarians, to explain to our people.

Finally, looking at the housing project, I feel happy when I meet unemployed and non-contributor friends telling me that I contributed to the Housing Levy and it enabled them buy a house. I feel good because I have helped somebody get a house.

These Regulations are long overdue. Lack of them raised many questions from our people. The questions are answered through these Regulations. I ask Hon. Members to go through them and explain to our people what the housing project is. We have clear information and have answers to questions they have been asking. This is because the housing project is not bad, but many questions remained unanswered. These Regulations have answered that now.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gideon Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker.

One thing we and the Hon. Chairperson need to recognise much more than anybody else is that we are late with these Regulations. They are very good and necessary, but we are late with them. As we debate them, people had started paying the Housing Levy one-and-half years ago. They have been paying minus any guidance. So, in my view, the Department of Housing needs to be guided that by the time the Regulations are adopted, they need to simplify them in a manner that people can consume them quickly such that they help everybody in understanding the process that is going on in this scheme.

We have had housing schemes, I think, since 1968 or 1969. Kenyans are now trying to forget that these housing schemes are still running. So, everybody is trying to get into the new arrangement of affordable housing as though there is no any other. The old schemes that we have known all along are still running. This is just a new attempt to make sure that those who have been excluded are taken care of. This is because the others were service schemes. One would pay as one earns based on one's income. It was one's own choice to pick a house. This scheme is now for those who may not be able to and it works like an insurance.

The Affordable Housing Scheme is for those who may not be able to afford housing. It works like an insurance scheme, something that many people do not understand. I once tried to explain to some young people about the Last Respects Insurance Scheme. I told them that they only need to pay Ksh1,000 annually. One of them asked, "But, what if I die?" What will you do with the money if you are dead? That is the current situation we are in.

Some people are wondering why they are contributing to houses that they will not live in. We are not contributing for ourselves, but for others. It is like a car insurance scheme where you pay annual premiums. If you get into an accident, your insurance covers the costs. That is where we are getting it wrong. We need a proper explanation, so that we can move on.

We also need to recognise that this is a long-term scheme. It is an improvement of the current scheme. We expect the next regime that will be elected in 2032 to also come up with another quality housing arrangement to improve on what currently exists. It is a long-term scheme to help us solve one big challenge that many Members have witnessed in the country. The kind of settlements we have in our country do not exist anywhere in the world. People just wake up and put up any structure on their land.

People build houses and leave land for other utilities like farming, forestry and other things. In other parts of the world, people do not just stay anywhere they want. This scheme should last for a longer period of time. If it focuses on its core mandate, it can help this country to reorganise and plan for our land use, which is one of our biggest challenges. That scheme will become very important to our country in future.

We should also attempt to break down the Pay As You Earn (PAYE) so that people do not ask too many questions. Nobody asks questions about PAYE. They do not ask where those funds go, but they ask where each cent allocated to the Affordable Housing Scheme goes yet the percentage of PAYE deducted from their payslips is bigger than the percentage deducted for the Affordable Housing Scheme. With time, we should break down the PAYE so that part of it is allocated to the Affordable Housing Scheme, so that Kenyans understand what we are trying to do.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Mark Mwenje, Member for Embakasi West.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker. One of the biggest issues that we face when it comes to the Affordable Housing Scheme is the fair allocation of houses. After the launch was done in Mukuru in Embakasi South Constituency, there was a big hike in the number of applications for the houses. Many people apply for those

houses, get rejected, and resort to looking for Members of Parliament or people in power to find a way to get the houses. That is one of the biggest issues which, if we do not solve, the whole programme will lose meaning. The public will lose confidence.

We must know who gets the houses. That information must be made public. Part II of the Regulations provides for allocation of affordable houses. The application process for the affordable houses and the beneficiaries of the houses must be transparent.

I support the lowering of the deposit to 5 per cent. Standard transactions usually require a deposit of 10 per cent and you have to complete the transaction within 90 days. This truly makes it affordable to those who come from low income areas.

I have an issue with the loans that are provided to those in rural areas. I find it strange that the Affordable Housing Act would be willing to provide funds for a person to build a house in a rural area but for constituencies in urban areas, particularly Embakasi West, where we have a population of over 350,000 people, the Act does not provide funds for people to build houses. I find it strange that there are areas in Nairobi, specifically Embakasi North, Embakasi West and Embakasi East without land for affordable houses. I am sure there are other urban constituencies with no land to build these affordable houses but our people are paying this money. How will they benefit? Does that mean they have to apply for houses and move to other areas? That is an issue we will need to discuss at some point.

The Chairperson may need to clarify further the issue of institutional housing and that of renovation of those houses. It can be a positive idea considering some of the houses in Nairobi, such as police quarters and civil servants houses, can be renovated under this programme. That is a welcome idea. More importantly, I would be keen on whether this can also apply to county houses. If you look at those houses, some of which are in my Constituency in Kariobangi South, they are in a bad state.

The residents would support a partnership between the Affordable Housing Programme (AHP) and the county.

(Hon. Gichimu Githinji raised his hand)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gichimu, your hand is up. Do you have a point of order?

(Hon. Gichimu Githinji spoke off the record)

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

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Speaker, I rise under Standing Order 95 owing to the importance of these Regulations for purposes of effecting the houses that have already been delivered. It is important that the mover be called upon to reply so that we can put this matter to rest.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will allow Hon. Mwenje to conclude.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker. I believe there is only one more person who has interest in this.

As I conclude, there is an issue of the transfer of these affordable houses, especially in Nairobi. The Nairobi City County recovered some houses, but I fear that wealthy businessmen might acquire these houses from people who got them through the affordable housing scheme. Because these people are wealthy, they will just offer money and acquire the houses.

I hope that these provisions will protect those who acquire the houses, not just here in Nairobi but everywhere else where the wealthy can acquire the houses from the poor who will

eventually end up back in the slums. The allure of getting money is quite real. That is something I hope will be provided for in these regulations.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gichimu, I took note of what you said. However, I would like to give a chance to Hon. Wanjiku Muhia.

Hon. Wanjiku Muhia, in the interest of time, are you able to make it short?

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Temporary Speaker. I will take less than two minutes.

I rise to oppose these Regulations. In the first place, this scheme was wrongfully implemented. Kenyans have been asking why they contribute to the Housing Levy when the land belongs to the Government. The same land is purchased through taxes. For this reason, I oppose.

The Regulations are not timely and should have been introduced earlier. I would have supported this programme and the Regulations if the houses were built near institutions like universities, where students struggle to find hostels. We also see the same challenges around hospitals like Kenyatta National Hospital, where patients suffer due to lack of nearby accommodation. Otherwise, it does not make sense. The *Wantam* movement will be realised by the taxpayers who pay the Housing Levy. Abolishing the AHP at Kasarani should be order number one by the incoming Government of the United Opposition.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I want to find out whether it is the mood of the House that I call upon the mover to reply.

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

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker. Hon. Wanjiku Muhia is my very good friend, but she claims that the United Opposition will abolish this programme. I think they are still far in getting the votes to abolish anything. We wish them well in becoming No. 2 in 2027. We can contend with that in 2032.

Hon. Temporary Speaker, there are two Members who would like to speak for just one minute each: Hon. Anthony Oluoch, who is a member of my Committee, and Hon. Bashir.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You are completely out of order, Chairman.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I am out of order. I thank you.

Hon. Kipchumba Timothy raised the question whether these Regulations were tabled within the specified period of 30 days. The draft Regulations were, indeed, tabled within 30 days. We then asked the Ministry to conduct public participation. The Departmental Committee on Housing, Urban Planning and Public Works should be very careful. You should not make a law that cannot be complied with. Surely, you cannot ask somebody to make regulations and conduct public participation within 30 days. It is not possible. They have to get views from citizens across the country. It is important that this is considered.

I thank every Member who contributed. I beg to reply.

(Question put and agreed to)

(The Regulations were accordingly approved)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1.02 p.m., this House stands adjourned until today, Thursday, 14th August 2025, at 2.30 p.m.

The House rose at 1.02 p.m.

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