



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

## THE HANSARD

Thursday, 25<sup>th</sup> September 2025

The House met at 2.30 p.m.

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

### PRAYERS

Hon. Deputy Speaker: Hon. Members, let us start with Papers.

### PAPERS

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

1. Draft Tourism (Tourism Enterprises) Regulations, 2025, the Regulatory Impact Statement and Report on Public Participation from the Ministry of Tourism and Wildlife.
2. Legal Notice No.145 of 2025 on the Crop (Bixa) Regulations 2025, Including the Evidence of Public Participation, Explanatory Memorandum, Regulatory Impact Statement and Duly Signed Certificate of Compliance from the Ministry of Agriculture and Livestock Development.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Next Order.

### QUESTIONS AND STATEMENTS

#### STATEMENT

BUSINESS FOR THE WEEK OF  
29<sup>TH</sup> SEPTEMBER – 3<sup>RD</sup> OCTOBER 2025

**Hon. Deputy Speaker:** Hon. Owen, make the Statement on behalf of the Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(a), I rise to make the following Statement on behalf of the House Business Committee, which met on Tuesday, 23<sup>rd</sup> September 2025, to prioritise business for consideration during the week.

Hon. Speaker, I wish to welcome Members back from the long recess. I hope we are all invigorated and ready to perform our roles in what promises to be a busy part of the Fourth Session. I commend Committees that worked through the recess to conclude priority business and further urge them to expedite any business that is pending to enable its conclusion by the House within the set deadlines.

Members will recall that on various occasions during this Session, business listed in the Order Paper under orders of the House Business Committee has been deferred several times due to absence of sponsors to prosecute such business. This trend reduces both the House Business Committee and this House to act in vain. Yesterday, we had to drop a business in the Order Paper because the Mover was not present. Members who have business in the Order

Paper, please, be in the House so that we do not drop business because the person who is supposed to move it is not around.

I wish to draw the attention of the House to the provisions of Standing Order 53, which mandates the Speaker or any other presiding officer to drop a Motion listed in the Order Paper if the Member concerned fails to move it. Once dropped, such a Motion can only be re-introduced in the House in the next session. For example, it is expected that what was dropped yesterday should come back in the Fifth Session, not within the Fourth Session. I, therefore, encourage committee chairpersons and individual Members to be present in the House to prosecute their business once it is scheduled by the House Business Committee.

With regard to the business that is scheduled for next week, the House is expected to consider the following Bills at various stages, should they not be concluded today. The House will consider the following Bills in the Committee of the whole House:

1. The Virtual Asset Service Providers (Amendment) Bill, (National Assembly Bill No. 15 of 2025).
2. The Air Passenger Service Charge (Amendment) Bill, (National Assembly Bill No. 35 of 2025).
3. Consideration of the President's Reservations to the Cancer Prevention and Control (Amendment) Bill.

Hon. Dawood, your Bill, the Cancer Prevention (Amendment) Bill, is coming up shortly. So, make sure you are present.

4. Consideration of the President's Reservations to the Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bill No. 3 of 2023).

Hon. Obo is present for that.

5. The Computer Misuse and Cybercrime (Amendment) Bill, (National Assembly Bill No. 41 of 2024).

Hon. Aden is present.

6. The National Police Service Commission (Amendment) Bill, (National Assembly Bill No. 23 of 2024).

The House will also undertake the Second Reading of:

1. The County Governments Additional Allocation (No. 2) Bill, (Senate Bill No. 8 of 2024).
2. The Privatisation Bill, (National Assembly Bill No. 36 of 2025).

**Hon. Mary Emaase** (Teso South, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** How can you have a point of order on a Statement?

**Hon. Owen Baya** (Kilifi North, UDA): You cannot have.

*(Hon. Mary Emaase spoke off the record)*

**Hon. Deputy Speaker:** Thank you. Hon. Members, consult in low tones.

**Hon. Owen Baya** (Kilifi North, UDA): Yes, can I be heard in honourable silence? Additionally, debate will continue on the following Motions, should they not be concluded today:

1. Consideration of the Fifth Report of the Public Investments Committee on Social Services, Administration and Agriculture on Examination of Financial Statements of Selected State Corporations.

Hon. Deputy Speaker, this Report was ably moved by Hon. Wangwe, and it is ripe for debate.

2. Consideration of the Report of the Special Funds Accounts Committee on the Examination of the Financial Statements of the Water Sector Trust Fund. This was moved.

3. Consideration of the Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates.
4. Sixth Report of the Public Investments Committee on Social Services, Administration and Agriculture on the Examination of Financial Statements of Selected State Corporations.
5. Seventh Report of the Public Investments Committee on Social Services, Administration and Agriculture on the Examination of Financial Statements of Selected State Corporations.

In conclusion...

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members! I do not know what the excitement is all about. Kindly, let us listen to the Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Please tell the gracious lady there that we have a consultation room here.

**Hon. Deputy Speaker:** Proceed, Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): In conclusion, the House Business Committee shall reconvene on Tuesday, 30<sup>th</sup> September 2025, to schedule business for the rest of next week.

I beg to lay this Statement on the Table of the House. I thank you.

**Hon. Deputy Speaker:** Thank you, Deputy Leader of the Majority Party.

#### REQUESTS FOR STATEMENTS

**Hon. Deputy Speaker:** We will now move to requests for statements. I have re-organised the Order Paper so that we start with the request by Hon. Mark Mwenje, Member for Embakasi West, since it is time-bound. Is Hon. Mwenje ready? You have a request for statement on the recruitment of the Kenya Defence Forces (KDF). I will give you priority because I know the matter is ongoing and time-bound. Are you ready?

**Hon. Mark Mwenje** (Embakasi West, JP): Yes, I am.

**Hon. Deputy Speaker:** Hold on. Before you start, allow me to recognise the following students who are seated in the Speaker's Gallery: Devki Ruiru Secondary School from Ruiru Constituency, Kiambu County and Ngirubi Secondary School from Ruiru Constituency, Kiambu County. Hon. Mwenje, as you make your statement, you may welcome them on behalf of the House.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Deputy Speaker. On behalf of the House, let me recognise and welcome all the schools who are here. This is the House where all laws are made and where decisions are taken on behalf of our country by all the elected leaders. For those of you who would wish to become Members of Parliament, I wish you all the best. Those seats are available and when the time comes, you may vie for them. Once again, welcome to the House to follow the proceedings.

#### FAIR AND EQUITABLE DESIGNATION OF KDF RECRUITMENT CENTRES

Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding recruitment centres for the Kenya Defence Forces (KDF) officers.

On 14<sup>th</sup> September 2025, the Kenya Defence Forces published an advertisement for the recruitment of officers to various positions at designated recruitment centres across the country. However, the designation of recruitment centres does not take into account the county population distribution. For instance, Nairobi City County, which has 17 constituencies, was allocated only three recruitment centres. They were Nyayo Stadium, Moi International Sports Centre, Kasarani and Jamhuri Grounds. This consolidation of recruitment centres within Nairobi City County stands in sharp contrast to the practice in the other 46 counties where recruitment centres are distributed at the sub-county level. This disparity disadvantages the residents of Nairobi City County and undermines the principle of fairness in the recruitment process.

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

1. The criteria used by the Kenya Defence Forces in designating recruitment centres in Nairobi City County and the measures in place to ensure equity, transparency and non-discrimination.
2. The immediate measures by the Government to guarantee a fair and equitable recruitment exercise that is accessible to all the constituents of Nairobi City County.
3. The affirmative action interventions that are aimed at redressing the barriers currently faced by disadvantaged youth in accessing recruitment opportunities.

Thank you.

**Hon. Deputy Speaker:** Hon. Members, I will give you a chance to contribute to that statement because I know it is of great concern and national importance.

Before that, allow me to recognise the following schools that are seated in the Public Gallery: Enkijape Primary School from Kajiado South Constituency, Kajiado County; Amoso Primary School from Uriri Constituency, Migori County; Moi Secondary School from Nakuru West Constituency, Nakuru County; and, Brilliant Murkan Primary School, from Emurua Dikirr Constituency, Narok County.

On behalf of the substantive Speaker and the rest of the House, we welcome you to Parliament.

I would also like to recognise our colleagues from the Parliament of Uganda who are seated in the Speaker's Gallery.

#### DELEGATION FROM THE PARLIAMENT OF UGANDA

Hon. Members, I wish to introduce to you a delegation comprising Members of the Committee on Finance, Planning and Economic Development from the Parliament of Uganda. You may rise so that Members can see you. The delegation comprises of: Hon. Hanifa Nabukeera, Hon. Basil Bataringaya, Hon. Avur Jane Pacuto, Hon. Nangoli Gerald and Hon. Dr Keefa Kiwanuka. The delegation is accompanied by the legal counsel, Ms Akullu Esther. They are in the country for a benchmarking visit to share experiences and best practices in the field of mortgage refinancing and affordable housing.

On behalf of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their stay in the country. Thank you.

I will give the chance to four Members who have pressed the intervention button. Hon. Rahim Dawood, you may proceed.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Deputy Speaker. On the question of KDF recruitment, I wish to join Hon. Mwenje in requesting for a statement from the Committee. One of my sub-counties, Imenti East, which was recently operationalised, has been excluded from the final recruitment list. I request the Committee to press for a re-

advertisement of the centres for recruitment. My Imenti East Sub-County in North Imenti Constituency should be included. Otherwise, my people will be disenfranchised. I hope the Vice-Chairperson of the Committee has taken note of that.

**Hon. Deputy Speaker:** Hon. Members, I have observed that there is a similar statement regarding the recruitment of the Kenya Defence Forces. I will allow Hon. Ali Wario to present his statement first, after which we shall discuss both of them together.

Hon. Ali Wario, you may proceed.

INCLUSION OF TARASA AND KOKANE SUB-COUNTIES IN THE KENYA  
DEFENCE FORCES RECRUITMENT EXERCISE

**Hon. Ali Wario** (Garsen, ODM): Thank you, Hon. Deputy Speaker.

Pursuant to Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the inclusion of Tarasa and Kokane sub-counties in the upcoming Kenya Defence Forces recruitment. Recruitment into the KDF should reflect fairness, equity and inclusivity across the country. However, Tarasa and Kokane sub-counties have been excluded from the recruitment schedule, thereby denying many young people the opportunity to serve in uniform, contribute to national security and access meaningful livelihoods. The inclusion will correct this imbalance, strengthen cohesion and empower the local youth.

Hon. Deputy Speaker, it is against this background that I request a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

1. The plans by the Ministry to ensure that Tarasa and Kokane sub-counties are included in the upcoming Kenya Defence Forces (KDF) recruitment programme.
2. The selection criteria for recruitment centres and how the Ministry ensures fairness and equity so that no sub-county is excluded, especially in historically marginalised regions.
3. The Ministry's plans and timelines to expand recruitment coverage across all counties and sub-counties in line with the constitutional principles of inclusivity and equal opportunity.

Thank you.

**Hon. Deputy Speaker:** Hon. Justice Kemei. Let us keep it brief so that everyone can have a chance.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Deputy Speaker. I will be very brief. We hold the Kenya Defence Forces with a lot of esteem and respect. While Hon. Mwenje and Hon. Wario are asking for fairness in terms of recruitment centres, I am asking the KDF to ensure that when recruiting candidates, those selected come from various locations within each sub-county. In the past, we have seen situations where one particular area receives more recruits. I am asking that the recruitment be fair and that opportunities are spread across the sub-counties.

**Hon. Deputy Speaker:** The Hon. Member for Kamukunji.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I would like to support the statement issued by Hon. Mwenje regarding the forthcoming recruitment of the Kenya Defence Forces. I believe it is absolutely necessary to consider the needs of Nairobi, the capital City. We have over five million people. All Kenyans are represented here and yet, every time, Nairobi is treated differently compared to the other 46 counties. We are not given a fair distribution of recruitment points and are often left clustered in one stadium or the other. This has happened again. This is a form of discrimination

that disadvantages the people of Nairobi. This is the biggest city. We carry the heaviest burden and we have the largest youth population per capita in the country, including a very high number of unemployed young people. It is unfair for the Kenya Defence Forces to put all of us in one stadium without clarity on how the recruitment will be distributed across the 17 constituencies. This must be reconsidered.

We have already made an appeal to the Ministry of Defence. It is high time that different Government ministries respected, acknowledged and put into place a fair and equitable system of employment and recruitment for the people of Nairobi. We should not be taken for granted because we are in the capital City. We should be treated like the other 47 counties. We are not asking for favours. We are asking for the people of Nairobi to be treated fairly. We are asking them to create recruitment centres in all the 17 constituencies to give our youth a better chance.

**Hon. Deputy Speaker:** Hon. Dorothy Ikiara.

**Hon. Dorothy Muthoni Ikiara** (Nominated, UDA): Thank you, Hon. Deputy Speaker. I join in the petition by Hon. Wario and Hon. Rahim Dawood. The KDF recruitment exercise must be free, fair and equitably distributed across the country. I specifically cite the new sub-counties in Meru County, particularly Imenti East Sub-County in North Imenti Constituency. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Makali Mulu, keep it to two minutes.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Deputy Speaker. I will use only one minute. The two Members are requesting for equity and fairness in that exercise, and the whole House should demand that. I would like the Chairman of the Departmental Committee to ensure those matters are addressed.

The third issue we must address is corruption. It has become impossible for young people from poor backgrounds to be recruited into the KDF because of the high demands that are being placed on them by recruiting officers. That has led to the exclusion of those from poor backgrounds. We would want to see a situation where that recruitment ensures every Kenyan who qualifies has a fair chance to join the Kenya Defence Forces. Thank you.

**Hon. Deputy Speaker:** Hon. Nyamita.

**Hon. Mark Nyamita** (Uriri, ODM): Thank you, Hon. Deputy Speaker. I take this opportunity to support the statement from my colleague and leader. The issue of KDF recruitment is not only affecting Nairobi. Our constituency sizes are different. Some have six wards and others only three. Yet, the distribution of the recruitment centres is the same. I pray that when the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations comes back with his response, there will be a solid plan that is ensuring equity in the recruitment across the country. There are some constituencies whereby from one wing to the next is about 400 kilometres. Even if you place a centre in the middle, candidates must still travel long distances, sometimes 200 kilometres to get there. I hope there will be equity.

Let me also take this opportunity to welcome my school, Amoso Comprehensive School, which is soon growing into a secondary school. I hope that this visit inspires the children and that one day that school and community will produce another Member of Parliament to represent them on this Floor. It will be not only here, but to greater heights. You are welcome and feel at home.

Thank you very much.

**Hon. Deputy Speaker:** Hon. Farah Maalim, Member for Dadaab.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Deputy Speaker, I also wish to add my voice to the issue of Kenya Defence Forces recruitment. The Kenya Defence Forces is one of the demonstrations of the sovereignty of this country. They protect our territorial integrity as one unit called Kenya. I am pushing very hard for KDF recruitment to be as national and as accessible as possible to everybody.

Hon. Deputy Speaker, at the same time, I tell my friends and colleagues here that we can play politics with everything else, but not with certain institutions that are linked to our sovereignty. That is Parliament, Judiciary, military and the national flag. The desecration of our national flag is very bad. When we allow democracy and the so-called human rights to go wild and bring in anarchy and chaos to the extent that we take it in a very simple manner the sacrosanct institutions of the country, we have a problem.

*(Loud consultations)*

I am saying this in line with what is there. Let us protect the sanctity of the institutions that clearly make us an indivisible nation with only one identity called Kenya. Let us not trivialise anything or allow anybody to desecrate our national symbols like the coat of arms and the currency of our country. Those are things that cannot be desecrated at any time. Anybody who does that in the hope that we have an expanded democratic space should know that it does not happen in any democracy.

As Kenyans, let us always make sure that we protect the institutions that keep us together and their sanctity and, more so, our Kenya Defence Forces (KDF). Like I have said, our national flag, sovereignty and territorial integrity are things that essentially make us one unit where we should always come together.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, allow me to welcome a group of students who are seated in the Speaker's Gallery. They are from Karima Girls' Secondary School from Kinangop Constituency, Nyandarua County.

I will give the opportunity to Hon. Kwenya, Member for Kinangop, to welcome them on our behalf.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Deputy Speaker, for giving me the opportunity to welcome our guests, Karima Girls High School and other schools that have visited the House. In the same breath, I would like to bring to the attention of the House that Karima Girls High School is a premier school in Kinangop Constituency that is located in the mountainous region of Nyandarua, just at the foot of the Aberdare Ranges.

Secondly, I would like to bring to the attention of the House that the first Speaker of this Parliament lived next to Karima Girls High School. The house should be marked as one of interest which the Members of Parliament should visit.

Karima Girls High School is an academic giant in the region that has produced the top cream of professionals in this Republic. As a House, we wish them well as they sit for their examinations. I know this is a history class. We wish them all the best.

Hon. Deputy Speaker, because I have the opportunity now, I will comment on the KDF recruitment exercise. We have a big problem. Some of us represent big constituencies like Kinangop. I have eight wards and yet, I only have two recruitment centres. Many young people will be disenfranchised because of the fact that Kinangop Constituency is so populous. I do not want to mention some small constituencies that have only two sub-counties. They are getting the same treatment as big constituencies which we represent like Kinangop.

I believe that the KDF and Ministry of Defence can come up with measures that will make every citizen of this Republic feel that they are treated equally and equitably. I believe they will come up with a solution so that no citizen is left behind.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Let us keep it at two minutes.

*(Hon. Adams Korir raised his hand)*



Is that Hon. Gideon Kimaiyo or Hon. Kipsanai? I always confuse the two of you.

**Hon. Adams Korir** (Keiyo North, UDA): I am Hon. Adams Kipsanai. Thank you very much, Hon. Deputy Speaker.

I want to weigh in on this issue of KDF recruitment. I join my colleagues in requesting the KDF to exercise high levels of transparency because the youth of this country and their parents have no money that is required to bribe the recruiting officers.

We have 1,450 wards in this country. KDF should recruit at the ward level. If they do this, we will not have problems and recruits will not be taken from one corner to the other. If you are employing 6,000 officers, divide that by 1,450 wards for each to have around three to four officers. This will bring the principle of equity and fairness. That is where we need to go in the recruitment of disciplined forces to avoid discrimination.

*(Applause)*

Hon. Deputy Speaker, you can see Members are celebrating. The KDF and other disciplinary forces should employ from the ward level, in order to reach everyone.

Thank you, Hon. Deputy Speaker.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, we are all in agreement. The last Member I will give an opportunity is Hon. Mawathe.

**Hon. Julius Mawathe** (Embakasi South, UDA): Thank you, Deputy Speaker, for giving me this opportunity to contribute.

I wish to address the issue of KDF recruitment in Nairobi City County. We have 17 constituencies with more than 5.5 million people and yet, they are giving us only three recruitment centres. How do you recruit 17 constituencies using three centres? We have sub-counties now which will be the best to use. Each constituency in Nairobi City County was recently inaugurated as a sub-county.

We need the KDF to recruit from sub-counties in Nairobi City County. If KDF is recruiting 6,000 candidates as an Hon. Member has suggested, they can recruit out of the 1,450 wards. For the time being, as Nairobi City County, we totally refuse the recruitment from three locations for the 17 constituencies. It is not acceptable. We are requesting the KDF to give opportunities to our constituents.

Lastly, a young man from Mukuru who is 18 to 27 years cannot afford the Ksh200,000 that they are being asked for. Let the recruitment be free and fair, and be done at the constituency level. People know each other there and even better at the ward level.

Thank you, Hon. Deputy Speaker.

*(Several Members raised their hands)*

*(Loud consultations)*

**Hon. Deputy Speaker:** The last Member I will give an opportunity to contribute is Hon. Patrick Ntwiga.

**Hon. Patrick Ntwiga** (Chuka/Igambang'ombe, UDA): Thank you, Hon. Deputy Speaker and my colleague from Dagoretti.

I have two things. Firstly, I echo what my friend has said. Even if recruitment is done in sub-counties, their establishment has been misused in this country. They are set up in a manner that you cannot understand. The most equitable unit of recruitment should be the ward.

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That is because those sub-counties are just dished out without any consideration. However, the wards were established in a very fair way in this country. I support the recruitment to be done in wards.

Finally, we are discussing the KDF recruitment, but it is a shock. My phone is full right now with messages of people asking for help. Kenyans already know that the recruitment will be about money. Let it be fair.

Secondly, the recruitment process should not end at 9.00 p.m. or 10.00 p.m. Our young people run during the day and yet, they are kept there up to night-time. That is when the shenanigans start and they are chased away. Let the recruitment end by 4.00 p.m.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, allow me to recognise the following schools that are seated in the Public Gallery: Getonganya Secondary School from Kuria West Constituency, Migori County; Moi Secondary School from Nakuru West Constituency, Nakuru County; and, Kyaangu Primary School from Mwingi Central Constituency, Kitui County.

*(Applause)*

On behalf of the substantive Speaker and the entire House, we welcome you to Parliament. Thank you.

We have had enough. The point has been made; we are now repeating ourselves. There is no need to flog a dead horse. Let us proceed to the next statement.

*(Loud consultations)*

*(Hon. Major (Rtd) Abdullahi Sheikh spoke off the record)*

I thought I heard that he needs to respond next week. That was the request you made. Chairperson, if you respond now, you will be speculating. You need to get in touch with the line ministry, then come and give us an answer that is not based on speculation. Let us proceed.

*(Hon. Mark Mwenje spoke off the record)*

Hon. Mwenje, he is not in charge of defence. The answer would be speculative; he is not the authority. Do you have a point of order?

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Deputy Speaker. We did not want a response. We wanted the Chair to tell us when he will respond. I need to make a declaration that as an advocate, I have already filed papers in court to stop the recruitment of KDF if it is going to go the way it is right now. But they can mitigate if he can guarantee that he will give us a response maybe on Tuesday or Wednesday. He needs to know we are proceeding to the court.

We know what happened last time, and we will not allow it this time especially in Nairobi. We will tell our youths. They will not agree to the recruitment that you have advertised. Just allow him to commit on the Floor when he will come with a response, not that he has a response.

**Hon. Deputy Speaker:** Hon. Mwenje, I will direct that he comes with a response on Tuesday. That is all we need right now. He will come with a response on Tuesday, and that is the direction from the Speaker's Chair.

## MEMBER'S GENERAL STATEMENT

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**Hon. Deputy Speaker:** Hon. Members, now I will give an opportunity to Hon. Beatrice Elachi to make her Statement. Thereafter, we will go back to the request for a statement by Hon. Mohamed Machele, Member of Parliament from Mvita.

Hon. Elachi, proceed. I know yours is brief.

#### DEMISE OF MS ZAITUNI KAVAYA

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. I rise to give a general statement regarding the mysterious death of Ms Zaituni Kavaya.

Hon. Deputy Speaker, I rise to request for a statement pursuant to the provisions of Standing Order 43 regarding the mysterious death of Ms Zaituni Kavaya. The late Ms Kavaya was reported dead under unclear, troubling circumstances at Mpuuga Apartments in Kilimani. Her sudden demise has caused immense distress to her family, friends and the community at large. It is alleged that the late Ms Kavaya was employed as a domestic help by a foreigner, to be specific, a Sudanese. To date, the circumstances surrounding her death remain unresolved, raising grave concern about the adequacy of investigations into the matter.

I urge the National Police Service and the Directorate of Criminal Investigations in Kilimani to expedite the investigation into this matter. Could the Government scrutinise the visas of foreigners, especially those coming in as tourists to the country? We have so many in Kilimani. We should know whether they are there legally or illegally.

Lastly, I urge the Government that, as much as we have opened up our borders, we need the Immigration Department to have the police patrol border points to help us. With so many foreigners in Kilimani, many illegal things are happening, especially in the Airbnbs that we have in Kilimani.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, I kindly seek your indulgence to move away from the statements briefly to allow us to go to Order No.8, followed by Order No.11, on items 1 and 2, which is Committee of the whole House. Thereafter, we can come back to statements.

Hon. Kaluma, you may now reply. Let us move to Order No. 8.

### BILL

#### *Second Reading*

#### THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (National Assembly No.34 of 2025)

*(Moved by Hon. Peter Kaluma on 23.9.2025)*

*(Resumption of debate interrupted on 24.9.2025 – Afternoon Sitting)*

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes, thank you, Hon. Deputy Speaker. I have listened carefully to the contributions made by the Members on this Bill. I thank them for the useful contributions they have made to elaborate the importance of this law being passed.

There have been two worries which I want to allay. One, I have heard very many people asking why the amount being allocated to the counties is at 5 per cent, and not less. I have heard proposals from Hon. Members suggesting that we should reduce it far below. That is a legitimate concern. But I wanted to urge my colleagues that the proportions you see in terms of the sharing percentages were advised by technical people in the relevant ministry. We did

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not look at the equitable share, in which case the counties would be seeking 15 per cent, but we looked at the various roads which fall under those very many classifications.

I want to urge that in as much as each Member is in their legitimate place to change those proportions, I would request we do not open that area much, because we would have to revert to the ministry in charge of roads with those engineers to overhaul those technical calculations, which have been very dexterous. If we overhaul it also, due to the lack of this understanding I am giving you, then we may also have those amendment proposals coming in the Senate, which may be more difficult.

Secondly, I have listened to some Members asking why we do not have roads going to the fishing areas. Why do we not have roads going into wheat-producing or other areas where you have wheat and those other crops? I wanted to say that if you look at those classifications, no roads are falling, whether in rural or urban areas, which are incapable of being done with those funds.

I also want us to remember that this is not the only road funding. The National Government budget will have a big component, which currently is around 10 per cent of the budget, for road funding. The others at the county level will also have the funding. This is for the Road Maintenance Fuel Levy Fund. Let us allow it to go the way it is. When you say you can do roads to any National Government institution, for instance, schools, you would essentially do roads passing everywhere, as long as you link them to a school. I want to urge that unless an amendment is very necessary, consider this matter as a matter that was moved together by us under my name as advised by the technical people, both within Parliament and without, who have consulted on this matter, including the Council of Governors.

With all that, Hon. Deputy Speaker, I beg to reply and I thank the House very much.

*(Question put and agreed to)*

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

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

## IN THE COMMITTEE

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

### PRESIDENT'S RESERVATIONS TO THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (National Assembly Bill No. 45 of 2022)

*(Resumption of consideration interrupted on 13.8.2025 – Morning Sitting)*

**The Temporary Chairperson** (Hon. Omboko Milemba): Hon. Members, take your seats. We are now in the Committee of the whole House to consider President's Reservations to the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No. 45 of 2022). We will start from Clause 3. Take note that they are President's Reservations. If you

make any amendment to those reservations, it must be supported by two thirds majority Members of this House.

*Clause 3*

**The Temporary Chairperson** (Hon. Omboko Milemba): Hon. Members, you had already debated the Clause. We were to vote on it before we had a quorum hitch.

Hon. Chair.

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

I beg to move:

THAT, Clause 3 of the Bill be deleted.

On behalf of the Leader of the Majority Party, I confirm that the House agreed with the President's reservations and recommendations to the Bill that Clause 3 be deleted. The justification is that Clause 3 of the Bill seeks to amend Section 5 of the principal Act by inserting new paragraphs. The two insertions on the functions of the National Cancer Institute are promoting the use of electronic health records (EL) and tele-health care for prevention and management of persons with cancer, and treatment of persons with cancer as a component of primary health care. Those provisions are already covered under Section 3 on the objects of the Digital Health Act.

Thank you.

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

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

*(Clause 3 deleted)*

*Clause 4*

**The Temporary Chairperson** (Hon. Omboko Milemba): Order, Hon. Members! What is it Hon. Dawood?

*(Hon. Dawood Spoke off the record)*

I will give you a chance to contribute on Clause 4.

Hon. Chair.

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

I beg to move:

THAT, Clause 4 of the Bill be deleted.

I urge the house to agree with the President's reservations to Clause 4 of the Bill and the recommendation made that Clause 4 of the Bill be deleted. The justification is that clause 4 of the Bill proposed to amend Section 31 of the principal Act by inserting a new sub-section to the effect that the National Cancer Institute shall collaborate with the National Government departments responsible for health to promote the training of human resource for oncology services.

Under the Executive Order No.1 of 2025 on the organisation of Government, the National Cancer Institute is a Government agency under the Ministry of Health, State Department for Medical Services and nothing bars the institute from collaborating with national Government departments to promote oncology training. Therefore, that clause is obsolete and needs to be deleted.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Hon. Omboko Milemba): Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Chairperson. It is as if all the clauses are off. This Bill took two years to come to fruition. It was considered by the Senate and then came back to the National Assembly. It is now in the Committee of the Whole House. There is no point of making laws in this House if they can be undone. If the President's reservations are taken into account, what is the point of law making? It took two years to pass this Bill. At some point, this Bill went through the Senate and the National Assembly and it lapsed. When I proposed this Bill, there was nothing like what has been proposed from the relevant Ministry of Health. My Bill was presented to them. Why should my Bill suffer this fate? As you have said, I do not have the two thirds majority to reject the President's reservations. We should be mindful of this House. This is not how we make laws. If this is what we will be doing, there is no point in proposing any Bill. We should allow Bills to come from the Executive and then we pass them.

Thank you.

**Hon. John Kiarie** (Dagoretti South, UDA): On a point of order, Hon. Temporary Chairperson.

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

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, hon. Temporary Chairperson. I know you are up to the task to defend the Hon. Chair. It is not in my place to controvert what Hon. Rahim has said. This particular Bill had a special journey to get to where it is. I understand the frustration of Hon. Rahim. However, when you look at the justifications of the President's reservations, they are right. Hon. Rahim finds himself in this cross-hairs because the Bill was proposed and legislated long before the four critical health Bills were proposed and legislated. The Bill has now been overtaken by events.

Hon. Rahim, your frustration is because of the time we took to process the Bill and not the law-making process. The President is right in his place to give his reservations. The provisions of the Bill are covered by other laws that we have made *post facto* after the Bill was proposed in this House. So, the justification of the President is right. There is no wrong doing in the law-making process. This House and the President have their place in the law-making process.

Thank you.

**The Temporary Chairperson** (Hon. Omboko Milemba): Hon. Otiende Amollo. Please give him the microphone. It is on your right.

**Hon. (Dr) Otiende Omollo** (Rarieda, ODM): Thank you, Hon Temporary Chairperson. I sympathise with Hon. Dawood. While he is in essence right, he is placing the blame on the wrong person. It is up to us. As a House, we have the discretion to override the President's reservations by two thirds majority. If we are so convicted – and we have raised two thirds majority before – then Hon. Dawood can whip all of us to raise two thirds majority to override the President's reservations. However, one point needs to be made. There has been a mistake for the last 13 years in terms of how this matter is prosecuted. The Constitution gives the President the right to make observations. Those observations can only be overridden by a two-thirds majority. However, every President, including the current one, has usually proceeded to amend the Act itself. That is the impropriety, and in my view, that is what ought to be addressed. In substance, I sympathise with Hon. Dawood, but such is life.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Ntwiga.

**Hon. Patrick Ntwiga** (Chuka/Igambang'ombe, UDA): Thank you, Hon. Temporary Chairman. First, I wish to say that I sympathise with my colleague as a friend and also as the Chairman of the Mount Kenya East Parliamentary Caucus.

The justifications for this are as follows: One, this Bill has been carried forward from the last Parliament. I was in the Departmental Committee on Health then, and it was brought into this Parliament. When this Bill was written, some terms, such as E-health, had not been defined. However, when we made the four health laws, particularly in the Digital Health Act, we clarified and defined E-health. Therefore, there is no need to state that E-Health should be included in the treatment of cancer, as it is already addressed.

When the President states that our Bill cannot order the National Cancer Institute to collaborate with the national Government, he is correct. By Executive Order, the Institute already falls under the Ministry of Health as an organ of the national Government. Therefore, it cannot be ordered to collaborate with the Ministry, as it is already under it. On this, the President is in order.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Finally, Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Chair, I wish to join in support of the sentiments expressed by Hon. Dawood. Article 115 of the Constitution of Kenya has been routinely abused by subsequent presidents to assume the right to make laws, a right enshrined in the Constitution and vested fully in Members of Parliament. If there is any reservation, as Hon. Otiende Amollo has stated, it should be returned as a reservation, not as a written text that must be adopted by this House. That is a complete abuse of the powers of Parliament, a usurpation of its authority, and an assumption of powers not given to the President. We must call the President to order for this abuse of due process.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): I was about to close it there, but I have given this some more time so that the country may understand the stage we are in and what we are doing. Finally, let me give the Floor to Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much. Hon. Temporary Chairman, the Constitution mandates the President to return the Bill with his reservations. If the House does not agree with those reservations, it requires a two-thirds majority to overturn them. What the President does is to put the reservations in writing, which are a form of reasoning, and then he ends with his recommendations. He does not compel. He recommends.

Unfortunately, it is the letter and spirit of our Constitution that is to blame. We enacted provisions that once the President makes reservations, two-thirds of the House is required to overturn them. Our hands are tied, as we have constitutionally given the Head of the Executive the ability to disagree with us, and by doing so, in essence, to shape a law. There is nothing we can do until we marshal the numbers to amend that provision. Until then, we must comply.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Hon. Members, this is a constitutional matter. You vividly remember that during the 12<sup>th</sup> Parliament, this matter raised many questions, but we now understand what must happen. The onus lies with the House: either to raise the two-thirds majority or to amend the laws, for it is this House that makes the law. I shall now put the question.

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

*(Clause 4 deleted)*

Mover.

**Hon. George Murugara** (Tharaka, UDA): We have not dealt with Clause 2.

**The Temporary Chairman** (Hon. Omboko Milemba): Do we have another clause?

**Hon. George Murugara** (Tharaka, UDA): We should now move to Clause 2, because that is the order in which they appear. We go to substantive matters, then to definitions.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Murugara, Clause 2 had already been dealt with. That is what I am very well informed.

Hon. Members, we have concluded the consideration of the Bill. Mover.

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Chairman, I now move that the House do agree with the President's reservations on the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No. 45 of 2022).

I ask the Hon. Chairman of the Departmental Committee on Administration and Internal Security to second.

**The Temporary Chairman** (Hon. Omboko Milemba): Is Hon. Naomi Waqo in the House?

*(Hon. Naomi Waqo spoke off the record)*

Proceed to report.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the President's reservations to the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No. 45 of 2022), and its approval thereof without amendments, thereby deleting all substantive clauses of the Bill.

*(Question proposed)*

*(Question put and agreed to)*

PRESIDENT'S RESERVATIONS ON  
WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL

**The Temporary Chairman** (Hon. Omboko Milemba): We now move to the next Bill, the consideration of the President's reservations to the Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bill No. 3 of 2023).

*New Clause 2A*

**The Temporary Chairman** (Hon. Omboko Milemba): Mover.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Chairman. I beg to move that new clause 2A be read a Second Time. It is a new clause altogether.

**The Temporary Chairman** (Hon. Omboko Milemba): Order. Let me ask Hon. Murugara and Hon. Naomi Waqo to approach the Table.

*(Hon. George Murugara and Hon. Naomi Waqo  
consulted with the Temporary Chairperson)*

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. We have come to an understanding. Hon. Murugara, you may proceed.

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Chairman, I beg to move:

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THAT, the Bill be amended by inserting the following new clause immediately after clause 2—

2A. Section 18 of the Wildlife Conservation and Management Act, Cap. 376 is amended by inserting the following subsection immediately after subsection (1)—

Amendment of  
section 18 of  
Cap. 376.

(1A) Where the claim launched under subsection (1) relates to injury, death or any form of loss or damage occasioned by any of the marine wildlife species specified under Part A of the Third Schedule to the Act, the relevant Community Wildlife Conservation and Compensation Committee shall be comprised of the following additional members—

(b) a representative from the Kenya Coast Guard Service appointed by the Cabinet Secretary responsible for internal security;

(c) a representative from the Kenya Fisheries Service Department appointed by the Cabinet Secretary responsible for fisheries; and,

(d) a representative from the Kenya Marine and Fisheries Research Institute appointed by the Cabinet Secretary responsible for science, technology and innovation.

*(The new clause was read a First Time)*

The justification is that Clause 2 of the Bill proposes to amend Part A of the 3<sup>rd</sup> Schedule to the Wildlife Conservation and Management Act by inserting the words ‘shark’, ‘stonefish’, ‘whale’ and ‘stingray’ immediately after the word ‘buffalo’ as a species of wildlife for which if they cause death or injury to any person, compensation may be paid to that person under Section 25(1) of the Wildlife Conservation and Management Act.

Considerations arising from the proposed amendment include the inclusion of marine life under Part A of the 3<sup>rd</sup> Schedule to the Act introducing new complexities in the verification of claims arising from death or injury occasioned by the marine life owing to the inherent difficulty in preserving and securing the *locus in quo* of such incidents. That is why we now propose the amendments to the composition of the County Wildlife Conservation and Conservation Committee. As established pursuant to Section 18 of the Act, it is not sufficiently constituted to address claims arising from marine-related incidents by reason of the absence of specialized institutional representation and technical expertise in marine matters. It is therefore necessary to review and appropriately augment the committee's composition to enable the competent consideration, vacation, verification, and determination of such marine-related claims which necessitates the introduction of the new Clause 2A.

Thank you.

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

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Ruweida.

**Mhe. Ruweida Mohamed** (Lamu East, JP): Mhe. Mwenyekiti wa Muda, ninakubaliana na Rais kwa kuthibitisha wale wanaodhuriwa katika maji. Kamati imeongeza coast guard na watu wengine. Sina mengine.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Zamzam.

**Mhe. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Mwenyekiti wa Muda. Nachukua fursa hii kumpongeza Rais kwa kuwakumbuka wavuvi.

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Tumeona wengi wakidhuriwa na wanyamapori wanafidiwa. Bahari ndio shamba letu. Walikuwa wamewachwa nyuma lakini namshukuru Rais kwa kuwakumbuka wavuvi wa pwani na sehemu nyingine. Wakidhurika baharini, wanaweza kupata fidia.

Naunga mkono. Ahsante.

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

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

**The Temporary Chairman** (Hon. Omboko Milemba): Mover.

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the President's recommendations to the Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bill No.3 of 2023), and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairman** (Hon. Omboko Milemba): Quite interesting, Hon. Members. As you have seen in this second one, the House agrees with the President. You need to take note of that. Thank you.

Hon. Members, before we move to the National Police Commission (Amendment) Bill, (National Assembly Bill No.23 of 2024), let me acknowledge the presence of students of Ololulung'a Boys Secondary School from Narok Constituency, Narok County, who are seated in the Public Gallery. On behalf of the substantive Speaker, myself and this House, we welcome you to this House. I allow the Hon. Member from Narok, if she is in the House, to welcome the boys. Please give the Hon. Member the microphone. There is a microphone on your left.

**Hon. Rebecca Tonkei** (Narok County, UDA): Thank you, Hon. Temporary Chairman. I take this opportunity to welcome the students from Ololulung'a Boys Secondary School from Narok County to this House, where we make laws. When these students come to this House, they learn a lot because they are the future leaders. This is the time they learn how laws are made and where their leaders sit. I welcome them and other students from the entire country. Ololulung'a Boys Secondary School is a school from Narok South, whose students perform very well. As their leaders, they make us proud. Discipline is the key to being in this place. You are welcome.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboka Milemba): Very well. Hon. Members, let us proceed to the substantive business.

*(Hon. Kitilai Ntutu spoke off the record)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Member for Narok, what is the problem?

*(Hon. Kitilai Ntutu spoke off the record)*

**The Temporary Chairman** (Hon. Omboko Milemba): We have already executed that matter but, given that you are already on your feet, I give you one minute. Please give the Hon. Member one minute.

**Hon. Kitilai Ntutu** (Narok South, Independent): Thank you, Hon. Temporary Chairman, for giving me an opportunity to welcome Ololulung'a Boys Secondary School from my constituency, Narok South, to Parliament. Ololulung'a Boys Secondary School is one of our top schools in the county with top academic performance. They are future leaders and potential Members of Parliament who are likely to come to this House and, maybe, occupy very big offices. I also extend my welcome to other schools which are seated in the Gallery.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Members, we now go to the National Police Service Commission (Amendment) Bill, (National Assembly Bill No.23 of 2024). I have a letter from Hon. Masara mandating Hon. Samuel Atandi to execute the same on his behalf.

THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL  
(National Assembly Bill No.23 of 2024)

*Clause 3*

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Chairman, these are Committee amendments to the Bill.

I beg to move:

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

Amendment of  
section 10 of No. 30  
of 2011.

3. Section 10 of the principal Act is amended—

(a) in sub-section (1) by inserting the following new paragraph immediately after paragraph (q)—

(qa) establish a counselling and psycho-social support unit to oversee and formulate programs to promote the mental health and wellbeing of members of the service;

(b) by inserting the following new subsection immediately after subsection (1)—

(1A) The Commission shall ensure that the unit established pursuant to subsection (1) (qa) is devolved to each county police headquarters.

The justification for this amendment is that a single unit established by the Commission dedicated to the mental well-being of the police officers will provide better coordination. There is also need for services offered by the psycho-social units to be reasonably accessible to all parts of the country as far as it is possible and as required by Article 63 of the Constitution. The inclusion of members of the service as opposed to just police officers is intended to also cater for civilian members of the service, who are crucial to the work of the police.

Equally, the amendment will ensure clarity by providing for devolution of psycho-social units in the new subsection.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): Yes, Hon. (Dr) Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Chairman. I commend the Departmental Committee Chairperson for this timely amendment. To be honest,

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police officers and other members of the disciplined forces seem to be going through a lot and a lot seems to be going through them as well. Could we also have the proposed psycho-social units at the lowest level of the administrative structure? As a matter of operational procedures, even the county headquarters should find the mechanisms of devolving this to divisional headquarters so as to have easy access to such services. This will enable us to deal with mental health issues among our disciplined forces.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Chairman, I rise to agree with the proposed amendments by the Departmental Committee, on behalf of Hon. Peter Masara.

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

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

*(Clause 3 as amended agreed to)*

#### Clause 4

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 4 of the Bill be amended in the proposed new section 12A by inserting the words “including counselling” immediately after the words “wellness resources” appearing in paragraph (a).

The justification for this is that there is need to specifically include counselling as a component of mental health and wellness resources, considering that the National Police Service Commission already provide counselling services to the members of the service.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): There being no interest on this proposed amendment, I will proceed to put the question.

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

*(Clause 4 as amended agreed to)*

#### Clause 2

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended by—

(a) deleting the definition of “psychosocial support” and substituting therefor the following new definition—

“psychosocial support” means an intervention that aims to protect or promote mental well-being, prevent or treat mental health conditions; and,

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

“counselling” means a process where a person with difficulties is assisted to think through the problems and find a possible solution.

This amendment is meant to align the definition of the term “psychosocial support” with the definition provided by the United Nations Inter-Agency Standing Committee, which is clearer and less technical.

*(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)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Members, we have come to the end of our consideration of the Bill. I ask Hon. Atandi to, on behalf of Hon. Masara, to initiate the process of reporting to the House on this Bill.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the National Police Service Commission (Amendment) Bill, (National Assembly Bill No.23 of 2024), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Members, we are moving to the last Bill.

THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL  
(National Assembly Bill No.41 of 2024)

*Clause 3*

**The Temporary Chairman** (Hon. Omboko Milemba): Is the Chairperson in the House?

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Chairman, I would like to start with clause 2.

**The Temporary Chairman** (Hon. Omboko Milemba): Order, if we are starting with clause 2, then let me allow for it to be called out.

Hon. John Kiarie, we shall consider clause 2 at the very end. Please approach the Table so that we are in tandem.

*(Hon. John Kiarie consulted with the Clerks-at-the-Table)*

**The Temporary Chairman** (Hon. Omboko Milemba): We shall start with clause 3. There is an amendment by Hon. Daudi.

**Hon. Aden Mohamed** (Wajir East, JP): Thank you, Hon. Temporary Chairman. I wish to make a further amendment under Standing Order 48.

Hon. Temporary Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended by deleting the proposed new paragraph (ja) and substituting therefor the following new paragraph—

(ja) where it is proved that a website or application promotes unlawful activities, child abuse, terrorism or religious extremism and cultism, issue a directive to render the website or application inaccessible.

I beg to further amend “child abuse” to read “inappropriate sexual content of a minor”. Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Do you have any justification for the amendment?

**Hon. Aden Mohammed** (Wajir East, JP): Yes, it is tidying up the clause. Instead of reading “child abuse”, I wanted to introduce the words “inappropriate sexual content of a minor.” Child abuse has been dealt with under the Children Act.

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

*(Question of the amendment proposed)*

I will give a chance to the substantive Chairman later. For now, hold your horses. Let me go to Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, during the Second Reading, I cautioned my good friend, Hon. Aden, that he is preparing a rope that will hang him sooner than later by including the word “terrorism” in this Bill. We already have an Anti-Terrorism Act. Introducing “terrorism” here is making a rope, and it will hang him very soon. Any issue...

**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Oundo! You can address your issue without threatening Hon. Daudi.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Okay, fine...

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order.

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

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Chairman, listening to Hon. (Dr) Wilberforce, is he, by any chance, suggesting that Hon. Daudi is a terrorist? If he is doing so, he has to withdraw the remarks. You cannot finish without clarifying that.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Kaluma, I had already cautioned him. Hon. Oundo, you may proceed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Chairman. In view of what has happened in the recent past, where even boys who, simply, threw stones have been charged under the Terrorism Act, if the amendment passes as it is, it means that even on your phone, if they suspect that you participated in a demonstration, or you took photos of

demonstration action and shared with someone, then they have the right to actually render it inaccessible and make it unusable. It might look harmless but to be honest, it has far-reaching repercussions, and we will regret it as a country not so far from today.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Go on, Hon. Member.

**Hon. Robert Basil** (Yatta, WDM): Hon. Temporary Chairman, thank you so much. I want to tell Hon. Daudi that when he talks about child abuse, it encompasses all forms of abuse, including physical, psychosocial, emotional and sexual abuse as well as neglect. So, if you focus on sexual abuse alone, then you are leaving out all the other forms of abuse. That is why I oppose the change. Instead, we are supposed to retain what already exists there.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. Hon. John Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): I thank you, Hon. Temporary Chairman. This Committee stands to support the amendment brought by Hon. Aden Daudi for a good reason. The issue Hon. Oundo is raising is to understand that in this new world, there are so many laws that shall be affected by the advancements of the emerging technologies that are not covered in substantive laws elsewhere. So, what we are doing is to make sure that we treat the maladies that already exist. We are seeing the effect of those maladies because we do not legislate in vain. This Committee stands to support the amendment brought here by Hon. Aden. It was prosecuted at length.

The matters you hear being brought up were prosecuted in the Committee, and it was agreed that this is the way to go in light of the search and spin we did around all the other laws, and we saw what was missing. That is what we seek to put in Clause 3. The Committee does support the amendment to amend clause 3 as presented by Hon. Aden.

Thank you very much, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): I think we have received enough of the few comments that we should receive.

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

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

*(Clause 3 as amended agreed to)*

*(Clause 4 agreed to)*

#### Clause 5

**The Temporary Chairman** (Hon. Omboko Milemba): Chairperson.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended—

- (a) in paragraph (a) by inserting the words “email or” immediately after the word “or”; and,
- (b) in paragraph (b) by inserting the words “email or” immediately after the word “or”.

The reason we seek to do this, and I wish Hon. Oundo could listen to this,...

*(Hon. (Dr) Ojiambo Oundo consulted loudly)*

Hon. Temporary Chairman, protect me from the consultations.

**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Oundo.

**Hon. John Kiarie** (Dagoretti South, UDA): What we are observing with the trends is that phishing is becoming the order of the day. We seek to ensure that we deal with the phishing attacks which can be executed by use of hyperlinks that are embedded in multimedia messages or rich communications. Today, you can send a multimedia text and rich text, unlike in the past when you could only send a message as text only. We seek to avert these increasing incidences of phishing. I do propose that Clause 5 be amended as it appears on the Order Paper.

**The Temporary Chairman** (Hon. Omboko Milemba): I propose the question that Clause 5 be amended as proposed by the Chairman...

**Hon. John Kiarie** (Dagoretti South, UDA): It is phishing with a “Ph”.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): Yes, Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Mwenyekiti wa Muda, kama alivyosema Mhe. Kiarie, ni kweli sio *email* pekee ambayo inatumika. Mtandao umepanuka na mtu anaweza kutuma *message* kubwa na ikaweza kuathiri watu.

Mhe. Mwenyekiti, pia mimi *nasupport* hii. Mhe. Daudi, usisumbuliwe. Uko sawa kabisa. Siku hizi “*terrorism*” iko na *definition* tofauti tofauti. Kwa hivyo, hata vyenye umesema ni *tick*.

Ahsante sana, Mhe. Mwenyekiti wa Muda.

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

*(Clause 5 as amended agreed to)*

#### Clause 6

**The Temporary Chairman** (Hon. Omboko Milemba): Chairman.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Chairman, I beg to move:

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

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

Insertion  
of a new  
section  
46A in  
Cap  
79C.

Further  
Court  
Orders.

46A. (1) Where a person has been convicted of an offence related to promotion of illegal activities, child pornography, terrorism or extreme religious and cultic practices and the person was using a computer system, website or digital device in contravention of this Act, the court may—

- (a) order the person to remove the content or materials from the computer system, website or digital device;
- (b) order the person to close or deactivate the computer system, website or digital device; or,
- (c) make such orders as the court may deem appropriate.

(2) Notwithstanding subsection (1), where an authorised person believes that a computer system, website or digital device is being used to promote illegal activities, child



pornography, terrorism or extreme religious and cultic practices, the authorised person may apply to court for—

- (a) an order for removal of the content or materials from the computer system, website or digital device;
- (b) an order for closure or deactivation of the computer system, website or digital device; or
- (c) such orders as may be necessary.

Hon. Temporary Chairman, every Member will agree with me that these should actually have existed in the mother Act. Incidences of inappropriate sexual content, unlawful activities, sexual content of minors, terrorism, religious extremism and cultism are perpetuated using devices, computers, websites and other platforms, including social media platforms. So, what we are doing is to fortify this very important law: The Computer Misuse and Cybercrimes (Amendment) Bill, (National Assembly Bill No.41 of 2024), so that we bring it to the time we are in and make it fit for purpose, not only for now but also into the future. It is also to protect citizens, including Members of Parliament and other people in other offices who have become subjects of attack using those devices in the manner I have described.

We shall be averting a lot of agony for the people we represent by making these amendments.

Hon. Temporary Chairman, I beg to move.

**The Temporary Chairman** (Hon. Omboko Milemba): Let us dispose of this amendment first, Hon. Daudi. You will hold your horses for now.

*(Question of the amendment proposed)*

Yes, Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Chairman. I really wanted to comment on Clause 3, but it is part of the same. I want to, first, support. Remember there was a time we had many complaints. When we look at our peer review from the European Union, we realize we are facing a lot of sexual child abuse and pornography. So, this comes to cure the challenge they have been telling us we have. I thank the Hon. Chairperson for that.

The other thing is when somebody picks one's photo and puts words that one has not said. I hope this amendment will cure that aspect also. There is a lot that needs to be fed into this. We need to bring out what is meaningful so that even when somebody knows what we are saying, they do not just look at the words, but must get their meaning.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): Let us have the Chairman of the Departmental Committee on Agriculture and Livestock.

**Hon (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Chairman, I stand to support this particular amendment. If there is anything that this law will do for us is to protect our dignity. This is because many times Members of Parliament, executives in this country and other very innocent Kenyans are attacked on social media. In most cases, they have absolutely no dealing with whatever is presented. If this particular amendment gives us that cushion, it will protect many people in this country.

Hon. Temporary Chairman, I support.

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Mwenyekiti wa Muda. Ninakiunga mkono kipengele hiki kwa sababu watu wamekuwa wakitumia mtandao vibaya. Mtu anaweza kuchukua picha ya Mama Zamzam na maandishi

yake ama maneno niliyoyazungumza anayapunguza kisha *anayaintrepret* kivingine ili kunidhuru. Ninataka hii iende kwa wale ambao wanatumia mitandao ili wajue leo tunatunga sheria. Watu wengi wamejiua ama wamejifanya vibaya kwa sababu mtu amechukua *advantage* na *kupost* vitu ambavyo haviko sawa. Kwa hiyo, ninaunga mkono. Wenye uzoefu wa kutumia mtandao vibaya wajue kwamba sasa sheria itakabiliana nao. Kila mtu afanye adabu yake kwenye mtandao.

Ahsante sana, Mhe. Mwenyekiti wa Muda.

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

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

**The Temporary Chairman** (Hon. Omboko Milemba): Hon. Members, Hon. Daudi had an amendment to this clause but he is withdrawing it.

Just go on record and withdraw it, Hon. Daudi.

**Hon. Aden Mohammed** (Wajir East, JP): Hon. Temporary Chairman, I withdraw the amendment. I will go with the one of the Chairman.

*(Proposed amendment by Hon. Aden Mohammed withdrawn)*

*(Clause 6 as amended agreed to)*

#### Clause 2

**The Temporary Chairman** (Hon. Omboko Milemba): Proceed, Departmental Committee Chairman.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Chairman, I beg to move: THAT, Clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “or” appearing immediately after the word “device”; and,
- (b) in paragraph (b) by—
  - (i) inserting the word “password” immediately after the word “address” in the definition of the term “identity theft”;
  - (ii) deleting the definition of the term “SIM-card”; and,
  - (iii) inserting the following new definitions in their proper alphabetical sequence—
    - “computer misuse” refers to the unauthorized use, modification or access to a computer system, program or data; and,
    - “cybercrime” refers to an offence committed through the use of information and communication technology to target networks, systems, data, websites or technology or to facilitate a crime.

These definitions are important. We realize that the emerging technology space is ever evolving and legislation has to catch up with all its developments. So, the word “or” appearing immediately after the word “device” in the definition of “access” changes the meaning of the clause since the purpose of using a device is to gain access to a programme or data.

Secondly, the inclusion of the word “password” in the definition of identity theft is necessary as a password is considered personal data that is linked to an identifiable person.

Since it is used to access a person's personal account or information, this again speaks, to what we were working on regarding phishing. Phishing seeks to steal one's identity, information and personal data. So, the word "password" is one such personal data.

The deletion of the words "SIM card" is necessary. When the Committee went through the Bill, we found out that the words will not be used in the Bill and Act after deletion of the proposed clause 6 of the Bill, which seeks to introduce a new Section 42A on an unauthorized SIM card swap. So, these are straightforward because they are just definitions. I pray the House would agree with me.

Finally, while I still have the Floor, let me use this very premium stage to appeal to our colleagues who are keen to see us tidy up this space, especially in the Judiciary, that this piece of legislation, the Computer Misuse and Cybercrimes (Amendment) Bill, (National Assembly Bill No.41 Of 2024), is very critical. When we formulated this law in 2019, we ran into a lot of trouble with our courts. Ultimately, the same courts that were having a problem with this law ended up in the problems we were trying to resolve, after they had suspended some clauses. So, we are moving these new amendments in very good faith. We know that they will assist not only citizens and people serving in places like where judicial officers serve, but everybody. This is, therefore, done to just catch up with the changes in the emerging technologies. I congratulate Hon. Aden for such a judicious job in combing through the Cybercrime Act and proposing such good amendments that fortify this very useful piece of legislation.

Thank you, Hon. Temporary Chairman.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. Omboko Milemba): Yes, Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Mwenyekiti wa Muda. Naunga mkono *clause 6* ambayo iko na mambo ya *SIM swap*. Kuna watu ambao hata wamepelekwa katika vituo vya polisi...

**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Zamzam. We are on clause 2. Proceed on clause 2.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): *Cybercrime* imekuwa ikiendelea sana katika taifa hili. Ndugu zangu Mhe. Daudi na Mhe. Kiarie, kama kuna kitu kizuri mmefanyia wananchi wa Kenya ni kuleta huu Mswada wa kuleta marekebisho katika matumizi mabaya ya mtandao. Wakenya wengi wanahangaika na mambo haya. Mtu hata akienda kushtaki anaambiwa hakuna sheria ambayo imetimilika kuweza kuwachukulia hatua. Ka hivyo, nawapongeza Mhe. Kiarie na Mhe. Daudi kwa hii sheria. Hii itainyorosha Kenya kwa maana watu wametumia *freedom of speech* kuwatatiza wenzao vile wanataka. Mtu anawekea mwenzake mambo ambayo hana. Wengine wanachukuliwa uchi wanawekwa kwenye mtandao na wanaunganishwa na sura za watu wengine. Kwa hivyo, hii itaiweka jamii ya Kenya *straight* na Kenya itaendelea mbele tukiwa na heshima.

Ahsante sana.

**The Temporary Chairman** (Hon. Omboko Milemba): Ahsante sana. Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, while these amendments are laudable, I think we are being over-reactionary. I have always told young people that if you do not have thick skins, enough shock absorbers or a big heart, then do not join public space. Because whichever way, you will be ridiculed; either in person, in social media and all over. It is normal life. Its normal life for a politician or a person in public space. However, I totally agree that there must be some kind of decorum and respect. We must put some bit of manners in criticism and in challenges, but we should not be too restrictive. Do not fear. Hon. Zamzam, if they show your beautiful face. Just allow it. Do not punish small boys and girls...

**The Temporary Chairman** (Hon. Omboko Milemba): Order, Hon. Ojiambo.

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

**The Temporary Chairman** (Hon. Omboko Milemba): May we hear from Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Chairman. As I listen to professor, I want to comment on the challenges we shall go through as we apply for our visas. As much as we are laughing, this is one of the things that will hurt Kenya. Nowadays, embassies are staying with someone's passport. I even know a case of a Member of Parliament here whose passport has been there for one month. They are just looking at it and looking at all your social media. We therefore need to caution our children who would wish to go for studies abroad, but might not get a chance because of what they do not know. This Bill will be a cure.

As we go through this, I also want our Chairman to think through this issue of SIM cards. That if I have the first SIM card that is registered under my name, Beatrice Elachi, the second SIM card must also be registered under Beatrice Elachi. You do not need a third SIM card because two SIM cards are enough. If you are really a serious person and you need three or four SIM cards, then you pay for them. But you must be the person owning that SIM card.

Thank you.

**The Temporary Chairman** (Hon. Omboko Milemba): There was another interest or did it die out? Okay. *Mzee wa kazi*.

**Hon. Adan Keynan** (Eldas, JP): Hon. Temporary Chairman, civility in the management of our public affairs is not a sign of cowardice. I commend the Chairman of the Departmental Committee on Communication, Information and Innovation, and my colleague, Hon. Aden for thinking out of the box. The reason why the people of Kenya have chosen us to be their leaders for now, is to provide guidance and leadership without fear, favour or abrogating their rights. Today one can do anything. Things that even threaten our sovereignty, security and the very fabric of our society. Yet, we want to remain an independent and sovereign Republic. This is not punitive. It is just guidance. You are being told to follow the procedures, respect the due process and not be too abusive. There is nothing better we can do as the Legislative Arm of the Republic of Kenya.

I, therefore, commend you for doing this. I hope that the President will assent to this. My only solace to those who will be using this is that you are being guided positively, because there are certain things that you must do at certain stages in your life. When you are a young person, there are certain things that you must always be concerned with. But a time will come when retrospectively, you will say: 'I wish I was told' or 'I wish this happened'. And because the world is now becoming a global village, I think the best we can do right now is to offer legislative guidance in the use of this facility, whether it is Artificial Intelligence (AI) or computer generated. I think what we are doing is the right thing. There is nothing to fear. Go on. I hope and pray that once we pass this, the President will assent to it, and it will offer proper guidance to those who want to use this facility.

Thank you.

*(Applause)*

**The Temporary Chairman** (Hon. Omboko Milemba): Very well, ranking Member and veteran, Hon. Adan Keynan. You have guided us well. Unless otherwise, allow me to now put the question.

**Hon. John Kiarie** (Dagoretti South, UDA): On a point of information, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. Omboko Milemba): What is the information, Chairman?

**Hon. John Kiarie** (Dagoretti South, UDA: Hon. Temporary Chairman, it could not have been said better than how our ranking Member has put it in terms of civility but, firstly, rebuttal of what has been said by Hon. Prof. Oundo, the Hon. Member for Dagoretti North, and our ranking Member - these are things that we might need to consider. One, in these amendments, we were so restrained to ensure that we are not going above board in terms of tidying up our law. Two, the need for it. Being a scientist, Prof. Oundo would appreciate this. We are being told that out of the entire globe, Kenyans are the biggest users of Open AI, especially Chat Generative Pre-trained Transformer (Chat-GPT). You can imagine all the risks that come with that.

Secondly, on average, the time people are spending online globally is around two hours and 13 minutes. But in Kenya, the average is around four hours and 12 minutes. Meaning that if a Kenyan is awake for eight hours, there are Kenyans who spend half of their day on social media, with all the incumbent risks.

Thirdly...

**The Temporary Chairman** (Hon. Omboko Milemba): Make it short.

**Hon. John Kiarie** (Dagoretti South, UDA: Thirdly and most importantly, for the figures that Prof. would understand, the concern on misinformation is standing at around 53 per cent globally. But in Kenya, the concern on misinformation is at 83 per cent. How more pervasive would we allow our society to be? That out of 10 posts that you see, chances are that 8.3 of them are fake, misinformation, mal-information, disinformation, or toxic. I think we are therefore well in our place to fortify our laws to guard ourselves against some of those exposures.

Thank you very much.

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

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

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

We have another amendment by Hon. Aden?

**Hon. Aden Mohammed** (Wajir East, JP): I had proposed an amendment on Clause 2, but I am dropping that amendment.

**The Temporary Chairman** (Hon. Omboko Milemba): Very well. You have gone on record.

*(Proposed amendment by Hon. Aden Mohammed dropped)*

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

Mover, initiate the process of reporting to the House.

**Hon. Aden Mohammed** (Wajir East, JP): Hon. Temporary Chairman, I beg to move that the House do report its consideration of the Computer Misuse and Cybercrimes (Amendment) Bill, (National Assembly Bill No.41 of 2024), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

### MOTIONS

#### CONSIDERATION OF REPORT ON THE PRESIDENT'S RESERVATIONS TO THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL

**The Temporary Speaker** (Hon. Peter Kaluma): Can the Temporary Chairman report to the House on the President's Reservations to the Cancer Prevention and Control (Amendment) Bill?

*(Hon. Naomi Waqo spoke off the record)*

The Temporary Chairman was Hon. Omboko Milemba.

**Hon. Naomi Waqo** (Marsabit County, UDA): I am sorry!

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the President's Reservations to the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No.45 of 2022), and its approval thereof without amendments.

Hon. Temporary Speaker, that action deletes all the substantive clauses of the Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Mover, move for the agreement with the report.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

I also request Hon. (Dr) Oundo to second the Motion for agreement with the Report of the Committee of the whole House.

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

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

*(Question proposed)*

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

**Hon. Members:** Yes!

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, I hope the House understands the import of that resolution. Just for the record, it means that since the House has agreed with the President's Reservations to the Cancer Prevention and Control (Amendment)

Bill, (National Assembly Bill No.45 of 2022), that Bill is lost. We essentially deleted all its clauses. That should be on record.

CONSIDERATION OF REPORT ON THE COMPUTER MISUSE  
AND CYBERCRIMES (AMENDMENT) BILL

Temporary Chairman, report to the House in regard to the Computer Misuse and Cybercrimes (Amendment) Bill.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Computer Misuse and Cybercrimes (Amendment) Bill, (National Assembly Bill No.41 of 2024), and approved the same with amendments.

**The Temporary Speaker** (Hon. Peter Kaluma): Mover, move for agreement with the report.

**Hon. Aden Mohammed** (Wajir East, JP): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

I also request Hon. Kiarie, Chairperson of the Departmental Committee on Communication Information, and Innovation, to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kiarie John.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I beg to second.

*(Question proposed)*

**Hon. Members:** Put the question!

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

**Hon. Members:** Yes.

*(Question put and agreed to)*

**BILLS**

*Third Readings*

THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL  
(National Assembly Bill No.41 of 2024)

**Hon. Aden Mohammed** (Wajir East, JP): Hon. Temporary Speaker, I beg to move that the Computer Misuse and Cybercrimes (Amendment) Bill, (National Assembly Bill No.41 of 2024), be now read a Third Time.

I also request Hon. Kiarie to second.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. John Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, the House has done an amazing job this afternoon. We all know the history of the Computer Misuse and Cybercrimes law, starting in 2019 when this House passed it for the first time. It encountered many speed bumps, especially in the courts of justice in the Judiciary.

Hon. Temporary Speaker, as someone who understands how that side of the Government works, you know that there are some individuals in the Judiciary who regret some of the actions that they took on this Act. We have fortified a very important piece of legislation

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this afternoon as the country deals with emerging technologies and how they can be used, not for negativity but for productivity. We have amazing minds in Kenya, including coders, great developers and young people who are graduating with degrees in cybercrime engineering. We are also in the process of rolling out backbone fibre, connectivity and last mile connectivity. We should have laws and frameworks that take care of such matters so that our inter-webs are safe.

With those remarks, I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda. Nachukua fursa hii kuipongeza Kamati andalizi iliyoshughulikia suala la utumizi mbaya wa mtandao.

Ni dhahiri kuwa katika dunia ya sasa, mambo yanaenda ndivyo sivyo. Haswa katika taifa letu, tumeona mtandao ukitumiwa vibaya ilhali hakuna sheria inayoweza kuwachukulia hatua wanaotumia mtandao vibaya. Tumewaona viongozi wakiwekwa kwenye majeneza. Pia tumemuona mama ya mtu akiwekwa uchi na watu wakifanyiwa mambo mazito sana mpaka wanachukua uhai wao kutokana na kuaibika na kudhalilika kwenye mtandao. Kuna wengine wanaotumia kadi za simu karibu 60. Anakutusi kwa laini moja kisha anachukua nyingine kwa sababu anajua hakuna sheria itakayomuweka chini ili achukuliwe hatua ya kisheria.

Taifa la Kenya lazima liongoze katika mazingira ambayo mwananchi ana uhuru wa kujieleza, lakini asiutumie uhuru huo vibaya kumdhalilisha Mkenya mwenzake. Mimi kama mama wa Mombasa, nampongeza sana kwa sababu watu wengi wamedhalilishwa. Sisi Wabunge tunatukanwa usiku na mchana. Kama umenichagua kama kiongozi wako na unaona sijakufaa, ngoja siku ya kura ikifika uniondoe kwa debe. Lakini kutumia mitandao kunidhalilisha mimi kama mama, mzazi na Mkenya kama wewe, si sawa. Ni vibaya kutoa na kusambaza habari zisizo za kweli. Kama kuna mtu mwenye furaha siku ya leo ni mama Zamzam kwa sababu Mombasa ilikuwa imeanza kudorora. Watoto wameharibika na wanatumiwa na wapinzani kueneza habari zisizo sahihi. Lakini ukijaribu kushtaki, jaji anakwambia hakuna sheria ya kuchukua hatua.

Mhe. Spika wa Muda, ningependa kusema kwamba akili kama za Mhe. Kiarie na ndugu yetu Mhe. Daudi ndizo zinazohitajika katika taifa hili. Tumewapeleka watoto makanisani na tunaabudu nao ili wawe sawa. Kama una shida na kiongozi, tafadhali ngoja hadi siku ya kupiga kura. Kama una shida na jirani au mtu yeyote, suluhisha mambo vizuri badala ya kumweka kwenye mitandao na kumtukana.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Beatrice Elachi is recognised.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Yes, we are now in Third Reading. We are all saying we put the question but, today I want, to thank my Chairman, Hon. Kiarie and Hon. Daudi.

Hon. Temporary Speaker, sometimes, we forget what we have gone through and its effects. Today, I am sure the Kenyans in Tanzania salute you for addressing the pain they have endured. I know they will still go through a lot of pain even after those elections. Let us not take this matter lightly. Some even call us asking why we cannot pass a law in our country that respects everyone's space.

The biggest challenge is when someone infringes on your private space and takes advantage of it. That is what we are curing. As leaders, we must, sometimes, face the hardest

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battles and deal with them. On Sunday, Pastor Rocky of Mavuno Church said that what you meditate on today becomes tomorrow's mindset. We are trying to prevent the negative influences that our children might meditate on because this space targets them directly. Tomorrow's mindset should be better: To respect the flag of Kenya and to think critically when engaging on social media. One should not speak as though they are not in this country, or should a foreigner take advantage of everything.

As I conclude, I thank those who remained in this House. We have been bold enough to face this and assert that enough is enough.

Thank you, Hon. Temporary Speaker.

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

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Ojiambo Oundo, what is burning?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I just want to make a point. I commend Hon. Daudi. Many times, Members prepare Bills, but getting to this level is a herculean task. It is a long and rigorous process. We should encourage as many Members as possible to bring Bills, so that we can improve the existing laws and fill the missing gaps to build a progressive society. I also wish to comment that we seem to believe that this particular Bill targets a certain category of people. That it is for the safety of some leaders in public spaces. I think we should also try in as much as possible, to broaden its application.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Ojiambo Oundo, why are you imputing belief on Members?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): No, Hon. Temporary Speaker. I am just saying that people in public spaces are not only here; they are also in the Executive, Judiciary, and among church leaders.

**Hon. Adan Keynan** (Eldas, JP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Adan Keynan is on a point of order.

**Hon. Adan Keynan** (Eldas, JP): Hon. Temporary Speaker, as a seasoned lawyer, you have already noted what Hon. (Dr) Ojiambo Oundo was trying to insinuate. This is a deliberative House. This Bill has gone through all the stages. Actually, what we have done now is a favour; we should have concluded this Bill long ago. In my opinion, casting aspersions on the integrity and mindset of the Members who have participated in this Bill at all stages is not acceptable. Will I be right to ask Hon. (Dr) Ojiambo Oundo to withdraw and apologise?

We are not here to waste our time, but to legislate and pass a Bill that we think will add value. If he does not believe in it, he has the right to vote against it because he has participated in the debate. However, casting aspersions at the tail-end is unacceptable. Can he withdraw and apologise so that we can move to the next stage?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Ojiambo Oundo, you will withdraw the part of your contribution which imputes a belief only known to yourself.

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

**The Temporary Speaker** (Hon. Peter Kaluma): In law, we say not even the devil knows what is in a man's mind.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you. The devil does not come across my mind. In respect to what Members probably think I imputed the wrong motive...

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): It was never my intention and I withdraw that particular aspect. However, I want to make it very clear that everybody in this country is obliged to lead and live a straight life. As a community, we must not castigate or criminalise objective criticism, comments and creativity. We just hope that when the law comes

into effect and the courts are called upon to interpret, they will do so broadly, so as to advance creativity and a just society where everybody can be put to order and held to account for their activities.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, can I now put the question?

**Hon. Members:** Yes.

*(Hon. Omboko Milemba spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Omboko Milemba. The question will be put while you are silent. Hon. Members, I have confirmed that the House has the requisite quorum for purposes of making a decision.

*(Question put and agreed to)*

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

### MOTION

#### THE PRESIDENT'S RESERVATIONS ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Members. Would the Chairperson, in respect of the President's Reservations to the Wildlife Conservation Management (Amendment) Bill, (National Assembly Bill No. 3 of 2023), now report to the House.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the President's Reservations on the Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bill No.3 of 2023), and its approval thereof without amendments.

**The Temporary Speaker** (Hon. Peter Kaluma): The Mover to move agreement with the report.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I request Hon. Zamzam Mohammed to second the Motion for agreement with the Committee of the whole House in the said report.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Spika wa Muda, ninaunga mkono *Committee of the whole House* kupitisha marekebisho ya Mswada huu.

Ahsante sana.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Is it the mood of the House that I put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

Hon. Chairperson, in the matter of the National Police Service Commission (Amendment) Bill, (National Assembly Bill No. 23 of 2024), to report to the House.

**MOTION****CONSIDERATION OF THE REPORT OF THE  
NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL**

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the National Police Service Commission (Amendment) Bill, (National Assembly Bill, No. 23 of 2024), and approved the same with amendments.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Samuel Atandi on behalf of the Mover of the Bill to move agreement with the Report.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to move that House do agree with the Committee in the said Report. I also request Hon. Keynan, Member of Parliament for Eldas, to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Adan Keynan.

**Hon. Adan Keynan** (Eldan, JP): Thank you, Hon. Temporary Speaker. I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Does Hon. Joseph Denar want to speak to this? He is absent. Hon. (Dr) John Mutunga, do you want to speak to this?

*(Hon. (Dr) John Mutunga Kanyuithia shook his head in the negative)*

Is it, therefore, the mood of the House that I put the Question?

*(Question put and agreed)*

**BILL***Third Reading***THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL  
(National Assembly Bill No. 23 of 2024)**

**The Temporary Speaker** (Hon. Peter Kaluma): Mover of the Bill to move Third Reading.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to move that the National Police Service Commission (Amendment) Bill, (National Assembly Bill No. 23 of 2024), be now read a Third Time.

Hon. Temporary Speaker, before I request Hon. Keynan to Second, I want to take this opportunity to commend Hon. Peter Masara for coming up with this very important piece of law. The mental well-being of police officers is something which concerns all of us. This is because the police officers work under very difficult environments and so, we need another law to ensure that we take care of their mental issues. This piece of law is really going to help us manage the mental challenges that are facing police officers across the country.

As you are aware, there are many instances where police officers have misused their weapons - guns. Sometimes, they have used them on their bosses or on innocent Kenyans. If you check in most cases, they are instances of mental challenges by those officers. Therefore,

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this Bill is giving us a framework that will help us identify those police officers and help them manage their mental challenges. I commend Hon. Masara for this and the Committee that looked at this Bill.

I would like to request Hon. Keynan to Second.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you Hon. Temporary Speaker. This is a good Bill. It injects professionalism, enhances good governance and accountability within the policing sector. It also addresses public concerns on police misconduct, corruption and abuse of power. It also clarifies the National Police Service Commission's mandate in relation to other security agencies. This is, therefore, a very critical Bill.

I commend Hon. Masara and other groups who have gone through it diligently in order to ensure that the law is applied properly and effectively to our police officers. The security sector is a very sensitive part of our society and their day-to-day activities must be treated with all the professionalism it requires. Therefore, as they take care of our security, we must also take care of their welfare. This is what a decent society is expected to undertake. Therefore, I support and second again.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Beatrice Elachi, you wanted speak to this.

*(Hon. Beatrice Elachi shook her head in the negative)*

Is it the mood of the House that I put the Question?

**Hon. Members:** Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, I have confirmed that the House is properly constituted for purposes of making a decision.

*(Question put and agreed to)*

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

Thank you very much, Hon. Members, for that part of our House Business today.

Hon. (Dr) Oundo, regarding the cyber-crime issues, the day they will be directed to you, is when you will appreciate some of these legislative interventions. I will tell you more at the adjournment of the House later on in the day.

Revert to Order No.7 in respect of Questions and Statements.

## QUESTIONS AND STATEMENTS

### REQUEST FOR STATEMENT

**The Temporary Speaker** (Hon. Peter Kaluma): The request by Hon. Mohamed Machele, MP for Mvita.

#### RESTORATION OF WATER SUPPLY INFRASTRUCTURE IN MOMBASA COUNTY

**Hon. Mohamed Machele** (Mvita, ODM): Thank you Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44 (2) (c), I rise to request for a statement from the Hon. Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding the restoration of water supply infrastructure in Mombasa County.

Hon. Temporary Speaker, in December 2020, the Kenya National Highway Authority (KeNHA) and the Kenya Railway undertook the construction of a modern bridge at Makupa to improve road infrastructure connectivity between Mombasa Island and the mainland. That bridge also accommodated both the Old Meter Gauge Railway Line and the New Standard Gauge Railway (SGR). During the construction, critical ductile that supplies water to Mombasa Island were removed. Notably, iron ductile DN900mm and DN600mm were removed in 2021 and 2022, respectively, in order to pave way for the construction of the new Makupa Bridge. The inordinate delay is adversely affecting residents, causing widespread public outcry on the imminent sanitation risks.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. The status of the reinstallation of the size DN 900 millimetre and DN 600 millimetre water supply ductiles that were removed during the construction of Makupa Bridge.
2. Measures that the Ministry of Water, Sanitation and Irrigation has put in place to ensure a consistent water supply to the residents and institutions on Mombasa Island, pending installation of the removed water supply ductiles.
3. The steps being taken by the Ministry to fast-track the connection of the removed water pipeline, including the timeline for completion.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Chairperson of the Departmental Committee on Blue Economy and Irrigation. Is the Vice-Chairperson in the House? Do we have any Member of that Committee in the House? Then, the leadership will take responsibility for the absence of the committee leaders.

**Hon. Naomi Waqo** (Marsabit County, UDA): Yes, I will take responsibility. We will get the response in two weeks' time.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Machele, you will have the response to your request for statement in two weeks' time.

**Hon. Mohamed Machele** (Mvita, ODM): Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): That is satisfactory. The next request for statement is by Hon. Phelix Odiwuor, Member for Lang'ata, directed to the Departmental Committee on Communication, Information and Innovation.

#### PROVISION OF AN EXPRESS COUNTER ON E-CITIZEN PLATFORM

**Hon. Phelix Odiwuor** (Langata, ODM): Hon. Temporary Speaker, pursuant to Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation regarding the provision of an express counter for emergency cases on the e-Citizen platform.

The e-Citizen digital platform was launched in 2014 as the primary digital gateway for accessing Government services in this country, providing flexibility and eliminating the costs of travelling to physical Government offices. While the platform has significantly enhanced service delivery by improving efficiency and accessibility, it is concerning that individuals facing urgent and time-sensitive situations such as those requiring emergency medical travel

documentation, court orders or other critical approvals such as those who are travelling for prayers at the Haji are subjected to the same standard processing timelines as regular cases.

The absence of an express channel on the platform dedicated to emergency cases requiring instant services outside the present timeframes limits the right to expeditious and efficient administrative action, enshrined under Article 47 of the Constitution. Further, the delays expose persons seeking emergency services to severe consequences, including potential loss of life, legal injustices or missed critical deadlines. This situation raises the necessity to incorporate priority service channels on the e-Citizen platform so as to make Government digital services responsive to urgent needs of citizens.

Hon. Temporary Speaker, it is against this background that I request the Chairperson of the Departmental Committee on Communication, Information and Innovation to address the following issues:

1. Reasons for the absence of an express counter or priority service option on the e-Citizen platform for handling emergencies such as urgent medical cases, travel permits or legal matters.
2. Measures, if any, that are being considered to integrate an emergency response mechanism into the platform to facilitate the expedited processing of urgent applications, in line with Article 47 of the Constitution.
3. Plans by the Ministry to formulate a policy to ensure that Government digital services incorporate a clear and effective framework for handling emergency cases with the urgency they deserve.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Chairperson of the Departmental Committee on Communication, Information and Innovation.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I must admit this is quite an innovative suggestion being made by the Member for Langata. As a Committee, we shall take it up. I can see a committee Member here, Hon. Jematiah Sergon. We will expedite it because he is asking for an express counter that fast-tracks emergency cases. We shall table a response in two weeks' time.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Phelix Odiwuor.

**Hon. Phelix Odiwuor** (Langata, ODM): We are talking about fast-tracking issues here. The Committee should also try and fast-track this request, even if it is for a week. There are reasons why this is coming up. The need for a priority counter on e-Citizen should be fast-tracked.

*(Laughter)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. John Kiarie, the request by Hon. Jalang'o looks reasonable. Can this be done within a week?

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, the Committee is effective and efficient. If this was the Committee's business only, he could have received a response by Tuesday. However, you must understand that the request has to be channelled to the Ministry to process it and make responses. We accept that it has to be fast-tracked. The commitment we can give is that we will respond within two weeks. If we can respond earlier, we shall make sure that it is a fast-tracked response.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Phelix Odiwuor, within two weeks includes a day after today. You will get the response as soon as it is ready. I know you agree that is reasonable now.

**Hon. Phelix Odiwuor** (Langata, ODM): Can I have the microphone? Thank you, Hon. Temporary Speaker. Even as you fast-track this request within the week, we will have very important celebrations and prayers in the next few months: Ramadhan and people travelling to Mecca for Haji. We need those services. As a Member of Parliament representing a larger part of the community that is Muslim, I request this statement to be considered.

Thank you, Hon. Temporary Speaker. I am happy.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Phelix Odiwuor. Work closely with Hon. John Kiarie. I know you come from the same county. Work together and reach the end you intend to achieve in public interest, so that they move forward jointly.

#### IMPLEMENTATION OF LAST MILE CONNECTIVITY IN TARBAJ CONSTITUENCY

**The Temporary Speaker** (Hon. Peter Kaluma): The next request for a statement is by Hon. Hussein Barre, Member for Tarbaj. It is directed to the Departmental Committee on Energy.

**Hon. Hussein Abdi** (Tarbaj, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Energy regarding the implementation of the Last Mile Connectivity in Tarbaj Constituency.

The Last Mile Connectivity Programme was launched as part of Vision 2030 to expand electricity access to households, schools, health facilities and trading centres, particularly in rural and under-served areas. While the Programme has had a transformative impact in many regions by extending the national grid and spurring socio-economic growth, Tarbaj Constituency in Wajir County continues to experience very low electricity penetration compared to the national average. This disparity has curtailed development, slowed economic activity and denied residents equal opportunities to access services and improve their livelihoods, despite the region's immense potential in trade, livestock and other sectors.

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

1. A comprehensive status report on the current level of electricity connectivity in Tarbaj Constituency, including connectivity rates, comparison with the national average, and progress achieved under the Last Mile Connectivity Programme to date.
2. Details of funds allocated and disbursed by the Ministry towards Last Mile projects in Tarbaj Constituency over the last three financial years, including how such funds have been utilised, the projects implemented, their level of completion, and the reasons for any stalled or rejected projects.
3. A detailed account of all projects currently ongoing and those planned for implementation under the Programme in the current financial year, indicating timelines, targeted beneficiaries, and the funding earmarked for their completion.
4. The Ministry's long-term strategy and concrete measures to address and permanently resolve the persistent issue of low electricity penetration and poor connectivity in Tarbaj Constituency and the wider Northern Kenya region.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): The Chairperson, Departmental Committee on Energy. That is Hon. Gikaria, Member of Parliament for Nakuru Town. Vice-Chairperson? The leadership of the Majority side will take responsibility.

**Hon. Adan Keynan** (Eldas, JP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Adan Keynan, what is out of order?

**Hon. Adan Keynan** (Eldas, JP): Hon. Temporary Speaker, with due respect to the leadership of both sides, we resumed just a few days ago. We have more than fifty Chairpersons and Vice-Chairpersons and yet, you can see the House is almost empty.

**The Temporary Speaker** (Hon. Peter Kaluma): No Chairpersons, no Vice-Chairpersons, except Hon. John Kiarie.

**Hon. Adan Keynan** (Eldas, JP): No Chairperson, no Vice-Chairperson. This is unacceptable! But I can see my good friend is here. The Speaker should sound a warning to the leadership of both sides. They must prevail upon their Members to either vacate their positions or participate in the deliberations of the House. This is unfair to the leaders themselves, Hon. Members and the taxpayers. The request for statement by Hon. Hussein is a pertinent question that cuts across the entire region of Northern Kenya and yet, there is nobody to respond. These are not privileged positions; they are meant to provide servant leadership. You are not there when you are required and yet, you want to carry that title. This is unacceptable.

Hon. Naomi, please talk to your Members. Talk to the Chairpersons and Vice-Chairpersons to be part of the deliberations of the House or vacate their positions. It is unfair to us who believe in this August House. It is unfair to address an empty Chamber. This must be taken seriously. It is unfair to the taxpayers, us and the appointing authority. This cannot be the norm. It must be addressed.

I rest my case.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Jematiah.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you, Hon. Temporary Speaker. I want to add to what Hon. Keynan has said. It is tragic. When you look around, you will always notice specific Members who sit throughout, dedicated to doing their job, myself included. Unfortunately, while we are ready to serve diligently, much of the leadership of the House, largely comprised of men, is often absent. Hon. Naomi, who is the Deputy Whip, has always been present. I congratulate her because she is doing a tremendous job.

In the leadership of Committees, you will find that out of all departmental Committees, only one is chaired by a woman. Many times, we feel that the leadership, including the President, should reward women so that the work on the Floor of the House is done better. This does not mean that men are not doing their work, but it has been tested many times. We come here and wait 10 or 15 minutes without quorum. That is not fair. As Hon. Keynan has said, this is not a privileged job. It is a duty given to us by the people of Kenya to serve everyone in this country.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Let me allow two more Members who always attend our proceedings to say something before I give my ruling. Then, we shall proceed. Hon. Basil.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. I agree with the Hon. Members. Many Chairpersons are second, third or fourth term Members of Parliament and are never in the House. Perhaps, they are tired. We have young Members of Parliament who are ready to do the job. It is the right time to consider young Members of Parliament without looking at seniority. It is time to revise this trend and give responsibility to young Members who have the energy and zeal to contribute.

It is tragic. Taxpayers are paying money and yet, Parliament is always empty. This is worrying. You have the duty to make a ruling so that we set a precedent and restore order in this House.

Thank you.



**The Temporary Speaker** (Hon. Peter Kaluma): Do we have any Committee Chairperson who is a first-term Member of Parliament in the House? None is present. By the way, this is the first Parliament where first-term Members of Parliament have been made Chairpersons and yet, even then they are absent. Hon. Caleb Amisi.

**Hon. Caleb Amisi** (Saboti, ODM): Thank you, Hon. Temporary Speaker. As a Vice-Chairperson of an Audit Committee, I am tempted to defend my colleagues by saying that we should not offer blanket condemnation. Some Chairpersons are doing very well. You can see the Chairperson of the Departmental Committee on Agriculture here, nodding. This issue has been discussed before in previous Parliaments. The Speaker made a ruling that in the absence of the Chairperson, at least the Vice-Chairperson should be present, especially when matters concerning that Committee are before the House. The Order Paper is circulated early and so, we can check and know when a question relating to our Committee is coming up.

This calls for moral responsibility. When a matter concerning your Committee comes before the House, either the Chairperson or, in their absence, the Vice-Chairperson must be present. We also acknowledge that we are moving towards elections and some Members are very keen to return to Parliament. We cannot condemn all. There are good Vice-Chairpersons like me. You can see I am here.

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Truly, sometimes, it is an embarrassment to the people of Kenya. Members of Parliament are elected to represent, oversee and legislate. It baffles many of us how a Member of Parliament can fail to attend a sitting of the plenary. I have never understood it. I am in my second term, and I have been consistent enough. Probably, Hon. Keynan, being the father of the House, one day will understand why someone fails to attend the House sittings. This failure has no gender dimension. As we sit here, I can only see four ladies and yet, we have very many female Members of Parliament. So, it should not be categorised as a gender issue. It is a problem that cuts across.

Hon. Temporary Speaker, you and I have been here. Last term, there was a little more vibrancy in the debates and attendance of Parliament but, truly speaking, this particular term - the 13<sup>th</sup> Parliament - has seen the worst attendance of the Plenary. That can go on record. I do not have the statistics but it ought to go on record because it has been the worst.

We have always insisted that Chairpersons and their Vice-Chairpersons by the privilege bestowed upon them, should be the very first people to attend Parliament sittings and the very last to leave. Secondly, it is on the responsibility of leadership. On the majority party side, there is only one soul left, whereas on the minority party side, the entire bench is empty. When will the minority oversee the majority? This is an issue that those who sit in the House leadership such as the Liaison Committee and are privileged to get closer to power need to discuss and apply their minds. If there are any incentives that are to be given to a Member of Parliament to attend a sitting of Plenary, let it be so. However, it is a personal responsibility to attend Parliament and represent your people.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Naomi Waqo, do you want to commit on behalf of Hon. Chairpersons?

**Hon. Naomi Waqo** (Marsabit County, UDA): Yes, Hon. Temporary Speaker. I want to comment on behalf of Hon. Chairpersons.

**The Temporary Speaker** (Hon. Peter Kaluma): Before you commit, let me say something. Hon. Members. I have been here since the 11<sup>th</sup> Parliament and at no start of any parliamentary proceedings did we ever lack quorum. In the 12<sup>th</sup> Parliament, I sat in this Parliament for five years with Hon. T.J. Kajwang', Hon. Keynan, Hon. Mutunga, Hon. John

Kiarie, Hon. Okuome Adipo, Hon. Oyula and several of us here. At no time did the House start without quorum. I will look at the Hansard but it never happened.

In the 13<sup>th</sup> Parliament, the House is virtually starting on a daily basis without quorum. Hon. Speaker comes in and sits and the Bell has to be rung. It is becoming a tradition. We have repeatedly met over quorum. If Hon. Chairpersons and their Vice-Chairpersons were to attend, there would be no such hitch at the beginning or throughout the proceedings. I remember when we were going for recess, the entire leadership met and the issue of quorum was discussed. They ought to be present in the House so that the business Members bring, addressing matters of concern to the Kenyans we represent, can be dealt with properly.

I am remitting this matter to the Substantive Speaker for communication. Even as we wait for that communication, let me remind Hon. Chairpersons that this is the last time while presiding in this House, that I will require the leadership of Parliament to commit on behalf of a Committee. The situation where neither the Chairpersons, Vice-Chairpersons nor a single Member of the Committee is present in the House and yet the Order Paper was published yesterday evening is unacceptable. We have had the Order Paper since morning notifying all of us of the business that is before the House and so, the Committees knew there was a matter requiring the leadership.

I will never remit a matter such as this to House leadership to commit on. So long as I am a Speaker on this seat, that will not happen. I will make my own communications on that day. For this instance alone, allow me to remit this matter to the Substantive Speaker for communication.

I now request Hon. Naomi Waqo to commit on behalf of the Chairman of the Departmental Committee on Energy.

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

We have the Leader of the Minority Party, who is recognised to speak. He takes precedence. Hon. Naomi Waqo, take your seat.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, I have keenly followed the debate of the House, especially on matters of attendance. You have put it very well that on a Tuesday, Wednesday or Thursday like today, when the business of the House starting at 2.30 p.m., we have quorum problems. I agree with one of the Members here who has said that the people given responsibilities as Chairpersons and Vice-Chairpersons must be in the House. To whom much is given, much is expected. If you take the responsibility, you must do it. Why should you be a Chairperson of a Committee and yet you are never in the House. You only come to the House when there is a matter concerning your Committee while all along you are away.

This is a matter that we need to address properly, perhaps have a *Kamukunji* and agree if we need to reduce the time of sitting or sit once a week. If Members think they cannot sit three days a week, let them reduce their allowances and sit for one day in a week, the way elders do. Finish your business and go home.

However, there is also the element of engagement on other official businesses. Some of the Members also might be away on official engagement while others might be sitting in Committees that are meeting in the Bunge Tower. This Constitution changed the format of Parliament. Under the previous Constitution, Parliament used to transact its business majorly in Plenary, through Questions and having Cabinet Ministers and those kind of people in the House. After the new Constitution, Parliament does more of its business through Committees, where all matters are referred. That, makes Members spend a lot of time in Committees. Today alone, I know there were around eight Committees that were sitting with the Executive answering questions. Those Committee sessions sometimes take long. They are supposed to

end by 1.00 p.m. but sometimes end at 4.00 p.m. or 4.30 p.m. when the Plenary is sitting, though that alone cannot be the excuse.

This is a matter we need to engage our Whips. The business of whipping Members to the House is not the business of the Leader of the Majority or Minority Party, but that of the Whips. It is their work to whip Members to come to the Chamber by looking for them in their houses and sending them messages telling them, “my friend, it is sitting time”. That is why you are called a Whip. You are supposed to whip people and cane them if you can. The Whips ought to take their work seriously and whip Members to attend the sittings of the House.

In conclusion, I congratulate a few Members who are always present in the House and take their business seriously. As the leadership, we will reward them handsomely by promoting them to chairmanship and remove those who have not taken their work seriously. I will start...

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

Hon. Oundo is saying I should start with him. He is just developing some small DNA of Wamunyoro. If he can change that, then he qualifies.

*(Laughter)*

When we tested his blood samples the other day at the Orange Democratic Movement (ODM) laboratory, there were some small traces of Wamunyoro in him. We are trying to treat him by giving him some antibiotic dose. There is an ODM laboratory in the Kilimani area. When they see something in you, they take your blood to the ODM laboratory to check. The result that came out the other day was that Hon. Oundo's blood had some small traces of Wamunyoro, which is treatable. We have given him a dose of antibiotics for the next two weeks, but we are still monitoring him in the general ward to see how it goes.

Thank you, Hon. Temporary Speaker.

**Hon. John Kiarie** (Dagoretti South, UDA): Something is totally out of order.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, deal with any germ that would prevent your elevation. Hon. KJ, why do you not allow Hon. (Dr) Naomi Waqo? There is nothing out of order. Okay, what is out of order?

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker. While I appreciate the eloquence, brilliance and wit of the Leader of the Minority Party, I would like to inform him that Wamunyoro is an actual and very good village in Mathira Constituency.

He might have been making reference using a moniker to an individual. Probably, *Wa mitego* would be the applicable moniker. The person he is referring to has earned the name *Wa mitego* by his actions, deeds and words. To bastardise an entire village of very great citizens of Mathira Constituency is totally out of order. I think he might have been referring to a character by the name of *Wa mitego*. However, Wamunyoro itself is a great village. You can correct that.

**The Temporary Speaker** (Hon. Peter Kaluma): The correction is noted. I do not believe the Leader of the Minority Party wants to say more.

**Hon. Junet Mohamed** (Suna East, ODM): I agree with Hon. KJ. I actually meant *Wa mitego*. The problem is that *Wa mitego* has done a shrine in Wamunyoro. I am talking about the shrine of *Wa mitego* in Wamunyoro that people are visiting. I am told that you must carry a black goat when you go there. I do not know if you will find one. That is how you end up getting in the *mitego* there.

I want to conclude by saying that we take the business of the House very seriously. You can see we are here. I heard a Member say that the bench of the Minority leadership is empty. I am just next door listening to what you are saying. I come in to tell you that you were wrong, when you raised issues which are not in tandem with my manifesto.

(Laughter)

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Leader of the Minority Party, for the caution that leaders must always be in attendance. Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you. As I commit, I also want to add two or three things. One, I congratulate Hon. Barre for coming up with the Question that covers the entire North Eastern region. When you get a response, my suggestion is that you invite those of us who come from the marginalised areas so that we can also chip in and make proper requests on behalf of all our people.

I will also ensure that we get full information and a proper response as soon as possible, so that the marginalised areas can get much attention in this particular area. I also want to tell the Leader of the Minority Party that we are doing our work as Whips. In fact, I have lost much weight because I have been running up and down especially when we are on Session. I have been going to and from the restaurant three to four times to whip members. Unfortunately, I cannot go to Members' homes and remove them from there. We will do all other things like sending messages to make sure that they come.

I was very much relieved when we formed the broad-based government. I thought we would not have any quorum issues because there was so much energy. You promised us that Parliament would never be the same. Unfortunately, we are seated here today and we cannot see results. As we encourage our Members on the Majority side, please encourage those on the Minority side so that we make good use of this broad-based government and be relevant to citizens.

On the leadership, the Speaker has talked to the Chairpersons and Vice-Chairpersons many times and encourage them. This is not the first time we have complained. Matters of quorum should not be our business. We have been given the responsibility to represent our people. In fact, to whom much is given, much is expected.

How can we expect Committee Members to be here if their leaders are not in? Please, talk to the Speaker and make sure we come up with measures that will force our Chairpersons and Vice-Chairpersons to be in, as we also encourage all other Members. It is our responsibility to sit here and represent our people.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): The commitment we needed from you is when the request to the Departmental Committee on Energy will be brought.

**Hon. Naomi Waqo** (Marsabit County, UDA): I said as soon as possible. I think it is a maximum of two weeks. It will be good if we can get it within a week. I will make sure that we get the response in two weeks.

**The Temporary Speaker** (Hon. Peter Kaluma): Communicate to the Chair of the Committee that the House will be expecting the response in two weeks.

Request for statement by Hon. Joyce Kamene, Member of Machakos County, to the Departmental Committee on Health. Do we have the Chairperson, Vice-Chairperson or any Member of the Departmental Committee on Health in the House? That is the Hon (Dr) Nyikal? Hon. Joyce Kamene, proceed.

**Hon. Naomi Waqo** (Marsabit County, UDA): The Chairperson spoke to me and said he was attending to an emergency. He said I could give commitment on their behalf. Thank you.

BLOOD DONATION AND TRANSFUSION AT KNH

**Hon. Joyce Kamene** (Machakos County, WDM): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Health regarding blood donation and transfusion at the Kenyatta National Hospital (KNH).

Blood constitutes a critical life-saving resource that is mainly sourced through voluntary donations by healthy individuals. Pursuant to Article 43 of the Constitution of Kenya, every citizen is entitled to the highest attainable standard of health that includes transfusion of specific blood components. Notably, platelets. That is to manage a variety of medical conditions effectively.

The Blood Transfusion Services Centre at the KNH undertakes the delicate and critical task of collecting platelets from carefully selected donors. However, it is important to note that the centre's operational hours are limited to weekdays from 8:00 a.m. to 5:00 p.m. Given the lifesaving nature of platelet transfusions, extending those hours could significantly enhance timely access to that indispensable service at such a premier healthcare institution.

It is also of great concern that the apheresis equipment at the blood transfusion centre at the KNH experiences frequent operational failures with repair processes often subject to significant delays. Those disruptions critically impair the continuity and efficiency of platelet collection services. Persistent shortages of vital consumables compound those challenges, including test kits and reagents.

Further, it hinders timely blood processing, particularly in emergency situations. Consequently, patients who are reliant on platelets transfusion endure extended waiting periods heightening distress, thus adversely affecting the quality and responsiveness of care and exposing them to a risk of losing their lives.

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

1. Measures the Ministry of Health has put in place to ensure seamless service to patients requiring critical blood transfusion services, especially platelets donations and transfusion, given that the centre does not operate during weekends and past the scheduled hours.
2. Steps been taken to extend the operating hours beyond 5.00 p.m. and weekends so as to receive more blood donations.
3. A comprehensive report on the status of the apheresis machines at Kenyatta National Hospital, including plans, if any, to procure another machine to supplement the existing one.
4. Plans being put in place by the Ministry of Health to upscale the capacity of blood transfusion services at the Kenyatta National Hospital to address the huge influx of patients, given that it is the hospital that gets referrals.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Naomi Waqo. You know you can be in the House but away from the House. Can you tell us when the Departmental Committee on Health will respond to the statement request by Hon. Joyce Kamene?

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker Hon. (Dr) Mutunga was a bit concerned that he was not given time to defend his fellow Chairpersons. He was raising that concern with me because he is always in the House and yet, he has a lot of responsibility. So, we congratulate him for being available but also urge other Chairpersons to do the same.

On Hon. Kamene's request for statement, it will be responded to in two weeks. I will pass the message. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Or within two weeks?

**Hon. Naomi Waqo** (Marsabit County, UDA): Yes, within two weeks.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kamene, you will get your response on this important request for statement within two weeks.

Let us go to request for statement by Hon. Umur Kheir Kassim, Member of Parliament for Mandera County to the Departmental Committee in Charge of Transport and Infrastructure.

#### DISCRIMINATORY PASSENGER CLEARANCE PROCESSES AT JKIA

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. Pursuant to provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the discriminatory and inefficient passenger clearance processes at the Jomo Kenyatta International Airport (JKIA), affecting travellers from Mandera County.

Every human being is entitled to equal dignity, fairness and efficiency in accessing national services. However, passengers arriving from Mandera are consistently subjected to a double passenger and luggage screening process once at departure and upon arrival at JKIA. This cumbersome procedure results in unprecedented delays of over two hours, exposing innocent travellers, including patients on urgent medical evacuation, to undue fatigue, indignity and even risk to life.

While safeguarding the security, which is paramount, its enforcement must not be pursued at the expense of fairness and non-discrimination by singling out flights from Mandera for prolonged clearance. The process not only undermines the confidence of citizens in our aviation system, but also entrenches feelings of marginalisation contrary to the principles of justice and equal treatment. If left unchecked, such practises risk tarnishing Kenya's hard-earned reputation as the region's premier aviation hub.

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

1. Measures that have been put in place by the ministry to guarantee timely and dignified clearance of passengers from Mandera, while safeguarding national security requirements.
2. Reasons as to why flights from Mandera are subjected to duplicate luggage and passenger screening and steps being taken to streamline the process so that screening is finalised at departure rather than being repeated upon arrival in Nairobi.
3. Plans and timelines by the Ministry to deploy advanced and time-saving screening technologies and to establish a dedicated clearance protocol for domestic flights from Mandera and similar regions.
4. A comprehensive action plan on how clearance procedures at JKIA will be restructured in line with international best practises, ensuring passenger dignity, operational efficiency and uncompromising national security.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Is the Chairperson of the Departmental Committee on Transport and Infrastructure in the House? What about the Vice-Chairperson? Any Member of the Committee? Yes, Hon. TJ Kajwang'.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Temporary Speaker, although I am a ranking Member of that Committee, unfortunately, I do not have a brief to hold for the Chairperson.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Naomi Waqo, the responsibility to the House falls on you again.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I believe within two weeks the Committee should be able to give a response.

**The Temporary Speaker** (Hon. Peter Kaluma): Communicate to the Committee that the House will expect a response to this important request for a statement within two weeks. We do not want any section of Kenya's population to be discriminated against in terms of any national issue.

We have responses to various statement requests. Response to statement request by Hon. Dr Adan Keynan, Member of Parliament for Eldas Constituency on the subject of rehabilitation and development of herding grounds and migratory routes in pastoralist regions of Northern Kenya by the Departmental Committee on Agriculture and Livestock. This should be Hon. Mutunga. Let me congratulate you for your regular and consistent attendance, as you respond.

## RESPONSE TO STATEMENT

### REHABILITATION AND DEVELOPMENT OF HERDING GROUNDS IN NORTHERN KENYA

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker. When I got this response from the ministry and in view of the fact that last time we had a long response, I felt the need to summarise it. As I tried to summarise it, I noted a few issues that I would like to address.

One of the issues is that, Hon. Keynan is very specific in his questions and the level of detail required does not warrant generalities. So, when I look at question number one, its response does not necessarily give the identity, geo-mapping and gazette details as required by Hon. Keynan.

I would like to declare to the House that I have shared this response with Hon. Keynan. I am sure that he has looked at it and probably, he will be making a statement after me. On the second issue, when I look at the extent to which this question has been addressed, there are a lot of generalities. They tried to come up with issues that do not necessarily respond to the question. Hon. Keynan wanted to know the measures that have been taken by the Ministry to identify, geo-map and gazette traditional migratory routes, communal hunting grounds and pastoral zones of northern Kenya. The response is not specific on the measures taken or the gazette issue. Therefore, in my considered opinion, the response is insufficient.

On the second question, Hon. Keynan requested the Ministry to state the interventions it had made in collaboration with the county governments and the relevant water agencies to rehabilitate degraded zones and livestock holding grounds and improve water infrastructure such as water pans and kiosks along the key livestock migratory corridors. With a little bit of background, we wanted to know what the holding grounds are. What are the migratory routes? What has been done? The response in my hands is not specific to the interventions. It basically talks about a collaborative approach to rehabilitate those areas. It also recognises water as a tool to ensure proper distribution of livestock. It also talks about expert advice on the development of water infrastructure. Those statements do not specifically mention what has been done. In my opinion, that question was not sufficiently responded to.

On the third question, Hon. Keynan asked the Ministry to state the mechanisms that have been put in place to mitigate and resolve inter-community conflicts of access to grazing lands, including strategies to ensure that the traditional livestock corridors remain demarcated, accessible and safe for seasonal pastoral movement, especially in the border region and the non-conflict hotspots. I have looked at the response and the Ministry talks about the emphasis that has been put. I will read one statement which talks about how participatory land management is being emphasised. Emphasis is not specific.

On the fourth question, Hon. Keynan asked the Ministry to state the plans that have been put in place to integrate the protection and development of migratory routes and communal grazing lands into the National Spatial Plan and the County Integrated Development Plan for arid and semi-arid lands (ASALs) with a view to securing pastoral livelihoods and promoting sustainable resource management. I looked through this response and the closest thing to reality is that the Ministry consults with the Ministry of Lands, Public Works, Housing and Urban Development and the county governments to ensure migratory routes, livestock holding grounds and communal grazing lands are considered in the process of developing the National Spatial Plan and the County Integrated Development Plan. We have not been told whether those consultations have yielded any results and whether those results have been integrated into the plans. So, when the Ministry states that it has consulted, it does not necessarily mean that it has achieved anything.

Finally, Hon. Keynan asked the Ministry to give an indication of whether the Government has allocated funding or established partnerships with regional bodies such as the Inter-governmental Authority on Development (IGAD) to establish critical pastoral infrastructure such as fodder reserves, feedlots, livestock holding grounds, veterinary health hotspots and early warning conflict systems along the key migratory routes. The response only has two positive aspects which might not be factual or sufficient enough in terms of highlighting the realities. Two projects that are happening in those areas have been listed. However, we have not been given the extent to which those two projects are responding to the core issues that have been requested.

The Ministry talks about the impetus by calling for action by the member-States to undertake targeted interventions. Even as we call the member-States to undertake interventions, have we achieved a percentage of those interventions?

It is my considered opinion that the Ministry has not adequately responded to the concerns raised by the Member, but if the Member is satisfied, he can tell the House.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Temporary Speaker. I would have been surprised if Dr Mutunga had believed and presented this hollow, shallow and too generalised response to this House. I knew what I wanted when I drafted these questions. I knew what I was trying to address. I even knew the answers, but I wanted the Ministry to appreciate and acknowledge that there is a critical livestock sub-sector within the Ministry. That Ministry has been reduced to the ministry of tea and coffee. It no longer carries the title of “Ministry of Agriculture and Livestock Development”. It is amazing that a person of the stature of my good personal friend, Senator Mutahi Kagwe, a man of immense intellect, penned down this response. Was he awake? Was he asleep? Was he duped?

Therefore, I agree with our able Chairman of the Departmental Committee on Agriculture and Livestock to declare this response as wanting and inadequate. It lacks value and substance. It does not befit a response to this august House. Therefore, I request you to compel the leadership of the Ministry of Agriculture and Livestock Development to provide an adequate and proper response that addresses the issues affecting the livestock sub-sector.

Hon. Temporary Speaker, I am sure that you have been around and I am aware that you are a seasoned barrister. There is a document called Sessional Paper No.10 of 1965, which deliberately excluded northern Kenya from the economic planning of this great nation. To date, some proponents of that illegal document still persist in their old view that northern Kenya does not contribute to the economic well-being of this great Republic. To the contrary, they will be surprised. We have a huge chunk of natural resources in northern Kenya. We have a lot of land. That is the future of Kenya.

Therefore, I agree with the Chairman. Sometimes, people assume that Members of Parliament do not read. Members of Parliament have gone to school. They are professionals in



their own right. They are academic giants. Therefore, I thank the Chairman of the Departmental Committee on Agriculture and Livestock for going through this document. I am sure that going through it was a waste of time. The questions were very clear and the answers sought can be found within the Ministry. I can only speculate on two things. Is somebody contemptuous of the person who drafted the questions? Is somebody contemptuous of the people of northern Kenya? Is somebody too ambivalent to bring a response that befits this House?

Hon. Temporary Speaker, I plead with you to ask the Ministry of Agriculture and Livestock Development to respond to these questions within the next three days, so that we have corresponding answers by Tuesday or Wednesday next week. During the colonial period, we used to have livestock migratory routes from Mandera with proper infrastructure facilities, water points, cattle crushes and holding grounds. From Mandera to the Kenya Meat Commission (KMC), the entire infrastructure has been grabbed. Maybe, because of the fear of the unknown, somebody is trying to meander around and give us generalities that do not add value.

The next question would have been who has taken over the livestock migratory routes from Mandera, Rhamu, Bambo, El Wak, Tarbaj, Wajir, Habaswein, Modogashe, Isiolo, Nanyuki to the KMC. I am sure that the route is no more. I am sure there are individuals holding titles to those critical facilities. Therefore, without belabouring the point, I am touched. I have been around and seen the kind of discrimination we have gone through. I am a camel farmer. If I want to sell my camels, I take them through either Ethiopia or Somalia, which has serious challenges. What has happened to the camel market in Kenya? What has happened to KMC? It is functionally dead and technically insolvent and yet, every year we spend money on it. You remember in 1968, KMC was a livestock facility. We used to call it the only beef-producing facility South of the Sahara. Today, Botswana has taken over that role. Our KMC is in the Intensive Care Unit (ICU) and yet, we pride ourselves as a country of immense potential.

Some of the individuals who have, over the years, circumvented the due process of the law and contributed to the economic stagnation of this country are deliberately working hard to further impoverish innocent women and children of northern Kenya. They must be dealt with decisively by this regime, if truly we are to uplift those people economically. You can see from the answer that the technical team in the Ministry have not found it fit to think outside the box to consider northern Kenya, the livestock-rearing community, as part and parcel of the economic mainstream of the Republic of Kenya. I beseech you to direct the Ministry to provide adequate answers to these critical questions not later than Tuesday next week.

Thank you, Hon. Temporary Speaker.

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Hon. John Mutunga, how long do you need to get this response? This National Assembly will not allow any Ministry or any public official to dismissively respond to any issue concerning any region or any part of this country. Now that you agree there is no response to the questions as required, how long do you need? You know your powers under Article 125 of the Constitution. Where you need to use them, you can do so.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, let us be fair to the Cabinet Secretary by giving him an extra one week. If we say by Tuesday, we might not be able to contact him between now and then. Again, as Parliament, we will need to formally write to them. It requires at least one week for the letter to reach there. So, when we say one or two weeks, sometimes it is logical.

**Hon. Temporary Speaker** (Hon. Peter Kaluma): By Thursday next week.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): (Tigania West, UDA): I stand corrected on the issue.

**Hon. Temporary Speaker** (Hon. Peter Kaluma): This House will be expecting your response. If you need the assistance of Parliament to do all that you need to do, including

invocation of Article 125 of the Constitution, please approach the offices of Parliament for assistance. We need a substantive response to the questions by Hon. Adan Keynan by latest Thursday next week. That will be 2<sup>nd</sup> October 2025, in the afternoon.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): (Tigania West, UDA): Much obliged, Hon. Temporary Speaker

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Could I confirm whether the responses by the Ministry of Education to the questions by Hon. (Dr) Oundo Ojiambo and Hon. Josses Lelmengit are available and ready? What is it on that issue?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, I have sat in this House many times and listened to Chairpersons of Committees responding to statements from Members. Each time, the Members who sought them are not satisfied with the responses from the Ministries. We have to look at our Standing Orders and find a way of handling statements in this House.

When a Member of Parliament raises a statement, the Committee tables the report from the Ministry without interrogating it. Article 125 of our Constitution provides that Parliament has powers similar to those of the High Court to summon witnesses to appear before the Committees and, if need be, produce evidence on oath. It would be prudent to refer to our Standing Orders so that we run away from ‘swallowing’, back and forth, hook, line and sinker, statements from Ministries without interrogating them.

The Member seeking a statement is like a plaintiff. The Member should appear before the Committee, the Cabinet Secretary invited and the Member allowed to interrogate the Cabinet Secretary. By the time the response is brought to the House, the Member seeking a statement will already have had enough time to interrogate the Cabinet Secretary. When the report comes to the House, it will be a substantive response from the Ministries so as to avoid the back and forth we continue to see.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Timothy Toroitich.

Hon. Mutunga, as I was saying, as a seasoned Member and Chairman of this important Committee, you know everything you need to do to ensure that the issues Hon. Adan Keynan raised are duly responded to. If they give you a response, do not wait to bring it and lament. Just get Parliament to bring the Ministry before you and Hon. Keynan so that, ultimately, we are not asking questions for the sake of it. I must commend you as the Chairman of the Committee for saying the response you are being given to provide to the House is inadequate. It is something other Committee Members ought to borrow.

Hon. Members, I had asked, deliberately, whether there are responses to requests number three and four. Do we have the Chairman of the Departmental Committee on Education or the Vice-Chairlady in the House? Let me mention that, on 25<sup>th</sup> September 2025, the Chairperson of the Departmental Committee on Education, Hon. Julius K. Melly, wrote to the Speaker informing him that he and the Vice Chairlady would not be available in the House today to deliver the response. In that letter, they sought the leave of the Speaker to allow Hon. Mary Emaase to respond to the question by Hon. Josses Lelmengit. In the letter, there was also a request that the Chairman be allowed to designate Hon. (Prof) Phylis Bartoo to respond to the request for statement by Hon. (Dr) Wilberforce Oundo.

I note that both Hon. Mary Emaase and Hon. (Prof) Phylis Bartoo are not in the House. In those circumstances, we cannot proceed. I direct that the responses to those two statements be made on Tuesday afternoon without fail, either by the Chairman or Vice-Chairlady of the Departmental Committee on Education or by the persons designated to this request by the Chairman of the Committee and permitted by the Speaker.

*(Responses to Statements Nos. 3 and 4 deferred)*

Hon. Oundo, allow me to go to the response to statement number two so that we can conclude on the other businesses. Do we have the response to request for statement requested by Hon. Joseph Namuar, Member for Turkana Central, to the Departmental Committee on Blue Economy, Water and Irrigation? Is the Chairperson, Hon. Kangogo Bowen, present? Or is the Vice-Chairperson or any member of the Committee designated to give that response, present? None is there?

In equal measure, I direct that the response be made on Tuesday next week at the time it will be listed for consideration. I urge the leadership of those committees to ensure the responses being sought on behalf of Kenyans, are made available.

Hon. Members, I want to re-arrange the Order Paper now that we are done with Order 7. I am informed that the matter appearing under Order 9 cannot be proceeded with for reasons already explained to the Hon. Speaker, and would be deferred to a future date. I re-arrange so that Order 12 proceeds to be followed by the matter appearing under Order 10, and to follow the order to the end.

Clerk-at-the-Table, please proceed and call out Order 12.

## BILL

### *Second Reading*

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

**The Temporary Speaker** (Hon. Peter Kaluma): Mover.

*(Hon. Caleb Amisi spoke off the record)*

As Hon. Atandi prepares to move, Hon. Caleb Amisi, I have done that rearrangement because of the urgency of this particular Order in terms of the subject matter it is treating. We accept your indulgence.

Hon. Atandi, proceed.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to move that the County Governments Additional Allocations (No.2) Bill, (Senate Bill No. 8 of 2025), be now read a Second Time.

Thank you very much for indulging me to proceed with this matter before the others. Just to add onto the point you have raised, this Bill is very important because it contains additional allocations to counties, some of which are donor funds which need to be released on time. By holding this Bill, we are actually delaying those programmes.

This Bill was published on 18<sup>th</sup> June 2025 and introduced to the Senate on 27<sup>th</sup> June 2025. The Senate considered the Bill and passed it with amendments on 23<sup>rd</sup> July 2025. The Bill was then forwarded to the National Assembly for concurrence in line with Article 110(4) of the Constitution. It was read here for the First Time on 31<sup>st</sup> July 2025 and subsequently referred to the Budget and Appropriations Committee for consideration.

Hon. Temporary Speaker, this Bill seeks to authorise the transfer of both conditional and unconditional grants allocations to county governments for the Financial Year 2025/2026. These allocations come from both the national Government's share of revenue as well as from the development partners. In considering the Bill, the Committee received submissions from Inter-governmental and Economic Council, the Council of Governors, Ministry of Roads and Transport and the National Treasury. This Bill proposes to allocate Ksh93.53 billion as additional funds to county governments.

Hon. Temporary Speaker, you know that this House passed the Division of Revenue Act, 2025, which allocated Ksh415 billion to counties. In addition to that, the Bill also seeks to allocate a further Ksh93.53 billion to counties as well. This Ksh93.53 billion includes Ksh2.95 billion from court fines, 20 per cent of mineral royalties, as contained in the First Schedule of this Bill. It also contains Ksh23.63 billion from the Road Maintenance Levy Fund (RMLF) in the Third Schedule. It also contains Ksh56.9 billion from loans and grants from development partners in the Fourth Schedule. This Bill has four Schedules. I will go through them quickly before I brief Members on the recommendations of the Committee.

Hon. Temporary Speaker, the First Schedule of the Bill contains Ksh115 million for court fines collected by the Judiciary from contravention of the laws of the counties. When people who contravene the laws of the counties are taken to courts and fined, those fines are supposed to be sent back to those counties where the offences happened. In this segment, only 10 counties will benefit from this namely: Kiambu, Kisumu, Kitui, Laikipia, Machakos, Migori, Mombasa, Nairobi, Nakuru and Nyeri.

Secondly, there is a 20 per cent share of mineral royalties. Section 183 (5) of the Mining Act (Cap. 306) stipulates that 20 per cent of mineral royalties paid to the State shall accrue to the county governments where the mining operations occurred. Therefore, the Bill proposes to allocate Ksh2.94 billion as a share of mineral royalties due to specific counties for the 2025/2026 Financial Year, and comprises the allocation of Ksh1.05 billion for the 2024/2025 Financial Year which was not disbursed. Then the rest, which is Ksh1.8 billion, is proposed for this Financial Year. The counties that are receiving the highest allocation of this money are Kwale, Ksh1.16 billion; Kilifi, Ksh950 million; and Kajiado, Ksh660 million, *et cetera*.

Let me now move to the Second Schedule. It contains the settlement of doctors' salary arrears. There was a return-to-work formula agreement between the national Government of Kenya and the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU), which necessitated that doctors' salary arrears of Ksh3.52 billion be settled in two equal instalments of Ksh1.759 billion each in 2024/2025 and 2025/2026 Financial Years. This Bill, therefore, proposes to allocate Ksh1.759 billion for the facilitation of those salary arrears.

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

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

The Community Health Promoters (CHPs) programme is allocated a total of Ksh3.234 billion in 2024/2025 and 2025/2026 Financial Years. The allocation is similar to what was allocated under the programme in the previous year. All the 47 counties will receive a share of this money. I know you come from a county which has CHPs. Counties pay them Ksh2,500 whereas, the national Government transfers Ksh2,500. This is what is contained in this provision.

Then the third one is the construction of the county headquarters. The Bill proposes to allocate Ksh454 million towards the construction of county headquarters for five county governments namely: Isiolo, Lamu, Tana River, Tharaka-Nithi and Nyandarua. This follows an agreement and commitment from the national Government to help those counties set up county headquarters. By the time devolution kicked off, they did not have facilities that could host their headquarters.

We have the County Aggregation and Industrial Parks (CAIPs). The Bill seeks to allocate Ksh4.5 billion towards the construction of CAIPs to 18 counties in 2025/2026 Financial Year. The money will be shared equally, with each county receiving Ksh250 million. The county is expected to provide matching funds. The 18 counties include Kisii, Wajir,

Baringo, Elgeyo Marakwet, Kajiado, Kericho, Kakamega, Kilifi, Kitui, Laikipia, Mandera, Narok, Nyandarua, Nyeri, Taita Taveta, Tana River, Tharaka-Nithi and Vihiga.

In the Second Schedule, we have 0.5 per cent of the Housing Levy Fund. The Bill allocates Ksh93.4 million towards the county rural and urban affordable housing committees, in accordance with Section 11(4)(c) of the Affordable Housing Act. The Bill mandates the Board to allocate, out of the fund, not less than 0.5 per cent of the monies to the committees for administrative expenses.

In the Third Schedule of the Bill, the Bill allocates Ksh23.64 billion from the Road Maintenance Levy Fund (RMLF) to counties. This amount consists of Ksh10.522 billion for the Financial Year 2024/2025 as proposed in the draft County Government Additional Allocation Bill, 2024 and Ksh13.12 billion proposed allocation for this Financial Year.

The Ksh13.12 billion allocation for the Financial Year 2025/2026 was calculated by summing the total proposed budgetary allocations to roads agencies: The Kenya Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA), the Kenya Rural Roads Authority (KeRRA), the Kenya Wildlife Service (KWS) and the Kenya Roads Board (KRB), and the Roads Annuity Fund for the Financial Year 2025/2026, which amounted to Ksh87.44 billion, as per the tabled budget, and then applying a 15 per cent share of this total to determine the indicative allocation for counties. However, it is noted that the estimated raised fees from the Road Maintenance Levy Fund (RMLF) for Financial Year 2025/2026 is Ksh70.22 billion. Notably, the Annuity Fund is estimated to be Ksh14.38 billion.

The sharing criteria of the funds per county is calculated based on weights of different factors: Length of the road, climate/rainfall, rural access index, soil type, distribution and equal share which are eventually summed up to give an allocation index for each county.

The Fourth Schedule of the Bill allocates Ksh56.9 billion from the proceeds of loans and grants from development partners. The funds are divided among 47 counties and allocated to 17 programmes targeting key areas such as food security, climate action, urban development and healthcare. There are so many of those programmes. They are listed in the schedule. There are about 20 programmes. I do not want to go through them because they are in the schedule of the Bill.

Let me explain to Members the Committee recommendations. The Committee considered the allocations as contained in the Bill and observed the following:

1. That the Bill allocates Ksh2.93 billion to 10 specific counties equivalent to 20 per cent share of mineral royalties accumulated since 2016. Previously, those funds could not be disbursed due to lack of transfer frameworks and were held in the Consolidated Fund. To facilitate withdrawal from the Consolidated Fund and disbursement of those funds to counties, the allocation has been included in the budget.
2. The Bill allocates Ksh454 million for county governments constructions. I have already explained that.

Let me now give a few recommendations from the Committee. Having deliberated on the provisions of the Bill, the Committee recommends that the House approves the County Governments Additional Allocations Bill (Senate Bill No. 8 of 2025) and the Schedules contained in the Bill with the following amendments:

1. Construction of county headquarters - Amending the Second Schedule to reflect the actual transfers to counties. Ksh449 million netting out Kshs5 million for operational expenses.
2. The County Aggregation and Industrial Park (CAIPs) - Amending the Second Schedule to give priority to counties with outstanding balances from the National Government and sharing the balance among counties that have made significant progress in terms of implementation of their programmes.

3. Roads Levy Maintenance Fund. Deletion of the Third Schedule that contains allocation to counties from the Road Maintenance Levy Fund
4. The Kenya Informal Settlement Improvement Project. Amending the allocation in the First Schedule by reducing the funds to be sent to counties under the World Bank from Ksh800 million to Ksh167.5 million while increasing the allocation of the AFD funds from Ksh1 billion to Ksh2.5 billion.

As I conclude, the most contentious clause in this Bill deals with RMLF. As you may know, the courts made a decision on this matter and gave Parliament 12 months to sort out the legislation challenges. I am aware that this House is in the process of resolving the matter. Therefore, there is no need for this House to allocate and transfer those resources to counties. That is the reason why the Committee has proposed that we delete that clause.

We need resources, especially from donors to be sent to counties quickly so that county projects can continue. Since most of those donor programmes are ongoing, a delay by this House to pass this law will affect the implementation of those projects. I urge the House to quickly pass this Bill with the amendments we are going to table, including the deletion of the Road Maintenance Levy Fund (RMLF) clause, so that it can then be taken back to the Senate for concurrence and become an Act of Parliament.

With those remarks, I would like to ask my neighbour here, the Member for Ruaraka, who is also a member of my Committee but is very intelligent and has listened to my presentation, and has agreed to second, Hon. Kajwang’.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. TJ. Kajwang’, Member for Ruaraka.

**Hon. TJ Kajwang’** (Ruaraka, ODM): Hon. Temporary Speaker, as an avid defender and advocate of counties and devolution, I rise to second this Bill. Anything that adds to the funds being devolved to the village level is my pleasure to support. I am pleased that a significant percentage of those funds will be conditional grants. I hope that when those funds are allocated, the counties will specifically apply them for the purposes for which they are intended. I am also pleased that under Clauses 8 and 9, the reports will be provided under the PFM Act. Under that Act, the Auditor-General will receive those reports and scrutinise them for purposes of oversight.

I am not entirely clear how this will work, since this is an allocation from the national Government, some of which is not in the direct realm of county government allocations. When the Auditor-General receives this information, I suggest it should be laid before this House, and also the other House, but specifically this one, because the funds are drawn from the Exchequer. This will allow watchdog committees to interrogate and inspect the Auditor-General’s findings on the proper use of the funds disbursed. I will consult the Chair of the Budget and Appropriations Committee later to know how this intervention occurs, and how this House, not the other House, can scrutinise the transfers made by the authority of this House.

Finally, I note that the Committee has made amendments. It would seem, therefore, that the Bill will go to mediation. I wish that this process be fast-tracked so that there is no delay in the disbursement of those allocations. I also wish that both sides of the divide could quickly agree on very clear issues, so that the counties receive their funding without delay.

I second.

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

*(Question proposed)*

My uncle, Hon. Oyula, do you want to speak to this?

*(Hon. Maero Oyula spoke off the record)*

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

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

At the outset, let me stand to support the Bill, which seeks to grant county governments additional funds to undertake functions assigned to them in the Fourth Schedule and expressly stated in the Constitution. At the outset, let us make it very clear that all Kenyans want devolution to work. And for devolution to work, county governments must get resources in a timely manner so as to enable them to plan adequately and execute programmes. We must also make it clear that conditional additional allocation is money from the national Government, in addition to the equitable share that was already granted to them under the Division of Revenue Act (DoRA).

Secondly, from the word go, we must also appreciate that they are loans and grants that are secured by the national Government and whose repayment is actually the business of the national Government. As I stand here today, I urge the county governments to prudently utilise these resources for the intended purposes. Hon. Temporary Speaker, to what extent does the national Government or the National Assembly have oversight of the management and utilisation of funds given to the counties through this County Governments Additional Allocation Bill. This is a debate that we must have. The argument has been that the oversight of the funds is the responsibility of the county assemblies and the Senate and yet, those funds are similar to a grant. It is like a gift, an additional fund given to the counties. Is it not a high time the funds allocated under this Bill were overseen and accounted for by the National Assembly instead of solely being accounted for and monitored by the county assemblies and the Senate? This is beyond what is provided for in the Constitution and therefore, must come for purposes of oversight.

Third, Hon. Temporary Speaker, I sit in Public Accounts Committee and one of the greatest challenges we have had is how to monitor the utilisation of those grants and loans. The accounting officer, through the State Department which disburses those funds, would come to you and say: "Sorry, my job was only to disburse. How the funds were used, whether stolen, misused or embezzled, is none of my business." We must develop a legal framework and I hoped that the Budget Appropriation Committee, in part of their non-financial recommendations, would have made clear the accountability mechanisms associated with those funds.

On Page 7, Clause 6(2)(e)(ii), regarding donor funded programs states that the accounting officer responsible for the grant shall for each eligible transfer to a county government, carry out a performance assessment in accordance with the participatory agreement between the national Government and each eligible county government, through the Annual Performance Assessment Firm. It would have also been of interest, while moving this Bill, to get a highlight or snapshot of this performance assessment tool that is required to enable us get clarity of whether we are dealing with it or not.

As I conclude, we cannot build county headquarters forever. Devolution took effect after the 2013 elections. We are now going into the third cycle yet we continue to see funds being allocated to counties to construct their headquarters. How long does it take to construct a county headquarters? For instance, I have seen that Isiolo has been allocated Ksh60 million. Lamu, Tana River and Tharaka-Nithi have also received allocations. How long will we take when some counties like Busia do not have county headquarters? We cannot continue to build county headquarters with public funds, as they are continuously embezzled. When audit queries arise, they offer us long stories such as: "Oh, the sun burnt the timber frames," or "they were swept out by floods," and similar tales. This should be the final disbursement to the counties for building county headquarters.

The County Aggregation and Industrial Parks programme (CAIP) was supposed to be a one-time programme. We have run this since 2022 and yet, I can assure you that nothing has been completed in all the counties. This is the fourth year, whereas this programme was supposed to take 52 or 28 weeks. The only available revenue to pay contractors is the Ksh250 million to each county from the national Government revenue. The counties were supposed to add another Ksh250 million, which they have not done. Again, these are wasted funds sinking into endless bottomless pits that are of no use. I hope that the Budget and Appropriations Committee will now ask the county governments to be judicious and account for every single cent that goes to them.

With those few remarks, I support.

**The Temporary Speaker** (Hon. David Ochieng’): Well said. Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this important Senate Bill, the County Governments Additional Allocation (No.2) Bill, (Senate Bill No. 8 of 2025).

We all represent our people and our counties, and it is our responsibility to ensure that they receive what is due to them. We thank God for the 2010 Constitution that gave birth to devolution. As a result, many counties have experienced growth, and we have witnessed development even in areas that have been marginalised for many years. We have seen the employment of young people and qualified individuals in different offices. Unfortunately, devolution has also introduced a significant amount of corruption at the grassroots level, alongside competition and animosity between business people and others.

We have also observed that through the county governments, the payment of pending bills has become a serious issue nationwide. We know very well that funds are provided, but those who offer those services are not properly taken care of. As a result, many families have lost their property and are suffering from depression. People have developed chronic illnesses such as high blood pressure and diabetes, due to delayed payments. Many families are suffering today. In fact, in some cases, men have lost their wives because of mistrust and related issues.

Yes, I support this Bill so that my county, Marsabit, and other counties can benefit. However, as we advocate for this and pass this Bill, and as we ensure that resources reach the ground, we must also demand accountability. Corruption is rampant in the county governments. Pending bills are affecting families, and many projects remain unfinished. Unless we take greater responsibility and focus on accountability, devolution will hold no meaning for the people.

Hon. Temporary Speaker, we know that the county CECs are responsible for accountability, serving as good stewards and ensuring that pending bills are paid and projects completed. Unfortunately, projects that were initiated ten years ago are still not finished. Today, people who borrowed loans to provide services are suffering because they have not been paid.

Again, the issue of the Members of the County Assembly (MCAs) who are supposed to represent people in wards are often compromised. They are not fighting for the rights of their people. It is high time we urged them to work diligently and ensure they protect the interests of their people. As we fight for this money to be released by passing this Bill, MCAs should know that their work is oversight, representation and legislation at the county level. The Senate is also there to oversee the counties.

With all these resources, Kenyans are always crying that they are not getting what is due to them. I have gone through this Bill, and under the conditional additional allocation to county governments from the Road Maintenance Levy Fund (RMLF) for the Year 2025/2026, a lot of money has been released. To just mention a few of the counties, Machakos received Ksh314 million in the Financial Year 2024/2025, and in the Financial Year 2025/2026, they will receive Ksh392 million, which totals to Ksh706 million. My County received



Ksh237,669,616, and in this Financial Year, we are expected to receive Ksh296,247,384, which totals to Ksh533,917,000.

We need to know what those monies have done and will do. For instance, in Marsabit, right now, we do not have feeder roads. We only have the main road that was constructed during the time of the late President Kibaki. You cannot move from one village to another simply because there are no feeder roads, and for the few that have been done, they are poorly done. Our people deserve to get their rights and deserve to be served. The resources that have been given to our counties need to serve the common mwananchi.

Unfortunately, the situation on the ground in many counties is totally different. It is not a reflection of the huge amount of money that has been released to the counties. I urge the MCAs, county executives and ourselves to be responsible enough that we dedicate our services to the poor people who elected us. We are in this position because they elected us, and, unfortunately, the situation they were in when electing us is the same after our five years.

With those few remarks, it is my prayer that this Bill is passed, the money is released, and we have development on the ground. The people should be given their rights and services. This way, we will grow our people socially, economically and mentally. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Well said. Member for Baringo.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you, Hon. Temporary Speaker.

I also want to support the County Government Additional Allocation (No. 2) of 2025. At the outset, I want to declare that I am a member of the Budget and Appropriation Committee. We interrogated this Bill from the Senate keenly. It is high time we build up by allocating resources to our counties by allocating and resourcing them.

Whereas we all supported the 2010 Constitution and we consume it every day, allocation of resources is becoming quite a challenge. We have had many debates on whether counties need more allocation because it is going to serve them better and improve services; the way the Constitution scheduled. This is the reason we as Parliament support the Bill to help grow our counties better.

When you look at it keenly, allocation of additional money or resources is not the problem. Utilisation of the same resources is. We wonder whether we actually need to be pumping more resources or whether counties are supposed to be diligently using available resources to make the livelihoods of the people in counties better. It is probably going to the twentieth year since their inception and yet, you realise that there is much deterioration because of mismanagement.

**The Temporary Speaker** (Hon. David Ochieng’): This is the thirteenth year.

**Hon. Jematiah Sergon** (Baringo County, UDA): We are going to the second decade. In future, we probably might re-evaluate the managers of the resources. We ask whether we need to elect Governors or appoint them. We need people with careers, experience and capacity to manage counties properly. Then we will get value for most of the resources that we allocate.

Honestly, it does not matter how you want to look at it. You automatically expect the most own-resourced counties and the more allocation we put there for cities like Kisumu, Mombasa, Nakuru and Eldoret to have improved because of continuous presence of resources. Look at the handlers of the resources. Do they have capacity to manage resources of the day and the people? This is where the conversation should start.

Going forward, we need to look at whether the Constitution is serving us well by allowing the population to elect governors. Are we going to have people served better by career-based governors? It should not be necessarily by the governors from local counties. They will do the work of a governor as a manager of resources.

I come from Baringo and I welcome this additional allocation. Again, what about resources already allocated? Are they serving or having the value it deserves? You will, most of the time, realise we are losing gains in services, specifically in the medical field. That is whether we have enough drugs in hospitals and infrastructure. As long as we do not produce results, it is not enough to just be given resources and allocation all the time while we do not get value.

As I said, I am a Member of this Committee. I support and look forward to better services and utilisation of resources in counties.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Emurua Dikirr.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also look into this Senate Amendment Bill, which is speaking to the additional allocations to counties, especially from the donors and the Government of Kenya.

I, particularly, have no serious problems with the allocations. For instance, I do not have a problem with the allocation from the State Department for Housing which also goes as a conditional grant to the counties. But the problem is on oversight of those funds which go to counties. Whenever we do division of revenue in this House, the monies that go to the counties are normally overseen by either members of county assemblies (MCAs) or the Senate. The monies that remain in the national Government are normally overseen by this House. But there are monies which are normally sent as what we are actually working on today, from the national Government to the counties. Usually, part of that money falls under the State Department for Housing where I chair, and where I am supposed to be doing oversight of those funds. But the funds normally leave the State Department, and are utilised by the county governments. In between here, the law does not allow our Committee to oversee the counties because they claim counties are normally overseen by the MCAs and the Senate. Yet, when the money is leaving our department, we are the ones who are supposed to oversee.

There is, therefore, a very serious disconnect. For many years, we have been sending this money which is not small money, through housing, Kenya Urban Support Program (KUSP) and Kenya Informal Settlements Improvement Project (KISIP). Money that goes to the counties is up to a tune of Ksh13 billion. If such money is not overseen by anybody, how can it be utilised? It is, therefore, high time we sit as a House and have a serious discussion between the Budget and Appropriations Committee, and the Departmental Committee on Housing, Urban Planning and Public Works. We should also include any other department and committee that has any money that goes to the counties as an additional allocation. This will ensure that we discuss how we can have those monies overseen.

There have been activities done by the county governments in which they allocate like Ksh7 billion or Ksh10 billion. But when you question the State Department on what they did with that money or whether that money was put into good use, you will be told that the county governments allocated it to construction of sewerages, cabros, high masts and such small things. You cannot compare such a huge amount of money to those small things they say it was used for. They also do duplication. It is, therefore, the high time we sit and agree, and also have a discussion with the Senate. This will ensure that if the National Assembly Committees are not allowed to oversee the counties, the Senate might take it as a responsibility to ensure that they oversee that money so that it does not go into the hands of criminals.

Thank you. I support.

**Hon. Bady Twalib** (Jomvu, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Bady, what is out of order?

**Hon. Bady Twalib** (Jomvu, ODM): Hon. Temporary Speaker, I have been here for quite some time and have not been given an opportunity to speak. I want to bring the House to order.

**The Temporary Speaker** (Hon. David Ochieng’): Go ahead and contribute.

**Hon. Bady Twalib** (Jomvu, ODM): Hon. Temporary Speaker, I support this Bill. In the interest of time, I support it for the following benefits. First, this Bill will enhance service delivery. The additional allocation can help the counties to improve services. Second, this Bill will help the counties on economic growth. By supporting county aggregation and industrial parks, definitely our youths will get employment and our counties will grow. The third benefit will be improved health care. As we know, under the new Constitution, health has now been devolved to the counties. By adding additional grants to those counties, definitely health care will improve. As much as we may say that we are supporting this Bill, there are certain things that should be taken into consideration. Effective utilisation of those funds, transparency and accountability, and sustainability.

With those few remarks, I want to go on record that I have supported this Bill by Hon. Atandi.

Thank you so much Hon. Temporary speaker.

*(Hon. Kaguchia John spoke off the record)*

**The Temporary Speaker** (Hon. David Ochieng’): Order, Hon. Kaguchia. Take the nearest seat and contribute from there. This is your chance to contribute.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I want to thank you very much for giving me this opportunity.

I stand to support this Bill. Once again, as we look at the issues of resources that are going to counties, it is something that we take seriously because the resources that are going directly to the people at the grassroots, are going to benefit them very much.

However, as much as we allocate resources to the devolved units, we still have a very big challenge because the devolved units are still not receiving their resources in good time. We have had serious delays which have made sure that governors and county assemblies are not able to execute their duties as they should. You also realise that we still have a big problem with the oversight of those resources because Members of County Assembly (MCA) are still held hostage by governors. For them to be able to access the resources they require to oversight in the county assemblies, the signatures, approval and authority to incur the expenditure must still come from the governor’s office through the county executive committee member in charge of finance. That becomes a big hindrance.

As much as we are allocating those resources, we must ensure that there is proper oversight. I am still proposing that the MCAs be given unfettered access to the resources that are required to oversight the governors. By saying so, I do not mean that they use the resources in the way they would like to or unconstitutionally. The issues of transparency, integrity and proper governance must be observed at that level.

Therefore, Hon. Temporary Speaker, I support the Bill. I thank you very much for giving me this opportunity.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you very much. Therefore, Hon. Members, there being no more interest on this matter, I call upon the Mover to reply.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I thank you for giving me the opportunity to reply. I also thank Hon. Members who have made their submissions on this Bill.

I agree with them that the aspect of oversight of those funds that we transfer to counties has not been very much prominent in the past. However, there is nothing that stops Members of this House from overlooking those funds. As a matter of fact, those funds are directed to counties through relevant Departmental Committees. For example, the Departmental Committee on Health is in charge of overlooking all the resources that are directed to counties.

The Departmental Committee on Housing, Urban Planning and Public Works can equally do the same for donor funds that are directed to the counties. All the Departmental Committees in this House should be able to do the oversight. I want to urge the Departmental Committees to work closely with relevant ministries to ensure that those funds are utilised appropriately. For example, the proposed amendments to the County Aggregation and Industrial Parks (CAIPs) in the Bill have to do with the fact that we were able to monitor the actual progress of CAIPs in each county. Therefore, this House needs to take up its oversight role through the relevant Department Committees.

With those many remarks, I beg to reply.

*(Question put and agreed to)*

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

### ADJOURNMENT

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, please, be upstanding. The time now being 7.06 p.m., this House stands adjourned until Tuesday, 30<sup>th</sup> September 2025, at 2.30 p.m.

The House rose at 7.06 p.m.

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