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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

2nd October 2025

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THE HANSARD

Thursday, 2nd October 2025

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

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

(The Quorum Bell was rung)

Serjeant-at-Arms, stop the Quorum Bell. We have the numbers. We are now ready to transact the Business of the day.

*(Hon. Antony Wainaina and Hon. Dan Wanyama
walked into the Chamber)*

Order, Members. Member for Kieni, Order! Freeze where you are. Order, Member for Webuye West, Hon. Wanyama.

COMMUNICATION FROM THE CHAIR

RECOGNITION OF A DELEGATION FROM THE
COUNTY ASSEMBLY OF ELGEYO MARAKWET

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, I have a Communication on the recognition of a Delegation from the County Assembly of Elgeyo Marakwet who are seated in the Speaker's Gallery. The Delegation comprises of six Members from the County Assembly of Elgeyo Marakwet, Select Committee on Members' Welfare, Catering and Library Services. They are:

- | | | |
|----------------------------|---|--------------------|
| 1. Hon. Tabitha Kimoning | - | Chairperson. |
| 2. Hon. Evalyne Kiptoo | - | Vice- Chairperson. |
| 3. Hon. Benjamin Cheptiony | - | Member. |
| 4. Hon. Stella Jeruto | - | Member. |
| 5. Hon. Mathew Cheruiyot | - | Member. |
| 6. Hon. Davies Biwott | - | Member. |

The delegation, accompanied by six members of staff, is on a visit to benchmark with the National Assembly Parliamentary Broadcasting and Library Committee to learn, share experiences, best practices and challenges in executing their mandate.

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On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements.

I, thank you.

Hon. Members, let us welcome the delegation as has been introduced in the Gallery. I will indulge the Member for Marakwet West. You are even getting help from Hon. CPA Rutto to lift your hand, but you have already caught my attention.

Hon. Timothy, you have a maximum of two minutes.

Hon. Timothy Kipchumba (Marakwet East, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to welcome the delegation from the County Assembly of Elgeyo Marakwet as they visit Parliament so that they can pick the best practices from this Legislature.

Prior to coming to Parliament, I worked in the County Assembly of Elgeyo Marakwet as a Legal Counsel from 2013 to 2022, resigned and sought election from the people of Marakwet West to be a Member of Parliament. Therefore, I have a lot of attachment to the County Assembly. This morning, we hosted them before the Committee on Parliamentary Broadcasting and Library where they got the best practices from this Legislature, which is the best legislature in South of Sahara and North of Limpopo.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): I also want to confirm that I saw you during lunch hour. I do not know whether you were still doing inspection or buying them lunch. But, Hon. Members, allow me to just welcome them to the House to watch the Proceedings of this House.

Next Order.

PETITION

ENACTMENT OF A LEGISLATION TO REGULATE THEOLOGICAL COLLEGES IN THE COUNTRY

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, allow me to convey this Public Petition No.15 of 2025 regarding the Enactment of a Legislation to Regulate Proliferation of Theological Colleges in the Country.

Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.

In this regard, I wish to report to the House that my Office has received a Petition from Rev. Josiah Njiru Wajoshuah, Chairman of the Association of Pentecostal Vocational Training Institutions of Kenya (APVOTIK), an Association registered under the Societies Act, and with over 200 Bible colleges across Kenya.

The Petitioner acknowledges that although Article 8 of the Constitution provides that there shall be no State religion in Kenya, meaning Kenya is a secular state, Article 32 guarantees the freedom of conscience, religion, thought, belief and opinion. The Petitioner notes that in recent years there has been a proliferation of theological colleges, Bible schools, and online ministry training platforms, especially those affiliated to Pentecostal, Charismatic and Indigenous movements, many of which operate without an episcopal order.

While this growth has enhanced access to theological education, it has also led to challenges, *inter alia*, absence of a standardised curriculum; questionable accreditation of some institutions; emergence of “diploma mills” and unverified “degrees”; doctrinal confusion and pastoral unpreparedness; and disparities in ministerial competence across denominations.

The Petitioner is concerned that the lack of a recognised regulatory framework tailored to theological education has implications for credibility, quality assurance, and the integrity of ministry within the church community. Existing statutes such as the TVET Act, Universities Act and the Kenya National Qualifications Framework Act primarily address secular education and do not cater for the unique character of sacred and spiritual training.

The Petitioner prays that the House considers enacting a law to allow pentecostal and evangelical religious sectors to establish a self-regulatory authority to manage theological education. Such an authority will accredit theological institutions and programmes, recognise prior learning (RPL), protecting those already serving in ministry, and preserving doctrinal integrity among its following.

The Petitioner therefore prays that the National Assembly considers enacting a legislation expressly providing regulation of theological training and education within the pentecostal, charismatic, and indigenous church community. There should be standardisation of curricula, accreditation of spirit-filled, biblically faithful, and academically sound institutions, accountability and integrity in ministering training, and facilitation of contextual theological research, regional and global networking for academic and ministerial excellence.

Having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised in this Petition are not pending before any court of law, constitutional or legal body, I hereby, commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.

The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I, thank you.

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. The beauty of our new Constitution is that any member of the public can petition Parliament on any matter falling under the sun. The Petition has raised pertinent issues. Many of us have listened to the Petition. We are, to the very least, baffled that such a prayer can be presented in Parliament.

For a start, the religious community has been against any form of regulation. This is for very good reasons. They want to be allowed to express and submit their views and doctrine to their followers unchallenged and without any drawbacks. It is baffling that they even want to regulate how they teach, train, and do whatever they do. It is very interesting.

There is an assumption that you are well meaning by the mere fact that you are a Christian, ordained, and you can stand in the pulpit to preach because you are preaching the word of God. Being taught how to preach and get all these things exposes the challenges, the malady, and where the problem of this country lies.

Religion should be a way to the Almighty God and heaven. Religion should not lead us anywhere else. As much as there is freedom of expression and the right to petition, I truly believe this Petition could end up being a waste of public time and public resources.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): I can see there is quite some interest. We will each use a maximum of two minutes. Member of Sigowet/Soin Constituency, quick comments. Do not debate.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Temporary Speaker. I want to join Professor Oundo to say this is quite strange.

It is something that should not have come to this House. We accept to look at it since any citizen of this country has the constitutional right to bring anything to Parliament. Ordinarily, we would expect religious institutions to form their ethics and provide guidance to the people they minister to without the involvement of the National Assembly. However, since it has come here, it would be interesting to listen to the Petitioner and find out what makes him think that the institution of Parliament should regulate religious teaching in this country.

The Temporary Speaker (Hon. Martha Wangari): Use the intervention button if you are intending to speak on this. I want to alert the House that we have the Petitioners listening to these sentiments from the Speaker's Gallery. Rev. Josiah Njiru and your team, stand up if you are in the Gallery.

*(Reverend Josiah Njiru and other Petitioners
stood in the Speaker's Gallery)*

First, Hon. Members, welcome them to the House to observe proceedings. I will give this chance to the Member for Emuhaya.

(Applause)

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker and the Petitioners.

Ordinarily, I find this Petition interesting because we have kept away from regulating religion for a reason. Now, religious leaders want us to do a syllabus and regulate them. I have respect for the Petitioners who are in the Gallery. However, I find them possibly looking for a way of becoming a monopoly or an oligopoly of some sort in running colleges. There is freedom of religion.

Remember, theology goes as far as to deal with eschatology. Eschatology deals with death and the end of the world and the apocalypse. They are sometimes inspired. I do not know how Parliament will make a regulation on eschatology.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member of Kinangop, keep it short.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker.

I find this Petition interesting. Over a long time, we have attempted to introduce regulations to regulate religious organisations and churches.

However, I find the prayers of the petitioner interesting. He proposes a standardised training for the 200 Bible schools or theological colleges he has mentioned. I do not see any level of homogeneity in teaching. For that matter, every sect has its own way of interpreting scripture. Therefore, it becomes almost impossible to have regulations that would enforce a standardised approach to religious or theological colleges training the same way.

I do not want to pre-empt debate. However, to some extent, I believe it is a mission impossible.

The Temporary Speaker (Hon. Martha Wangari): Thank you.

Hon. Members, I can see the Chair of the Public Petitions Committee lifting his hand. Luckily for the Petitioners, our Chair is one Hon. Eric Muchangi. He is the only man who is in the House and has evidence on his head that he saved.

(Laughter)

Member of Runyenjes, you will be the last one on this. Allow me to indulge Members as you take notes to use that as you deal with the Petition. Member of Kilgoris.

Hon. Julius Sunkuli (Kilgoris, KANU): I support this Petition to a great extent because of the spirit behind it.

Members of Parliament should not run away from this responsibility. The Christian religion is based on a book called the Holy Bible. It has been developed for over 2,000 years. We cannot leave this book to clandestine groups of people who keep forming small colleges and claiming that they have understood a book that we have taken so long to develop over years.

The development of mediocre pastors cannot be allowed. It is insensitive to our education to let uneducated people teach the uneducated. How can the blind lead the blind? We should support this Petition. It is really merited.

The Temporary Speaker (Hon. Martha Wangari) Hon. Murugara, Member of Tharaka. I said that you should use your intervention button if you intend to speak on this.

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

I also find this Petition a bit curious due to the fact that there have been attempts to bring laws regulating churches to this House.

Churches have been the first to voice dissent saying that churches, religious organisations, and faiths must be self-regulating. This is purely because they are not uniform; they are diverse. As such, we may have difficulties in coming up with what is uniform. Therefore, when it comes to religious teachings that churches themselves conduct, it will be difficult to find harmony in trying to put these regulations together.

As they say that they have to regulate themselves, I would be of the view that religious teachings must also be self-regulating within churches. However, the Petitioners are here. This House is going to listen to them. We will communicate to them the decision.

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

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this important Petition.

This petition is timely. Most of the flourishing theological colleges are misplaced. We had a chance of hearing about people who mislead others to starvation, practices that are not in line with Christian ways and unnecessary deaths. It is necessary that they are regulated. Parliament and the State have failed the Republic of Kenya by failing to regulate the flourishing religious teaching institutions that are unable to regulate themselves. Now that they are unable to regulate themselves, it is up to the State to take it as a matter of interest to have institutions that are being referred to as “theological colleges” – some of them do not have any background – regulated. That is the duty of the State. Churches are just societies like any other that require regulations. If we keep off matters religion, we will be exposing our society to unnecessary suffering, marauding colleges and ambassadors who will be out just to extort money from the public.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): I will indulge a few more Members. Before I do that, allow me – I know there is traffic to the galleries – to recognise the following institutions in the public gallery: Kithino Farmers' Cooperative Society Limited, Imenti South Constituency, Meru County. Prestigious Vineyard Academy, Embakasi East Constituency, Nairobi County; Kibini Primary School, Kajiado East Constituency, Kajiado County; and Iviani School, Kitui West Constituency, Kitui County.

In both the Speaker's and Public Galleries is Moi Avenue Primary School, Starehe Constituency, Nairobi County.

We will exhaust this matter, then I will indulge the Member for Starehe for a minute to help us welcome all our guests as they observe the Proceedings of the House.

The next chance goes to the Member for Mombasa, Hon. Zamzam.

Hon. Zamzam Mohamed (Mombasa, ODM): Asante sana, Mhe. Spika wa Muda.

Makanisa yana uhuru wa kuabudu na kufanya mambo yao. Watu walikufa Shakahola kwa sababu ya kufunzwa mambo ambayo si sawa. Licha ya kuwa wana uhuru wa kufanya mambo yao, itakuwa vizuri *regulations* ziwekwe ili wasikeuke haki za binadamu. Sisi Waisilamu tuna haki zetu. Hata hivyo, zikiingiliwa hatutasikia vizuri kwa sababu ni haki ambazo ziliwekwa na Mwenyezi Mungu. Wale ambao wanaenda *extreme* na kufanya mambo ambayo si sawa, lazima wawe *regulated*.

Asante sana.

The Temporary Speaker (Hon. Martha Wangari): Asante sana.

Hon. Kangogo Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to support the Petition.

I congratulate the gentlemen who brought it. It is time we take this matter up as a Parliament and come up with regulations. What we are seeing in Shakahola and other places is radicalisation and cultism in the name of religion. I want to ask my friend, Hon. Karemba, the Chair of the Committee that, the Committee should not focus on this Petition alone. It should look at the entire religious institutions so that we do not come up with a peace-mill regulation, but regulations that will cut across all religions in the country.

Thank you.

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

Hon. Kassim Tandaza (Matuga, ANC): Asante sana, Mhe. Spika wa Muda kwa hii fursa.

Kwanza, ninawapatia pongezi walio leta hii *Petition* kwa sababu dini ni muhimu na sote tunajua kuwa Mwenyezi Mungu yupo. Hata hivyo, endapo dini itatumika vibaya kama inavyo tumika hivi sasa, viwango vya watu kupatiwa mafunzo ambayo si ya haki vitakuwa juu. Kipindi kilichopita, tulizungumzia Shakahola na sasa hivi tuko kwa Binzaro. Tukitoka kwa Binzaro sijui tutaenda wapi. Waaathiriwa wote wanasema mafunzo wanayopewa ni ya dini. Ni wakati sasa wa kutunga sheria za dini zote sio tu za Wakristo. Kuna wakati katika dini yetu ya Kiislamu watu walikuwa wanatoa mafundisho ambayo hayakuwa mazuri. Kwamba, waumini walitakiwa kuchukua silaha na kwenda nchi tofauti kupigania dini. Hili ni jambo ambalo haliko katika Kurani. Kwa hivyo, ninaunga mkono ardhilihali hii na niko na imani tuko tayari kurekebisha na kudhibiti dini zetu ili zisilete madhara.

Asante.

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

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker.

In as much as I agree with the Petitioners, we need to be very careful when it comes to matters of regulating theological colleges. I know that historically there have been differences in denominations. They all have their own values that their members subscribe to. They use the Bible as their basic reference book of doctrine. The attempt to force one curriculum for theological teachings is not a viable solution to the doctrinal difficulties that we are experiencing.

We need to have a policy for legislation of churches or ministries. Certain conditions need to be met. To regulate the theology that will be taught is not the best thing to do. If, for example, you go to different universities, you will discover that they teach the same subject using different approaches. So, I do not see why we should have one theological curriculum for all the theological colleges. What we need to be very careful about is the people who establish new churches. We must have conditions to be met by anybody who is registering a new ministry or a church.

I, thank you.

The Temporary Speaker (Hon. Martha Wangari): Chief Whip.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, this is a very sensitive Petition. Matters of religion are spiritual. It is a calling for one to become a pastor who preaches the gospel. We need to be very careful.

On curriculum – as we ventilate on that point – we need to allow religious bodies to self-regulate through interdenominational structures. They should come together and agree on a common structure.

On theological colleges being regulated against a background of people getting visions and dreams to go and preach, that is servanthship. You cannot police servanthship. We need to be careful on that. You cannot police people who are going to preach the gospel and they are called to preach. This is a very sensitive issue. The State should be very careful. This House should be very careful on how it handles religious leaders. It is a calling. Otherwise, we will fall in to the trap of demonic questions. This is something that we really need to think through. Regulating is okay but they should self-regulate through their own bodies. We should not be policing religious leaders.

Thank you.

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

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Temporary Speaker.

We are discussing a sensitive matter. It is a matter that has taken a long time to be brought to the fore. We always shy away from the fact that churches and contents of religious institutions need to be regulated. The approach to be taken must be based on trust. However, trust can be dangerous. Trust is built out of continuous engagement of the mind of the worshippers. The only place where people voluntarily congregate just to listen without questioning is the church. This has been misused in the past. At the introduction of the church, there were no individual churches or entities owned by individuals. Today, those are the driving institutions in this country. Previously, churches were established by congregations as institutions, with clear guidelines on how they would intervene in the community. As a result of deviation from this, we have had many issues associated with the church. The teaching of theology may be the same, but interpretation is what matters. People follow interpretation. We need to look deeper into this issue even as we decide.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Lungalunga, Hon. Chiforomodo.

Hon. Chiforomodo Mangale (Lungalunga, UDM): Asante sana, Mhe. Spika wa Muda kwa nafasi hii.

Kabla niendeleo, niunge mkono ardhihali hii. Aliyeleta ardhihali huu amependekeza kwamba, wakati huu wale ambao wanatoa mafunzo ya dini wawe na mtaala. Hili swala ni pana mno. Hata kama tutakuwa tunazungumzia kwamba tuwe na mfumo ambao unaelekezwa kimtaala na sheria, pia tujue kwamba maswala ya imani yanahitaji tuyachukulie kwa makini sana. Watu ambao wako na imani zao kulingana na dini na dhehebu, wanahitajika waheshimiwe. Wako na misingi ambayo imejengwa katika hiyo imani na dini ambayo wanaienzi. Hata hivyo, kama Bunge, tuko na nafasi ya kuhakikisha ya kwamba, tunaweka sera ambazo zitakuwa zinaelekeza nchi katika mwelekeo wa kufahamika. Tumekuwa na matukio ambayo ni ya kuogofya na yanachafua jina la dini. Tuko na nafasi, na tunaunga mkono kwamba, tuwe na mwelekeo na sera kuhusu masomo ya dini ya kikristo.

Asante.

The Temporary Speaker (Hon. Martha Wangari): Hon. Ferdinand Kevin Wanyonyi, Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD - K): Thank you, Hon. Temporary Speaker.

We must do something. I thank the Petitioner, but as a country, we are going in the wrong direction. Every day, somebody wakes up, carries a Bible, and starts a new religion. As much as we have freedom of worship, I believe we need regulation. There are too many, and some are just after money. I have a case where a so-called pastor demanded that on Saturday or Sunday, one must bring at least Ksh200 to worship. Is that how it should be? We need to regulate these so-called religions so they can move forward. Otherwise, we are taking this country in the wrong direction. The Petitioners are right. The issue is not to stop anybody, but to regulate. I am a serious Catholic, but I do not say everyone must be Catholic. Still, there is a problem in this country. Let us regulate.

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

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

I do not agree with this Petition. Everybody has the right to worship. I studied theology at university, and I believe the word of God should reach every person. There is no reason to stop it. I agree with Hon. Zamzam that we do not need the Shakahola types, but let us not condemn small churches. They have an impact. In the United Kingdom, churches are being closed and turned into other things. In Kenya, we still have religion with us. If we stop people from preaching, we will be doing a disservice. Let mainstream churches not gag the small churches. Even if one person has one church and calls himself bishop, what is wrong with that? I oppose.

The Temporary Speaker (Hon. Martha Wangari): We will close with the Chair of the Public Petitions Committee.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker.

This is a very interesting petition. I am glad to see the excitement and interest from Members. I agree with those who say regulation is important, but I disagree with those who think that this petition...

The Temporary Speaker (Hon. Martha Wangari): Hon. Chair, you do not need to help the Speaker. You cannot purport to take a position on a petition that you are supposed to preside over. Hon. Members, I do not need assistance. Member for Runyenjes, you will consider this petition on its merits and bring a report to this House within 60 days.

Hon. Muchangi Karemba (Runyenjes, UDA): I oblige, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): The next 90 days.

Hon. Muchangi Karemba (Runyenjes, UDA): I will do so, Hon. Temporary Speaker.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. We have dispensed with that Order. There is nothing further to it. Member for Starehe, I will invite you to welcome your students who are still in the Public Gallery.

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to welcome students from Moi Avenue Primary School, a school in Nairobi Central Business District (CBD), Starehe Constituency. I also welcome all other institutions in Parliament today. I wish all students, especially those preparing for examinations later this month, success.

Thank you.

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

PAPERS

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. I beg to lay the following Papers on the Table:

1. The Annual Reports for the Financial Year 2024/2025 from the National Police Service Commission.
2. Audited Financial Statements for the year ended 30th June 2025 from the Central Bank of Kenya.
3. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2025, and the certificates therein, in respect of the Local Authorities Provident Fund, the Public Service Superannuation Fund, the Retirement Benefits Authority, and the Capital Markets Authority.

I beg to lay.

The Temporary Speaker (Hon. Martha Wangari): We have another set of Papers. Chairman of the Select Committee on Members Services and Facilities.

Hon. Wachira Karani (Laikipia West, UDA): Thank you, Hon. Temporary Speaker. I beg to lay the following Paper on the Table:

Report of the Select Committee on Members' Services and Facilities on its inspection visit to constituency offices in Siaya, Kisumu, Narok, and Bomet counties.

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

NOTICE OF MOTION

The Temporary Speaker (Hon. Martha Wangari): Chairperson of the Select Committee on Members Service and Facilities, you have a Notice of Motion.

INSPECTION VISIT TO CONSTITUENCY OFFICES

Hon. Wachira Karani (Laikipia West, UDA): Hon. Temporary Speaker, I beg to give notice of the following Motion:

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THAT, this House adopts the Report of the Select Committee on Members Service and Facilities on an inspection visit to constituency offices in Siaya, Kisumu, Narok and Bomet Counties, laid on the Table of the House on Thursday, 2nd October 2025.

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

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, we have some Statements, Requests for Statements and Responses to Requests for Statement. I will indulge the Member for Emuhaya to go first.

REQUESTS FOR STATEMENTS

VERIFICATION OF STUDENTS' ENROLMENT IN SCHOOLS

Hon. Omboko Milemba (Emuhaya, ANC): 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 Education regarding the ongoing verification of the number of students in all schools across the country.

The Ministry of Education is currently undertaking a nationwide verification exercise to ascertain accurate student enrolment figures across all schools. This initiative aims to address the issue of inflated enrolment data to ensure proper disbursement of government funds.

The audit has identified over 50,000 ghost students in secondary schools alone as well as anomalies such as classrooms existing only on paper. The ongoing verification is essential for correcting resource allocation, preventing corruption, and enhancing the reliability of education planning data. However, the timing of this exercise during the third term, coinciding with Form 4 students, Grade 9 and Grade 6 students preparing for their national examinations has led to significant challenges.

As a result, many primary and secondary schools are currently without capitation funds. Hon. Temporary Speaker, while the verification process is undoubtedly commendable, the broader education sector is currently facing significant challenges. Only 8,000 out of the 15,000 junior schools have been vetted and cleared. Similarly, only 11,000 out of the 24,000 secondary schools have undergone vetting. Despite this, the schools cleared so far continue to await capitation disbursements.

Further, university students remain out of class due to ongoing disruption as a result of the university lecturer strike. This situation demands urgent attention to preserve the stability and effective functioning of our education system.

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

1. Plans put in place by the Ministry of Education to ensure that all schools receive capitation to facilitate them during the third term given that the national exams are about to commence.
2. Measures being put in place by the Ministry of Education to ensure smooth operation of schools despite the ongoing verification process by sending a minimum of 50 per cent of the capitation to schools.

3. Actions being taken by the Ministry to uncover the ghost schools that had received funds for both infrastructure, capitation and examination purposes.
4. Steps being taken to resolve the ongoing university lecturer strike to ensure learning of university students.
5. The expected time frame for concluding the verification to enable schools to resume normal operations.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Chairperson of the Departmental Committee on Education, this is not a new issue. Remember I raised it last week. Vice-Chair, bring the response next week on Wednesday. It is an urgent matter.

Hon. Eve Obara (Kabondo Kasipul, ODM): Yes, we will, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): I will indulge the Member for Mukurweini. Next is the Member for Moyale, Hon. Prof Guyo Jaldesa.

POLICE HARASSMENT AND RESTRICTIONS ON MINING ACTIVITIES IN MOYALE CONSTITUENCY

Hon. Prof Guyo Jaldesa (Moyale, UPIA): 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 Administration and Internal Security regarding police harassment and restrictions on small-scale mining activities in Moyale Constituency.

Hon. Temporary Speaker, Moyale Constituency is abundantly endowed with vast natural resources, including significant deposits of gold and chromite. Regrettably, these resources have not translated into tangible benefits for the local communities. Instead, our people continue to face economic marginalisation and constant harassment.

On 22nd September 2025, 40 artisanal miners, men and women struggling to earn a decent living, were arrested, arraigned in court and each fined Ksh20,000. These individuals were not engaging in any mining activities in areas which are said to be restricted under the General Service Unit and other security agencies. Rather, they were carrying out small-scale mining in Golbo Ward, including Hilo area, which is part of their ancestral land.

Hon. Temporary Speaker, mining in Hilo has provided vital employment, sustained livelihoods, and served as a barrier against radicalisation by engaging youth productively. It has created opportunities not just for the miners themselves, but also for transporters, traders, and other dependents within the community. It is therefore disheartening that instead of facilitation, our people are being subjected to intimidation, arrest, and harassment.

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

1. An inquiry by the Committee into the alleged harassment and restrictions on small-scale mining activities, particularly at Hilo gold mining sites in Moyale Constituency.
2. Steps being taken by the government to repeal any gazette notice or administrative measures that prohibit artisanal mining in unrestricted areas by the residents of Golbo Ward in order to safeguard the residents' rights, property, and social rights under Article 43 of the Constitution of Kenya.

3. Oversight measures in place to assure the protection of the people of Moyale from insecurity and police harassment, including measures that should be instituted to safeguard their livelihood, freedom, and security.

I, thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Chairperson of the Departmental Committee on Administration and Internal Security you have two weeks.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, you had already given direction, but I think it is good to note that our good Professor knows that this has been a death trap site in his Constituency and it has been an issue for too long. There was a time when we lost many Kenyans. I do not want to pre-empt the answer, but I know the police are there to maintain peace and some level of order to prevent more death. But as directed by the Temporary Speaker, I will come with a response in two weeks.

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

(Hon. Prof Guyo Jaldesa spoke off the record)

The Temporary Speaker (Hon. Martha Wangari): What is the matter Professor?

Hon. Prof Guyo Jaldesa (Moyale, UPIA): Hon. Temporary Speaker, deaths or no deaths, the police are there to protect the people. Why should there be deaths when the police are there to protect? He is actually admitting failure by the security agencies. The closure is not...

The Temporary Speaker (Hon. Martha Wangari): Order, Professor. You have two weeks within which you can raise further questions. Member for Othaya?

HIGH WATER TARIFFS IN OTHAYA AND MUKURWEINI CONSTITUENCIES

Hon. Michael Wainaina (Othaya, 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 the Blue Economy, Water and Irrigation regarding the recent sharp increase in water tariff in Othaya and Mukurweini Constituencies in Nyeri County.

Hon. Temporary Speaker, Othaya-Mukurweini Water and Sanitation Company Limited (OMWASCO) is the main water service delivery entity in Othaya and Mukurweini Constituencies. Recently, the water service company, through the Water Services Regulatory Board (WASREB), reviewed the water tariff upwards. Under the new structured charges, according to consumption block and customer categories, domestic and residential consumers are now paying between Ksh90 per cubic meter, up from Ksh33 per cubic meter. This steep increase, coming after a series of tariff hikes in recent years, has partly spread public outrage, leading to protests by the residents. The residents are particularly concerned that the decision to review the water tariff was made without public participation or consultation with the various stakeholders.

It is against this background that I request the Chairperson of the Departmental Committee of Blue Economy, Water and Irrigation, to apprise the House on the following:

1. Circumstances that led to the increase of water tariff by OMWASCO.
2. The steps taken by the Ministry of Water, Irrigation and Sanitation, through the Water Services Regulation Board, to regulate water tariff increment in Othaya Constituency.

3. The plan in place to ensure that WASREB reconsiders the review of water tariff by OMWASCO to ensure fairness, equity and comparability to service provision across Nyeri County.

I thank you.

The Temporary Speaker (Hon. Martha Wangari): The Chairperson of the Departmental Committee of Blue Economy, Water and Irrigation, bring a response in two weeks.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you. We will bring the response in two weeks.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, allow me to welcome students from the following schools. They are seated in the Public Gallery: Nairobi South Day Secondary School from Starehe Constituency, Nairobi County; and, Muhoroni Furaha School from Muhoroni Constituency, Kisumu County. Join me in welcoming them to observe the proceedings of the House.

I will now indulge the Leader of the Majority Party to give the normal Thursday Statement.

STATEMENT

BUSINESS FOR THE WEEK OF 6TH TO 10TH OCTOBER 2025

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2) (a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 30th September 2025, to prioritise business for consideration during the week.

With regards to business scheduled for next week, the House is expected to continue with Second Reading of the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024). Additionally, debate will be undertaken on the following Motions, some of which are listed in today's Order Paper:

1. Consideration of the Seventh Report on Examination of Financial Statements of Selected State Corporations.
2. Consideration of Sessional Paper No. 5 of 2024 on the National Green Fiscal Incentives Policy Framework.
3. Consideration of the Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates.
4. Consideration of reports of the East African Legislative Assembly at the Fourth Meeting of the Second Session of the Fifth Assembly.
5. Consideration of the Privileges and Immunities (The Global Centre for Adaptation) Order, 2025.

We will also consider the following Bills in the Committee of the whole House:

1. The Virtual Assets Service Providers (Amendment) Bill (National Assembly Bill No. 15 of 2025), should it not be concluded today.
2. The Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025), by Hon. Peter Kaluma, should it not be concluded today.
3. The Privatisation Bill (National Assembly Bill No. 36 of 2025).
4. The Kenya Roads (Amendment) Bill, 2024, by Hon. Naisula Lesuuda.

Hon. Temporary Speaker, it is important that all Members, including the Member for Narok and the Member for Kajiado North, who is on phone, pay attention. Yesterday, I saw a group of

Members led by the Member for Kajiado North, purporting that they had been ambushed. I read this Statement detailing the business that is scheduled for next week to be considered by the House Business Committee every Thursday. The House Business Committee convenes on Tuesday at noon to schedule business and order it in the sequence that will appear before the House. Therefore, there can never be any situation that could be characterised as an ambush in this House.

Therefore, I am just drawing attention to the Member for Kajiado North and the Member for Narok to pay attention. We transact business here and not in press conferences. It is important that we pay attention to what is before the House. So, those who may have amendments in any of those Bills, from the Virtual Assets Service Providers (Amendment) Bill that we are considering today to the others that I have read, please, be prepared so that you do not say that you have been ambushed.

In accordance with the provisions of Standing Order 42A (5) and (6), I wish to convey that the Cabinet Secretary for Education is scheduled to appear before the House on the afternoon of Wednesday, 8th October 2025, to respond to the following Questions:

- (a) Question by Private Notice No. 011/2025 by the Member for Emuhaya (Hon. Omboko Milemba, CBS, MP) regarding funding for participation by public primary and secondary schools in co-curricular activities.
- (b) Question by Private Notice No. 013/2025 by the Member for Emuhaya (Hon. Omboko Milemba, CBS, MP) regarding ongoing verification of student enrolment in schools across the country.

These are very good questions because they touch on capitation. Again, many of us are fond of speaking at funerals about capitation. This is the right place to put the Cabinet Secretary to task. I thank the Member for Emuhaya for raising those questions.

- (c) Question by Private Notice No. 014/2025 by the Member for Isiolo County (Hon. Mumina Bonaya, MP) regarding the rollout of a new centralised student database system known as the Kenya Education Management Information System (KEMIS), intended to replace the existing National Education Management Information System (NEMIS).
- (d) Question No. 070/2025 by the Member for Keiyo South (Hon. Gideon Kimaiyo, MP) regarding reduction in capitation funding for public primary and secondary schools and measures taken to ensure equitable access to quality education for all learners.
- (e) Question No. 071/2025 by the Member for Matayos (Hon. Geoffrey Odanga, MP) regarding the challenges faced by Kenyans with foreign qualifications in obtaining an equation of their foreign certificates from the Kenya National Examinations Council (KNEC).
- (f) Question No. 072/2025 by the Member for Baringo Central (Hon. Joshua Kandie, MP) regarding placements of students to the Kenya Medical Training College (KMTC) by the Kenya Universities and Colleges Central Placement Service (KUCCPS).

Finally, the House Business Committee will reconvene on Tuesday, 7th October 2025, to schedule any other priority business for the rest of the week. The Member for Kajiado North should note that.

I now wish to lay this Statement on the Table of the House.

(Hon. Kimani Ichung'wah laid the Statement on the Table)

Hon. Ngogoyo is my very good friend. He is serving his first term in this House, and I frequently have to signal him to pay attention. He, along with others who are not even in the House, is fond of conducting business at press conferences. Yesterday, while we were supposed to be transacting business, he and five other Members of Parliament, who were not even present in the House, staged a press conference purporting to have been ambushed. How can one be ambushed when they are not in the House? I saw the Member for Naivasha and the self-abductor, Member for Juja, claiming to have been ambushed. One cannot be ambushed in the House, as every Thursday we read this Statement outlining the business scheduled for the coming week.

The 345 of us, except the four Members who are not here, are paid by the Kenyan people through their taxes, not to attend press conferences but to work in the Chamber and committees. No business is conducted in press conferences.

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party, you have made your point.

Next is the Member for North Imenti.

INCLUSION OF IMENTI EAST SUB-COUNTY IN THE KDF RECRUITMENT EXERCISE

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. This is a Request for a Statement regarding the inclusion of Imenti Sub-County in the upcoming Kenya Defence Forces (KDF) recruitment.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the inclusion of Imenti East Sub-County in the forthcoming KDF recruitment exercise.

On 15th September 2025, the Ministry of Defence advertised the upcoming recruitment of General Service Officers, Cadets, Specialist Officers (GSO), General Duty Recruits and Defence Forces Constables to the KDF. The recruitment exercise is scheduled to take place in October 2025 across sub-counties in the country as listed in the published advertisement. However, Imenti East Sub-County, which is in my Constituency and was gazetted on the 17th of March 2022 and subsequently operationalised on 9th September 2025, is not included in the published recruitment schedule. This omission denies many qualified youths from the area an opportunity to serve the nation through the KDF.

Notably, Article 10 of the Constitution enshrines equity, inclusiveness, and equality as core national values and principles of governance. The exclusion of some sub-counties from such a national recruitment exercise, therefore, raises concerns about inclusiveness and fairness in the KDF 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. Plans by the Ministry of Defence to ensure that Imenti East Sub-County is included in the upcoming KDF recruitment exercise.
2. The measures the Ministry has put in place to ensure the upcoming recruitment exercise and any future recruitment processes cover all sub-counties in the country in line with the constitutional principles of inclusivity and equal opportunity.

I thank you, Hon. Temporary Speaker. Madam Chair...

The Temporary Speaker (Hon. Martha Wangari): Not Chair!

Hon. Rahim Dawood (North Imenti, Independent): Sorry. It is “Madam Speaker”. The recruitment is starting on the 13th, so I hope...

The Temporary Speaker (Hon. Martha Wangari): Hon. Member for North Imenti, give the Speaker a moment to first determine your Statement before you debate it.

(A Member spoke of the record)

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

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I am not taking over your role...

The Temporary Speaker (Hon. Martha Wangari): No, no, no...

Hon. Rahim Dawood (North Imenti, Independent): I just want to say that I hope you will rule that it should be included by next Thursday. The recruitment commences on 13th October.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Rahim, I hear you. However, I would like to bring to your attention that a Statement should be read as it is. Is the Chairman or the Vice-Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations in the House? Leader of the Majority Party, many other such cases were raised last week. Can they all be collapsed into one response to be brought next week, latest on Thursday? They are urgent.

Hon. Kimani Ichung’wah (Kikuyu, UDA): That is okay, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Before we go to the next Statement, allow me to recognise, in the Public Gallery, learners from Kiambuthia Primary School, Mathioya Constituency in Muranga County. Join me in welcoming them to observe the proceedings of the House.

(Applause)

Next is the Member for Mwingi Central.

DISPUTED TAX ARREARS OWED TO KRA BY NG-CDF COMMITTEES

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker. I request for a Statement regarding the tax arrears owed to the Kenya Revenue Authority (KRA) by various National Government Constituencies Development Fund (NG-CDF) committees.

I think this is important for Members to pay attention to...

The Temporary Speaker (Hon. Martha Wangari): Prosecute your Statement, Hon. Mulyungi

Hon. Gideon Mulyungi (Mwingi Central, WDM): 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 Finance and National Planning regarding the disputed tax arrears owed to the KRA by various NG-CDF constituency committees, which were picked during our audit.

In 2021, the NG-CDF Board received a communication from the KRA demanding payment of tax arrears owing to certain constituencies. Most of the affected constituencies disputed the tax assessments and commenced a process of engaging officers of the KRA. However, the matter remained unresolved.

Subsequently, a meeting between the NG-CDF Board and KRA was held on 21st December 2021, in which various issues were discussed, including tax accountability on labour-based contracts, collection of tax arrears, and appointment of fund account managers as Value Added Tax (VAT) withholding tax agents, amongst others.

Despite numerous engagements between the NG-CDF Board and KRA, the matters have remained pending. As of 31st May 2025, the KRA is demanding tax arrears owed to constituencies amounting to Ksh2.2 billion from the NG-CDF committees.

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

1. A clarification on the current status of the arrears owed by each constituency, with a detailed breakdown of the amounts outstanding to each.
2. An outline of the specific steps being taken by KRA and the NG-CDF Board to resolve the matter, including clear timelines for settlement of the same.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. Is the Chairman or the Vice-Chairman of the Departmental Committee on Finance and National Planning in the House? Leader of the Majority Leader, kindly let the Chairman of the Committee know that a response is required within the next two weeks.

(Hon. Kimani Ichung'wah spoke off the record)

I have called for the membership, and they have heard. They have two weeks.

Hon. Ali Wario, Member for Garsen. If he is not in the House, it will be deferred to the next time it is scheduled.

(Hon. Ali Wario's request for Statement deferred)

Member for Nandi Hills, Hon. Bernard Kitur.

LACK OF SAFETY ROAD MEASURES ALONG MOI UNIVERSITY-LESSOS ROAD

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the installation of safety road measures along the Moi University-Lessos Road.

The Kenya Rural Roads Authority (KeRRA) recently completed the construction of the Moi University-Lessos Road. However, the road currently lacks critical safety features, including properly designed speed bumps, clear road markings, and adequate signage. This has exposed motorists and other road users to safety risks.

Since the completion of the road, two separate accidents have occurred at the Bombo Bridge section near Koisagat Village in Lessos, tragically resulting in four fatalities. These incidents have been reportedly attributed to the absence of appropriate speed control measures and adequate signage, and have raised concerns among residents and road users regarding the adequacy of safety interventions.

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

1. Plans by KeRRA to install properly designed and clearly marked speed bumps, erect proper signage, and implement additional safety interventions such as reflective road lighting to reduce the risk of accidents along the road.
2. Expected timelines for the completion of the installation of these road safety measures.
3. Measures to be put in place by KeRRA to ensure regular maintenance of safety installations in order to guarantee the safety of road users along Moi University-Lessos Road.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK.

Hon. George Kariuki (Ndia, UDA): We will give the response in two weeks' time.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Umulkher Harun. Is she in the House? She is not in. That Request for Statement is deferred to the next time it will be scheduled again in the Order Paper. Next is Request for Statement by Hon. Kaguchia. Is he in the House? He is not in. It will also be rescheduled in the Order Paper.

(Requests for Statements Nos. 1 and 9 deferred)

STATEMENTS

The Temporary Speaker (Hon. Martha Wangari): We now move to the responses to Requests for Statements. The first one is the response to Request for Statement by Hon. Adan Keynan. Is he in the House? He is in. Chairperson of the Departmental Committee on Agriculture and Livestock, do you have the response? Go on.

REHABILITATION AND DEVELOPMENT OF HERDING GROUNDS IN NORTHERN KENYA

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I will read through the response and I hope Hon. Keynan is listening.

The first question was on the measures being taken by the Ministry of Agriculture and Livestock Development to identify, geo-map, and gazette traditional migratory routes, communal herding grounds and pastoral zones in Northern Kenya. I have summarised the response but I believe Hon. Keynan has the full report from the Ministry. The response is as follows:

The Ministry, through Kenya Rangeland Ecological Monitoring Unit (KREMU), has been mapping and geo-referencing rangelands since 1980s. The surveys produced management handbooks for specific districts so as to identify migratory routes, grazing land, game parks and reserves. Kenya has initiated a new agenda to transform undocumented pastoral routes into official maps to guide investments, safeguard livestock mobility and improve infrastructure. The Livestock Marketing Division developed 31 stock routes linking northern pastoral areas to Nairobi and Mombasa markets, including holding grounds and quarantine facilities. Their current efforts include the following:

1. Reviving and gazetting holding grounds and communal grazing areas.

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2. Improving transport and infrastructure for trekking livestock.
3. Using mapped data for future planning, policy and investments.
4. Protecting rangelands from encroachment by private use, security installations and urban expansion.

The second question was to state the interventions being made by the Ministry, in collaboration with the county governments and relevant water agencies, to rehabilitate degraded grazing zones and livestock holding grounds and improve water infrastructure such as water pans and kiosks along key livestock migratory corridors. The response is as follows:

The Ministry, together with the county governments, water agencies, and development partners, is implementing several interventions to restore rangelands, improve water access and strengthen livestock management systems in the Arid and Semi-Arid Lands (ASALs). These are the key interventions:

One, rehabilitation of rangeland and grazing zones. Rescinding is ongoing in degraded rangelands to increase pasture production. There is also capacity building for the community-based rangeland management committees to enhance sustainable use and reduce drought risks. Pastoralists have also been encouraged to respect the carrying capacities of grazing land in order to sustain it for a long time.

Two, improvement of water infrastructure through expansion and rehabilitation of water pans, boreholes and water kiosks along migratory corridors, matching them with forage availability. There is also development and strengthening of livestock holding grounds.

Three, there are some strategic interventions. One of them is increasing investments that encompasses registration and surveying of strategic holding grounds. There is also development of infrastructure that holds pens, paddocks, dips/spray races, feedlots, irrigation systems, staff housing, boreholes, water storage tanks, diagnostic laboratories, transport and fodder stores. The second strategic intervention is legal and policy frameworks. It encompasses developing a livestock marketing strategy; reviewing and amending policies and legal instruments; gazetting county and national holding grounds and building stakeholder capacity on livestock trade standards. The third strategic intervention is coordination and management. It encompasses establishing decentralised coordination and management structures; creating holding ground management committees and user associations; posting technical staff and creating monitoring and reporting systems.

Four, enhancing production and marketing. This involves stratification of programmes, feedlots, specialised businesses and support, through National Livestock Development Services, which is a Semi-Autonomous Government Agency (SAGA). The final one is diversification and value addition, which deals with improvement of bee-keeping, breeding stock and integrated camel production and marketing.

The third question was to state the mechanisms put in place to mitigate and resolve inter-community conflicts over access to grazing land, including strategies to ensure that traditional livestock corridors remain demarcated, accessible and safe for seasonal pasture movements, especially in border regions and known conflict hotspots. The response is as follows:

The first mechanism is the introduction of participatory rangeland management, where communities are involved in mapping resources, planning interventions, and managing rangelands to minimise conflicts. The second one is community institutional development, which is strengthened to manage shared resources. Third, there is Alternative Dispute Resolution (ADR) mechanism, which is an inter-community dialogue, negotiation and agreement for peaceful coexistence. The fourth mechanism is introduction of security interventions which include patrols

in hotspots areas by security agencies. Finally, there is the hosting mechanisms, where there is provision of hosting migratory communities when survival requires movement beyond the borders.

The fourth question was to state the plans 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 Plans (CIDPs), particularly within the ASALs, with a view to securing pastoral livelihoods and promoting sustainable resource management. The response is as follows:

In view of the spatial planning collaboration, the Ministry works with the Ministry of Lands, Public Works, Housing and Urban Development and county governments to safeguard grazing resources and migratory corridors. The Community Land Act (Cap. 287) provides for registration of community land to secure pastoralists' access. The strategic strategies adopted include the following:

1. Strengthen rangeland management institutions.
2. Restore rangeland condition health and productivity.
3. Support commercial feed production and cooperatives.
4. Establish strategic livestock feed reserves and community feedlots.
5. A breeding programme to support the meat industry.
6. Enhancing extension services and access to finance.
7. Strengthening disease surveillance and control.
8. Implementing livestock identification and traceability systems.
9. Establishing livestock quarantine facilities.

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 outposts and early conflict warning systems along key migratory routes.

(Hon. Caroline Ng'elechei consulted loudly)

Kindly protect me from Hon. Ng'elechei who has decided to make her own presentation as I respond to the Request for Statement.

The response is as follows:

1. With regard to funding, we have national investments, which are resources allocated for pasture, water, and animal health services through projects such as the ASAL Based Livestock and Rural Livelihood Support Programme (ALPRO), the Regional Pastoral Livelihoods Resilience Project (RPLRP), and the Food Systems Resilience Project (FSRP).
2. We also have the IGAD Protocol on Transhumance, which encourages targeted cross-border investments to enhance productivity and reduce conflict. We also have a project called the Build Resilience for Food and Nutrition Security in the Horn of Africa (BREFONS), which runs from 2022-2027, funded by the Agriculture and Fisheries Development Programme (AFDP), which supports resilience, agribusiness, climate adaptation, and mapping of livestock routes in Isiolo, Marsabit, Turkana, and Garissa counties.
3. We also have the Kenya Livestock Commercialisation Project (KeLCoP), which is co-funded by the Government of Kenya (GoK), the International Fund for

Agriculture Development (IFAD), Heifer International, Participating Financial Institutions (PFI), and Beneficiary Communities, which is targeted at vulnerable groups, pastoralists, youths, and women.

4. We also have the Towards Ending Drought Emergencies (TWEDE) Project, which runs from 2020-2026, and a joint National Drought Management Authority – International Union for Conservation of Nature (NDMA - IUCN) Initiative that is restoring degraded rangelands in 11 ASAL counties.

In conclusion, the Ministry of Agriculture and Livestock Development is committed to advancing the livestock sector through the National Livestock Development and Promotion Service (NLDPS). The Ministry has emphasised collaboration with the county governments, development partners, and other stakeholders. The Ministry has held regular joint meetings with the Council of Governors, and they have produced a roadmap for ASAL counties. There is also the Inter-Governmental Forum and Summit which will take place this October and will crystallise resolutions and revitalise the sector, especially in northern Kenya.

During the just concluded meeting with the Council of Governors, several resolutions were made, which I would like to go through.

The Temporary Speaker (Hon. Martha Wangari): Hon. (Dr) Mutunga, is that the summarised version of the Statement?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Yes, I am winding up. Hon. Keynan was very particular with his request, and I would like to touch his heart.

The Temporary Speaker (Hon. Martha Wangari): You have taken quite some time.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): There are only 15 resolutions.

1. Development of the Kenya Livestock Blueprint as a joint strategy between the national Government and the county governments.
2. Co-financing and operationalisation of abattoirs, feedlots, transport hubs, and tanneries.
3. Implementation of large-scale rangeland restoration and addressing invasive species.
4. Roll out vaccination campaigns targeting about 80 per cent of the livestock by 2027, and establish biosafety laboratories in all the counties.
5. Finalisation and rollout of a livestock master plan and maintenance of updated livestock data.
6. Establishment of breed improvement programmes for early maturing and market fit breeds.
7. Creation and maintenance of animal feed reserves.
8. Fast-tracking of animal identification and traceability systems.
9. Establishment of a livestock revolving fund with Sharia-compliant options.
10. Harmonisation of a policy and regulatory framework to boost competitiveness and exports.
11. Recruitment of livestock extension officers, veterinarians, animal production officers, and range management officers.
12. Clearly delineating roles between the national Government and the county governments in the implementation of the projects.
13. Activation of drought contingency plans for preparedness and resilience.

14. Fast-tracking formation of livestock farmer cooperatives for aggregation and commercialisation.

15. Development of livestock value chains within County Aggregation and Industrial Parks (CAIPs).

Thank you, Hon. Temporary Speaker.

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

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. Last week, this House interacted with a response from the Ministry, which was not only wanting, but completely out of place. I almost sought your indulgence today to be patient with us because we are dealing with an entirely neglected sector.

Two things come to my mind. I requested for this Statement on 30th June 2025. First, I appreciate Hon. (Dr) Mutunga because he is not just the able Chairman of the Departmental Committee on Agriculture and Livestock, but also a well-informed academician. I appreciate him because had it not been for his efforts, I would have accepted that shallow, hollow, and out-of-touch response, and this House would have been duped. The fact that he went back to the drawing board has triggered a number of things.

I requested the Statement on 30th June 2025. The Speaker approved it on 1st July 2025, and shockingly, a few days later, the Ministry of Agriculture and Livestock Development, in cahoots with the Council of Governors, decided to call for a joint meeting – a first of its kind since devolution. Instead of holding the meeting at Serena Hotel, Mombasa, I wish they had gone to Wajir, Garissa, Mandera, Isiolo, Tana River, and many other places, so that they could interact with the people. That meeting came up with 15 resolutions. More encouraging is that those resolutions will be subjected to a further verification meeting that will take place between 23rd and 25th October 2025.

I thank you because this is a very comprehensive Statement.

The Temporary Speaker (Hon. Martha Wangari): Are you happy?

Hon. Adan Keynan (Eldas, JP): Can I finish my contribution, Hon. Temporary Speaker?

The Temporary Speaker (Hon. Martha Wangari): Hon. Keynan, since you requested for the Statement, you know the rules. You can ask for clarification if you need it, but do not debate the Statement. We still have a lot of business to cover.

Hon. Adan Keynan (Eldas, JP): I want to indulge you, Hon. Temporary Speaker. Maybe your ears are not used to the livestock music, but that is on a light note.

The Temporary Speaker (Hon. Martha Wangari): Hon. Keynan, you are out of order. All matters are important to the Speaker. You are totally out of order.

Hon. Adan Keynan (Eldas, JP): The responses and avenues being suggested are very good. Will I be right to ask the Chairman to ensure that those joint resolutions between the Council of Governors and the Ministry are properly implemented? When that meeting takes place between 23rd and 25th October 2025, the Committee, under your able leadership, will be part of the deliberations to ensure that this Statement does not become just another paper that will be thrown onto the shelves of the Ministry of Agriculture and Livestock Development.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. As has been said by Hon. Keynan, Dr Mutunga is up to the task. We will move to the next response to a Statement request by Hon. Joseph Namuar. Is he in the House? Where is he? I did not know Hon. Emathe is also called Namuar. Hon. Kangogo.

DEVELOPMENT AND SUSTAINABLE EXPLOITATION OF
LAKE TURKANA RESOURCES

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I have a response to a request for a Statement by Hon. Namuar regarding the lack of development and non-exploitation of Lake Turkana resources. I will be very brief and summarise the Statement because I had already given the Member a copy of the same.

Lake Turkana is a closed basin located in North-Western Kenya. The response from the Ministry, which is signed by Hon. Hassan Ali Joho, says that there are plans to establish the Lake Turkana Development Authority, including the expected timelines for its establishment. The Lake Basin lies within Kerio Valley Development Authority that has physical offices in Lodwar Town. On whether there are strategies in place to develop the blue economy of Lake Turkana, particularly the fisheries and aquaculture, the Cabinet Secretary is saying that he is strengthening the fish folk capacity. Currently, there are about 51 Beach Management Units (BMUs) in Lake Turkana. They have established monitoring control and surveillance. The department has acquired and deployed surveillance both in Lake Turkana.

There is also a development of fishing and fishing fleet capacities with the new fish markets. Currently, the State Department for Blue Economy and Fisheries is working on the fish markets analysis and fish hydrostatic survey, in partnership with the Dutch Embassy in Lake Turkana. They are also seeking to commercialise the fishing industry in Lake Turkana, whereby the fish is being utilised locally and also internationally within the region.

The Cabinet Secretary has also spoken on strengthening the co-management through co-management needs surveys for the coordinated BMU training, and strengthening the lake wide co-management structures and by-laws enforcement to promote a sustainable exploitation of fisheries. Another strategy in place is the intercommunal and cross-border natural resource-based conflicts, through the promotion of cross-border peace programmes and enhancing a dialogue between the fisher folks and other livelihoods.

The other item speaks on the infrastructure projects that are currently underway to support the economic activities around Lake Turkana, including the roads, the cold storage facilities, and fishing landing sites. There is a proposed construction of fish landing sites in Kalokol and Loiyangalani in Turkana and Marsabit counties, respectively. The landing sites will be equipped with the jetties, cold storage facilities, ice-making machines, potable water, and sanitary facilities and fish processing areas. These facilities will improve the fish post-harvest management. Further, modern fish markets are proposed for establishment in Kalokol and Lowarengak in Turkana County. These fish markets include the fish landing sheds, cold storage units and processing areas. The fish markets will support the fishing community by providing trading and marketing opportunities. The modern markets will also promote the fish value chain to tap on the high local markets.

The State Department for Blue Economy and Fisheries has developed the concept note for a project covering Samburu, Turkana, and Marsabit counties. It is also supported by International Fund for Agricultural Development (IFAD). The Ministry is implementing the Lake Turkana Maritime Transport and Investment Project, whose objective is to develop the integrated framework for managing maritime resources, infrastructure, and well-developed and safe system of maritime transport. Under the same, the development of Lodwar-Kitale-Nadabal, and Lodwar-Kalokol roads has also improved access to the fisheries. These are just road networks that will make it easier for the fish to be taken to the market.

On the support being provided to fisher folk and BMUs to enhance access to equipment, financing, markets, and capacity building, there are about 51 registered BMUs in Lake Turkana; 41 in Turkana County and 10 in Marsabit County. Through the Kenya Fish Marketing Authority (KFMA), the 51 BMUs have been sensitised on the fish commercialisation and subsequent establishment of fish marketing cooperatives. The cooperatives will strengthen the currently weak market structure by improving their bargaining power. The State Department is in the process of facilitating the BMUs with modern fish drying racks, which will improve the hygiene quality of sun -dried fish. In collaboration with the Intergovernmental Authority on Development (IGAD), they have trained about 30 women in fishing gear development and repair, to enhance sustainable fishing in the lake.

On the measures in place to protect Lake Turkana from environmental threats, including coordination of conservation efforts and sustainable exploitation of resources, currently Lake Turkana is experiencing high water levels. The increasing water levels has not only displaced the fishing community, but also destroyed the community structures, including the dry fish stores, the cold fish storage, and the fish processing facilities, particularly the Kalokol and Loiyangalani. Through collaboration with the development partners, need assessment has been conducted to evaluate the damage and interventions.

Under the Lake Turkana fisheries management plan, the water abstraction, climate change and pollution are strategic issues identified for consideration. The strategic issues will be addressed through the establishment of transboundary River Omo-Lake Turkana management plan, promotion of sustainable land use in the basin, monitoring of heavy metals and macronutrients, and the establishment of pollution monitoring unit. The department through the Kenya Fisheries Service is continually conducting monitoring control and surveillance to combat illegal, unreported and unregulated fishing activities in Lake Turkana. These efforts will ensure sustainable fishing. In partnership with IGAD, they have also developed the Omo-Turkana Basin Integrated Fisheries Management Plan to address the Omo Basin catchment issues in Kenya, Sudan, South Sudan, Somalia, and Ethiopia.

Lastly, the Kenya-Ethiopia Memorandum of Understanding (MoU), signed on 21st February 2024, establishes the framework for consultation and cooperation in fisheries and aquaculture. Among the areas of cooperation in the MoU include, cooperation on sustainable development and management of fisheries and aquaculture, fish quality assurance, and capacity building. This will provide a holistic approach towards the sustainable management of Lake Turkana Basin resources, addressing the resource-based conflict, anthropogenic and environmental threats.

Hon. Temporary Speaker, that is the response which is signed by Hon. Ali Hassan Joho, EGH, Cabinet Secretary, Ministry of Blue Economy, Mining, and Maritime Affairs.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Turkana Central, are you satisfied?

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Speaker. I am not satisfied with the response. If I am told to rate on a scale of five, I will give it one; only on item number three. I say so because it is only the fish markets that were just advertised and we did site handovers recently, that are tangible. And that is an answer to my question number three.

Allow me to quickly say three things on this response. Number one, the first research on Lake Turkana potentiality was done in 1982. Recently in 2022, research was done by IGAD and ECOFISH. Dr Wassie Anteneh, who did the research on using the full wealth potential of Lake

Turkana, in his report said, “fish, which should be a source of development, die of old age in Lake Turkana”. That is a recent report of 2022. In short, Turkana County is not developed and its potential is not being exploited. That is what our President meant when he said fish in Lake Turkana die of old age. He was referring to the Report by Dr Wassie Anteneh.

Secondly, Lake Turkana has the potential of producing 30,000 metric tonnes of fish, but we are currently producing only 5,000 metric tonnes annually. That is why the 25,000 fish die of old age. This Lake has a potential of feeding over 50 per cent of the population in Turkana County as a source of livelihood.

Allow me to also say that Turkana and Marsabit Counties are not connected in the same manner as Homa Bay and Siaya Counties because we do not have a ferry. If we had one, it would have improved transport, business and trade. That is why we are not able to reach Marsabit County. We have to go up to Samburu County to reach Marsabit County.

Thirdly, in the Financial Year 2021/2022, an allocation of Ksh13 billion was given to the State Department for Fisheries. Only Ksh30,000 was given to Lake Turkana for training of Beach Management Units (BMUs). The rest went to the Indian Ocean and Lake Victoria. When I look at this response, it reads like a concept note. There is nothing tangible we can say is happening in Lake Turkana.

I thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kangogo, you have been rated at 20 per cent from that statement. What do you have to say?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, to an extent, I agree with Hon. Namuar that Lake Turkana has been neglected for a while. On 20th of this month, my Committee will visit Lake Turkana for a public participation activity, which I also reported before you in the Liaison Committee. We are developing a new Fisheries Management and Development Bill which will address many of the challenges that our fishermen have been facing, including those in Lake Turkana.

On the same day, we shall also be going to Baringo and Naivasha. Once the new Fisheries Management and Development Bill is passed by this House, we will ensure that legislation is in place to address all those challenges that our fishermen are facing. Therefore, I invite Hon. Namuar to Lake Turkana on the 20th to hear the fishermen’s views as we legislate so that we can factor them into the Bill. I know they will bring up the issue of development of the lake’s landing sites, among others.

Lastly, the Ksh13 billion he is talking about is a donor-funded project through the Ministry. That money was specific to about five coastal counties, including Mombasa and Kwale. The Ministry has another agreement, the second phase of the project, which we have discussed with the Cabinet Secretary, Hon. Ali Hassan Joho, to include Lake Turkana in the next phase of funding. As the Chairperson of the Committee, I will personally take it up with the Ministry. I will include Hon. Namuar so as to ensure that the fishing industry is upgraded across the whole country, including Lake Victoria and Mombasa.

Thank you.

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

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Temporary Speaker, a quick one.

The current financial year’s budget on fisheries for Lake Turkana does not reflect equity. Implementation must start with this budget other than just giving us concept notes.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chairman, I am sure you have heard his concerns.

The next response is to the Member for Kandara Constituency. Are you in the House? The response to that Statement is by Hon. GK and his Committee.

CONSTRUCTION OF A ROAD IN KANDARA CONSTITUENCY

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Temporary Speaker. The Member for Kandara Constituency, Hon. Njuguna Chege, requested a statement regarding the completion of the Mackenzie-Muruka-Kamurugu Road. In the request, he sought the following:

1. Reasons for stalling of construction of the Mackenzie-Muruka-Kamurugu Road from 2022 to date, despite the contractor having been paid part of the contract sum by the Government in fulfilment of its obligation.
2. A detailed report accounting for the sum of Ksh24,002,981 paid to the contractor against the proportion of works undertaken.
3. The estimated timeline for the resumption and completion of the road as per the contract awarded in 2021.
4. Interim measures, if any, put in place to alleviate the transportation challenges in the area during the construction period.

Hon. Temporary Speaker, the Committee received a response from the Ministry of Roads and Transport on 30th September 2025, which I now wish to make.

Regarding the reasons for the stalling of the Mackenzie-Muruka-Kamurugu Road from 2022 to date, despite the contractor having been paid part of the contract sum by the Government in fulfilment of its obligation, the Ministry reported that the contractor, M/S Notchmark Supplies Limited, scaled down operations in July 2022 after delays in payment of the second Interim Payment Certificate (IPC) worth Ksh24,002,981.76. Although the contractor had mobilised in May 2022 and carried out activities such as pothole patching along the 15.6-kilometre stretch and laying a 2.2 kilometre asphalt overlay, he later demobilised while awaiting payment, which was eventually made in October 2023. Despite receiving the funds, the contractor failed to fully resume work and had earlier delayed mobilising even after being awarded the contract in August 2021.

The Ministry outlined that so far, only 39.7 per cent of the work had been completed despite 1,461 days, equivalent to 400 per cent of the contract period, having elapsed. Completed activities included a topographical survey, site clearance for full length, ditch cleaning, desilting and cleaning of culverts and potholes, cutting and trimming, processing of base layers, priming, laying asphalt concrete for 2.2 kilometres and construction of 69 metres of 600-millimetre culverts.

On the estimated timeline for the resumption and completion of the road, the Ministry through the Kenya Rural Roads Authority (KeRRA), has undertaken several interventions towards full resumption of works. These included several management meetings in the past two months with the contractor who has since committed to mobilise and resume works in the month of October this year and undertake the remaining works within six months.

Additionally, on the interim measures put in place to alleviate the transportation challenges in the area, the Ministry noted that once the contractor resumes work in the month of October this year, priority will be given to pothole patching, as they remain the main challenge. This will significantly improve the riding surface of the road. The next activity to be prioritised will be laying the asphalt concrete overlay. Hon. Temporary Speaker, I submit.

The Temporary Speaker (Hon. Martha Wangari): Member for Kandara, are you satisfied with the statement?

Hon. Njuguna Chege (Kandara, UDA): Thank you so much, Hon. Temporary Speaker. Before I respond to the Chairman of Transport, allow me to pay tribute to the 16 victims who perished on Sunday during that gruesome road accident on Nairobi-Nakuru Highway. We convey our heartfelt condolences to the families. This is one family that lost all family members. We pay tribute to the families of Mr. Karanja, Mr. Mburu and Mr. Karatu. Our heartfelt condolences goes to all the families. We pray to God to give them comfort and peace during this very difficult time of their loss. May God bless the memories of the victims and in the word of scripture, may God heal our broken hearts and bind up our wounds. I would request you to have the House observe a one-minute of silence to honour the members of the family and the victims who were lost on Sunday.

If I can comm on the response by the Chair...

The Temporary Speaker (Hon. Martha Wangari): Member for Kandara, I have indulged you and on behalf of the House, we also send our condolences. On behalf of Gilgil, where this accident took place, I want to confirm it is one of the worst accidents we have ever seen. We send our prayers to the families that were affected from Kandara and we pray, as you have said, that they will have peace. Regardless of that, I have indulged you, despite the fact that you are to seek clarification. But from now, because you have already done that, kindly prosecute your matter with the Chair.

Hon. Njuguna Chege (Kandara, UDA): Thank you. To the response, we are already in the month of October and I have not seen any signs of the contractor coming back to the site. I just wanted to make sure we are talking of October 2025. Thank you.

Hon. George Kariuki (Ndia, UDA): Hon. Temporary Speaker. Hon, we will make sure that this contractor is given enough pressure to do what he is supposed to do. I will support my colleague in ensuring that this road is completed and that we will ensure the Ministry does what is expected of them. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Machakos, to be responded to by the same Committee. Is the Member for Machakos in the House? If she is not in the House, you shall table the response, Chair. We will go to the next request for statement by Hon. Bady Twalib. Are you in the House? Yes, so you will table the response to Hon. Kamene and respond to the request for statement by Hon. Abu.

Hon. George Kariuki (Ndia, UDA): Hon. Temporary Speaker, Hon. Abubakar Twalib requested for a statement regarding traffic congestion along Changamwe-Port Reitz Road. Hon. Bady Twalib requested as follows:

1. Measures being put in place by the Government to ease congestion along Changamwe-Port Reitz Road in Mombasa to ensure smooth flow of traffic in the area.
2. The long-term measures that the Government is putting in place to address traffic congestion in the area, including plans if any, to relocate the container depots to alternative locations.
3. Detailed steps that the Government is taking to ensure that Kenya Ports Authority embraces technological changes to adapt to meet the demand of the fast-growing shipping industry.

The Committee received a response from the Ministry of Roads and Transport on 30th September (30th June is my birthday). I now wish to make the statement.

1. Regarding the measures being put in place by the Government to ease congestion along Changanwe-Port Reitz Road, the road was recently expanded into a dual carriageway to increase its capacity and ease traffic flow. The Ministry noted that current congestion was largely caused by trucks queuing to access container freight stations and the Port of Mombasa, which are under the jurisdiction of KPA.
2. On the long-term measures that the Government is putting in place to address traffic congestion in the area, the Ministry stated that KPA had embarked on constructing a new road within the port premises to help decongest the area and facilitate faster cargo movement.
3. Further on, the detailed steps that the Government is taking to ensure that Kenya Ports Authority embraces technological changes to adapt to and meet the demand of the fast-growing shipping industry; the Ministry highlighted several initiatives under KPA's Strategic Plan 2023/24 to 2027/28 aimed at embracing global shipping trends and technological advancement. Among them:
 - (a) Upgrading the terminal operating system for the end-to-end digitization.
 - (b) Installing smart gates and a truck appointment system to streamline cargo movement.
 - (c) Migrating to KPA SAP Platform 2 as for HANA for automation of administrative functions.

The following are the other measures involved meant to ease congestion:

- (a) The installation of a vessel traffic measurement and information system to enhance mitigation, safety, and efficiency.
- (b) Adoption of an electronic data interchange platform for better collaboration with their trading partners.
- (c) Migration from analogue to digital wireless radio communication to improve service delivery and system integration with key actors such as shipping lines, revenue authorities and partner states can trade and bank under the single window model.

The ministry emphasised that these combined efforts were geared towards improving efficiency, safety and productivity at the Port of Mombasa while addressing both immediate and long-term traffic concerns. I submit.

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

Hon. Taby Twalib (Jomvu, ODM): Thank you, Hon. Temporary Speaker. I am not satisfied on the first question. I had requested the Ministry to look into congestion as that blocks the highway, which is busy.

The Temporary Speaker (Hon. Martha Wangari): I cannot hear you. I need to hear you, Hon. Twalib.

Hon. Bady Twalib (Jomvu, ODM): Hon. Temporary Speaker, I am requesting the Ministry of Roads, Transport and Public Works to move with speed and ease congestion on the Changanwe-Port Reitz Road due to the inland container depots that operate on this area. As a licensing authority, this cannot go on as the traffic congestion blocks the main highway. The depots operate from the main highway. This is a matter of concern that the Ministry can move in quickly and correct it.

Thank you.

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

Hon. George Kariuki (Ndia, UDA): Hon. Temporary Speaker, thank you. I am surprised because my colleague is not satisfied with this very comprehensive and well-detailed response which has timelines. The Ministry told us that they would engage technological advancement measures to address the congestion challenge.

The Temporary Speaker (Hon. Martha Wangari): The Member has said that you fast-track it which is in order.

Hon. George Kariuki (Ndia, UDA): We will do that. Thank you.

MEMBERS' GENERAL STATEMENTS

The Temporary Speaker (Hon. Martha Wangari): Let us go to the General Statement by the Member for Tetu, Hon. Wandeto.

DEMISE OF HON. FRANCIS THOMBE NYAMMO

Hon. Geoffrey Wandeto (Tetu, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 259D(2)(a), I rise to report the demise of Hon. Francis Thombe Nyammo, former Member of Parliament for Tetu Constituency, who passed away on Sunday, 28th September 2025.

The late Hon. F.T. Nyammo was born in 1939 in Tetu, Nyeri County. He lived a life wholly dedicated to the service of the people. His educational journey laid a strong foundation for his career, culminating in higher studies that equipped him with the knowledge and vision to lead. A man of intellect and compassion, he channelled his energies into uplifting his community and the country.

Hon. Nyammo ventured into politics in 2007, successfully contesting the Tetu Constituency seat under the Party of National Unity (PNU). He served in the 10th Parliament from 2007 to 2013, where he distinguished himself as a diligent and principled legislator. During his parliamentary stint, he served in the Departmental Committee on Education, Research and Technology, Constituencies Development Fund Committee and Library Committee where he made significant contributions. In this House, he was known for his thoughtful interventions and his unwavering commitment to accountability, oversight and transformative development.

Beyond the Chambers of Parliament, Hon. Nyammo was a respected community leader and businessman. As Chairman of Longhorn Publishers, he advanced educational publishing in Kenya, playing a pivotal role in expanding access to knowledge. His involvement in the Rotary movement in Nairobi reflected his deep sense of service, earning him the affectionate pet name "FT," short for "Fun Times," which symbolised his warmth, friendliness and ability to connect with people from all walks of life. Hon. Nyammo's people-centred leadership and legacy is etched not only in the projects he spearheaded but also in the remarkable inspiration he imparted to young people and the community at large.

As we mourn the passing of this distinguished leader, we take solace in the enduring memory of his service and sacrifice. His death leaves a void, yet his contributions will continue to inspire current and future generations. The late Hon. F.T. Nyammo was cremated on Monday, 29th September 2025, in accordance with his last wishes.

I convey my heartfelt condolences to the family of the late Hon. F.T. Nyammo, the people of Tetu Constituency and the nation at large during this difficult time. May his soul rest in eternal peace.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Wandeto. We join you in wishing and sending our condolences to the people of Tetu and the family of the late F.T. Nyammo. If you wish to make a comment on this, kindly use the intervention button. To be more orderly, we will get the Statement from Hon. Biego for the late Hon. Elijah Langat and then we can make comments together. Hon. Paul, you have the Floor to make your Statement.

DEMISE OF HON. ELIJAH LANGAT

Hon. Paul Biego (Chesumei, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 259D(2)(a), I rise to pay tribute to the former Member of Parliament for Chesumei, the late Hon. Elijah Kiptarbei Lagat, who passed away on 29th September 2025.

The late Hon. Elijah Kiptarbei Lagat passed away on Monday, 29th September 2025 at the age of 59. His passing on is a profound loss to his family, friends and the community he served with unwavering dedication and commitment. He was born on 19th June 1966 and raised in Saniak Village within Chesumei Constituency. He schooled in Saniak Primary School and Saniak Secondary School. He held a Bachelor of Arts Degree and Diploma in Adult Education both from the University of Eastern Africa, Baraton. Until his death, the late Hon. Lagat was serving as a board member of the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA).

The late Hon. Elijah Lagat will be fondly remembered both for his outstanding athletic achievements and distinguished public service. Before venturing into politics, he was a celebrated marathoner who earned international acclaim. Interestingly, his journey into long distance running began as a personal effort to reduce weight at the age of 27 which remarkably grew into a world-class career. Notably, he won the 104th edition of the Boston Marathon, after edging out Ethiopia's Gezahegne Abera in a record time of 2 hours, 9 minutes and 4 seconds. It is within the same race that another Kenyan, Moses Tanui, finished in third place, three seconds later. He also featured in the 1995 Frankfurt Marathon, finishing second with a time of 2 hours, 12 minutes and forty seconds. His first win came during the Berlin Marathon where he took the top honours in a personal best time of two hours, seven minutes and 41 seconds. He later triumphed at the 1998 Prague Marathon with a time of two hours, eight minutes and 52 seconds.

In 2002, the late Hon. Lagat vied for the Emgwen Constituency parliamentary seat on a Kenya African National Union (KANU) ticket, but was unsuccessful. He remained undeterred. In 2007, he successfully vied and was elected as the Member for Emgwen Constituency on the Orange Democratic Movement (ODM) ticket. He was also successfully re-elected in 2013 where he became the first elected Member of Parliament for the newly-formed Chesumei Constituency which I serve currently. During the 10th and 11th Parliaments, the late Hon. Lagat served diligently as a Vice-Chairperson of the Catering and Health Services Committee and a member of the Departmental Committee on Labour and Social Welfare.

On behalf of this House, I extend our deepest condolences to the family of the late Hon. Elijah Kiptarbei Lagat, his friends, the great people of Chesumei Constituency, entire Nandi County and the nation at large. As we mourn his loss, may we draw inspiration from his extraordinary life of service, humility and dedication to humanity.

May his soul rest in eternal peace. In our mother tongue we say, “*mutyo missing*”.

The Temporary Speaker (Hon. Martha Wangari): Thank you. We also send our condolences to the family of the late Hon. Lagat. I was lucky to have served with him in the 11th Parliament. We pray for peace for his family.

Hon. Members, I will indulge a few of you to make comments, each in one minute. Then we will have a moment of silence for both of them. We will start with Hon. Dorothy Ikiara.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I join Hon. Wandeto and Hon. Paul in mourning the two gallant soldiers who served so diligently in this House.

Death is painful, but the legacies that we leave behind are never erased. I want to join the families and say may their souls rest in eternal peace.

At the same time, allow me to join Hon. Mugo in mourning with the families that lost their loved ones. As we mourn the loved ones, we want to draw lessons that life is too sacred to be lost. We urge our drivers and all people who use either private or public transport to be more cautious.

Hon. Temporary Speaker, it is painful to learn that a whole family was wiped out. For the future, let us also state that sometimes when we are travelling as families, we should split up so that in the event of any eventuality, we can at least mourn a few. May their souls rest in eternal peace. Amen.

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

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you very much, Hon. Temporary Speaker, once again for giving me a chance to join my colleagues in condoling and mourning the loss of great leaders of this country. In particular, Hon. Lagat, who in Nandi was a beacon and a leader, was in 2000 in the same league with Catherine Ndereba as a talented sportsman. When Catherine was leading in the women's race, Hon. Lagat was cementing his position in Boston Marathon and lifting the name of this country to the higher level and inspired many young people in Nandi and across the country to love sport. So, I join to condole.

Secondly, Hon. Lagat having been a Member of Parliament for Emgwen and Chesumei, pioneered the two constituencies. He did fantastic projects in Nandi.

The Temporary Speaker (Hon. Martha Wangari): We will keep it short. Hon. Nyakundi.

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): Thank you, Hon. Temporary Speaker, for also giving me this chance. I also give my sincere heartfelt condolences to the families of Hon. Lagat and Hon. F.T. Nyamu for their loss. We lost our members and gallant soldiers who worked hard for the people of this country.

To be specific, Hon. F.T. Nyamu was the founding member of Longhorn Publishers and the owner of Kenya School of Professional Studies, which many Kenyans passed through. Hon. Lagat, was a Member of Parliament for Chesumei and an athlete who nurtured talent and showed a good example to many young people. We say *pole sana* to the people of Chesumei and the people of Tetu. To the leaders who are here, we say *pole* on behalf of those people.

Thank you.

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

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I join my colleagues in condoling our two great leaders: Hon. F.T. Nyamu and Hon. Elijah Kiptarbei Lagat. I served in this House with Hon. Lagat, who was a committed Member. He was an astute athlete. In fact, if you look at his achievements in Boston, in London, and in all the leading cities in the world, he did a lot.

More importantly, when he came to Parliament, he served for two terms as a Member of Parliament for Emgwen and later on Chesiumi, and he did great work in trying to reach the poor and establish schools. He even went on to fight for his community.

Hon. F.T. Nyamu was a great publisher, and more importantly, an educationist. He played a big role in establishing private university education in this country. I agree with my colleagues that we have lost two great men. May their souls rest in eternal peace.

Thank you.

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

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Speaker.

Allow me to pass my condolences to the families, relatives, and the people of both Tetu and Chesiumi for the loss of these great men who served various constituencies. Hon. Elijah Lagat first served Emgwen, then Chesiumi when the new Constitution was promulgated. He played a very big role in Kenyan history. The history of Kenya in terms of sports will not be written without his name appearing as the world champion of the 104th Boston Marathon, which he ran and won in 2 hours and 9 seconds. From being a runner to being a politician and succeeding in both fronts tells us that he actually served this country in both sides. That goes to say that he will be remembered for all the good things that he did for this country.

May the souls of those two men rest in peace and *pole* to the families and the greater community of both Chesiumi and Tetu. Thank you.

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

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. On behalf of the great people of Navakholo, my family and I, allow me to join the two Members of Parliament, Hon. Wandeto and my good friend, Hon. Paul, in mourning the demise of these two gallant sons.

Hon. Temporary Speaker, you and I had the privilege of serving here with Hon. Elijah Lagat. The only description I would want to give him is that he was ever a smiling person. He would come into the House smiling but he was very firm on what he wanted to achieve. As our representative on the Committee on Members Services and Facilities, I remember a time when the late Hon. Jakoyo Midiwo raised an issue with respect to what was being consumed in Parliament. Hon. Elijah Lagat was very strong and firm to suggest to the Members that the Committee on Members Services and Facilities was as equal as any other Committee. He was strong and I wish to commend him and say may his soul rest in eternal peace.

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

Hon. Nicholas Ng'ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker. On my behalf and on behalf of the people of Turkana East, I wish to send my condolences to the two families of our late brothers. I was with the late Hon. Lagat in this House from 2013 to 2017. I remember one time when we were just taking tea at the lounge, he told me a story of his life, one that I cannot forget in my life as a politician. The late told me about his life of going to the constituency every Friday. He would go with the youth and the youth would facilitate him to come back to Parliament every...

The Temporary Speaker (Hon. Martha Wangari): Hon. Mwafrika, Member for Roysambu, it is one minute.

Hon. Kamande Mwafrika (Roysambu, UDA): Thank you, Hon. Temporary Speaker, for this opportunity to join my colleagues in condoling with the families of the departed leaders who served in this House. Hon. F.T. Nyammo is on record for acquiring Longman Kenya Limited, which later became Longhorn Publishers. He contributed a lot to the education of this country. The

Longhorn Publishers is known to have published several Kiswahili books, such as Kiswahili Mufti. May their souls rest in eternal peace.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Ahsante, Mhe. Spika wa Muda. Yangu ni kuchukua nafasi hii kutoa rambirambi zangu kwa jamii ya familia za hawa waheshimiwa wawili ambao wamepoteza maisha yao. Nafikiri ni kumbusho kwa sisi wote ya kwamba miili hii si yetu. Tuko katika safari na wakati mwenye miili hii atakaposema wakati umefika, basi hatutakuwa budi ila kuondoka kwenda kwa dunia ambayo hatuijui lakini tunaambiwa. Kwa hivyo ni wakati wetu wa kukumbushwa kujiandaa kila siku, kujihusisha na wenzetu katika mambo ambayo ni ya manufaa kwa jamii, Mwenyezi Mungu na kwa familia zetu. Kila siku tukumbuke kwamba wakati tu ndio haujafika, lakini pindi wakati huo ukifika, sisi wote tutaondoka.

Ahsante, Mhe. Spika wa Muda.

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

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, I register on my own behalf and on behalf of the people of Homa Bay Town Constituency my deepest and heartfelt condolences on the passing of our two former colleagues. I knew Hon. F.T. Nyammo. I remember him in the 10th Parliament, and I knew him at a time when we were studying at the Faculty of Law, which was just across the road from an enterprise yard that was at the time called Kenya School of Professional Studies. I remember it later became Inorero University. I condole with the family and pray for God's strength for the family of Hon. F.T. Nyammo.

As for Hon. Elijah Lagat, we served together in the 11th Parliament here. He was very amiable, humble, patriotic, jovial, and ever laughing in his interactions; nothing was ever difficult with him. I remember, as we approached the 2017 elections at a time when nobody in Rift Valley valued a politician associating with our political formation, Hon. Elijah Lagat hosted me with my party leader, the Right Hon. Raila Amolo Odinga, in Kapsabet. He dressed Raila as a traditional leader of the Nandi community.

May his soul rest in peace. May our good Lord comfort and strengthen the family of Hon. Elijah Lagat, and of course, the family of Hon. F.T. Nyammo.

Thank you, Hon. Temporary Speaker.

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

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also join my colleagues in condoling with the families of our late brothers, our former colleagues. I knew a little of Hon. F.T. Nyammo, the proprietor of Longhorn Publishers. We wish to pass our condolences to both families. May the Almighty God give them strength during these grieving and tough times. Thank you.

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

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I also condole with the families of the two great leaders, former Members of Parliament. I had the pleasure of being a friend of Hon. F.T. Nyammo for well over 25 years, long before he became a Member of Parliament for Tetu, when he was in the finance sector. I come from a constituency that has directly benefited from his support through Longhorn Publishers. I also heard a lot about our other gallant Member of Parliament, Hon. Elijah Lagat, because he served this country with great honour. He brought us prestige, image and many medals.

I condole with both families. To the wife, *mjane wa ndugu yetu* Hon. F.T. Nyammo, who is known to me as Halima Shaiya, I say: bear this loss. We wish you all the best in your future.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, we shall have a moment of silence for our fallen colleagues. May we all be upstanding.

(Members observed a moment of silence)

May their souls rest in eternal peace. Next order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairman (Hon. Farah Maalim) in the Chair]

VIRTUAL ASSET SERVICE PROVIDERS (AMENDMENT) BILL (National Assembly Bill No. 15 of 2025)

The Temporary Chairman (Hon. Farah Maalim): Hon. Members, let us settle down so that we can begin business. We are in Committee of the whole House to consider the Virtual Asset Services Providers Bill (National Assembly Bill No. 15 of 2025).

Clause 3

The Temporary Chairman (Hon. Farah Maalim): Hon. Kuria Kimani, move your amendment.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:
THAT, Clause 3 of the Bill be deleted.

This proposed amendment deletes the definition of the term Virtual Asset Service Providers, which has already been provided for in Clause 2 of the Bill. Since it is already covered in Clause 2, there is no need to have it again in Clause 3. That is why we are proposing a deletion of Clause 3 of the Bill.

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

(Clause 3 as amended agreed to)

(Clause 4 agreed to)

Clause 5

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:
THAT, Clause 5 of the Bill be amended—

- (a) in subclause (2) by deleting the words “For avoidance of doubt,” appearing in the introductory statement;

- (b) by inserting the following new subclause immediately after subclause (2) —
“(3) For the purposes of the Act, virtual service tokens are not virtual assets and a person or legal arrangement that provides services that involve virtual service tokens only are not required to have a license under this Act.”

Hon. Chair, this proposal is intended to clean up the amendment. I think the drafters of the Bill were using the old language of “for avoidance of doubt” that is no longer used in legal drafting. Therefore, the amendment seeks to delete the words “for avoidance of doubt” appearing in the introductory remarks. It also seeks to exclude virtual asset tokens from the Act.

(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
be inserted, put and agreed to)*

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, Clause 7 of the Bill be amended by deleting paragraph (e).

The proposed amendment seeks to delete the obligation of regulatory authorities to provide feedback to virtual asset service providers on matters of detecting and reporting suspicious activities. The provision proposed in Clause 7 has already been provided for under Clause 39 (2) of the Bill. Therefore, there is no need to repeat it in Clause 7.

(Question of the amendment proposed)

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

(Clause 7 as amended agreed to)

(Clause 8 agreed to)

Clause 9

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, the Bill be amended by deleting Clause 9 and substituting therefor the following new clause—

Eligibility.

Cap 486.

Cap 486.

“9. (1) A person is eligible to apply for a license to offer one or more of the permissible activities under this Act, if it is a company limited by shares registered under the Companies Act or foreign company limited by shares and registered under the Companies Act.

(2) A person shall not carry on, or purport to carry on, the business of virtual asset services, or hold itself out as carrying on that business, in or from Kenya, unless that person is licensed to do so by the relevant regulatory authority under this Act.

(3) A person who contravenes subsection (1) or (2) of this section commits an offence and is liable, upon conviction, to a fine or imprisonment, or to both, as specified under section 41(3) to this Act.

Hon. Temporary Chair, the amendment is seeking to do a clean up for the provisions of Clause 9 so that it provides proper order and logical flow.

(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)*

(Clause 9 as amended agreed to)

Clause 10

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, Clause 10 of the Bill be amended –

- (a) by deleting subclause (1) and substituting therefor the following new subclause (1)-
 - (1) The permissible activities under this Act are as set out in the First Schedule to this Act.
- (b) in subclause (2) by deleting the words “relevant regulatory authority may” and substituting therefor the words “Cabinet Secretary may, in consultation with the relevant regulatory authority,”;
- (c) by deleting subclause (3);
- (d) by deleting subclause (4).

Hon. Temporary Chair, the amendment seeks a clean up. It is providing for subclause (1) for permissible activities under this Act. It proposing to delete subclause (1) and substituting therefor with a new subclause (1) that reads, in verbatim, “The permissible activities under this Act are as set out in First Schedule to this Act”. Therefore, it is not just a clean up. It also provides, in subclause (1), the permissible activities allowed under this law.

(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 deleted
be deleted, put and agreed to)*

(Clause 10 as amended agreed to)

Clause 11

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, Clause 11 of the Bill be amended –

- (a) by deleting subclause (1) and substituting therefor the following new subclauses —
 - (1) An eligible person may make an application for a licence to offer one or more of the permissible activities to the relevant regulatory authority.
 - (1A) An application shall be in the manner and shall be accompanied by such fee as may be prescribed by the Cabinet Secretary.
- (b) in subclause (4) by deleting the words “that enables the relevant regulatory authority to make a determination” appearing immediately after the words “prescribed in the Regulations”.
- (c) in subclause (8) by deleting the words “that person” appearing immediately after the words “or should reasonably know is false or misleading,”.

The deletion of subclause (1) and substituting with a new clause as provided in the Order Paper is a clean up. It also seeks to do a proper and logical flow.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Is there any debate? Hon. Raso, do you have an issue?

Hon. Ali Raso (Saku, UDA): Thank you very much. Considering that this is a very important Bill, this amendment confirms that virtual business must be within controlled space. It should be regulated through an authority and the Cabinet Secretary. It does not matter where individuals are in the world. Someone must be watching over them as long as they are doing business in Kenya.

*(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 deleted
be deleted, put and agreed to)*

(Clause 11 as amended agreed to)

(Clause 12 agreed to)

Clause 13

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, Clause 13 of the Bill be amended in subclause (5) by deleting the words “that person” appearing immediately after “provisions of subsection (2) or (3)”.

This is a clean-up so that there is proper logical flow in that clause.

(Question of the amendment proposed)

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

(Clause 13 as amended agreed to)

(Clause 14 agreed to)

Clause 15

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT Clause 15 of the Bill be amended in subclause (2) by deleting the words “, that person” appearing immediately after “subsection (1)”.

Although we really appreciate the National Treasury for this very important Bill, we all agree it is one of the most poorly drafted Bills the Committee has handled. We had to do a lot of clean up. There were mistakes that should not have found themselves in the published Bill. For example, Clause 15 says, “A license granted under this Act cannot be transferred or assigned without prior written approval of the relevant regulatory authority.” Subclause (2) says, “Any person who contravenes the provisions of subsection (1) shall be liable to the administrative penalty specified under section 42(f).” The words “that person shall” are not relevant in that particular clause. That is why we are proposing that we delete the words “that person”. Therefore, the Clause will read, if this House agrees with this amendment, “Any person who contravenes the provisions of the subsection (1) shall be liable to the administrative penalty specified under Section 42(f)”. Therefore, the words “that person” are completely irrelevant in this particular clause.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Any debate?

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

(Clause 15 as amended agreed to)

Clause 16

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 16 of the Bill be amended in subclause (1) by deleting the words “virtual asset service provider” appearing in the introductory statement.

Again, this is a clean up of Clause 16, which reads, “The relevant regulatory authority may suspend, vary or revoke a virtual asset service provider licence where it is of opinion that...” and provides for those conditions.

However, Hon. Temporary Chairman, it is common sense that the law talks about virtual assets service providers and therefore the use of the words “a virtual assets service provider” are completely unnecessary in this particular Clause. That is why we are proposing to delete the words “virtual asset service provider” so that the law reads, “the relevant regulatory authority may suspend, vary or revoke a licence if it is of the opinion that...” and it now provides for those particular conditions.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): I support the proposed amendment by the Chairman of the Committee. I ask that we look at Clause 16(1), which is being amended with the definition of licence. Under Clause 2, “licence” is defined to as a virtual asset service provider licence. So, we cannot repeat “virtual service provider licence”. We just use “licence”. So, we delete “virtual service provider”.

I support.

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

(Clause 16 as amended agreed to)

Clause 17

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 17(1) be amended in paragraph (d) by deleting the word “send” appearing immediately after the words “notification to be” and substituting therefor the word “sent”.

Again, this is a clean-up of errors that should never have found themselves in such a piece of law. Paragraph 17(1) (d) says, “a licensee may surrender its license by giving a prior notice for surrender accomplished by the following information.” Paragraph (d) talks about “the notification to be send to clients of surrender.” We cannot say “the notification shall be send.” The correct verbal phrase to use there would be “shall be sent.”

Therefore, we are deleting the word “send” and replacing therefore with the word “sent” to correct that particular grammatical error. Again, this is an error that should never have found itself in the publication of such a very important Bill.

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

*(Question, that the word to be inserted in place
thereof be inserted, put and agree to)*

(Clause 17 as amended agreed to)

(Clauses 18, 19 and 20 agreed to)

Clause 21

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 21 of the Bill be amended—

- (a) in subclause (1) by deleting the words “subsection (2) and”
- (b) in subclause (4) by deleting the words, “that person” appearing immediately after the words “provisions of this section”.

Again, this is just a clean-up to make sure we correct grammatical errors in the Bill and also ensure the Bill has a logical flow.

(Question of the amendment proposed)

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

(Clause 21 as amended agreed to)

(Clauses 22, 23 and 24 agreed to)

Clause 25

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 25 of the Bill be amended—

- (a) in paragraph (e) by deleting the words “anti-money laundering and counter terrorism finance” and substituting therefor the words “AML/CFT/CPF”;
- (b) in paragraph (s) by deleting the word “comply” and substituting therefor the word “complies” appearing in subparagraph (iv).

The words “anti-money laundering and counter-terrorism” are easily substituted with their initial abbreviations “AML/CFT/CPF.” We find that in other places in the Bill, where we refer to anti-money laundering, and counter-terrorism finance, we use the abbreviations AML or CFT or CPF. For the sake of consistency, that is why we are deleting the words “anti-money laundering and counter-terrorism finance” and substituting therefor with the abbreviations.

In paragraph (b), we are deleting the word “comply” to replace it with the word, “complies” to make sure that it is grammatically correct.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Any debate? Yes. Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, I support the proposed amendment to Clause 25(b) but I do not agree with the proposed amendment to clause 25(a). This is because, in Clause 2, the abbreviations therein are not defined, unless they are proposed to be defined in the committee's amendment. What is defined in Clause 2 is anti-money laundering and counter-terrorism finance, which is what we are seeking to delete for an abbreviation. Unless specifically defined, the abbreviations may mean other things depending on

the people using them. So, I request the Chairman of the Committee to withdraw the amendment unless, of course, we are taking the abbreviations to Clause 2, not the old phrase.

The Temporary Chairman (Hon. Farah Maalim): Hon. Mover.

Hon. Kuria Kimani (Molo, UDA): I thank Hon. Kaluma for his remarks and for his very keen observation. Later on, we will be moving an amendment to Clause 2 to provide for definitions of those particular abbreviations. For the flow of the Committee of the whole House, we do not start with Clause 2. Ordinarily, we would have studied the definition and move to Clause 3. In the Order Paper, we propose to amend Clause 2 to provide for definitions of AML, CFT and CPF to mean to “Anti Money Laundering”, “Countering the Finance of Terrorism” and “Countering Proliferation Financing.”

The Temporary Chairman (Hon. Farah Maalim): Are you in agreement?

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

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

(Clause 25 as amended agreed to)

(Clauses 26 and 27 agreed to)

Clause 28

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 28 of the Bill be amended in sub-clause (5) by deleting the words “that person” appearing immediately after the words “provisions of subsection (1) or (4) of this section”.

I will read out that Clause which states:

“(5) A person who contravenes the provisions of subsection (1) or (4) of this section, that person commits an offence and is liable, upon conviction, to a fine or imprisonment, or to both, as specified in section 41(1).”

The amendment seeks to delete the words “that person”, so that the law will read:

“(5) A person who contravenes the provisions of subsection (1) or (4) of this section commits an offence and is liable, upon conviction, to a fine or imprisonment, or to both as specified in section 41 (1).”

The words “that person” are irrelevant and that is why we propose to delete them for better drafting language.

(Question of the amendment proposed)

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

(Clause 28 as amended agreed to)

(Clauses 29, 30, 31 and 32 agreed to)

Clause 33

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 33 of the Bill be amended—

- (a) in subclause (1) by deleting the words “anti-money laundering and counter terrorism finance” appearing immediately after the words “supervise and enforce compliance for” and substituting therefor the words “AML/CFT/CPF”;
- (b) in subclause (2)—
 - (i) by inserting the following new paragraph immediately after paragraph (d)—
 - (da) provide feedback to virtual asset service providers to assist them in detecting and reporting suspicious activities, preventing tipping off and application of AML/CFT/CPF measures in connection with the conduct of virtual asset services and promotion of virtual asset offering;
 - (ii) in paragraph (f) by deleting the words “anti-money laundering and counter terrorism finance purposes” appearing at the end of the paragraph and substituting therefor the words “AML/CFT/CPF purposes”;
 - (iii) in paragraph (g) by deleting the words “anti-money laundering and counter terrorism finance purposes” appearing at the end of the paragraph and substituting therefor the words “AML/CFT/CPF purposes”;
 - (iv) in paragraph (h) by deleting the words “anti-money laundering and counter terrorism finance purposes” appearing at the end of the paragraph and substituting therefor the following words “AML/CFT/CPF purposes”.

As raised earlier by the Member for Homa Bay Town, Hon. Peter Kaluma, this amendment is on the use of the abbreviations AML, CFT and CPF to mean anti-money laundering, countering the financing of terrorism, and countering proliferation financing, respectively. We are deleting the words in full and replacing them with abbreviations. Without belabouring the point, these new abbreviations will be defined by an amendment to Clause 2 of the Bill.

(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 33 as amended agreed to)

Clause 34

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 34 of the Bill be amended—

- (a) in subclause (1) by deleting the words “anti-money laundering and counter terrorism finance purposes” appearing at the end of the subclause and substituting therefor the words “AML/CFT/CPF”;
- (b) in subclause (2) by deleting the words “,that person” appearing immediately after the words “provisions of subsection (1)”.

Again, this amendment is replacing the words “anti-money laundering, countering the financing of terrorism, and countering proliferation financing” with the abbreviations “AML/CFT/CPF”, respectively, as earlier discussed.

(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)

(Clause 34 as amended agreed to)

Clause 35

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 35 of the Bill be amended—

- (a) in subclause (2) by deleting the words “For avoidance of doubt,”;
- (b) in subclause (6) by deleting the words “,that person” appearing immediately after the words “false or misleading”.
- (c) in subclause (7) by deleting the words “that person” appearing immediately after the words “subsection (1), (2), (3) or (4)”.

Again, this is as per the explanation I had given earlier. The use of the words “that person” is irrelevant in this legislative proposal.

Secondly, the use of the words “for avoidance of doubt” is ancient legal drafting language, which is no longer in use. Therefore, we propose to delete the words “For avoidance of doubt”, so that Clause 35(2) reads:

“(2) A natural person shall not be eligible to promote or issue a virtual asset offering in or from Kenya.”

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, I support the amendment. It appears that Clause 35 was drafted by a person who works or has previously worked in a judicial office. In legal drafting, we do not start a legislation with obligations by using the

words “for avoidance of doubt”. We go directly to the legal position that should obligate. So, the deletion of the words “for avoidance of doubt” will mean that the Clause reads:

“(2) A natural person shall not be eligible to promote or issue a virtual asset offering in or from Kenya.”

In that case, we are directly indicating an obligation and offering guidance by way of law. The other amendments are for clean-up purposes.

I support the amendment.

The Temporary Chairman (Hon. Farah Maalim): Do you support the amendment?

Hon. Peter Kaluma (Homa Bay Town, ODM): Yes.

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

(Clause 35 as amended agreed to)

(Clauses 36, 37 and 38 agreed to)

Clause 39

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 39 of the Bill be amended in subclause (6) by deleting the words “,that person” appearing immediately after the words “false or misleading”.

Again, this is a deletion of the words “that person” because they are irrelevant in the current and modern legal drafting language.

The Temporary Chairman (Hon. Farah Maalim): Fair enough.

(Question of the amendment proposed)

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

(Clause 39 as amended agreed to)

(Clauses 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 agreed to)

Clause 50

The Temporary Chairman (Hon. Farah Maalim): Let us have the mover.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 50 of the Bill be amended by deleting subsection (2) and substituting therefore the following new subsection—

(2) Without prejudice to the generality of subsection (1), the Regulations made under this Act may prescribe—

- (a) the form of application;
- (b) information or documentation to be submitted in support of an application under this Act;
- (c) fees payable under this Act;

- (d) the conditions for acquisition or holding of shares, legal interest or beneficial ownership in the license holder;
- (e) conditions for assignment and transfer of a license;
- (f) standards to be maintained by licensees in the conduct of its business;
- (g) the standards, policies and procedures for business management and continuity;
- (h) contents of advertisements and promotions of virtual asset services and products;
- (i) prudential standards in respect of —
 - (i) disclosure to clients;
 - (ii) safekeeping of client virtual assets;
 - (iii) cyber security measures and cyber security audit report;
 - (iv) financial reporting;
 - (v) statutory returns;
 - (vi) capital, solvency, and liquidity requirements for the various types of virtual asset businesses;
- (j) the insurance requirements for the various types of virtual asset businesses;
- (k) requirements for third party transactions and relationships;
- (l) conditions for freezing and seizure orders;
- (m) requirements for offer of initial coin offerings;
- (n) requirements for listing of tokenised assets in the securities exchange;
- (o) requirements for tokenisation of real-world assets;
- (p) requirements for virtual asset investment managers; and
- (q) requirements for the issuance and use of stablecoins;
- (r) requirements for periodic returns.

Hon. Temporary Chairman, we are providing a very comprehensive amendment to give powers to the Cabinet Secretary to make regulations to operationalize the Act. This Bill seeks to regulate a new era of the virtual asset ecosystem. In that regard, we are amending the Bill to allow the Cabinet Secretary to make regulations on matters like insurance requirements for various categories of virtual asset service providers, initial coin offerings, listing of tokenized assets on securities exchange and issuance and use of stablecoins.

The virtual assets ecosystem involves stablecoins, exchanges, initial coin offerings and the conversion of virtual assets into fiat currency. These processes are so technical that they need legal provisions that cannot be fully provided for in a piece of law, and can only be addressed through regulations. This particular amendment gives the Cabinet Secretary responsible for the National Treasury to make regulations to guide and regulate the virtual assets ecosystem and AvaTrade

I beg to move.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Hon. Kaluma, please, proceed.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, the power to make law lies with this House. In very specific cases, Parliament can donate that power to regulation-making authorities. Clause 50(1) of the Bill already gives a general power. In terms of

the proposed amendments to Clause 50(2), which I support, is that being a donated power, Parliament must specify the matters over which the authority can exercise it. This enables Parliament to keep control. By this amendment, we are expanding the scope of matters over which Parliament is donating powers for purposes of regulation-making. We are also excluding a few which were initially given but can only be exercised by Parliament for purposes of control of delegated authority.

I support.

The Temporary Chairman (Hon. Farah Maalim): Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Chairman. I support this amendment on a limb. A regulation operationalizes a law, whether existing or being crafted. In this case, we can only give ground as lawmakers in this land to first put this law before our people. We can then have this regulation as crafted alongside the suggested amendment. Considering that the idea of virtual assets has just been introduced not only in Kenya but globally, we expect the Cabinet Secretary to come up with a raft of regulations to manage them. It is about finance, an idea that will live and keep on growing. If we were to attach it to a parent law, then it would mean amending it every other time. I hope the Chairman has noted my concern.

For now, I support. Thank you.

The Temporary Chairman (Hon. Farah Maalim): Hon. Chairman, proceed.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I note with concern the remarks made by the Member. We delayed tabling this report and approving these amendments to seek concurrence with the National Treasury, the Central Bank of Kenya and other stakeholders. Sometimes gaps are left to be filled through regulations. In future, this House may seek to amend our Standing Orders on how regulations are processed. Currently, regulations are referred to the Committee on Delegated Legislation yet that Committee may not have dealt with the Bill in the first place and is just bombarded with a new sector.

Every regulation in this House, whether on health, finance, Transport, water or agriculture, goes to the same Committee. However, it is common sense that you cannot be an authority in all these fields. We risk passing some regulations in a way that could have been done better. Our Standing Orders also provide that we cannot amend regulations. They are either approved as they are or rejected in totality. This is a lacuna we need to rethink and fix. However, leaving such serious decisions, including those with fiscal and monetary implications such as issuance of stablecoins, to be operationalised through a regulation is a gap that this House should endeavour to fix.

I agree with the concerns raised and it is something that the Departmental Committee on Finance and National Planning is seriously considering in the future.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): Hon. Mboni.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Chairman. As you said earlier, this Bill was poorly drafted. This is a very new area. In Africa, Kenya is the third country to enact such a law. Even developed countries like the United States of America have only recently enacted a law on virtual assets. The law is evolving, and this sector is equally evolving. We can take what is here as we think of amending the law as new issues arise.

Thank you.

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

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

(Clause 50 as amended agreed to)

New Clause 45A

THAT, the following new clause be inserted immediately after clause 45—

Appointment of agents to trace transactions in virtual assets.

45A. (1) Notwithstanding any other provision in any written law, the Cabinet Secretary may appoint a suitably qualified person as an agent to trace any transaction undertaken on a digital marketplace, including and not limited to virtual assets, by a person, whether resident or non-resident, to ascertain the income which accrued in or was derived from Kenya for the purposes of computation and collection of any unpaid tax arising from the transaction.

(2) The appointment of an agent under subsection (1) shall be made if, in the opinion of the Cabinet Secretary, the Commissioner-General of the Kenya Revenue Authority is unable, on reasonable grounds, to trace such transactions.

(3) An agent appointed under subsection (1) may retain, from the proceeds of any tax that is recovered upon tracing undertaken by the agent, such amount not exceeding one percent of the proceeds, as the Cabinet Secretary may determine.

(4) For the purposes of this section, a “digital marketplace” means an online or electronic platform which enables users to sell or provide services, goods or other property to other users.

(5) The Cabinet Secretary may make regulations—

- (a) prescribing the qualifications for appointment as an agent under this section;
- (b) prescribing the proportion of tax proceeds to be retained by an agent upon tracing of assets;
- (c) generally for the better carrying into effect the provisions of this section.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Farah Maalim): Mover, move Second Reading of the new Clause.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, on behalf of the Leader of the Minority Party, I beg to move that new Clause 45A be now read a Second Time.

Hon. Temporary Chairman, this amendment provides that the Cabinet Secretary may appoint a suitably qualified person as an agent to trace any transaction undertaken on digital marketplace – including, but not limited to, income derived from Kenya for purposes of registration ascertainment, computation and collection of unpaid taxes on virtual assets – by a person whether resident or non-resident.

This particular amendment is providing for further sealing of loopholes, again as debated by this House. Virtual assets sector is very new and there are risks for example, on misuse on tax avoidance. Therefore, this amendment is giving powers to the Cabinet Secretary to appoint a

different agent rather than the regulatory authority to reduce tax avoidance. Having discussed with the Leader of Majority Party, we agree that the proposed amendment by the Leader of the Minority Party, Hon. Junet Mohamed, is quite in order and we support it.

The issue of virtual assets is one that should really concern Kenyans. This year alone, it is estimated that Kenyans hold around US\$1.2 trillion worth of virtual assets, which is completely unregulated. Usually, to transfer Ksh1 million from my back account to yours is difficult. You have to fill the Know Your Customer (KYC) forms and attach receipts and agreements. However, with the unregulated virtual assets, it is possible to send Ksh1 trillion easily.

This House will be among the first in Africa, after South Africa and Ghana, to pass a legislative framework on virtual assets. This is not a very welcome idea but it will help us to cover issues of anti-money laundering, counter-terrorism financing and counter-proliferation financing. Most importantly, it will open an avenue for job creation and allow institutions that deal in virtual assets to set up businesses in Kenya and expand to the rest of Africa.

With those few remarks, I beg to move that Clause 45A be now read a Second Time. I also agree with the proposed amendment by the Leader of Minority Party.

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

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, I oppose this particular amendment. I do so on a number of reasons.

First, in Clause 6, the relevant regulatory authorities stated are the Capital Markets Authority (CMA), Central Bank of Kenya (CBK) and any other public body established under written law that the Cabinet Secretary may by notice in the Kenya Gazette, designate as such.

Hon. Temporary Chairman, my view is that the provision being created under the proposed New Clause 45A, though so wordy and long, does not add anything to the larger provision already provided in Clause 6 (c), which empowers the Cabinet Secretary to designate any other person. Unless, anything additional which is not already in Clause 6(c), will be achieved. I would urge Hon. Members to reject this proposed amendment for superfluity. The power sought to be donated is already in the Act.

In any event, beyond being superfluous, we will have a situation whereby this law, if enacted, Section 6 specifies the bodies in-charge of the regulations under the Act. Then, parallel to the law because of a provision being newly created, the Cabinet Secretary will appoint agents who under the authorities of this Parliament, we may not directly oversight. It will create confusion. It is unfortunate, that the Leader of the Minority Party is not in. However, I am happy our Chairman - I serve in this Committee - has moved it well. However, this amendment should be dropped.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Mboni.

Hon. David Mwalika (Kitui Rural, WDM): I tend to disagree with Hon. Kaluma. This is because Clause 6 is talking about the bodies or the institutions which will regulate the partial assets providers. These are the Capital Market Authority, Central Bank of Kenya and any other body which is established under written law, that the Cabinet Secretary may, by notice of the Kenyan Government, designate as such.

New Clause 45A is about tax collection. This is where Kenya Revenue Authority is unable for any reason or any ground to appoint an agent to collect tax on its behalf. It is very clear that Clause 6 is about legislative authorities and New Clause 45A is about taxes.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Bowen.

Hon. Kagongo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Chairman. The Chairman of the Departmental Committee on Finance and National Planning, on behalf of the Leader of Majority Party should expound the import of New Clause 45A. According to the Bill, it is about access and maintenance of client transaction records and Section 6 is about regulation. If he can expound a bit so as to give us benefit of doubt.

The Temporary Chairman (Hon. Farah Maalim): Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Chairman. I beg to support this proposed amendment. When making laws in this House, we do not just look at what is available or provided. In this particular case, the Cabinet Secretary is being given additional tools. So, that if there are seepages in tax collection, he will have tools to get those individuals. In this particular case, he wants to appoint an agent or agents. Although, my initial concern...

(Loud consultations)

The Temporary Chairman (Hon. Farah Maalim): Order, Hon. Members. Listen to Hon. Raso so you can have an enriched understanding. Proceed, Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Chairman. Initially when I looked at the new clause from the face value, it looked possible for the Cabinet Secretary to pick his friends or business partners to be the agents who will be collecting tax on his behalf. After looking at New Clause 45A (5) deeper, the Cabinet Secretary may make regulations prescribing the qualification for appointment as an agent. This will not be any other person. There will be vigorous interrogation to ascertain that they can do this work, the proportion of tax proceeds, how much they are likely to get from what they will have collected. So, it does not in any way superimpose those other agencies or institutions.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): I have not spoken, but that does not mean I do not have anything to say.

The Temporary Chairman (Hon. Farah Maalim): Proceed, Hon. Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairman, let us be careful here. There are two things that come to my mind. Firstly, the proposer of this amendment is not in the Chamber and you have not given him a letter of authority to prosecute this amendment according to the Standing Orders.

Secondly, I wish that he was here to explain some issues that are boggling our minds. For instance, who is an agent? It is not defined in the amendment. Does it have the meaning in the Law of Contract Act or Law of Agency or Companies Act? That must be provided. If not, it is going to be a window for corruption. The person appointing an agent may appoint one who is not competent, under the law. That word is not used in a customary way, but in legal context which needs definition so that we know who an agent is.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Mboni.

Hon. David Mwalika (Kitui Rural, WDM): Hon. Temporary Chairman, we do not need the definition of a digital marketplace in New Clause 45A (4) of the Bill. Maybe, we can take it to Clause 2 of the Bill where the definitions are. I have looked at the Bill, but I have not seen anywhere the word “digital marketplace” has been used.

The Temporary Chairman (Hon. Farah Maalim): You do not think this Clause is necessary at this stage.

Hon. David Mwalika (Kitui Rural, WDM): Yes.

The Temporary Chairman (Hon. Farah Maalim): Hon. Kaluma, you have the Floor.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, I know that when opposition is reasonable, the Chairman of my Committee will act accordingly. What is being proposed here is for purposes of tracing and determining due taxes. It is being proposed that there are circumstances where the Cabinet Secretary can decide, without any defined criteria in the provision, to appoint somebody, having so determined, that the Commissioner General may not be capable of tracing. You appoint somebody away from the KRA which we can oversight. This is a blank cheque.

What if you are doing legitimate business and someone from Anti-Terrorism Police Unit (ATPU), or any other organisation harasses you by claiming you have been receiving money? I say this as a practitioner. I had a very good friend of mine who was killed very casually on claims that he was a terrorist. However, he had no links at all with any terror groups. We do not want a situation where we use people in offices with no clear mandate. When you delegate the powers of the Commissioner General of KRA to bodies, then taxation will not be harmonised. You will have people harassing others all over for reasons you cannot determine.

I have litigated some of these matters. I request Hon. Members to wait until when we have clear provisions, under the law allowing a procedural determination of regulatory authorities. Whether it is taxes around the digital space or anything else, they should be clearly defined like in Clause 6 of the Bill. We should not allow space for abuse other than what we contemplate in this acceptably, novel law.

Hon. Temporary Chairman, I urge Hon. Members to reject this proposed amendment.

The Temporary Chairman (Hon. Farah Maalim): Hon. Temporary Chairman is not supposed to have an opinion on this proposed amendment. A cursory look at New Clause 45A (3) says:

An agent appointed under the subsection (1) may retain, from the proceeds of any tax that is recovered upon tracing undertaken by the agent, such amount not exceeding one per cent of the proceeds, as the Cabinet Secretary may determine.

The word “may” mean optional. The amendment says the Cabinet Secretary may make regulations prescribing the proportion of tax proceeds to be retained by an agent upon tracing the assets. Are you sure you are not going to create people who would be such powerful busy bodies? Who will run a wild goose chase and extort money from people. Anyway, proceed.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Chairman. I share the sentiments raised by Hon. Members. However, let me also raise a matter of fact on virtual assets. One, you cannot trace them physically. They are virtual and somewhere on the cloud. They use very complex blockchain technology that even getting their visibility is almost impossible. An example of one of the most popular cryptocurrencies is Bitcoin. Up-to-date, its owners are not known. Yet, one Bitcoin is trading between Ksh11-13 million. We cannot physically trace the owners.

There are particular skills called layering used to disguise the system. As I described earlier, Kenya will be among the top five countries, if not top three, to come up with a legal framework on virtual assets in Africa. What happens when a Kenyan trader is trading with a Ugandan, Tanzanian, Egyptian or a Moroccan trader where legal provisions do not exist? Therefore, information sharing is important. The Organisation for Economic Co-operation and Development

(OECD) Countries have agreements on Base Erosion and Profit Shifting (BEPS), but they do not exist in legal provisions. That is why the use of the word “may” is very deliberate. We are not saying “shall”.

We are saying in the event there is no capacity and there is a requirement of particular skill that is not contained in the three regulatory authorities available - KRA, CBK and CMA - then that particular skill can be sought by other entities. I really beg the House to support this amendment because there is no harm in this. The use of the word “may” is very deliberate.

The Temporary Chairman (Hon. Farah Maalim): I am on the Chair. So, I cannot give my opinion. Yes Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, in Clause 6(c) of the Bill, even where other authorities or bodies may be designated, there are conditions clearly attached. One, the bodies that may be so designated shall be public bodies. A public body is a condition and there is a reason for that. These are bodies you can oversee, if they are overreaching as the representatives of the people, under Article 95 of the Constitution.

Another inbuilt thing is that the public body shall be published in the Gazette, so we can know it. What is being proposed is that the Cabinet Secretary will be appointing any qualified person, not necessarily a public body or public officer. This means you will have an individual or a private person harassing people with powers that....

An Hon. Member: Put the Question.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, I have dealt with very many cases where people have been killed casually and families destroyed by such a leeway. I request that we drop this proposed amendment or put the Question.

The Temporary Chairman (Hon. Farah Maalim): Hon. Kimani, I know you are not a lawyer.

(Hon. Peter Kaluma spoke off the record)

Order, Hon. Kaluma.

Clause 6 of the Bill says the following entities shall be the relevant regulatory authorities for the purposes of this Act: CMA, CBK and any other public body established under a written law that the Cabinet Secretary may, by notice in the Kenya Gazette, designate as such.

(Hon. Kuria Kimani spoke off the record)

Yes, Hon. Kimani. Do you wish to withdraw the amendment?

Hon. Members: Put the Question!

Hon. Kuria Kimani (Molo, UDA): I have really tried to explain this concept. If you check even the drafting of this law, you will find a number of amendments. If most of us in this room are honest, for me to move this Bill means that I have spent many hours reading and researching about the emerging space of virtual assets.

Look at the average age of our counterparts in regulatory bodies and the users of virtual assets who are mostly between 17 years and 30 years. Very few of us in this room have any virtual asset wallets, Bitcoins or other cryptocurrencies. The same can be said of our staff, including those at the CMA and CBK. In fact, our initial thinking differed with the CBK. We thought this mandate should have been delegated to a completely new regulatory authority with the right expertise. Evidence has shown that mixing old finance with new finance always creates problems.

What is the harm in giving the Cabinet Secretary the powers to outsource a particular skill set that is not contained in CBK or CMA? In the event that there is any. Other entities have done it. I beg this House that there is no harm in giving these powers.

The Temporary Chairman (Hon. Farah Maalim): Hon. Bowen, followed by the Member for Kwanza.

Hon. Kangogo Bowen (Marakwet East, UDA): I do not know why the Hon. Chairman is struggling to explain. As you have read, it is written that the institutions and regulatory authorities are provided. When it reaches a time, we have some difficulty in regulation, the institutions and even Parliament will advertise for consultancies. There are things we may not do as Parliament. The regulatory bodies such as the CMA, CBK or any other public body should seek consultants or specialists at that time. It is not just the Cabinet Secretary. For instance, the CBK can be asked to look for a specialist in this field.

The Temporary Chairman (Hon. Farah Maalim): When you move down, it says, “The appointment of an agent under subsection (1) shall be made if, in the opinion of the Cabinet Secretary, the Commissioner-General of the Kenya Revenue Authority is unable, on reasonable grounds, to trace such transactions”. Suppose the Commissioner-General of KRA says, “I can handle it?” You know what I mean.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, on point of information.

The last member of the Board of the CBK was weak in many areas. The only reason we approved him was that he was an expert in the digital and virtual assets space. That is why we are being clear on public institutions. We cannot delegate such monumental and drastic powers from public officers and institutions to a private individual - another person determines to be qualified unilaterally and capriciously. We cannot strip the authority of KRA and other bodies. As Hon. Kangogo has said, they already have powers to delegate if they do not have the expertise, they need within their establishment.

The Temporary Chairman (Hon. Farah Maalim): Member of Kwanza, do you have something to add before I put the question?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Yes, I have something to say, by virtue of my background as an economist. As our learned friend has said, corruption is a big problem in this country and we should not give people a free hand to delegate such powers. I want to tell the Chairman that this amendment should be dropped.

(Hon. Kimani Ichung’wah and Hon. Kuria Kimani consulted loudly)

Leader of the Majority Party, I am on the Floor talking. You are disrupting.

The Temporary Chairlady (Hon. Farah Maalim): Order, our distinguished Leader of the Majority and Hon. Kimani.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): I have sat here for long. We have made many amendments. I agree with the Chairman of the Departmental Committee on Finance and National Planning. Given the nature of Kenyans, I will not accept this. Let us drop it and come up with proper institutions to do the work.

The Temporary Chairperson (Hon. Farah Maalim): You have made your point.

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

(New Clause 45A negatived)

(First Schedule agreed to)

Second Schedule

The Temporary Chairperson (Hon. Farah Maalim): Mover.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairperson I beg to move:

THAT, the Second Schedule to the Bill be amended—

(a) in the proposed consequential amendments to Section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap 59), in the proposed definition of “virtual asset service providers” by deleting the expression “section 3” and substituting therefor with the expression “section 2”;

(b) in the proposed consequential amendments to the Capital Markets Act (Cap. 485A) by deleting the proposed amendment to section (2) and substituting therefor the following amendment—

Provision

s.2

Amendment

By inserting the following new definition in the proper alphabetical sequence—

“virtual asset service provider” has the meaning assigned to it under section 2 of the Virtual Asset Service Providers Act;

(c) in the proposed consequential amendments to Section 2 of the Central Bank of Kenya Act (Cap. 485A) by deleting the proposed amendment to section (2) and substituting therefor the following amendment—

Provision

s.2

Amendment

By inserting the following new definition in the proper alphabetical sequence—

“virtual asset service provider” has the meaning assigned to it under section 2 of the Virtual Asset Service Providers Act;

This amendment is just a clean up to provide for logical flow in the legislative framework.

(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)*

(Second Schedule as amended agreed to)

Clause 2

The Temporary Chairperson (Hon. Farah Maalim): Mover.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of “anti-money laundering and counter terrorism finance” and substituting therefor the following new definition—

“AML/CFT/CPF” means anti-money laundering and countering the financing of terrorism and countering proliferation financing;

- (b) by deleting the definition of “virtual asset service provider” and substituting therefor the following new definition—

“virtual asset service provider” means a company licensed under this Act to carry on the business of virtual asset services;

- (c) by deleting the definition of “competent authority” and substituting therefor the following new definition—

“competent authority” means a public authority other than a self-regulatory body with designated responsibilities for combating money laundering, financing of terrorism and proliferation financing;

This is a consequential amendment. We are deleting the words “anti-money laundering, counter terrorism finance” and “countering proliferation financing” across the Bill and replacing those words with these abbreviations AML/CFT/CPF respectively. Now that we have replaced the words with the abbreviations, we are amending Clause 2 to provide definitions of what those abbreviations mean so that there is clarity.

(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)*

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairperson (Hon. Farah Maalim): I now call the Mover to move reporting.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairperson, I beg to move that the Committee do report to the House its consideration of the Virtual Asset Service Providers Bill (National Assembly Bill No. 15 of 2025) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

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

The Temporary Chairman (Hon. Farah Maalim): Hon. Members, we are now going to consider the Kenya Roads (Amendment) (No.3) Bill (National Assembly Bill No. 34 of 2025).

Hon. TJ Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Yes, what is your point of order, Hon. Kajwang'?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairman, before we begin, I see an error in the Order Paper which I am sure was a mistake. In page 2405, there are amendments by the Member for Samburu West, Hon. Naisula Lesuuda, touching on the Bill.

The Temporary Chairman (Hon. Farah Maalim): She is not in.

Hon. TJ Kajwang' (Ruaraka, ODM): When you look at it, you will think that once we finish with what is in page 2404, we will proceed to the proposed amendments to Clause 2. Hon. Temporary Chairman, I need you to pronounce yourself that we ignore page 2405 or delete. This has to be very clear, although it is doubtful that the Chairman in the Committee of the whole House can alter the Order Paper. Now that we are on this business, you have jurisdiction to pronounce yourself that we will not look at what is on page 2405 and the other pages. We will stop at page 2404. Those are two different legislations.

The Temporary Chairman (Hon. Farah Maalim): I am informed that the Mover is not in. I do not know whether she will have come before we exhaust what is on page 2405.

Hon. TJ Kajwang' (Ruaraka, ODM): I am talking about the Standing Orders. Notwithstanding, the fact that the Member is not here, I am saying as a matter of principle, even if she were here, we would not have dealt with it. I see a mistake, perhaps done in Room 8, which I need to clear as a matter of Standing Orders, rules and procedure.

You cannot bring a different legislation and ask us in the Committee of the whole House to consider those amendments in the legislation that we are currently considering. These are two different legislations. They were published differently and public participation was conducted differently. The committees are different. As a matter of principle, I want you to pronounce yourself that these matters will not be considered. The Member can appear on a different day and prosecute her matter. But as a matter of principle, I think Room 8 was wrong to have listed this on the Order Paper. That is what I am pursuing.

The Temporary Chairman (Hon. Farah Maalim): It is noted.

Clause 3

The Temporary Chairman (Hon. Farah Maalim): Mover. Where is the Mover to move the amendments?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, I thought the amendment was being moved by the Chairperson?

The Temporary Chairman (Hon. Farah Maalim): Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK, what happened? You are supposed to move an amendment on this.

Hon. George Kariuki (Ndia, UDA): I was consulting with my senior.

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

Hon. George Kariuki (Ndia, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended in the proposed new Section 47 by deleting the words “be responsible for classification of public roads” appearing in Sub Section (4) and substituting therefor the words “classify public roads in consultation with the relevant county government”.

The national Government is charged with the responsibility of standards of public roads for both levels of Government. This amendment seeks to create a consultative mechanism between the relevant county government and the Cabinet Secretary when classifying roads and reviewing the classification of roads.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Any debate on this? Yes, Hon. Kaluma?

Hon. Peter Kaluma (Homa Bay Town, ODM): I concede the amendment is necessary for clarity.

(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

The Temporary Chairman (Hon. Farah Maalim): Is somebody moving an amendment to Clause 4?

Hon. George Kariuki (Ndia, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 4 of the Bill be amended in the proposed new section 47B by deleting subsection (1) and substituting therefor the following new subsection—

(1) A public road shall bear signage indicating its—

(a) classification including the level of government responsible for its maintenance, rehabilitation and development; and

(b) road code.

Hon. Temporary Chairman, this amendment seeks to ensure that a road is identified by its classification and code.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): Leader of the Majority Party, allow me to propose first.

(Question of the amendment proposed)

Proceed, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Chairman. I beg to support this particular amendment. It is good because it is designating the classified roads and ensuring that Kenyans know, for instance, the expressway is a national Government Class A road under the charge of the national Government for maintenance. This will ensure people stop hiding behind others.

In Kenya today, roads are not being maintained and constructed. When you ask a Member of County Assembly, they tell you that it is a national Government Road while the Member of Parliament says it is a county road. It must now be clear to Kenyans who is in charge of a particular road. This will ensure they know that when the roads in our counties and constituencies are dilapidated and not being maintained, their governors are not working.

As a Member of Parliament, I can be asked about those that belong to the national Government. My constituency has immensely suffered because the county government simply abandoned the construction of roads. Members of Parliament are available to their constituents. As you know, governors are small gods. You never see them and when they visit your constituents, you can never get near them. Members of Parliament bear the pain of being constantly questioned by the public, including regarding roads that are under the responsibility of the county governments.

I think the Chairman must have borrowed this amendment from the Republic of South Africa. I know he has very many investments in that country. For instance, if you go to the city of Cape Town, you will see NG1, with the code 1 being the classification of the level of government. A national Government road would probably be NG (National Government) and A1 representing a Class A road. If it is a county government road, it would be CG with Classes B, C, or E, that is CG-E1 or E2. This way, Kenyans will be clear about who is not doing his work. We have two complementary levels of government and each have a responsibility.

Under this Bill, each level of government has the resources to maintain roads. Let us know which level of government is failing to utilise its funds for road maintenance. I fully support this amendment.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): Hon. Kajwang', do you wish to say something?

Hon. TJ Kajwang' (Ruaraka, ODM): Nowadays, when either KURA or KeRRA constructs a road, county governments often file paperwork indicating that they are responsible for that road. Therefore, we should consider going digital and incorporating digital buttons that would prevent any level of government from accessing funds for a road constructed by another level of government. The proposed code is satisfactory for now. We want clarity on which level of government is responsible for the maintenance and rehabilitation of these roads. This situation is particularly evident in urban areas. This is a source of corruption, as each county government is claiming credit for work carried out by KURA and KeRRA. This is an excellent proposal and I support it.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Kimani.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I thank the Chairperson of the Departmental Committee on Transport and Infrastructure for bringing these amendments. I agree with the proposals put forth by Hon. Kajwang'. It is possible to provide coordinates from the beginning to the end of a road, especially in this era of e-procurement. This way, with the click of a button, anyone can check which roads have been constructed, along with the costs and the contractors involved. This explains the push by governors to stop the use of e-procurement. Some

roads and infrastructure projects undertaken by the national Government and agencies such as KURA and KeRRA are being duplicated in terms of payment by counties.

I support this amendment. We should further provide for coordinates for all the roads, their costs and the contractors. This will help curb the wastage of public resources.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Omanyo.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Chairman. I would also like to add that every road must be constructed to a high standard. Some roads are merely repaired by filling them with dust or soil and scratching the surface. When the rains come, these repairs are washed away. We are not aware of the standards employed by KURA or KeRRA.

The Temporary Chairman (Hon. Farah Maalim): Very well, Hon. Omanyo. Yes, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Chairman.

*(Hon. Kimani Ichung'wah, Hon. George Kariuki and
Hon. Kuria Kimani consulted loudly)*

The Temporary Chairman (Hon. Farah Maalim): Order, Leader of the Majority Party, Hon. George Kariuki and Hon. Kuria Kimani.

Hon. Peter Kaluma (Homa Bay Town, ODM): I want to thank the Chairperson of the Departmental Committee on Transport and Infrastructure for the amendment in clause 4 (1) (a). There should be clear signage indicating which level of government constructed a road. I will not reiterate those reasons due to my other roles.

I am concerned about clause 4 (1)(b) regarding road codes and request further information. My concern is that if we require pre-existing codes, we may find that relevant road agencies do not allocate funds appropriately. Particularly, for the creation of emergency roads that fall within their mandate, which are new and may not yet have been assigned codes. For example, when Homa Bay was honoured to host Madaraka Day, the visiting Head of State said the interest of her country is in beekeeping. So, it is decided she is to visit somewhere where beekeeping is going on, and that place has no road.

If you require prior coding, it means that the access road cannot be established. There should be a whole range of issues. Let us assume that the Head of State is visiting you, and your constituency has no access road to the place where, perhaps, a funeral is being held. Are we saying that even with funds, before proper coding is done, these road agencies, while still being accountable, cannot move and prepare the roads? As I mentioned, unless that part is clearly explained, these emergencies could unduly restrict the ability of these agencies to intervene and address such situations.

Hon. TJ Kajwang' (Ruaraka, ODM): Let me attempt to answer.

The Temporary Speaker (Hon. Farah Maalim): Yes.

Hon. TJ Kajwang' (Ruaraka, ODM): Sometimes I get very persuasive with my brother, and I am sure I will in this case. I want to assuage his concerns. Firstly, a road, just like a human being or any other thing, should be known by name. A code gives it a name; something peculiar that, when you refer to it, you can only refer to something definite.

Secondly, I am sure he has seen the Committee's Report. The subsequent amendments cover how roads will be classified. Once the roads have been classified, we know whether they are

county roads, national roads, or any other category. That is how the examples he was giving will be categorised.

Thirdly, in the Report, the Chairman will move another amendment which says that the Cabinet Secretary will apply the funds equitably with a criteria, so that if there is a road emergency, the Cabinet Secretary should apply the funds which are under his disposal to those specific categories of roads on emergency basis. I think that his fears, although legitimate, are well-explained.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. Hon. Kajwang' has said exactly what I wanted to say. Emergencies happen. But again, you find that the Ministry has emergency funds. Where I come from, Kerio Valley, you will find that all of a sudden, when it rains and floods, the whole road is swept. In such a situation, there is a need to create an alternative route. There must be emergency funds, both at the national and county governments.

Secondly, there are also special cases like those of security roads. The Act needs to have clear guidelines on what should be done in case of an emergency or security roads. For instance, in Baringo, the national highway from Marigat to Loruk has been completely submerged by the rising waters of Lake Baringo. In such a case, there was a need to create an alternative road. There should be emergency funds to address such disasters.

The Temporary Speaker (Hon. Farah Maalim): Hon. Komingoi, do you know we still have three other clauses? And I am told you are a Member of the Committee.

Hon. Kibet Komingoi (Bureti, UDA): It is only on the question of the code.

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

Hon. Kibet Komingoi (Bureti, UDA): The classification provides for the description of the road, while the coding provides for the naming. Therefore, for any road that may not have existed, its classification and coding under the provisions of the law can be initiated by the county government or the agency

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

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

(Clause 4 as amended agreed to)

Clause 5

The Temporary Chairman (Hon. Farah Maalim): Mover.

Hon. George Kariuki (Ndia, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended in Part A of the proposed new First Schedule with respect to the classification of —

- (a) urban roads by deleting the words “the main residential areas” and substituting therefor the words “the main residential areas, towns” immediately after the words “spine roads serving” appearing in the description of Class Cu roads;

(b) rural roads by—

(i) deleting the description of Class C roads and substituting therefor the following new description—

Roads linking major designated towns and forming a continuous network with Class A and Class B roads.

(ii) inserting the following new classification of roads immediately after the description of Security Roads, Class SR—

Last Mile	LM	Link roads providing last mile connections
City Roads		in cities by collecting substantial traffic from arterials and conveying the same to residential terminals so as to form a contiguous network between residential areas and estates or other defined zones.

This amendment seeks to provide a concise and clear description of the proposed Class Cu roads.

The Temporary Chairman (Hon. Farah Maalim): I now propose the question.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Is there any Member who would like to contribute to this?

Hon. Members: Put the Question.

The Temporary Chairman (Hon. Farah Maalim): Okay. I will now put the Question.

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

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

(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. Farah Maalim): Chair.

Hon. George Kariuki (Ndia, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended —

(a) in paragraph (a) by—

(i) deleting the words “twenty-one percent” and substituting therefor the words “twenty-five percent”;

(ii) inserting the following new paragraph immediately after paragraph (a)—

- (aa) deleting the words “ten percent” appearing in sub-paragraph (ii) and substituting therefor the words “seven percent”;
- (b) in paragraph (b) by deleting the words “thirty-six percent” and substituting therefor the words “thirty-eight percent”;
- (c) in paragraph (f) by—
 - (i) inserting the following new subsections immediately before the proposed new subsection (3)—
 - (2A) The Cabinet Secretary shall utilise funds allocated under sub-paragraph (vii) to provide for equity in roads maintenance, road related emergencies, primary oversight and administration expenses.
 - (2B) The Board shall not approve any disbursement of funds to a county government unless the county government has met the requirements set out in subsection (3)(a) and (b);
 - (ii) deleting the expression “subsection 3(c)” appearing in paragraph (a) of the proposed new sub section (4) and substituting therefor the expression “subsection 3(d)”.

This amendment seeks to provide for an increase in disbursement of the Constituency Road Fund that is administered by KeRRA which is an equitable Fund.

The Temporary Chairman (Hon. Farah Maalim): I now propose the Question.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Is there any Member who would like to contribute to this? Yes, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, when I was moving this Bill, I said that it ideally falls under the Departmental Committee on Transport and Infrastructure. I thank the Chair for rationalising the sharing percentages to realign with the new road categories created, for example, the LM.

My request is that both this House and the Senate – because this is a Bill that will be considered by both Houses of Parliament – realise that these calculations are not arbitrary. They are not based on the equitable share under the Constitution. They are based on roads classified per county, which we have specified in this Bill. If so enacted, the calculations will be determined by the Cabinet Secretary, in consultation with the respective county governments. We should not treat these calculations as arbitrary figures. It is a very hard calculation. Despite being one of the best mathematics students at KCSE level, I was lost when the engineers we sat with were doing these calculations. I thank them for the good work. I urge that going forward, we do not just approve the Bill. Even if it were to go to the other House, we should not just throw figures. The calculations are based on actual roads, their length and the funding levels needed to ensure that they are all maintained by both levels of government—the road agencies and the county governments. This is all for the good of the people of Kenya.

I support the amendment. Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. TJ Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairman, I would like to underline the importance of this amendment. This is what this House has always said. Other than the

percentages that my learned friend is talking about, I would like to look at amendment 2B which states that:

“The Board shall not approve any disbursement of funds to a county government unless the county government has met the requirements set out in subsection (3)(a) and (b).” This is on Pages 790 and 791 of the Bill.

Subsections (3)(a) and (b) state:

“(3) In the utilisation of the funds under subsection (2)(d)(viii), a county government shall—

(a) designate a department or division responsible for the maintenance, rehabilitation and development of county roads;

(b) open and maintain a special purpose account at the Central Bank of Kenya into which shall be deposited the funds under subsection 2(d)(viii);”

That means that those monies will be conditional grants, which must be applied to the purpose for which they are sent to the counties. Until that is done, the national Government will not avail those monies. Previously, the county governments would receive monies which they would use for recurrent expenditure and other things. I just want to emphasise my support of the amendments to this Clause.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Is there anybody else who wants to contribute? What does the amendment state? Are the county governments supposed to do the construction works and then be refunded? Or should the county governments account for the allocations they receive? I am a Member...

(Hon. TJ Kajwang’ spoke off the record)

They cannot...

Hon. TJ Kajwang’ (Ruaraka, ODM): The county governments will not be able to access the Consolidated Fund unless they have satisfied the Cabinet Secretary that they have done those things.

The Temporary Chairman (Hon. Farah Maalim): That they have done the job?

Hon. TJ Kajwang’ (Ruaraka, ODM): No. That they have opened an account at the Central Bank of Kenya, and that there is a designated department or division which can be held accountable. That is when they will receive the money. They will not receive the money until they do so.

(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 6 as amended agreed to)

New Clauses 2A, 2B, 2C, 2D, 2E and 2F

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 2-

- | | |
|---|--|
| Amendment
section 4
of
Cap.408. | 2A. Section 4(2) of the principal Act is amended by inserting the following new paragraph immediately after paragraph (a)- |
| | “(aa) designing and constructing designated tracks for non-motorised transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorised transport”; |
| Amendment
section 7
of
Cap.408. | 2B. Section 7(2) of the principal Act is amended by inserting the following new paragraph immediately after paragraph (a)- |
| | “(aa) designing and constructing designated tracks for non-motorised transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorised transport”; |
| Amendment
section 10
of
Cap.408. | 2C. Section 10(2) of the principal Act is amended by inserting the following new paragraph immediately after paragraph (a)- |
| | “(aa) designing and constructing designated tracks for non-motorised transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorised transport”; |
| Insertion of a new
section 10A in
Cap. 408. | 2D. The principal Act is amended by inserting the following new section immediately after section 11- |
| | Functions of county governments. 11A. Each county government shall have the power and role of designing and constructing designated tracks for non-motorised transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which shall be separated from tracks for motorised transport. |
| Amendment
section 22 of Cap.
408. | 2E. Section 22(2) of the principal Act is amended by inserting the words “cycling lane, pedestrian walkway” immediately after the word “road” appearing in paragraph (a). |
| Amendment
section 46
of
Cap. 408. | 2F. Section 46(2) of the principal Act is amended by inserting the words “and the lanes for non-motorised transport” immediately after the words “its responsibility” appearing in paragraph (a). |

(The new clauses were read a First Time)

The Temporary Chairman (Hon. Farah Maalim): Hon. Members, Hon. Naisula is not here to move these amendments for the Second Reading. They will not be considered and are, therefore, dropped.

*(Proposed amendments by
Hon. Naisula Lesuuda dropped)*

Clause 2

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THAT, Clause 2 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

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

“bicycle” has the same meaning assigned to it under the Traffic Act;

“county road” means a road classified as such under Part B of the First Schedule;

“cycling lane” means on-road lanes exclusively reserved for use by bicycles and wheelchairs, with clear markings separating them from other lanes used by motorized vehicles;

“cycling track” means part of the road exclusively reserved for use by bicycles and wheelchairs and is physically separated from tracks used by motorized vehicles;

“non-motorized transport” means all forms of travel that do not rely on an engine or motor for movement and includes walking, cycling and mobility assistance devices;

“non-motorized vehicle” means any vehicle that is not self-propelled and includes bicycle, wheelchair, and scooter;

“pedestrian” means a person travelling on foot; and

“pedestrian walkway” means that part of the road exclusively reserved for use by pedestrians and is physically separated from lanes used by motorized vehicles.

(Proposed amendment by Hon. Naisula Lesuuda dropped)

(Clause 2 agreed to)

(A Member spoke off the record)

The Temporary Chairman (Hon. Farah Maalim): This is not an amendment to Clause 2. All the amendments by Hon. Naisula have been dropped. We are talking about Clause 2 of the Bill itself.

(Hon. TJ Kajwang’ spoke off the record)

Yes, all the amendments have been dropped. They are superseded, and are, therefore, *ultra vires*.

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. Farah Maalim): I call upon the Mover to move reporting. Where is he?

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairman, I have the authority to move reporting.

The Temporary Chairman (Hon. Farah Maalim): Do you have the authority from Hon. Kaluma?

Hon. TJ Kajwang' (Ruaraka, ODM): I have both specific and ostensible authority to move reporting.

The Temporary Chairman (Hon. Farah Maalim): Okay, proceed and move reporting.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the Kenya Roads (Amendment) (No.3) Bill (National Assembly Bill No.34 of 2025) 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 VIRTUAL ASSET SERVICE PROVIDERS (AMENDMENT) BILL

The Temporary Speaker (Hon. Peter Kaluma): In respect of the Virtual Asset Service Providers (Amendment) Bill, Chairperson to report to the House.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Virtual Asset Service Providers (Amendment) Bill, National Assembly Bill No. 15 of 2025 and approved the same with amendments.

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

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, I beg to move that this House do agree with the Committee in the said report.

I request Hon. David Mboni, Member for the great people of Kitui Rural to second the Motion for agreement with the report of the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Mboni.

Hon. David Mwalika (Kitui Rural, WDM): Hon. Temporary Speaker, I second.

(Question proposed)

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I thank Members for this Bill, especially Members of the Departmental Committee on Finance and National Planning. Hon. Mboni and the Chairperson have withstood a lot of heat in consideration of this Bill.

As the Chairperson was saying, this is a completely new area for many people, including those in some of our regulatory authorities like the Central Bank of Kenya (CBK) and the Capital Markets Authority (CMA). I know there was a very strong push to have an independent authority to regulate this sector, but we have agreed with the Chairperson that we give them an opportunity to see if they can regulate. And I know his sentiments on that aspect. We will also use this opportunity to ask the CBK and CMA to make sure that they are up to speed with ensuring that they do not derail the work of the cryptocurrency industry in any way. They should also bring themselves up to speed with current trends in the field of technology. This will ensure that the fears that the Committee and many members of the public had expressed, on the inability of CBK and CMA to regulate this sector, can be pre-empted by their positive action. I ask them that upon the passage of this Bill, they should immediately apprise themselves with all its provisions. This will enable them regulate this sector in a way that will enhance the growth of our economy.

As the Chairperson said, it is a new field but one that is very good in generating wealth. Especially for young tech-savvy Kenyans who are in the cryptocurrency field. We can therefore only support them through positive legislation which we are doing today. I thank the Committee for that, and the House for having considered this Bill to its conclusion.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mangale Chiforomodo. He has stepped out for other duties.

I will defer further consideration of the Bill including putting of the Question, to the future.

(Putting of the Question deferred)

CONSIDERATION OF REPORT ON THE KENYA ROADS (AMENDMENT) BILL

The Chairperson in respect of the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025), to report to the House. Hon. Farah.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025) and approved the same with amendments.

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

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee of the whole House in the said report.

I request Hon. Komingoi to second the Motion in agreement with the Report of the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Komingoi.

Hon. Kibet Komingoi (Bureti, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Do you have any contributions? I can see Hon. Chiforomodo's intervention, but he has stepped out for other duties.

(The Temporary Speaker consulted the lead Clerk-at-the-Table)

There are situations where the phrase “for the avoidance of doubt” applies.

Hon. Members, for the convenience of the House, I will defer further business on the matter of this Bill to the future as and when the House Business Committee will schedule it. Those businesses will include putting the Question at all levels of consideration of the matter.

(Putting of the Question deferred)

Next Order.

MOTION

ADOPTION OF THE SEVENTH REPORT ON AUDITED ACCOUNTS FOR SELECTED STATE CORPORATIONS

THAT, this House adopts the Seventh Report of the Public Investments Committee on Social Services, Administration and Agriculture on its examination of Financial Statements of the following State Corporations, laid on the Table of the House on Wednesday, 13th August 2025:

1. National Syndemic Diseases Control Council (formerly National Aids Control Council) For FYs 2017/2018 to 2023/2024;
2. National Social Security Fund for FYs 2021/2022 to 2023/2024;
3. National Cancer Institute of Kenya for FYs 2019/2020 to 2023/2024; and,
4. Child Welfare Society of Kenya for FYs 2015/2016 to 2018/2019.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, I was requested by the Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture, Hon. Emmanuel Wangwe, to step down the matter appearing under Order No. 9 to the future for consideration of the House. I have conceded the request.

(Motion deferred)

Next Order.

BILL

Second Reading

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (Senate Bill No. 12 of 2024)

The Temporary Speaker (Hon. Peter Kaluma): I step down the matter appearing under Order No. 10 at the request of the Mover to a future date for better consideration as and when the House Business Committee will schedule it.

(Bill deferred)

Next Order.

MOTIONS

APPROVAL OF THE NATIONAL GREEN FISCAL INCENTIVES POLICY FRAMEWORK

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the Sessional Paper No. 5 of 2024 on the National Green Fiscal Incentives Policy Framework, laid on the Table of the House on Tuesday, 30th September 2025 and approves Sessional Paper No. 5 of 2024 on the National Green Fiscal Incentives Policy Framework.

The Temporary Speaker (Hon. Peter Kaluma): Once again, the matter appearing under Order No. 11 is stepped down for consideration in the future as and when it will be scheduled to come before the House by the House Business Committee.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON EALA'S FOURTH MEETING OF SECOND SESSION OF 5TH ASSEMBLY

THAT, this House adopts the Report of the Select Committee on Regional Integration on its consideration of reports of the East African Legislative Assembly at the Fourth Meeting of the Second Session of the Fifth Assembly, laid on the Table of the House on Wednesday, 24th September 2025.

The Temporary Speaker (Hon. Peter Kaluma): The matter appearing under Order No. 12, is stepped down and deferred for future consideration at the convenience of the House.

(Motion deferred)

Next Order.

APPROVAL OF THE PRIVILEGES AND IMMUNITIES (THE GLOBAL CENTRE FOR ADAPTATION) ORDER, 2025

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the Privileges and Immunities (the Global Centre for Adaptation) Order, 2025, laid on the Table of the House on Tuesday, 30th September 2025, and approves the Privileges and Immunities (the Global Centre for Adaptation) Order (published as Legal Notice No. 82 of 2025).

The Temporary Speaker (Hon. Peter Kaluma): For the convenience of the House, the matter appearing under Order No. 13 is stepped down to be considered by the House in future as and when it will again be listed for business by the House Business Committee.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, let us be upstanding. That is the last business on the Order Paper for today. The time being 6.54 p.m., this House stands adjourned until Tuesday, 7th October 2025, at 2.30 p.m.

The House rose at 6.54 p.m.

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