



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

## THE HANSARD

Wednesday, 8<sup>th</sup> October 2025

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Sergeant-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

**Hon. Deputy Speaker:** Sergeant-at-Arms, you may stop the Quorum Bell and we may begin. First Order.

### PAPERS

Hon. Owen, for the Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

1. Reports of the Auditor-General and Financial Statements for the year ended 30<sup>th</sup> June 2025 and the certificates therein in respect of the following:
  - (a) Receiver of Revenue Statements – Ministry of Defence
  - (b) Kenya – EU Partnership for the Implementation of the National Strategy to Counter Violent Extremism in Kenya – National Counter Terrorism Centre.
  - (c) Africa Climate Summit (ACS) Africa Climate Week – State Department for Environment and Climate Change
  - (d) Kenya Power and Lighting Company PLC
  - (e) Supporting Access to Finance and Enterprise Recovery Project (IDA Credit No.7018-KE) – The National Treasury.
2. The Annual Performance Report of the Ministry of Défense for the Financial Year 2024/2025 from the Cabinet Secretary
3. The Annual Report of the Business Registration Service for Financial Year 2024/2025 from the Office of the Attorney-General

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us now have Papers to be laid by the Chairperson of the Select Committee on the National Government Constituencies Development Fund (NG-CDF). Is the Chairperson present? Did he assign anyone in the Committee to lay the Paper? Deputy Leader of Majority Party, what is the position?

**Hon. Owen Baya** (Kilifi North, UDA): I think Hon. Sawa Tandaza is walking in and he will lay the Paper.

*(Hon. Owen Baya spoke off the record)*

**Hon. Deputy Speaker:** It is a Report of the Select Committee on the National Government Constituencies Development Fund on its Biennial Report...

*(Hon. Kassim Tandaza consulted Hon. Owen Baya)*

Do you have it, Hon. Tandaza?

**Hon. Kassim Tandaza** (Matuga, ANC): Yes, I am ready.

**Hon. Deputy Speaker:** Proceed.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion...

*(Hon. Kassim Tandaza consulted Clerks-at-the-Table)*

**Hon. Deputy Speaker:** You will lay the Paper, first. Thereafter, you will give your notice of Motion when we get to that part of the Order Paper.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hold on, is that a notice of Motion?

**Hon. Kassim Tandaza** (Matuga, ANC): I want to lay the Paper.

**Hon. Deputy Speaker:** Okay, lay the Paper first.

**Hon. Kassim Tandaza** (Matuga, ANC): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on the National Government Constituencies Development Fund (NG-CDF) on its Biennial Report on the Implementation of the National Government Constituencies Development Fund Act, Cap 414A for the Financial Years 2022/2023 and 2023/2024.

**Hon. Deputy Speaker:** Okay. There are no more Papers to be laid. Therefore, we can move to the next Order.

## NOTICE OF MOTION

### ADOPTION OF BIENNIAL REPORT OF NG-CDF ON IMPLEMENTATION OF NG-CDF ACT

**Hon. Deputy Speaker:** Again, Hon. Tandaza, on behalf of the Select Committee on the NG-CDF, give your notice of Motion.

**Hon. Kassim Tandaza** (Matuga, ANC): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on its Biennial Report on the Implementation of the National Government Constituencies Development Fund Act, Cap 414A for Financial Years 2022/2023 and 2023/2024, laid on the Table of the House on 8<sup>th</sup> October 2025.

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

## QUESTIONS AND STATEMENTS

**Hon. Deputy Speaker:** Hon. Members, today the Questions that we have are those directed to the Cabinet Secretary for Education, pursuant to Standing Order 42(a). Therefore, we will not be having the usual Questions by Members. We will only have Questions by Private Notice and the ordinary questions that will be handled accordingly.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The only Statement we shall have is the one by the Chairperson of the Select Committee on the National Government Constituencies Development Fund (NG-CDF), on disbursement of the NG-CDF. Do you have that Statement? Yes, you can proceed to read it out and then we will move to the Questions by Private Notice.

#### STATUS OF NG-CDF FOR FINANCIAL YEAR 2025/2026

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Deputy Speaker. I rise to make a Statement on behalf of the National Assembly Select Committee on the National Government Constituencies Development Fund (NG-CDF) regarding the status of the Fund for the Financial Year 2025/2026.

On allocation to the Fund and budget ceiling for the Financial Year 2025/2026, the NG-CDF was allocated a total of Ksh58,797,728,147. Pursuant to Sections 6 and 34 of the NG-CDF Act, the NG-CDF Board determined the budget ceilings for all the 290 constituencies. These budget ceilings were presented before the National Assembly Select Committee on the NG-CDF on 31<sup>st</sup> July 2025 and the Committee tabled its Report before this House on 6<sup>th</sup> August 2025.

Under the status of preparation and submission of project proposals for the 2025/2026 Financial Year, following the approval of the budget ceilings by the National Assembly Select Committee (NASC and the NG-CDF Board) the Board issued a circular Reference No.NGCDF-FB/CEO/NGCDF/Vol.3(004), dated 17<sup>th</sup> September 2025 to all Fund Managers. The Circular invited constituency committees to submit their respective project proposals within the deadline set for 17<sup>th</sup> October 2025. I wish to reiterate the importance of timely submission of these proposals.

Pursuant to Section 16 of the NG-CDF Act, the Board is mandated to consider project proposals submitted from various constituencies, approve those consistent with the Act and ensure timely and efficient disbursement of funds for implementation of approved projects. As of today, 8<sup>th</sup> October 2025, only 55 constituencies out of the 290 have submitted their project proposals to the Board for consideration. I, therefore, urge all constituency committees to fast-track the transmission of their project proposals to avoid delays in the implementation of different projects across the country.

When it comes to receipt of funds from the National Treasury, Section 39(2) of the NG-CDF Act states that disbursement of funds to the constituency fund accounts shall be effected at the beginning of the first quarter of each financial year with an initial amount equivalent to 25 per cent of the annual allocation for the constituency and thereafter replenish in three equal instalments at the beginning of the second, third and fourth quarters of the financial year. This being the second quarter of the financial year, the expected disbursement to the Fund is Ksh29,398,864,074, out of which Ksh5,797,728,147 has been received by the Board, leaving a balance of Ksh23,601,135,927. The Committee remains actively engaged with the National Treasury to ensure that the remaining funds are released in accordance with Section 39(2) of the NG-CDF Act.

As I conclude, I wish to assure the Members that the Committee will continue to engage the National Treasury to ensure timely release of the remaining funds. I also urge all constituencies to adhere to the project proposal submission timelines set by the Board. Timely submission of projects proposals is essential as the Board is mandated under Section 16 of the NG-CDF Act to disburse funds only on approved project proposals.

Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Bowen, before I allow you to add your voice, let me recognise some schools.

Hon. Members, I would like to welcome students from the following schools seated in the Public Gallery: St. John's Thaita Junior School from Kirinyaga Central Constituency, Kirinyaga County; St. John's Thaita Secondary School from Kirinyaga Central Constituency, Kirinyaga County; and Gilgil Girls Academy from Gilgil Constituency, Nakuru County. Seated in the Speaker's Gallery, we have students from Athi River Secondary School, Mavoko Constituency, Machakos County. On behalf of the substantive Speaker and the entire National Assembly, I welcome you to Parliament.

I will give a chance to the Member for Gilgil to welcome the students.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you very much, Hon. Deputy Speaker. I would also like to appreciate the Speaker and the Clerk because this Session of Parliament has done very well in allowing as many students and learners as possible to come and observe the proceedings of this House. Maybe the handwriting was not very clear, but it is Gilgil Hills Academy. This is one of the best private schools you can have. In fact, one of the children of the President schooled there and is an alumnus of the school. We are proud of them. We encourage them, as we always do, including all the others who have come from different parts of this country. I want to encourage them that they can be anything they dream to be, and can actually achieve their dreams. As they observe the proceedings of this House, we wish them all the best.

Thank you.

**Hon. Deputy Speaker:** Thank you. As we wait for the Cabinet Secretary to come, I will allow Hon. Kangogo Bowen.

**Hon. Kangogo Bowen:** (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. If you allow me, I would like to say something about what Hon. Kassim Tandaza has just read regarding the progress on disbursement of the NG-CDF funds. I appreciate Hon. Tandaza for that progress report. Regarding the NG-CDF Board, we have an issue we have discussed many times, especially concerning our NG-CDF staff, who have to wait for three or four months before they are paid. That is a very stressful situation given that those working for us are fathers and mothers who have utilities to pay. Could the Board undertake, through Hon. Kassim, to pay salaries to our staff monthly instead of quarterly, which is the current practice?

The second issue on disbursement of the NG-CDF money to constituency CDF accounts, which as a House we must fast-track, is bursary funds. Many of our students in the constituencies, including those in this chamber, depend entirely on bursaries. Some students rely on bursaries 100 per cent to clear their school fees. They should, therefore, be given priority when bursaries are disbursed. Even as we plan for projects, bursary funds must be released first.

Lastly, we must also avoid situations where the NG-CDF funds are delayed and carried over to the next financial year. These delays hurt small contractors in the villages. The contractors supply materials or services to schools. They supply vegetables to schools and materials for small works. Such pending bills are a serious burden to them. I appreciate what Hon. Kassim has presented, but please, look into these two critical areas.

Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Members. We had agreed not to take more Statements today, but since the Cabinet Secretary has delayed, I will allow two previously approved Statements – one by Hon. Wangwe and another one by Hon. Passaris.

**Hon. Kassim Tandaza** (Matuga, ANC): On a point of order.

**Hon. Deputy Speaker:** Yes, Hon. Tandaza, what is your point of order? I thought your Statement was clear.

**Hon. Kassim Tandaza** (Matuga, ANC): Yes, it was clear, but I want react to what Hon. Kangogo has just said. Section 39(2) is very clear on disbursement of funds. Unfortunately, it does not specify what should happen if the National Treasury fails to comply. As legislators,

we need to review how to enforce Section 39(2), so that it is followed to the letter. If that were done, we would not face the challenges that Hon. Kangogo mentioned.

Thank you.

**Hon. Deputy Speaker:** Hon. Ochanda, Member for Bondo, please, be brief because we have a lot of business today.

**Hon. Gedion Ochanda** (Bondo, ODM): Thank you, Hon. Deputy Speaker. I am aware of ongoing efforts to safeguard the Fund. I would like to urge the House to treat this Fund as a special case this year. We should not subject it to quarterly disbursements if we are serious about implementation. If we wait for quarter four, it will coincide with the Fund's closure, leaving little time for any work. The funds should be released by the end of January to allow adequate time for project implementation. This would ensure that projects are completed before the operations of the Fund and its Board close in June. Therefore, I propose that funds be disbursed by January, disregarding the quarterly schedule, to ensure proper closure and accountability.

**Hon. Deputy Speaker:** Hon. Wangwe, please, make your Statement. Then Hon. Passaris will follow.

#### IRREGULAR TEACHER PROMOTION INTERVIEWS IN NAVAKHOLO SUB-COUNTY

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Deputy 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 irregularities in the recent teachers' promotion interviews in Navakholo Sub-County.

The Teachers Service Commission (TSC) recently conducted promotion interviews for teachers across the country. Among the guidelines for eligibility was for a teacher to be currently deployed in a school within which the promotional vacancies exist. However, in the case of the interviews carried out in Navakholo Sub-County, deep concerns have arisen regarding the decision by the TSC to interview six individuals currently serving outside the Sub-County for promotional positions within Navakholo Sub-County. They are: Naaman Mmayi, from Mumias East; Margaret Mbulishe from Kakamega Central; Abraham Munyolo from Matungu; Joseph Kasembeli Masinde and Moses Lumbuku from Bungoma; and Juliet Nafula Manyuru from Lugari.

Such actions undermine the integrity of the promotion process and compromise the chances of teachers who have been dutifully serving within Navakholo Sub-County, hence rightfully deserving to be considered for the promotions. It is, therefore, imperative that the matter be urgently addressed with a view to ensuring fairness to deserving teachers currently serving in Navakholo Sub-County.

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

1. The reasons why the TSC interviewed the named teachers for promotional positions within Navakholo Sub-County despite being currently stationed in other sub-counties.
2. Urgent steps being taken by the TSC to annul the interview and impeding consideration for promotion of the said teachers and revert the slots to deserving teachers within Navakholo Sub-County in line with the set promotional guidelines.
3. The measures in place to ensure that in conducting subsequent interview and selection processes, the TSC strictly adheres to the established guidelines and eligibility criteria to ensure fairness to teachers.

**Hon. Deputy Speaker:** Okay. Hon. Naomi Waqo, do you want to make an undertaking, on behalf of the Departmental Committee on Education? Is there a Member of the Departmental Committee on Education here who can give an undertaking? Yes, Hon. Gisairo.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): We can receive an answer immediately after the recess, or next week at the latest.

**Hon. Deputy Speaker:** Okay. Hon. Esther Passaris, Member for Nairobi County, you may make your Statement.

DISTURBING CONFESSION VIDEO ON RAPE  
ALLEGATIONS BY PASTOR JAMES NG'ANG'A

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding a deeply disturbing video clip that has been circulating on social media since yesterday, alleging a confession to rape by Pastor James Ng'ang'a.

The clip allegedly shows Pastor James Ng'ang'a, a Kenyan televangelist and founder of Neno Evangelism Centre located at the intersection of Haile Selassie Avenue and Uhuru Highway, confessing that he and eight others raped a woman. In this era of Artificial Intelligence and digital manipulation, it is often difficult to determine whether such content is authentic or fabricated. Nonetheless, a video of this nature demands immediate and serious investigation. If genuine, the clip represents not a sermon, but a criminal confession that requires urgent action by law enforcement agencies. If fake, it exposes the dangerous misuse of technology to spread falsehood, discredit faith, and retraumatise survivors of sexual violence.

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

1. Clarification on measures being undertaken by the Directorate of Criminal Investigations (DCI) to authenticate and investigate the circulating video using digital forensic expertise, and to update the public on the outcome to restore confidence in both faith and justice.
2. Explanation on the mechanisms in place to identify, locate and protect in both faith and justice, survivors of sexual violence whose trauma may be aggravated by the circulation of such sensitive media content online.
3. Information on the plans by the Government to regulate, monitor, and curb the misuse of Artificial Intelligence and other digital technologies that generate or manipulate content amounting to criminal misinformation or obstruction of justice to prevent technological abuse that undermines morality, public trust, and national cohesion.

I thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Passaris. Is the Chairperson of the Departmental Committee on Administration and Internal Security around? Yes, Hon. Raso?

**Hon. Ali Raso** (Sako, UDA): Thank you, Hon. Deputy Speaker. We will respond immediately after the recess.

**Hon. Deputy Speaker:** We now move to the next Order of business pursuant to Standing Order 42A(6)(B), where the Cabinet Secretary for Education is here to respond to Questions this Wednesday afternoon. Hon. Owen Baya, Deputy Leader of the Majority Party, please, escort the Cabinet Secretary in.

## QUESTIONS AND STATEMENTS

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

*[The Cabinet Secretary for Education (Mr Julius Ogamba)  
walked into the chamber]*

**Hon. Deputy Speaker:** Cabinet Secretary for Education, you are welcome to the National Assembly. Before we embark on the first Question, I would like to bring to the attention of the Members the provisions of Standing Order 42B. For avoidance of doubt, it says:

“(5) Where the Member scheduled to raise a Question in the House is absent without the Speaker’s permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.

(5A) A Member scheduled to ask a Question in the House may—

- (a) request the Speaker to defer a Question to another time or day;
- (b) withdraw a Question where it has been overtaken by events, or;
- (c) at least two hours before the sitting, nominate another Member to ask the Question in his or her absence by notifying the Speaker in writing.”

(6) The Speaker may defer a Question to a different time or day from its scheduled time and day.

(7) A Question may include a request for a report from a cabinet secretary concerning matters under the control of the cabinet secretary.

Hon. Members, we have QPN 11/2025 and QPN 13/2025 by Hon. Omboko Milemba, who is not present in the House. We also have a Question by the Member for Isiolo County, Hon. Mumina Bonaya, whom when I checked a minute ago was not in the House. The Questions are, therefore, dropped. We also have Question 70/2025 by the Member for Keiyo South, Hon. Gideon Kimaiyo and Question 71/2025 by the Member for Matayos, Hon. Geoffrey Odanga, both of whom are absent. Therefore, the Questions are also dropped.

*(QPN 11/2025, QPN 13/2025, Question 70/2025  
and Question 71/2025 dropped)*

We will now proceed to the Question by the Member for Baringo Central, Hon. Joshua Kandie.

**Hon. Kangogo Bowen** (Marakwet East, UDA): On a point of order, Hon. Deputy Speaker.

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

**Hon. Deputy Speaker:** What is your point of order, Hon. Kang’ogo? I will come to you, Member for Funyula. Proceed, Hon. Kangogo.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Deputy Speaker, I know the Questions by Hon. Omboko Milemba and the Woman Representative for Isiolo County are very important. I remember when Hon. Omboko Milemba brought up that issue in the House, it was very emotive. When a Member raises a Question on the Floor of the House and the substantive speaker or yourself approves the same, it should be treated as a property of the House. If you read those two Questions...

**Hon. Deputy Speaker:** Hon. Kangogo, I will stop you right there. I just went to great pains to read Standing Order 42B, which is clear. Unless you want to stand on the Floor of the

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



House and amend the Standing Order, which you cannot, that is a non-issue. No one is underestimating the importance of the Questions. All we are saying is that the Member who is responsible for the Question, as set out on the Standing Orders, should be in the House for that Question to be entertained and responded to by the cabinet secretaries when they are present. That is a suggestion for the Procedure and House Rules Committee.

*(Several Hon. Members spoke off the record)*

Hon. Kangogo, we shall now proceed with the Question by Hon. Kandie, who is here and on time. If those Hon. Members want to approach Hon. Deputy Speaker for indulgence, they should do so because I do not think they have hired you to hold their brief.

Hon. Members, I will allow Hon. Kandie to start. The Cabinet Secretary is already here. Let that Question be asked. I left my office at exactly 2.30 p.m. If those Hon. Members have written letters to the Speaker, it can be brought to my desk to enable me to rule otherwise.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Oundo? Let it be the last one.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Deputy Speaker, we appreciate and respect your ruling because the speaker's ruling cannot be challenged.

**Hon. Deputy Speaker:** It is not my ruling. I have read the Standing Orders.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I accept. Hon. Deputy Speaker, there are some matters of public interest that transcend an individual Member. These particular Questions are not domiciled to a particular constituency. They cannot be categorised as personal Questions that affect a particular constituency. We just seek your indulgence, under Standing Order 1, using your express discretion, to allow Hon. Members to deal with these Questions, which are of extreme public importance. It might not be necessary now, but as we continue, we seek your indulgence.

**Hon. Deputy Speaker:** Hon. Oundo, I also ruled on that one. You are speaking on their behalf, which is contrary to the Standing Orders. I know those Hon. Members will reach out shortly. There is probably a letter in the Speaker's Office, which will be brought here. By that, we will have dealt with the two Questions. If that request comes, I am willing to consider it. But for now, let us proceed as per the Standing Orders and allow Hon. Kandie to proceed. Let the others send their documentation. I know Hon. Kimaiyo has already sent a note.

**Hon. Martha Wangari** (Gilgil, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Martha, what is your point of order?

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Deputy Speaker. We appreciate the ruling. I am sorry because I was trying to reach Hon. Omboko, who had reached out to me. I was not aware he had not written to the Office of the Speaker. Maybe the communication has already come. I had raised this issue before Hon. Omboko. So, it was actually in the proceedings of the House. I hope that in the meantime, it can reach your office because capitation is quite a thorny and urgent matter of national importance.

**Hon. Deputy Speaker:** If it is of great national importance, it is also important for the Hon. Members to just follow the Standing Orders. If we do not follow them, we will be accused of disobeying the rules of the House. We still have time. For efficiency, let us allow the Members who are present to ask their Questions and give the Cabinet Secretary an opportunity to answer. I am sure some of you have reached out to those Members. If communication comes to me, I can receive it and thereafter we can proceed.

Proceed, Hon. Kandie.

## ORDINARY QUESTIONS

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

QPN 72/2025

## PLACEMENT OF STUDENTS IN KMTC

**Hon. Joshua Kandie** (Baringo Central, UDA): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) Provide a comprehensive list of the Kenya Medical Training Colleges (KMTC) established across the country, indicating the status of distribution of students placed in these colleges through the Kenya Universities and Colleges Central Placement Service (KUCCPS)?
- (b) Explain why some students who applied through the Kenya Universities and Colleges Central Placement Service (KUCCPS), despite meeting the requisite qualifications, have not secured placement in any of the training colleges, and outline the measures put in place to accommodate such students who wish to pursue their studies under KMTC?
- (c) Clarify whether the Kenya Medical Training Colleges (KMTC) are authorised to admit students independently, and if so, state the safeguards or procedures instituted to guarantee fairness and transparency in the admission process?

Thank you, Hon. Deputy Speaker?

**Hon. Deputy Speaker:** I now give the opportunity to the Cabinet Secretary to respond to the Question. Hon. Members, I have received communication from Hon. Omboko indicating that he has nominated the Member for Gilgil, Hon. Martha Wangari, to ask the Question on his behalf. Hon. Martha, I will allow you to ask the Question.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Deputy Speaker and Hon. Members, for giving me an opportunity to respond to these Questions.

Since the 2023/2024 placement cycle, KUCCPS has placed a total of 90,181 students in pre-service training programmes across the 95 KMTC campuses nationwide. The summary of placements for the last three cycles is as follows:

No.	Level	Number of Programmes	Number of students placed			Grand Total
			2023/2024	2024/2025	2025/2026	
1.	Diploma	27	7,842	20,714	21,682	50,238
2.	Certificate	9	7,303	15,664	16,971	39,943
	<b>Total</b>	<b>36</b>	<b>15,150</b>	<b>36,378</b>	<b>38,653</b>	<b>90, 181</b>

In our written Statement, we have included an annexure as Annexe No.1, which has a total list of the KMTC campuses in the country. We have a total of 95 campuses. The distribution of how these students have been placed in all the campuses is indicated and confirms the total as 90,181 students.

The placement criteria for KMTC programs are set by the respective regulators as per the program. The KMTC and KUCCPS jointly set additional criteria based on several parameters to ensure fairness and equitable access to applicants who meet the minimum entry requirements to the capacities that are available. The criterion takes into consideration the distribution of capacities to ensure that placement reflects the face of Kenya, the poverty index, affirmative action for persons with disabilities, and distribution to counties, sub-counties, and constituencies.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Since KUCCPS cannot place more students into a given program beyond the capacity declared by KMTC, it is inevitable that some applicants who meet the minimum requirements may not secure placement. However, whenever additional capacities are declared by KMTC, either through replacement or approval of new programs in more campuses, KUCCPS places the initially unsuccessful applicants directly from the database into these institutions.

Furthermore, it should be noted that some KMTC programmes are more popular than others. These popular programmes tend to attract more applicants and thus fill more quickly. For the less popular programmes that fail to reach full capacity, KUCCPS and KMTC engage in joint grassroots initiatives to promote these programmes. The application portal remains open to facilitate rolling placements and to attract more applicants.

Regarding the third part of that Question, KUCCPS is currently the entity mandated to place pre-service students into KMTC campuses. However, KMTC also admits students into in-service programmes and short courses. These in-service programmes include upgrading programmes and higher diploma programmes designed for individuals already in the healthcare workforce who wish to enhance their qualifications.

I respectfully submit.

**Hon. Deputy Speaker:** Let us hear from Hon. Kandie and three other joyriders: Hon. Tandaza, Hon. Kangogo and Hon. Passaris.

**Hon. Joshua Kandie** (Baringo Central, UDA): Thank you. I am satisfied with the response by the Cabinet Secretary.

**Hon. Deputy Speaker:** Hon. Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Deputy Speaker. While the Cabinet Secretary has provided a very comprehensive reply, we do not have a copy of it. How will we interrogate the figures without access to the document he has just read? He mentioned an annexure that we do not possess.

**Hon. Deputy Speaker:** The response is available at the Table Office. He will also table it here.

**Hon. Kassim Tandaza** (Matuga, ANC): It would have been better if the documents on this matter had been tabled as we discussed it. Otherwise, it will simply be overtaken by events. My concern is specific to popular courses, particularly the nursing course. It is on record that admissions are primarily granted to candidates from a specific region. A student from Matuga, even with a B-plus or higher, often requires special persuasion of the Director to secure admission. I had anticipated that this response would provide a breakdown of the admitted candidates, including their regional origins, as this is my primary issue. There are areas where students are being offered health records courses, which are not very marketable, along with other programmes such as physiotherapy, yet community health admissions are limited to a specific region. Would you kindly provide that breakdown?

**Hon. Deputy Speaker:** Yes, Hon. Kangogo. Remember that this is a joyrider. Keep it brief and specific.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. I appreciate the response from the Cabinet Secretary. I have two questions. The Ministry of Education continues to admit students to KMTC even though the KMTC Act has not been repealed. What steps is the Ministry taking to ensure that the KMTC Act is aligned so that the Ministry possesses the mandate for admissions? Secondly, while the Ministry of Education admits the students, they do not benefit from loans from the Higher Education Loans Board (HELB) like other students under the Ministry. What action is the Ministry taking to ensure that all students are adequately funded? It appears that KMTC falls under the jurisdiction of the Ministry of Health, yet the Cabinet Secretary for Education is responding to questions related to health. What are the two ministries doing to ensure alignment?

**Hon. Deputy Speaker:** You have made your point. Hon. Passaris.

**Hon. Esther Passaris** (Nairobi City County, UDA): Thank you, Hon. Deputy, for giving me this opportunity. We do not have the figures with us, which makes it challenging to articulate the question clearly. However, I would like to know how many students have applied and have not been accommodated. That figure did not come out very clearly. Is the institution's capacity lower than the students who want to pursue nursing?

In the past, Kenyan institutions had affiliations with universities abroad, like the University of London. I met a nursing student in Australia, and she told me that when she moved to Australia for work, she had to repeat the entire nursing course. I was just wondering if the Government has any plan to affiliate and align with international standards in terms of the courses offered, so that when our graduates go to work in London, America or Australia, they do not have to retake the entire nursing course, because they have been accredited. Civil aviation is being accredited. So, I know it is possible. What plans does the Ministry have to align with international standards and courses, so that our students can have a broader range of options when seeking employment?

**Hon. Deputy Speaker:** Thank you. In the interest of time, let us make sure that we do not make statements, but rather we stick to questions. Hon. Member for Funyula, had you put your hand up? Are you good? Alright.

Let the Cabinet Secretary answer those three joyrider questions.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Deputy Speaker. We can avail the annexure so that Members can have access to it.

Regarding Hon. Tandaza's question on admitting students to popular courses from particular areas, unless we get that particular data, which we do not have at the moment since the Question did not extend to that particular issue, we are unable to respond to that aspect. We are, however, quite prepared to supply the data of all the students admitted in those three cycles. I have indicated that the total number is 90,181. I have also indicated the regions they come from for easier consumption. I did not carry that information, but it is available. It can be supplied to ensure that it can be interrogated at that point.

Regarding the responsibility of the Kenya Universities and Colleges Central Placement Service (KUCCPS) for managing admissions to the Kenya Medical Training College, this arrangement originated from a request by the KMTC. They asked KUCCPS, which is the national body responsible for admissions of all our students, to have their students admitted directly by the institution itself, for purposes of rationality and rationalisation.

On Hon. Kangogo's question, and for the benefit of the Members, KMTC students are also allowed to apply for the Higher Education Loans Board (HELB) loans. There was an arrangement between the Ministry of Health and HELB. The Ministry of Health releases money to HELB for it to manage. The KMTC students have the opportunity to apply for HELB; they are eligible to apply for the loans, depending on the money released by the Ministry.

The capacity is declared...

**Hon. Deputy Speaker:** Just a second, Cabinet Secretary. You are confirming that KMTC students are eligible for the Higher Education Fund (HEF) and the HELB Fund?

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): No, the loans.

**Hon. Deputy Speaker:** Just the loans?

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Yes, just the loans.

**Hon. Deputy Speaker:** Just the loans, not the scholarship aspect?

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Yes.

**Hon. Deputy Speaker:** That is knowledge that is actually not within the...

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): We appeared in this House alongside people from KMTC, and we gave that response. It is an arrangement where resources come from the Ministry of Health, and HELB manages it.

On the question of how many students have applied and were not admitted, under the diploma, our institutions declared 2,700 spaces and 300 spaces for certificates, yet the applicants were 25,000 in the last cycle. The number of applicants is far higher than the capacity of our institutions. When you do the math, you realise that almost 22,000 were not admitted.

Regarding Hon. Passaris's question about accreditation and alignment of our course curriculum to meet the international standards, that process is now being undertaken by the Kenya National Qualifications Authority (KNQA). This way, we will be able to train our nurses for the international and global market, so that when they get jobs abroad, they do not have to train afresh. The KNQA is undertaking this with various countries. It is work in progress.

**Hon. Deputy Speaker:** Yes, Hon. Nyikal. Give him the microphone.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Deputy Speaker, what the Cabinet Secretary is saying is not true. The KMTC did not request KUCCPS to take over the admission. The other way round is the correct position. The KUCCPS insisted on taking over the admission. The first admission KUCCPS handled was challenged in court. It was ruled that it was illegal and was reversed.

We had a meeting, and the Cabinet Secretary is aware that even the ongoing admission is illegal. There was an advisory from the Attorney-General to the effect that as long as the law exists, KUCCPS should not take over KMTC admission. I do not know if the Cabinet Secretary is aware that the last three batches of KMTC students are illegally admitted, and if someone went to court, it could be successfully challenged.

If we want KUCCPS to take over KMTC's admission, we should change the law, but not by such administrative fiat. I would love to know if he is aware that the current admissions are illegal.

**Hon. Deputy Speaker:** We have already had four joyrider questions.

*(Several Members spoke off the record)*

I will allow Hon. Raso and then Hon. Farah.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Deputy Speaker. Having listened to how the Cabinet Secretary answered these questions, I am surprised.

**Hon. Deputy Speaker:** Do not make a Statement; ask a question.

**Hon. Ali Raso** (Saku, UDA): The KUCCPS falls under the Ministry of Education, but KMTCs falls under the Ministry of Health. In terms of funding for KMTCs, does the funding come from the Ministry of Education or the Ministry of Health? If KMTCs' funding comes from the Ministry of Health, there is a contradiction. That is why Hon. Nyikal is asking why KUCCPS admits students yet it is not responsible for funding KMTC students.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Farah Maalim.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Deputy Speaker, whereas we appreciate what the Ministry and KUCCPS are doing, it is very clear that "KUCCPS" stands for Kenya Universities and Colleges Central Placement Service. The KMTCs basically offer diploma courses, not degrees. The law does not cover KUCCPS admitting KMTC students. Unless we change the law, we should leave it as it is. In any case, the KMTC has worked very well as an institution. If something is working well, why insist on fixing it? We should also note that if the law is not changed, we will have a lot of litigations.

Secondly, the Cabinet Secretary said that there are 300 spaces for certificate courses. Those are too few compared to the number of Kenyans who qualify for certificate courses. We are not training students for the domestic market alone. We are training them for the international market as well. Right now, nursing is the most marketable field where our

graduates can find jobs all over the world. Therefore, we should aspire to have a KMTC campus in every constituency. That way, we will be in a position to take care of that field for labour export.

In summary, my questions are: Why can we not increase the placement numbers in the interim? Do we not have to change the law before we give KUCCPS the mandate to admit KMTC students? The KUCCPS does a very good job. There is no question about that. However, the law is very clear. We will have a lot of litigations if we do not address these questions.

**Hon. Deputy Speaker:** Cabinet Secretary, I will give you one more chance to respond to those supplementary questions and then we can close the Question and move to the next one. Members, you will still have chances to joyride when the other Questions are asked.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Hon. Deputy Speaker, it is true that in 2019, there was a court case that arose out of the question of the placement of KMTC students through KUCCPS. The letter that was written came in after the court case in 2019. However, I would like to inform the House that KUCCPS has the mandate to do the placement to colleges under Section 56(1) of the Universities Act (Cap 210). The Act allows KUCCPS to coordinate placement to universities and colleges of all our students in the country. That mandate is provided for and it is the basis of KUCCPS exercising that power to place students in KMTC. Currently, KUCCPS places students to colleges that are domiciled in 18 other ministries. The KUCCPS was given this duty so as to ensure fairness and equity in the placement of students. That is the basis and current status of placement of students to KMTC.

**Hon. Deputy Speaker:** Thank you. We shall now move to the next Question.

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

**Hon. Deputy Speaker:** What is your point of order, Hon. Raso?

**Hon. Ali Raso** (Saku, UDA): Hon. Deputy Speaker, KUCCPS falls under the Ministry of Education while KMTC falls under the Ministry of Health. If the Ministry of Education is not able to fund the KMTCs, why do they go ahead to admit students in those colleges? For example, there is one KMTC campus in my constituency that the Ministry of Education has no business with. That is what the Cabinet Secretary must tell us.

Secondly, the Cabinet Secretary says that the admission has to reflect the face of the country. Can he supply us with the number of nursing students who are undergoing nursing courses? The current distribution is that if I have 20 students from Marsabit County, all of them cannot get admission into nursing in KMTC, but somebody else can have 2,000 students and all of them will be admitted. Does that reflect the fairness he is talking about?

**Hon. Deputy Speaker:** Hon. Raso, the Cabinet Secretary has already undertaken that he will supply the details. He did not anticipate that question, but he has undertaken to supply the details through the Departmental Committee on Education. Cabinet Secretary, give us the timelines on when you will supply the details on Hon. Raso and Hon. Tandaza's questions.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Hon. Deputy Speaker, we will submit that data in two weeks' time.

**Hon. Deputy Speaker:** Okay. Members, note that within two weeks, the Cabinet Secretary shall supply the data sought by Hon. Raso and Hon. Tandaza.

*(Hon. (Dr) James Nyikal spoke off the record)*

What clarification do you require, Hon. Nyikal?

**Hon. (Dr) James Nyikal** (Seme, ODM): I need clarification on KUCCPS admitting KMTC students. We cannot run a country if we do not say the truth. The request was not from KMTC. If that letter came, it must have come later and under duress. If KMTC is under the Ministry of Education, why do we allocate the funds for KMTC to KUCCPS for the students

to benefit from HELB? The money is budgeted for under the Departmental Committee on Health. There is a contradiction here and we need to change the law. What about the advisory from the Attorney-General around the same time of 2019? *Waziri*, I will look for the facts and table them before the Committee. These are facts that we know were presented before a committee.

**Hon. Deputy Speaker:** Okay. Hon. Members, there are legislative challenges and we need to make amendments to the law. Hon. Nyikal, your Committee can sponsor that amendment. You do not need the clearance of the Cabinet Secretary. Or it can come as a Private Member's Bill. Cabinet Secretary, I hope you have noted the issue that has come up, that you need to look at the legislation, apart from the documents that you will present to the Members.

I will now allow the next Question so that we make progress. Hon. Omboko Milemba has asked that his Question be asked by Member for Gilgil, Hon. Martha Wangari. Proceed with QPN 13/2025 and then go back to QPN 11/2025.

*QPN 13/2025*

STATE OF DISBURSEMENT OF CAPITATION IN SCHOOLS

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Deputy Speaker for the reconsideration.

I beg to ask the Cabinet Secretary for Education the following Question:

- (a) State 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 examinations are about to commence?
- (b) Outline the measures being put in place by the Ministry of Education to ensure smooth operations of schools despite the ongoing verification process by sending a minimum of 50 per cent of the capitation expected?
- (c) Provide the actions being taken by the Ministry to uncover the ghost schools that had received funds for both infrastructure capitation and examination purposes?
- (d) State the steps being taken to resolve the ongoing university lecturers' strikes to ensure resumption of learning by the university students?
- (e) Provide the expected timeframe for concluding verification to enable schools to resume normal operations?

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

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

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, proceed and answer that Question.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker. I beg to respond to the four questions on verification of schools and disbursement of capitation as follows:

The Office of the Auditor-General recently reported that some of the schools that received capitation from the Ministry of Education were non-existent. Following this Report, the Ministry decided to undertake a comprehensive verification exercise to determine the actual number of schools and learners in the country. To ensure transparency and accountability in the utilisation of public resources, we decided that capitation shall only be released or disbursed to schools that have been verified.

Hon. Temporary Speaker, as of 7<sup>th</sup> October 2025, the Ministry has verified a total of 39,752 primary, junior, senior, and special needs education institutions across the country, with a total of 9,430,139 learners. Capitation has been released to these institutions. So far, for secondary schools, the Ministry has released a total of Ksh10 billion out of an allocation of Ksh10.3 billion, which makes it 96 per cent of funds released to secondary schools. For junior schools, the Ministry has so far released Ksh4.1 billion out of a total of Ksh5.7 billion, accounting for 73 per cent of the funds allocated to them. For primary schools, the Ministry has disbursed Ksh821 million out of a total allocation of Ksh1.7 billion, making 48 per cent.

The exercise is nearing completion, and we should receive a comprehensive report within the next week, by which time it is intended to be fully completed. In the meantime, we will continue to disburse the full expected capitation for the third term to each school upon verification. Therefore, by the end of next week, that is one week from today, all verified schools will have received their full expected capitation for Term III.

On the question of the steps being taken to resolve the ongoing university lecturer strikes, the strike notices were issued by the Universities Academic Staff Union (UASU), the Kenya Universities Staff Union (KUSU) and the Kenya Union of Domestic, Hotel, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) on 9<sup>th</sup> and 10<sup>th</sup> September 2025, that cited disputes related to the full implementation of three Comprehensive Bargaining Agreements (CBAs) cycles, namely, the 2017-2021 CBA, non-payment of the second tranche of arrears for the 2021-2025 CBA, and not kick-starting the negotiations for the 2025-2029 CBA.

Regarding the 2021-2025 CBA, we wish to indicate that the requirements thereunder have substantially been settled. The total financial obligation requirement for this CBA was a total of Ksh9.76 billion disburseable in three tranches as follows:

1. Ksh4.3 billion that was for immediate release for the period of October 2024 up to and including June 2025. This amount was fully disbursed.
2. Ksh2.73 billion for the Financial Year 2025/26. This tranche was to be disbursed in July. It was delayed, but has since been disbursed between July and September 2025. It is fully paid.
3. There is another KSh2.73 billion for the Financial Year 2026/27, which is to be paid in the coming financial year, namely, from July 2026, and the payment is therefore not yet due.

The 2021-2025 CBA or the issues raised therein have been substantially sorted out.

On the 2017-2021 CBAs, the unions contend that although the Government disbursed Ksh8.8 billion between 2020 and 2021 following the signing of the CBA on 28<sup>th</sup> October 2019, Ksh7.9 billion remains outstanding. This is in accordance with the unions. However, the Salaries and Remuneration Commission (SRC) has disputed these claims by the unions. The SRC has advised that Ksh7.2 billion of the Ksh7.9 billion claimed as outstanding has already been paid through regular annual salary increments, leaving a balance of only Ksh624 million. The bone of contention is, therefore, this difference in interpretation, which is intended to be resolved amicably through objective discussions.

The industrial action by UASU, KUSU, and KUDHEIHA was enjoined by the Employment and Labour Relations Court on 18<sup>th</sup> September 2025, and the parties were directed to submit to conciliation. The strike, as we speak, is, therefore, unprotected. It is important to note that in his report dated 30<sup>th</sup> September 2025, the conciliator found as follows and filed this report in court:

1. That the implementation of the 2021-2025 CBA is up to date, and the union members have been paid their dues accordingly.
2. On the 2025-2029 CBA, the parties were waiting for the negotiation beacons to be provided by SRC in line with its legal mandate. It is, therefore, premature to



file a dispute on the 2025-2029 CBA. Indeed, the universities have already invited the unions to start preliminaries of the negotiations as they wait for the beacons from SRC.

3. On the disputed balances due under the 2017-2021 CBA, the parties and the SRC should undertake an audit of university payrolls to determine how much has been paid and how much is due to agree on payment arrangements. The conciliator's report was presented to the court during its hearing on 6<sup>th</sup> October 2025. The court allowed the parties to hold a meeting on 9<sup>th</sup> October 2025, which is tomorrow, to address the matters of the 2017-2021 CBA.

It should be clear that most of the issues raised by the unions are being addressed. The 2021-2025 CBA is being implemented as agreed, and the Government is ready to start negotiations for the 2025-2029 CBA. The issue of the balance under the 2017-2021 CBA necessarily requires an objective verification process to ascertain what is actually owed. The Government is committed to this process.

I respectfully submit. Thank you.

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

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Temporary Speaker. However necessary this verification process was, its timing was an inconvenience because we have the Kenya National Examinations Council (KNEC), the Kenya Primary School Education Assessment (KPSEA), the Kenya Junior School Education Assessment (KJSEA) and the Kenya Certificate of Secondary Education (KCSE) examinations, and it is a very short term.

I need the Cabinet Secretary to clarify why we constantly talk about ghost schools and students, yet no action is being taken against those who provide these details, while actual students are suffering and almost missing their examinations. By now, we should have 100 per cent disbursement, and we proposed that, at least, 50 per cent be sent to schools as you complete the verification process. I have read in the media that it will be done in about two weeks, but now the Cabinet Secretary says it will take one week.

As he answers that, he can also comment on the migration from the National Education Management Information System (NEMIS) to the Kenya Education Management Information System KEMIS. These structures are also affecting students during the migration, ensuring we know exactly what is happening at that point. Maybe he can give me that clarification. He should also give exact timelines. He said one week, but schools are closing on 21<sup>st</sup> for examinations. Even after the verification, many schools, including some in my constituency, are struggling to buy basic things like chalks and pens. Therefore, let that be clear for the Members. I know these are widespread issues. Maybe the migration to the National Education Management Information System (NEMIS) can also help, so that when we speak of numbers, we know exactly what we are talking about.

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

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. I will focus on the response to the strikes by our university lecturers. I think the ministry has really learned the art of hiding behind the SRC. This is not the first time. Regarding the Collective Bargaining Agreement (CBA) of 2021/2025, valued at Ksh9.7 billion, and the strike held in 2024, I was part of the Committee where the ministry initially insisted that the CBA was valued at Ksh4 billion. Again, they hid behind the SRC. It is through our Committee that we were able to push for the right amount of that CBA, which is Ksh9.7 billion.

You are now seeing them talking about the 2017/2021 CBA being completed, except for the Ksh624 million. There is nothing further from the truth than that. The Cabinet Secretary, who is a lawyer, received an advisory from the Office of the Attorney-General, which represented the Ministry and Government in court. In April this year, the advisory recommended that the Ministry and Government proceed with paying the balance of Ksh7.9

billion. Unless the Cabinet Secretary is telling this House that the Office of the Attorney-General was wrong. Therefore, the Government has the wrong advisor and has no clue what their job is. They are coming to disown whatever their own advisors advised them, and the ruling of the court is misleading this House.

The young people of this nation are at home. Lecturers are blowing vuvuzelas on the roads. We need answers to when the CBA in its entirety, the balance of Ksh7.9 billion, will be effected. Allow me to say that...

**The Temporary Speaker** (Hon. Farah Maalim): You were supposed to ask questions, not make a speech.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): I was providing background information so that the Members can understand where the whole issue is coming from. In the last strike, we had also asked the Ministry to immediately negotiate the 2025/2029 CBA before the Financial Year 2025/2026 started. Up to now, they have not yet started or registered. Why the delay?

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Kassim followed by Hon. Oundo.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Speaker. Now that the Cabinet Secretary has alluded to the fact that there exist ghost schools and students, can he also provide a list? He has said that they have uncovered this and the process is ongoing. Can he give a list of those purported ghost schools, students and where they are supposed to be located? From where I sit, there has been a tendency for ghost schools to be mentioned in areas where the Cabinet Secretary for Education, the Principal Secretary, or those close to that office are from. That is where the ghost schools are. Can he provide a list of their progress?

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Allow me to ask the Cabinet Secretary two questions. Number one is on the issue of capitation. There are many new schools that we have established through the National Government-Constituencies Development Fund (NG-CDF), which already have a code from the Ministry of Education or the Teachers Service Commission (TSC), but they have not yet received capitation. For example, there are two schools in Funyula Constituency, namely Milimani Primary School and Sirekeresi Primary School, that were given a code by the TSC and have actually posted teachers. Still, they have never received capitation since 2024. What is the procedure and what are the issues?

Number two is on the issue of the lecturers' strike. I admit that I am conflicted because I left the lecture halls on 30<sup>th</sup> May 2017 to come to Parliament. Obviously, when I see my colleagues hanging and dancing up and down the streets, it makes me sad. They keep on calling and asking me, "Why did you go there, and you cannot *tetea maslahi yetu*?"

**The Temporary Speaker** (Hon. Farah Maalim): Ask your question.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Through you, Hon. Temporary Speaker, can the Cabinet assure this House and the people of Kenya that the reconciliations going to take place for the 2017/2021 CBA will be concluded early enough? Preferably, by the end of this week, so that the lecturers can go back to the lecture halls and the new students, especially the first years who left home reeling to gain knowledge, can go back to school and stop staying home.

**The Temporary Speaker** (Hon. Farah Maalim): You have made your point. Hon. Donya, followed by the Member from Meru.

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I want the Cabinet Secretary for Education to answer. The last time he was here, he mentioned that children should not wake up too early to go to school and that he had sent a circular to

schools to ensure learners arrive on time. He should tell this House why, until today, we have learners trekking to schools at 4.30 a.m.

**The Temporary Speaker** (Hon. Farah Maalim): The Hon. lady at the back there. Who is that Member?

*(A Member spoke off the record)*

Hon. Muthoni Dorothy.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I forgive you because the name Muthoni is not from your area.

I directly asked the Cabinet Secretary for Education about the issue of capitation. It is common knowledge that the Ministry of Education is a structured ministry. The school calendar is well-known and is released well before students return to school in the subsequent term. Can the Cabinet Secretary tell us what is so tricky in organising his ministry and ensuring that verification is done before the school calendar begins? It is also in the common domain that we have recurrent expenditure in our schools and institutions. When capitation is delayed, the headteachers in charge of these institutions, along with the students, suffer the most.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Muthoni, please, ask a question.

**Hon. Dorothy Muthoni** (Nominated, UDA): My question is: What is the Cabinet Secretary doing to ensure that verification of students is done before the beginning of every subsequent term?

The second question is on the CBA and the strike by university lecturers. The 2017/2021 CBA was concluded. The lecturers are saying that this CBA was not honoured, and that is evident. The Cabinet Secretary should not say that there is no dispute here.

**The Temporary Speaker** (Hon. Farah Maalim): Order. Do not tell him what he should not say. Ask a question.

**Hon. Dorothy Muthoni** (Nominated, UDA): My question is: What is the Cabinet Secretary doing about the 2017/2021 CBA to ensure that it is concluded before the start of the 2025/2029 CBA?

**The Temporary Speaker** (Hon. Farah Maalim): We will have two more questions, and then we will allow the Cabinet Secretary to respond. *Mhe. Masito, uliza Swali.*

**Hon. Fatuma Masito** (Kwale County, ODM): Naam, Mhe. Spika wa Muda. Nipo hapa. Niruhusu nimuulize Waziri wa Elimu kwa nini shule nyingi hazina walimu, hususan hapo kwangu katika Kaunti ya Kwale. Haswa, shule za msingi na zile za upili za Serikali. Waziri, najua kuwa walimu wanaajiriwa kila siku. Lakini, karibu shule zote ndani ya Kaunti ya Kwale hazina walimu wa kutosha.

Bwana Waziri, Swali la pili ni kuwa kuna shule zinasemekana zipo kwenye maeneo magumu. Kuna Maeneo bunge kama Kinango, Lungalunga na sehemu fulani za Matuga na Msambweni katika Kaunti ya Kwale, ambazo zina ugumu. Swali langu ni: Niujuzi upi unatumika kubainisha shule za maeneo magumu?

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Masito, ushauziza maswali yako. Zingatia nidhamu ya Bunge. Mpe kipazasauti amalize Swali lake.

**Hon. Fatuma Masito** (Kwale County, ODM): Namuuliza Waziri iwapo anajua kwamba wanafunzi katika zile shule hawapewi vyeti vyao wakimaliza kidato cha nne kwa sababu hawajalipa karo na *remedial* zote. Hii ni licha ya kuwa Bunge hili lilipitisha kuwa wanafunzi wapewe vyeti vyao wakimaliza shule.

Asante sana, Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Bisau, followed by the Member of Parliament for Sotik Constituency. Hon. Caroli Omondi will ask the last question. We will then have the next round.

Hon. Members, you will realise that these are called riders because you did not file Questions. You do not expect the Cabinet Secretary here to answer every question not filed in advance. Cabinet Secretary, choose what to answer. For those who have not filed, you can give us another day to provide substantive answers. Proceed, Hon. Bisau.

**Hon. Bisau Kakai** (Kimini, DAP-K): Thank you, Hon. Temporary Speaker. This Question has come up frequently because I sit on the Public Investments Committee on Governance and Education (PIC-GE).

The first question is on the issue of capitation. Even buying chalk is sometimes a problem in my backyard. When the Cabinet Secretary responds to this question, I would like him to give us an action plan on how to stop the delayed submission of capitation.

The second question involves teachers and the distribution of infrastructure. Most of my schools, if not all, have a shortage of teachers. We know teachers are more than students in other places in the country. Therefore, the Cabinet Secretary should inform us of the action plan he will implement to address the shortage of teachers and infrastructure.

**The Temporary Speaker** (Hon. Farah Maalim): You have made your point. Member of Parliament for Sotik Constituency and finally the Member of Parliament for Suba South Constituency, Hon. Caroli Omondi.

**Hon. Francis Sigei** (Sotik, UDA): Thank you for this opportunity. I want to ask two questions to the Cabinet Secretary.

As you are aware, there has been a wave of strikes and destruction of property within the South Rift region for almost one month. In my Sotik Constituency, students in Kaplong Girls Secondary School burned a dormitory and destroyed property. There has also been much destruction in St. Patrick's Iten High School. In fact, it was the worst strike ever. We have been informed that there is still much tension in schools in our region.

I know he knows this. I want to ask the Cabinet Secretary what action he has taken. We are worried that whatever we have built as a region and as institutions is being destroyed in a week. Parents and the entire population are scared. I would like to know whether the Cabinet Secretary has plans to stem the serious problem causing havoc in our area.

**The Temporary Speaker** (Hon. Farah Maalim): My old seasoned administrator, one of the best administrators I have seen in this country. He did not file a Question on all the issues you have raised. Everybody here is essentially a joyrider on a Question. The Cabinet Secretary came prepared to answer the Question by Hon. Omboko Milemba. Hon. Martha asked it on his behalf. He has the generosity to answer all of them. In the future, I suggest that you put up a question on those sticking issues.

Finally, Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much for the opportunity.

Could the Cabinet Secretary inform the House when the Ministry will disburse the Ksh14 million budgeted under the public hearing process in last year's Budget for Ogaka Primary School in Suba South Constituency? Could he also indicate the status of the request for infrastructural development funds by Kinyasaga Primary School and Kianyumba Primary School in Suba South Constituency?

**The Temporary Speaker** (Hon. Farah Maalim): The final question is from Hon. Rahab.

**Hon. Rahab Mukami** (Nyeri County, UDA): Thank you, Hon. Temporary Speaker. I want to ask a straight question.

**Waziri**, why are you sending Form Four students home when we know they are preparing for exams? I was in my constituency on Monday, and most of the children were at home. It is not their fault. Could you kindly address and instruct all principals to allow pupils to sit their exams?

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker. The decision to undertake a verification exercise arose from the Auditor-General's forensic audit of the schools. There was an indication that there are ghost schools and ghost students. However, the exercise the Auditor-General undertook was of a sampling nature. Not all schools were checked. As a Ministry, we decided to undertake the verification exercise.

We, indeed, weighed the decision to undertake the exercise *vis-à-vis* the release of capitation to those schools. Therefore, the possibility of continuing to release resources to schools that perhaps do not exist. We agonised over that decision and concluded it was better to delay the release of capitation slightly to ensure we have the correct number of schools.

However, we did not anticipate that it would take more than two weeks. We had calculated that it would take two weeks. It took slightly longer. The decision we made to mitigate the challenges schools are facing was that, once we concluded the exercise for a particular school, confirming its existence and the correct number of students, resources were disbursed to those schools.

That is why, as we speak today, we have released funds to 97 per cent of the secondary schools. Generally, we are at 84 per cent of the exercise for all the schools. The Question required us to have completed at least 50 percent. So far, we have completed about 84 per cent overall and 97 per cent for secondary schools, particularly due to the major exams that are coming up. We are working day and night to ensure we complete this exercise in a week. By Wednesday next week, they will have completed this exercise.

So, to conclude this matter, the intention is that once we complete the analysis of the data we receive, we will determine who or where the ghost schools are. We have no evidence so far to respond to Hon. Kassim that the ghost schools discovered are related to people who work in the Ministry. We do not have that evidence so far.

Once the analysis is complete and we determine that there are schools that did not exist, but have been receiving resources for the last three to four years, the investigative agencies will address the matter. So, the purpose of the verification exercise was not just to release the capitation, but also to enable us, in the future, to make the right decisions and ensure the correct numbers.

Hon. Members, the number of learners in our institutions and the actual number of institutions are tied to the capitation itself. The capitation that the Ministry of Education gives is based on the number of students. For example, in primary schools, we give Ksh1,540; in junior schools, Ksh15,000; and in secondary schools, Ksh22,000. So, it is Ksh22,000 times the correct number of students we have. When we do not have the correct number, or it is not known or accepted by everyone, it becomes a budgeting issue. So, when we submit our budgets and say this is the number of students we have and the amount we have, that amount is usually not fully budgeted. So, we have been budgeting, but we do not receive the full amount because it has been slashed due to our numbers not being verified.

You, who are here in Parliament and the National Treasury, have the capacity to acknowledge that we do not have the correct number and to reduce the amount by 20 per cent or 10 per cent, could lead to the underfunding of the sector. With the proper number of students confirmed, it will not be possible to slash the budget because that would be violating policy and the Constitution under Article 53.

This exercise is essential, again, because we are working towards migrating from the NEMIS to the Kenya Education Management Information System (KEMIS), which is much more robust. We are doing this exercise to ensure that we do not move incorrect data from NEMIS to KEMIS, which could lead to failing to resolve the problem. We conducted this in the third term, aware that for two or three weeks, we would face a problem.

However, moving forward, we would resolve the question of numbers and avoid delays in capitation release. This is what is happening in that space to ensure that the data we have is

cleaned, that we have a system we can verify and defend when presenting the budget, and our students do not suffer the loss of being underfunded. The timeline for completing this exercise is next Wednesday, and all the resources will have been released to schools.

Hon. Gisairo's question is on hiding behind the Salaries and Remuneration Commission. It is not true that the Ministry is hiding behind the SRC. The actual position is that the SRC is a constitutional commission mandated to deal with matters of remuneration across the country and not just for one sector. The SRC wrote to the unions and confirmed the figure that we think is owed. If you challenge it based on the payroll, the technical teams will meet to review the payroll and pay slips to confirm what is owed.

Hon. Gisairo referred to the Attorney-General's advisory. The Attorney-General indicated that Ksh7.9 billion is due. Out of that Ksh7.9 billion, Ksh7.2 billion has been paid. That is verifying that 7.9 billion has been paid and the balance is Ksh624 million. We are not saying that the Collective Bargaining Agreement is not the Ksh8.8 billion plus the Ksh7.9 billion, making it Ksh16 billion. We are only saying that even though the instructions stated this is the amount due, it is Ksh7.9 billion. The Ksh7.2 billion can be confirmed to have been paid through the regular annual increments in the specific payrolls of all the universities. The teams are meeting tomorrow to go through and confirm what is due. Once that confirmation is made, we will agree on how the payment will be made.

It is not possible, for example, for the Ministry to pay Ksh7.9 billion when the SRC has stated that Ksh7.2 billion has been paid. That will be another audit query before this august House regarding the claim that we have made a double payment. So, all Government institutions must be aligned, so that we can confirm the actual outstanding amount and propose how payment will be made. Of course, this challenge has arisen because it involves an old CBA that we are trying to resolve as we speak. I have answered the question of ghost schools.

Regarding the issue of capitation not going to schools with TSC numbers, we need to find out the specifics. Then we will respond to the question specifically regarding when the application and code were completed, and whether they have met all the requirements under our structures and regulations to be allocated the capitation.

On the lecturers' strike, I can assure you that, as a Ministry, we are concerned that a CBA of 2017-2021 is affecting students of 2025-2026. Students of 2025-2026 have already paid and they do not owe the lecturers anything. Lecturers are owed on a previous CBA. So, there is a constitutional and a jurisprudential question there that perhaps we need to look at. We are working day and night to ensure that the CBA is sorted out, and we agree on how to proceed.

That is why, during the negotiations of the 2021-2025 CBA in 2024, the Ministry proposed that we negotiate our CBAs at the beginning of their cycle to make planning easier and more effective going forward. That is what we want to do and that is the commitment that the Government has given. Once we receive the parameters from the SRC, which usually provides the beacons we need to negotiate, the negotiations will be completed. The method of payment will be agreed upon, and therefore, we will keep our lecturers in class. We have no interest in allowing our lecturers to be in the streets because our students are suffering, and we are aware of it.

To Hon. Donya's question of students waking up early, that is true. The Member called me when she met students somewhere along the way, I think it was in Oyugis. We have a regulation and policy stating that school begins at 8.00 a.m. and closes at 3.30 p.m. Those are the class hours provided by the Ministry, and there are circulars to that effect. Any institution violating this is acting outside the Ministry's guidelines, and disciplinary action is taken on an individual basis for those picking children up too early in the morning. If we get specific cases, we will act against those particular schools.

I have answered the question on capitation and why we carried out the exercise even though schools are open. It was a difficult decision, but we thought it was more important to know the correct numbers than to face continuous challenges. We thought we could resolve this question now. That is also tied to delayed capitation, as I have indicated, because the numbers do not tie up. Currently, to avoid the delays in capitation as a result of the release of the exchequer, we are in discussions and a technical team has been formed between the Ministry and the National Treasury to discuss the issue of 50 per cent for the first term, 30 per cent for the second term, and 20 per cent for the third term.

We are aligning these ratios and our academic year to the financial year. You will note that our academic year is January to December, for example, and the financial year is June to July. So, we need to align that space so that if the National Treasury faces more pressure for resources in the first term, we do not receive funds during that time. Instead, we receive more funds when they are not under pressure for resources, like for the payment of debts.

This analysis is being conducted to determine if, when spread across the 12 months, there are two or three months when they do not face pressure for resources. They have more money than we do, so we can receive that money and ensure it is ring-fenced to avoid continuous delays when schools open. This particular ratio or arrangement may change once the discussion is completed. We hope to finish that discussion this term, so that next year, we have a system that covers both the actual amounts coming and addresses the issue of delays.

On the issue of Hon. Masito's question of the TSC in Kwale and the lack of teachers, again, it is the same exercise that TSC is also undertaking. As you well know, we have shortages of teachers. That is why we have employed 76,000 teachers so far; 24,000 are currently employed, and another 16,000 will be employed next year. Furthermore, they are also undertaking a rationalisation exercise. Some areas may have more teachers than necessary, while others may have fewer than they should. So, that rationalisation exercise will help them decide how to redistribute teachers across the country to ensure no area lacks the number of teachers it should have.

With respect to the question of hardship areas, Hon. Temporary Speaker, these areas are gazetted by the Ministry of Public Service. Currently, a review process is underway to re-evaluate areas considered hardship areas in the country, ensuring harmonisation. This is necessary because some areas are designated as hardship while others are not, even though they are from the same place. In other words, you might find that people working in the civil service receive a hardship allowance in the same area where, for example, but teachers do not. Therefore, that harmonisation exercise and review is being undertaken by the Ministry. Once that is done, it will be gazetted so that everyone can determine that this particular place is a hardship area.

Regarding the KCSE certificates that schools withhold, this is illegal under the Kenya National Examinations Council Act, Section 10. We have issued circulars, and where we find that there is a principal or a head of an institution who is holding these particular certificates, action is being taken. As we speak, several discipline cases are ongoing through the TSC. So, we are working towards ensuring that all the certificates are eventually released. If there are any specific cases where the certificates have been withheld, please, raise them with us. We will definitely take action and ensure that those certificates are released to the students.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Member, are you on a point of order? Why not allow him to finish, and then you can raise that issue? You do not have to raise it now; you can wait until he is done.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): On Hon. Bissau's Question, I think I have dealt with the issue of delayed capitation and the question of distribution of infrastructure and teachers. It is the same issue that I am talking about. For the last two financial years, we did not get any infrastructure funds, but in the Financial Year

2025/2026, am I right? Yes, there was a provision of Ksh1.3 billion for infrastructure, which would be distributed among the schools or among the deserving areas.

Hon. Francis Sigei's question on the wave of strikes, yes, there have been strikes in several areas, sometimes attributed to the fear of exams, as it typically happens around the third term. However, we have asked our principals, parents, and guardians to discuss with students. If there are specific challenges or pressures the students are experiencing, they can be addressed at the school level. It is important to note that in situations where students commit arson, such as at Litein Boys' High School, criminal action can be taken against them. This action forces the parents to pay for rebuilding the destroyed school properties. It is vital to alert the career teachers to the psycho-social activities that take place in those schools. They can engage with the students to ensure that any challenge or problem is addressed earlier, before it gets out of hand. There are many reasons why they are doing this. Some do not want to undertake exams, while others feel unprepared, which has led to some of these activities. Each case is being dealt with individually.

Hon. Caroli Omondi's question is specific. Perhaps if you could send us a note, we can respond specifically to those three schools you mentioned and provide you with an answer that is not guesswork. I want to give you a specific answer to those particular questions.

With respect to sending the students home, this is not allowed in the third term because, if it involves capitation, it is the head of institutions who must submit the data for us to release capitation to them. Some institutions have been having problems releasing information, so we have sent our sub-county directors to assist them in uploading the required information. We have needed a little bit more information than before. For example, we need to know in each grade how many students you have, how many are male, and how many are female, all the way from Grade One to Grade Nine, and then Form Two, Three, and Four. We are going to do that reminder so that they do not send students home.

I submit, Hon. Temporary Speaker.

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

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Temporary Speaker. I figure you are giving me to ask the next...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Wanyonyi. You will get your chance, relax. Proceed.

**Hon. Martha Wangari** (Gilgil, UDA): Do you want me to ask the next Question?

**The Temporary Speaker** (Hon. Farah Maalim): No, do you want any more clarification?

**Hon. Martha Wangari** (Gilgil, UDA): Just a point of information. I have heard the Cabinet Secretary say that they have released 97 secondary schools and 84 primary schools for the capitation, compared to what was requested. I want to note that we were not asking you to handle 50 percent; we were discussing capitation for every school, with the minimum being the third term, not the number of schools. On the issue of sending children home, I wish the Ministry could ask its sub-county officers. Form Fours are at home in many constituencies, including mine. So, I think that is an issue that the Ministry needs to pick up.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Kwanza, give one quick rider, and then, of course, the MP for Nyeri Town. After that, we go to the next question. Proceed.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): I want to take this opportunity to thank you for giving me the chance. First and foremost, I think you have completed the task of sending the capitation to schools. Cabinet Secretary, I think you are about a year old now in the Ministry. I just want to draw your attention to the fact that the Ministry came up with this program of Technical and Vocation Education and Training (TVET) and from what I am seeing, you have been giving out money. We expect this to be done to help our youth get jobs.



I am stuck in my constituency because our TVET has not been given the funds from the Ministry. I contributed my bit from the NG-CDF, and so far, I think there is a problem with the Ministry. Lastly, and very importantly, could you, as a Ministry, provide directives to the TSC? We have youth who have finished school and graduated from 2011 to the present, yet remain unemployed. Why not give a directive to the TSC to employ the youths who actually graduated much earlier? Till now, there is nothing.

**The Temporary Speaker** (Hon. Farah Maalim): You have asked your question. Let us have Hon. Mathenge.

*(A Member spoke off-the-record)*

Yours is a point of order, relax.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker. I have heard the Cabinet Secretary say that they have not had funds for infrastructure, but this year, they got some money. The Ministry is running a program known as the Expansion of Infrastructure under the Secondary School Education Equity and Quality Improvement Programme. I would like to know the criteria the Ministry used not only in identifying, but also in excluding the schools and constituencies that have not benefited. For example, Nyeri Town Constituency has day schools in what were the former colonial villages, which are pockets of poverty. In the slums of Nyeri Town Constituency, none of the day schools has been included in this programme. This brings out disparity.

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

**Hon. Duncan Mathenge** (Nyeri Town, UDA): I have one more question, Hon. Temporary Speaker, on teachers' salaries and promotions. The Ministry, through the TSC, regraded some job groups. Unlike what we have seen in the past, some job groups were merged, resulting in the stagnation of teachers under Job Group C1 and C2, or C2 and C3. Why does the Ministry have two grading schemes for teachers' salaries? The grading schemes for personnel employed by the TSC are different from those for teachers working in schools.

**The Temporary Speaker** (Hon. Farah Maalim): You could have filed that question so that the Cabinet Secretary could come prepared for it. Hon. Members, we should be very serious with our business here.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): On a point of order, Hon. Temporary Speaker.

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, when you were in the House yesterday, Hon. Donya raised an issue. There was a suggestion that when the Cabinet Secretary comes here, we offer these suggestions to him, so that when he goes back to the office, he can review and consider them.

**The Temporary Speaker** (Hon. Farah Maalim): What is your suggestion?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): That instead of these protracted tussles between the students and principals, the KNEC can send the results directly to the students. They can use eCitizen just like the way you get your birth certificate.

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): You do not have to go through a place where you were born to get a birth certificate. Even if your mother left a bill where you were born, the certificate is not held. The Cabinet Secretary should consider sending the certificates directly to the students next year.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Raso is the last one, and then we will go to the next Question.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. In the Cabinet Secretary's response to the Question by Hon. Martha, he talked about the problem of teacher shortages. Why has it taken almost eight months for him to approve Marsabit Teachers Training College, where we will train more teachers, and try to fill in the gaps?

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Raso is a seasoned civil servant who rose through the ranks to become a senior military officer. You could have asked that question. The Cabinet Secretary could have come prepared with a comprehensive answer for you. That is why we call these riders. Actually, we are trying to mask the issue of using the term "joyriders". You know what I mean. Let us be serious with our business. Let Members of Parliament file questions that are specific, and let the Cabinet Secretary come ready to answer them.

Hon. Mwenje, in appreciation of the times I served in this Parliament with your dad, I will allow you to ask a question, even though you came very late.

*(Laughter)*

Please, give him the microphone so that he can ask his question.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you very much, Hon. Temporary Speaker, for that honour. My question is straightforward. I had requested the Cabinet Secretary to deploy education officers to the new sub-counties, especially in Nairobi City County. I even wrote a letter to him. I hope he can give me a response on its status.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Cabinet Secretary, you can answer that, but do not feel obligated to address a question that was not part of the original inquiry. If you can answer it, it is your pleasure. If not, then you can always give another date or time.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker. I will find out why Marsabit Teachers Training College has taken so long to be approved. The teacher shortage in schools is not due to a lack of teachers, but rather a lack of resources. We must have a budget before we employ the teachers because you cannot do so without one. We will discuss with the TSC to ensure that it is done. It is an independent constitutional commission in charge of teachers and their teaching resources. However, we discussed with them and agreed that in the new team they are employing, they will hire people who qualified earlier. These are the ones who are almost 45 years old and above, who qualified many years ago, but do not have jobs. That is the policy they are going to use.

Regarding the issue of Nyeri Town Constituency, the Kenya Secondary Education Equity and Quality Improvement Programme (SEEQIP) has a selection criterion. We endeavour to provide that to Hon. Mathenge to identify which schools from Nyeri Town Constituency are missing, so that we can be on the same page.

The suggestion to send KNEC results slips to the students is an excellent idea. We have also considered sending the following KNEC results to our sub-county offices so that they can be collected from there. Copies of the register should be sent to the schools to confirm that the students have picked up the certificates. This will address the issue where students suffer or are asked to pay for many things before receiving them.

Regarding the deployment of education officers to the newly created sub-counties in Nairobi City County, we are working towards posting some personnel from the Ministry to these sub-counties, after which we will identify the officers. That exercise is actually ongoing. The analysis is being conducted, and the necessary resources are being allocated to ensure their availability. We anticipate that by January, all the officers will be in place.

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

*(Hon. Ferdinand Wanyonyi spoke off the record)*

Are you on a point of order?

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Sorry, on Hon. Ferdinand's question, I know we have agonised over the Kwanza Technical and Vocational Education and Training (TVET) institution. We are really pushing to have the resources to provide for the required TVETs. The State Department requires Ksh790 million to allocate to the TVETs that have been started and need to be completed. However, we are doing everything possible to secure the necessary resources to ensure that those institutions are completed, as we have already committed resources to them. We are doing something about it, Hon. Wanyonyi.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Member for Yatta? What is out of order?

**Hon. Robert Basil** (Yatta, WDM): I do not have a point of order, Hon. Temporary Speaker. I have one question, which is a follow-up on what my colleagues have asked regarding the Higher Education Loans Board (HELB) disbursement. There is a prolonged delay in the disbursement of loans. Many young students, particularly from poor families, come to our offices. What is the Ministry doing to mitigate the delays in the disbursement of HELB, because that is a significant concern to many parents?

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, if you wish to answer that question, I will give you a quick shot. If not, the Member of Parliament will file it.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Again, there might be a delay in the disbursement of HELB because of the exchequer. We are doing everything possible to ensure that the resources that come are disbursed as soon as possible to the students who have applied. We are doing something in that space. We continue working to ensure that our students, especially those from poor families, as you have indicated, do not suffer. We will continue to work closely with the National Treasury to ensure resources are disbursed to those students.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, on a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Nyikal, I want to go to the next Question. What is your point of order?

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, the Cabinet Secretary is answering prepared questions, but one pattern is coming out. What we see on the ground is different from what he knows. He has said that if we have any case, we should inform him and then he will investigate. Does it mean there is a disconnect between his office and what is happening?

**The Temporary Speaker** (Hon. Farah Maalim): What exactly are you asking?

**Hon. (Dr) James Nyikal** (Seme, ODM): One, the children are going to school early. Hon. Donya said she saw them in Oyugis. I see them on Farasi Lane every time I leave at 5.00 a.m. I know about three or four schools where students have been sent home, and certificates have been held. The Cabinet Secretary has given instructions stating that if there are specific cases, they should be handled. This means the information we see does not reach the Cabinet Secretary. My question is: Does he investigate this, or are his officers not doing their work? He should be getting what we see from his officers on the ground.

**The Temporary Speaker** (Hon. Farah Maalim): The Cabinet Secretary said that we shall deal with this on a case-by-case basis, if I am not wrong.

**Hon. (Dr) James Nyikal** (Seme, ODM): It is not possible.

**The Temporary Speaker** (Hon. Farah Maalim): Order, order, order. There is one school that Hon. Donya talked about. Do you have any additional schools? Give the list to the Cabinet Secretary so that he can take action. As he said, the rules are very clear. Order. How many specific cases do you have right now? All these things are brought up as an afterthought.

You never filed these questions in the first place. Order, Hon. Members. I was in this House and chaired this before, and I remember the rules. I do not think they have changed much. You cannot stand on the Floor of the House, mention a school, and expect the Cabinet Secretary to have answers immediately. He has to go back, establish the facts, and take action.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Hon. Member for Kwanza?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Temporary Speaker, the Cabinet Secretary answered one question. Still, I wanted him to give a directive to the TSC so that the students who finished earlier could...

**The Temporary Speaker** (Hon. Farah Maalim): The directives by the Cabinet Secretary are not given on the Floor of the House.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Can he do something about it?

**The Temporary Speaker** (Hon. Farah Maalim): He has said he will look into it. Order, Hon. Members. You have an opportunity to go and meet the Cabinet Secretary in his office. I was in the Ministry of Education. Order. He is there most of the time. Mr Ogamba is always there. Almost every time I have tried to see him, I have seen him. Nonetheless, give specific cases.

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

**The Temporary Speaker** (Hon. Farah Maalim): Yes, what is it, Hon. Raso? Please, do not use this opportunity to ride roughshod over cabinet secretaries. Please, give them your questions and expect answers within the timeline. Let them go back and file the answers to specific questions.

**Hon. Ali Raso** (Saku, UDA): Hon. Temporary Speaker, I believe when you sit on that Chair, you do not have a vote. You must be a fair arbiter. What we are raising with the Cabinet Secretary are matters that are out there. We live in Nairobi, and children leave their homes at 4.00 a.m. to get to school. What sort of learning takes place when a child of five, six, or seven years leaves home at 4.00 a.m.?

**The Temporary Speaker** (Hon. Farah Maalim): An independent arbiter does not have to agree with you. The Cabinet Secretary has said the rules are clear. If you have specific cases, go and talk to him about them.

**Hon. Ali Raso** (Saku, UDA): We are the representatives of the people, and that is why we must have our say. You should hear us. Even if the Cabinet Secretary has no answers, he has said that he will investigate or provide us with answers.

**The Temporary Speaker** (Hon. Farah Maalim): Which he has said. He has been dealing with these things on a case-by-case basis.

**Hon. Dorice Donya** (Kisii County, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, Donya, what is your point of order?

**Hon. Dorice Donya** (Kisii County, WDM): Hon. Temporary Speaker, the school-going children are in uniform. He does not need to investigate. He can liaise with the Ministry of Interior and National Administration. Police officers are everywhere. They arrest these children, take them to the police station, and then question the schools. I come from Kisii, where we have high rates of defilement. These children are on the road by 4.30 a.m. There is no electricity, and we have many bushes, which means we have given our girls to the world.

At 4.30 a.m., are they studying for a PhD? The Cabinet Secretary should issue a circular to schools, and it must be strict. School should begin at 8.00 a.m., as he has stated. Then they will leave home at 6.00 a.m., which is a good time when everyone can see them. If they do not

honour the circular, action should be taken, as has been done before. When they were told that schools must have yellow buses, everything fell into order.

I support Hon. Raso because, in Kisii, the statistics show that 60 per cent of mothers are teen mothers. It is not something to smile about. Waziri, here is my uncle. He must act, he must be tough. In fact, next week I am going to Kisii. Suppose I bring more photos of children going to school that early, something must be done from Waziri's office. It is not a walk in the park. It is not suitable for our young girls to go to school at 4.30 a.m. Are they doing a master's? What kind of education is this? It is not good.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, the issue being raised, although not as a formal question by any Member, is serious. We are all parents, and she has raised a very emotional issue when you talk about young girls who are pregnant and the dangers they face. Can you give a firm undertaking to this House that the matter will be dealt with urgently? That urgency should include a public pronouncement from your office to all schools, warning of the serious consequences of exposing children, pupils, and students to the dangers Members have mentioned. On the same issue?

*(Hon. Kassim Tandaza spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, this is a House of rules. You cannot sit here and keep thinking of one question or another that you have not filed before. What is your question?

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Speaker. If we, as Members of the National Assembly, see these children, including yourself, where does the Cabinet Secretary live that he needs evidence from us? I believe that as he moves around, he surely sees these children.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Kassim. That matter has been raised and ruled on firmly. Cabinet Secretary, give a firm undertaking, given the dangerous exposure of our young girls.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker and Hon. Members, for their concern. We, as a Ministry, undertake to work with all other Government agencies to ensure that our circular on school times is adhered to. Serious administrative action will be taken against any institution that violates it. We shall bring back order in our institutions with respect to school time. As a team, we undertake to make a public pronouncement and ensure our officers on the ground are actively enforcing the circular.

**The Temporary Speaker** (Hon. Farah Maalim): Not just a circular, make a public pronouncement that everybody will see, including through the media. We cannot allow young girls to be exposed to such dangers. In the meantime, every Member of Parliament who has such issues in their constituencies should report them to the Cabinet Secretary so that his team can investigate and hold accountable those flouting ministry rules and circulars.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): We undertake to do that.

**The Temporary Speaker** (Hon. Farah Maalim): Is that good enough? Hon. Raso, is that good enough, or do you want us to take the military there now?

**Hon. Ali Raso** (Saku, UDA): Hon. Temporary Speaker, that is precisely what we are seeking from you and the Cabinet Secretary, and he has made a good point.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. The next question is from Hon. Martha Wangari, asking on behalf of Hon. Omboko Milemba.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Temporary Speaker. To be on record, I support you on accessibility. This Cabinet Secretary responds to Members, even

on the phone, if you have a burning issue. Perhaps, in your direction, you can align this with what Hon. Nyikal has said, because these circulars are being treated as mere pieces of paper. The problem lies in implementation, and that must align with what the Cabinet Secretary has stated.

*QPN11/2025*

CO-CURRICULAR ACTIVITIES' FUNDS IN SCHOOLS

**Hon. Martha Wangari** (Gilgil, UDA): Allow me to ask Question No.11/2025 on behalf of the Member for Emuhaya, Hon. Omboko Milemba. Could the Cabinet Secretary:

- (a) Provide details on the funds allocated by the Ministry of Education to public primary and secondary schools for co-curricular activities, specifically for participation in the National Ball Games and the Kenya Music Festival?
- (b) State how much money is retained by the Ministry from the Capitation Funds allocated for students on co-curricular activities, and explain why schools are fundraising for these co-curricular activities, yet they ought to receive capitation?
- (c) Outline the facilitation provided by the Ministry to learners and teachers participating in regional and national competitions such as the Kenya Music Festival?
- (d) Explain why sub-county education officials require headteachers or principals of schools to remit part of the capitation funds to their offices, which are then channelled to the Ministry of Education for co-curricular activities, even though the funds are intended to directly facilitate students' participation in such activities?

Thank you, Hon. Temporary Speaker.

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

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Hon. Temporary Speaker, the Ministry of Education allocates funds for co-curricular activities as part of the annual capitation for primary, junior, and secondary schools as follows:

1. For primary schools, co-curricular funding is embedded within the Free Primary Education Vote, and with a portion dedicated to sports, games, performing arts, drama and music festivals. The sum of Ksh76 per learner per year is earmarked for sports, games and performing arts activities.
2. For secondary schools, under the free secondary education programme, Ksh1,500 per learner per year is allocated for co-curricular activities. This allocation covers a wide range of school games, sports and performing arts.

These funds are intended to support schools' co-curricular activities at the sub-county, county, regional and national levels. The support is in the areas of transport, accommodation of participants and officials, water provision, medical services and other championship and festival costs.

The funds, namely, Ksh76 shillings and Ksh1,500, are not assigned by discipline, for example, for ball games or music festivals. The schools themselves prepare budgets and allocations for the activities that they participate in. It is also important to note that, except for the transportation of learners, the national games and national music festivals are funded by the Sports, Arts and Social Development Fund, and thus do not depend on capitation.

On the second question, the Ministry retains part of the capitation earmarked for co-curricular activities as follows: Ksh40 per learner per year for primary schools and Ksh1,500 per learner per year for secondary schools. These funds that are retained are consolidated and

sent to the regional, county and sub-county offices to run co-curricular activities at those levels. The balance of the amount is sent directly to the schools.

However, it is important to note the following challenges that impact resources:

1. Cost of national representation. When schools qualify for presentation to represent counties or regions at national competitions, the cost of participation often exceeds the standard capitation provided because the funding formula is designed for average participation at the local and sub-county levels. National participation involves hiring transport, boarding facilities and logistical costs.
2. Delayed disbursements. Occasionally, the delayed release of funds by the National Treasury affects timely facilitation, leading to schools needing to bridge funding gaps through internal fundraising or support from the local stakeholders and other well-wishers.
3. Specialised events. Some competitions, like music festival performances, involve things like costumes, instruments and choreography that require specialised resources beyond the standard per-learner allocation.

The Ministry is reviewing funding guidelines to address these gaps and reduce reliance on support from other well-wishers as much as that may be necessary due to limited resources and higher requirements.

On the third question, the Ministry facilitates learners and teachers participating in regional and national co-curricular activities as follows:

1. Transportation grants. Partial funding to support school teams to travel to competition venues.
2. They provide for uniforms and costumes, which are necessary, especially when competitions move beyond school levels. Extra funding becomes necessary to cater for these items.
3. Accommodation and meals. Through collaboration with host institutions, the Ministry subsidises boarding and meal costs.
4. Coordination and logistics. The Ministry deploys officials to coordinate scheduling, officials, judging, and venue preparation for national events.
5. Training and workshops. Capacity-building sessions are organised for teachers and adjudicators to ensure high-quality performances and standardised assessment criteria.
6. Awards and recognition. The Ministry provides trophies, certificates and other recognition incentives for outstanding performances and to promote talent development.

This facilitation is, however, dependent on budgetary availability and prioritisation within the education sector funding. For co-curricular activities, this cycle, for example, the sub-counties received only Ksh155,000 for all the second-term activities. Counties received Ksh505,000, while regions received an average of Ksh1.2 million. This is grossly inadequate to run all the disciplines like primary ballgames, special needs primary games, junior school ballgames, secondary school games, special needs secondary games, and the Kenya Music Festivals for primary, junior and secondary schools. The western region, for instance, required a total of 219 buses to transport learners to Meru for this year's music festival. This implied approximately Ksh13.1 million requirement for fuel alone, at the cost of Ksh60,000 per bus.

Going forward, we are working towards mobilising more resources for co-curricular activities through securing optimal capitation allocations. At the same time, we are also working to achieve cost-effectiveness in the management of co-curricular activities. We are exploring, for example, digitising some aspects of the co-curricular activities, like virtual adjudication.

Lastly, the Ministry's field officers are not authorised to demand remittances from schools' capitation funds for any purpose whatsoever. Capitation funds are intended to be managed at the school level for learner-centred activities, including co-curricular participation. If there are any cases, again, of schools being compelled to remit such funds, the Ministry would appreciate reports to inform appropriate and immediate action.

The Ministry's field officers may only be involved if schools, on their own volition, seek support in coordinating the pooling of resources to centralise logistics for cluster-based activities. Where this is done, the field officers are required to do so in a transparent and accountable manner and in conjunction with the schools themselves.

I submit.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Temporary Speaker. On the last one, Cabinet Secretary, it would not be official for them to complain openly and say they have received money. This matter was very heated on the Floor. At that time, the music festivals were in Meru. Many schools were stranded. That is why this Question was raised. They came to Members of Parliament to help them fund fuel, food, or any other expenses. If you give Ksh76 only and retain Ksh40 per learner, then it means you are already giving Ksh36 only. You also retain Ksh500 from Ksh1,500 from secondary schools. By all means, this money cannot be sufficient at all.

So, as a follow-up, when you say you are working and reviewing funding guidelines, what exactly do you mean? Is it the issue of budgeting or vote allocation, so that you are looking at how much goes to co-curricular activities? Maybe some of these issues should be addressed before we head to the next national competitions. I have seen schools really struggle to fund sports, music festivals and even costumes. In fact, it has been easy because of the coalition with the National Government Constituencies Fund (NG-CDF). In my sub-county, we bought games costumes and uniforms through the NG-CDF. Maybe the CS can clarify that. What does that exactly mean? Where does retained money go? Does it translate to go to the schools? Schools still struggle.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, Member of Parliament for Yatta.

**Hon. Robert Basil** (Yatta, WDM): Thank you Hon. Temporary Speaker. My Question is actually on hardship.

I have teachers who receive hardship allowance my constituency. I also have other teachers working in TVETs excluded from hardship allowance. I want the Ministry to tell us how come some teachers receive hardship allowance while other teachers are deliberately excluded from hardship allowance,

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Raso. There again, look at it. Answer it if you are prepared. Give us an undertaking if you are not prepared.

**Hon. Ali Raso** (Saku, UDA): Thank you very much. I thank the CS for his response. I think he confirms a teething problem in funding extracurricular activities.

My question to him is why we do not allow schools or regions to fund up to the regional level. Then, the Ministry takes up that responsibility at the national level so that it does not cause the problems that we saw in Meru recently. Schools asked Members from this House to contribute directly from their pockets.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Oyula of Butula. Is he in the House?

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Speaker for giving me the opportunity. I ask the Cabinet Secretary about support to games and other activities. We have faced many requests, particularly when a school qualifies to go beyond the nationals. Some schools participate in the East African Games. They come to a stage where they cannot even raise a cent yet they are expected to travel let us say to Uganda or Tanzania. Some of my schools have gone across.



Can the Ministry, just as a Member raised, take up such expenses so that we do not subject parents to raising funds when our schools are going outside? The Ministry should take full responsibility of these schools that represent us in the East African Games.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Member of Parliament for Funyula.

**Hon (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you. It is gratifying to note that the Cabinet Secretary is considering alternative means of adjudication so that we do not continue punishing our children and burdening the parents to take kids very far distances. Probably we could also make it a policy to look for the most central places so that the cost of travel is shared equally.

Allow me to draw the attention of the Cabinet Secretary to a letter dated 3<sup>rd</sup> October 2025, Reference No.MOE/HQS/3/6/125. This letter is inviting some schools to go to Nakuru for some award ceremony for Mazingira Award yet the Ministry is not providing transport. There is no capitation and parents have no money. How do you want the children to get to Nakuru from Funyula? How?

**The Temporary Speaker** (Hon. Farah Maalim): Okay, fair enough. Hon (Dr) Nyikal. I see your name here. It must have been an old request. Hon. Kassim, then the Member at the back.

**Hon. Kassim Tandaza** (Matuga, ANC): Okay. Thank you. Mine will be very short and it is the manner in which the amount is split. Give Ksh36 to the school per student while the Ministry retains Ksh40 per student.

As a mathematician, the Ministry literally remains with over Ksh50 million out of that budget. A school of 500 students on average will get Ksh18,000. It is hard to hire a bus for one day because a bus goes for around Ksh15,000. Then there is fuel, driver's allowance and all these expenses.

Why can it not be that the Ministry retains at most Ksh20 and about Ksh56 goes to the school?

**Hon. Kenneth Tungule** (Ganze, PAA): Thank you so much. My name is Kenneth Kazungu, the MP of Ganze. I have a Question to the Cabinet Secretary.

**The Temporary Speaker** (Hon. Farah Maalim): You had not put your card in there and you are at the back there. Now I remember you. Proceed.

**Hon. Kenneth Tungule** (Ganze, PAA): Sorry, I did not carry my card. Apologies for that.

My Question to the Cabinet Secretary is the plans the ministry has. Especially to cushion primary school students in Ganze against the vagaries of hunger. We know the lunch feeding programme happening in other parts of this country does not cover Ganze. Of late, we have cases where some donors come in to try to assist. Maybe donors are going to stop very soon because of what came up.

I want to know from the Cabinet Secretary if there are any plans within their ministry to make sure that our students are supported.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you.

There is a reason the Ministry retains amounts to send to counties. It is to run clustered activities at the county and regional levels. Individual schools cannot run the activities. Perhaps with the suggestion of Hon. Kassim, we could relook at the figures to rationalise.

As I said, resources are not sufficient. There is always a shortfall. There is still going to be a shortfall even if we were to release the old Ksh1,500 or the whole Ksh76. That is why we are looking at other options to ensure that we optimise resources utilisation or reduce actual costs expended during these co-curricular activities.

We are just looking at the whole scenario and interrogating the status. It is to get the best possible way to ensure that we do not lose the capacity of our students moving up the ladder to nationals. We do not have resources yet we must ensure that they actually come without the suffering they have been undergoing because of lack of resources and reliance on well-wishers. That is a discussion.

A review is ongoing towards the analysis I indicated on the numbers. Once we have correct numbers, we might place a sufficient budget to cover the activities in a manner that the Ministry takes full control of all activities to avoid students or head teachers requiring support from other individuals. That is what we are doing as we head to the next competition.

I know that issue arose. I was informed although I was away. We managed to move to Meru with the PS at that point. We managed to get some resources from the Sports Fund to support students there so that we completed the activities well without the students suffering. There were 140,000 students undertaking the activity in Meru at that time. The huge enterprise requires very serious resources.

On the question of hardship areas, it is exactly what I had indicated earlier, that up to date, the hardship areas are gazetted by the Ministry of Public Service Performance and Delivery Management, but there are situations, as I indicated, where you find officers, for example in the civil service, in the same building, getting paid hardship allowance and another officer, either a teacher or a TVET teacher, not getting it. So, this is the rationalisation and the review that we indicated is being undertaken through the PS's office, so that we can have a rationalised and an acceptable status for areas that are hardship, so that if it is a hardship area for civil servant X, it should be a hardship area for a teacher or a nurse who is working there because it is the same criteria that is used. So, that rationalisation is being done and it will be sorted out.

On the question of funding of these activities, we are working on it now, but I would like to inform the House that for co-curricular activities, both at the national and the regional level, that is the East African area, these activities are fully funded by the Ministry through the Sports Fund. We work with the Ministry of Youth Affairs, Creative Economy and Sports to get that fund, but this year there was a bit of a challenge because we had the CHAN Tournament that was taking place, so the resources were a bit tight. But that activity in both national and regional areas is fully funded by the Ministry and the Government. The members, students or the schools that qualify are not required to contribute anything to that activity. Those resources are available. I think I have covered the question by the Member of Butula, Hon. Oyula and Hon. Raso as well, because it was the same thing. The responsibility will remain for those places for the Ministry.

On centralisation of venues, the regulations require that the venues for national activities are rotated annually so that activities go to various places. Because of that, we are forced to transport children and officials from one region to another so that the host can benefit from those activities that are undertaken by those competitions that are national in nature.

On the question of the letter that you referred to, this is with respect to the First Lady's Mazingira Awards, it is actually fully funded and transport is provided for each region. The teacher coordinating the activities would be in the know of what is supposed to happen in that space. So, once the letter goes, the activity is fully funded for that space.

That is the information we have, but should there be a situation where that was not the position, because it is a specific question, I would request that I get more time to get the details for it and submit a written answer through the Departmental Committee on Education.

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): As we said earlier, it seems the Cabinet Secretary is under-informed. I do not want to say misinformed. He is under-informed. Frantically, even as today morning, the sub-county director of education of Samia District told

the head teacher and the board members, ‘mobilise resources from the community to get yourselves to Nakuru’. Here the CS says that it is fully funded, including transport. So, where is the information gap? Is he being deliberately under-informed? Or is it a case the funds have been released for transport? His education office has withheld the funds, or as we say in my vernacular, ‘they have eaten the money’.

Now they go to disturb members of public and schools to fund, as part of the continual programme of literally looting from members of the public. Cabinet Secretary, tell your guys to be serious. This is misappropriation, this is corruption. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, Cabinet Secretary?

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): As I said, the position is that they are fully funded, so we will get to the bottom of it and respond. I cannot give you the evidence from here. I need to go back and get the actual details, because the activity is clear.

On the question by Hon. Kazungu on the plans that we have, currently we are undertaking a feeding programme of our students up to 2.6 million, with a plan to move that number to 10 million by 2030. But what we are doing as a Ministry is rationalising the various players in the market who are supporting and sponsoring school feeding programmes in various areas of our country to ensure that we have a view on what they are doing. This is so that we can be sure that the students they are supporting are being supported without them being required to undertake activities that are not in line with their beliefs or otherwise.

So, we are doing something in that space to increase the number because we have quite a large number of students or learners that we are not able to feed, but that is again because of budgetary limitations. But as we work towards harmonising all the players in the sector, we believe that we will increase the number and rationalise it in a way that we can distribute the resources that are available to the areas that require them most, including your place here.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. Question No.70. Hon. Kimaiyo.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Thank you. I rise to answer Question No.70.

**The Temporary Speaker** (Hon. Farah Maalim): Are you asking or answering the Question?

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): I am asking.

*(Laughter)*

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

## ORDINARY QUESTIONS

*QN 70/2025*

### REDUCTION IN CAPITATION FUNDING

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Thank you. I rise to ask the following Question:

Could the Cabinet Secretary:

- (a) Explain the rationale behind the recent reduction in capitation funding for public primary and secondary schools and outline the measures the Government is implementing to mitigate the impact of this decision on learners and parents?

- (b) Provide the current capitation rates for both primary and secondary school students and indicate how this compares with previously established policy thresholds under the free primary education and free day secondary programmes?
- (c) Outline the actions taken to safeguard equitable access to quality education for all learners, particularly those from economically disadvantaged backgrounds in light of the capitation shortfall?
- (d) State the steps being taken by the Ministry in collaboration with the National Treasury to mobilise additional resources or review the education funding model to ensure sustainable financing for free and compulsory basic education in line with Article 53.1(b) of the Constitution?

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

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

**The Temporary Speaker** (Hon. Martha Wangari): Cabinet Secretary.

**The Cabinet Secretary, Ministry for Education** (Mr Julius Ogamba): Thank you. I beg to respond to the four questions as follows.

First, we wish to clarify that there has not been a decision to reduce capitation funding for primary and secondary schools in Kenya. The approved capitation rates to be provided by Government under the free primary education programme is Ksh1,420 per learner per year for primary schools and the approved rate for junior schools is Ksh15,042 per learner per year and the approved rate under the free day secondary education programme is Ksh22,244 per learner per year.

The Government is committed to fulfilling its obligations under the Constitution to provide free and compulsory basic education. The Ministry utilises the budget that is approved by the National Assembly to provide capitation to learners. We wish to point out that sometimes the Ministry is compelled to provide lower than the approved capitation rates due to the reduced allocations in the approved budgets. The current state of funding for the free primary education and the free day secondary school education programmes for the year 2025/2026 is as follows.

For free primary education, the requirement for this financial year was supposed to be Ksh9.11 billion. However, the approved budget estimates for the 2025/2026 Financial Year were only Ksh7 billion, therefore, giving a deficit of Ksh2.11 billion. For free day secondary education, the requirement, based on the numbers and rates indicated, was supposed to be Ksh78.5 billion. However, the approved budget estimates for 2025/2026 Financial Year was Ksh51.89 billion, thereby giving a deficit of Ksh26.61 billion.

Hon. Temporary Speaker, to address the current resource gap, the Ministry is proactively lobbying the National Treasury and the National Assembly for additional budgetary allocations, including through the Supplementary Budget, to ensure that the programmes are adequately funded. In this regard, for instance, the provision for capitation for free day secondary education in this financial year has been enhanced by Ksh3 billion. This reduces the deficit in secondary education to Ksh23.61 billion from Ksh26.61 billion. We will continue mobilising and lobbying for more resources to ensure that we attain the approved rates of capitation. The approved rates for funding secondary schools are adequate to support the needs and operations of schools, especially those with optimal enrolment, considering economies of scale. It is, therefore, critical that this House supports the Ministry and the schools by providing adequate budgets.

We also wish to indicate that we have given priority to vulnerable learners through targeted support such as bursaries and scholarships. We also partner with development agencies and private sector actors, such as banks and foundations, to mobilise additional resources that supplement Government efforts. In the meantime, given the limited resources available, the Ministry encourages schools to adopt measures to optimally use the capitation provided to ensure access and quality in education. Some of these measures include budgetary prioritisation. Schools are advised to identify essential areas that require funding and prioritise spending on initiatives that directly contribute to learners' educational experience.

We also encourage resources sharing. Schools are encouraged to collaborate with other schools or educational institutions to share resources such as equipment and teaching materials. Pooling resources with neighbouring schools reduces individual expenses, as they benefit from economies of scale and efficient resources utilisation. We encourage the implementation of energy saving measures such as green energy and other energy efficient initiatives. These measures reduce overall utility costs and help schools live within their budgets. We are supporting schools to achieve this.

I submit.

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

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Thank you, Hon. Temporary Speaker. The Cabinet Secretary has tried to answer my questions, but there is a context why I asked them. Article 53 of the Kenyan Constitution says that every child has the right to free and compulsory basic education. The Basic Education Act of 2013 operationalises this provision. As a proponent of free education, I still see children in my constituency being sent home, yet we are told that there is money for capitation.

Let me talk about the free day secondary schools. Principals in our constituencies still send children home, saying there is no capitation. Some of them say they receive it, but it is not adequate. The Cabinet Secretary admits that resources are limited, yet the Constitution talks about free and compulsory basic education. At the same time, we want equity for everyone because education is a constitutional right. I want the Cabinet Secretary to address the issue of schools sending children home to get money for school fees, yet education is supposed to be free.

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

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

Again, through the County Education Board, students are required to pay about Ksh1,000 or Ksh2,000 per month for lunch. This translates to about Ksh9,000 per year. Some of us, through the National Government Constituencies Development Fund, pay that money to ensure students remain in school. However, even after paying Ksh9,000 per year, principals still send children home to collect more money. I can give an example of a school in my constituency that asks for up to Ksh15,000 per year. However, we are talking about free and compulsory basic education, and the Government releases money for capitation.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Maina Mathenge, Member for Nyeri Town.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker. I want to pose one question to the Cabinet Secretary on free and compulsory basic education. Is he aware that the school feeding programme has become a barrier to the achievement and delivery of free and compulsory basic education in this country? If he is aware, what is the Ministry doing to develop a coherent policy on feeding children in schools?

(Applause)

**The Temporary Speaker** (Hon. Farah Maalim): Member for Saku.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I have listened to the Cabinet Secretary on funding gaps of Ksh2 billion in primary schools and over Ksh20 billion in secondary schools. Considering such funding gaps, what is the predictable expectation of teachers or headteachers in supporting education that you almost call free? I believe it is not free. Nothing is free in our country.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Marakwet West, did you put in your card because you want to ask a question?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): I have a question on Transitional Infrastructure Grant (TIG) funds.

**The Temporary Speaker** (Hon. Farah Maalim): Is it something else?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): Okay. Member for Funyula, Hon. Oundo and Hon. Jematiah.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I am okay on this issue, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Jematiah. Give her the microphone.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you, Hon. Temporary Speaker. I want the Cabinet Secretary to further elaborate on the free primary education. As much as we have it in the Constitution, the cost of free primary education in terms of quality, but not money, is what hinders progress in this country. Many learners leave school half-baked. Most of them are almost illiterate because of the quality we provide. We call it free education, but it comes at the cost of producing a quality learner who may have challenges in future.

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

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Speaker. Now that the Cabinet Secretary has admitted that we have funding gaps not only in this financial year, but also in previous years, we should remove the word “free”.

When the Cabinet Secretary says education is free, yet he knows there is a funding gap, some parents refuse to pay their balances. You give them bursaries, and once they finish the money, they come back and do nothing because they believe education is free. Cabinet Secretary, be realistic and say henceforth it is not free, so that parents can prepare to pay.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Speaker, I wonder why you are calling me Kesses. I am the Member of Parliament for Kesses Constituency.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, I said Member of Parliament for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Thank you. In line with this discussion on Free Primary Education (FPE), there is a project that is being run by the Ministry in preparation for senior secondary education after Junior Secondary School (JSS), that is, the twin laboratories. Could the Cabinet Secretary clarify the procedure of identification because what we are getting on the ground is pure distortion in the sense that the needy schools have been left out?

Secondly, could he also clarify the criteria in line of allocations because some constituencies are getting up to four allocations and others are getting even more than 10? Thirdly, why are these things being done so silently without the knowledge of the Members of Parliament? The same Members are struggling to allocate the National Government Constituencies Development Fund (NG-CDF) in support of the same. At the end of the day, there is duplication. What is the interest behind this silent, under-the-carpet work being pushed

by the Ministry? Why is this not being done openly, yet it involves public resources? By saying public, I mean public. The NG-CDF is public as it is done through public participation. Why is this one from the Ministry being done undercover?

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. In line with the same, my concern is that when we started FPE, it was good news to every Kenyan, and many parents started taking their children to school. But today, many parents are suffering because they cannot pay school fees. Can the Cabinet Secretary come out clearly and tell us what is expected from parents? In some of the remote areas, people know that it is free education, but when they go to school, they are frustrated. This interferes with the performance of the children.

For these other facilities that are being done, can the Cabinet Secretary tell us whether they are being done nationally, in all the areas or are they only done in specific areas? This is because some schools in some of our areas do not have them.

I will finish with the school feeding programme even though it is not there. In some of our remote areas, people do not have enough food and they depend on that school feeding programme. This is especially for students who are doing exams, and at a time like this when they are preparing for their final exams. Can the Cabinet Secretary tell us the plans they have for all the 47 counties and every school in all the wards in this country? This is to ensure that the school feeding programme, especially in the northern part of Kenya, is well catered for to take care of our students who are sitting for their exams.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker.

On the question of free and compulsory basic education, I am of the view that the Constitution requires us as Government to provide free primary and secondary education under Article 53, but we have financial limitations. The conversation we should be having is how we can ensure that the funding gap is breached, so that, for instance, when we request for Ksh78 billion, based on the number and the rate that has been calculated, that sum is not slashed either by Parliament or by the National Treasury. The solution to this is ring-fencing that budget just to ensure that we meet the requirements of the Constitution of providing free education. It is a challenge because we have not been getting what we request for. Once we agree as a country that we are going to enforce Article 53 of the Constitution and the resources that we request for are ring-fenced for purposes of ensuring that that mandate is undertaken, then we will have complied with the requirements of the law.

We have to work towards ensuring that the resources that are requested are budgeted for and allocated. One of the steps we are taking to ensure that this happens is what I indicated earlier as a verification exercise, so that we have an actual number that is known by everyone. This is to ensure that based on the provisions of the Constitution, the numbers that we have in primary, junior and secondary schools and the policy of the rate that has been given, it would not be incumbent upon anybody to slash that budget. With that, as a first step, we would be able to resolve a lot of the challenges that we are facing in the sector. But the Constitution requires us to provide free education and that is the legal and constitutional position in Kenya.

With respect to the lunch money, the Ministry does not provide for lunch. This is an arrangement that is made between the schools and the parents. The Ksh1,000 or Ksh1,500 is an arrangement made by those individual schools. As a Ministry, we do not have a lunch budget, rather we only budget for the school feeding program, where I earlier indicated we are doing 2.6 million learners currently. But the vision of the Ministry is to move this number to 10 million learners by the year 2030. That is why we are trying to find out where we can get the resources to ensure that children who require the school feeding are actually provided for,

just to avoid a situation where lack of food becomes a limitation to achieving the constitutional provision of free education to our students. Again, it is a question of resources.

Generally, one of the conversations that we have started having is because we have noticed that there are quite a number of various bursaries, scholarships, contributions and donors in the country. The Senate wrote to us recently to undertake an audit of all the bursaries that we have that support our learners so that we can perhaps have a single pot from where the resources can be given from, to ensure that we have complete and comprehensive free education for our children.

On Hon. Raso's question about the funding gap, the gap has been there and it is still there.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kimaiyo, what is your point of order? Cabinet Secretary, please, sit down.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Thank you, Hon. Temporary Speaker. On the issue of lunch which my colleague has just asked about, the Basic Education Act, 2013 establishes the county education boards. It is these boards that sit and agree on how much students in free day secondary schools will pay for lunch.

In the case of my county, students are supposed to pay Ksh1,000 per month for lunch which translates to Ksh9,000 per year. But now, some schools go beyond that Ksh9,000 which is set by the county education board. There is a specific school in my constituency, which I will not mention, that requires students to pay Ksh3,000 per term for bread on top of the Ksh9,000. This translates to an additional Ksh9,000 per year. A student will stay home because of Ksh9,000 which is for *mkate*.

I need a clarification from the Cabinet Secretary on whether schools should go on to charge beyond what the county education board has set to be the standard amount for that county.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Hon. Temporary Speaker, as I have indicated, the Ministry does not require that parents pay for lunch. It is optional. So, the teachers or the headteachers should never ever send students home because of the optional arrangement that they have between themselves and the parents. That is the actual policy position of the Ministry. We will have to deal with the situation as it is an optional arrangement. For lack of a better word, it is sort of private. You cannot use that to send away students because it is not a legally enforceable requirement.

The other issues are relating to the question of free versus quality. As I had indicated, due to these gaps and the challenges that are there, for example, where students may not come to school all the time due to these limitations, the quality might be affected. As I have said, to remove or adequately address that issue, we need to ensure that the resources we request for are allocated and ring fenced to ensure that this space is protected.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is it? What is your position? Are you asking a follow-up question, Hon. Mathenge? Or is it a point of order? Are you not satisfied with the answer?

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Hon. Temporary Speaker, the Cabinet Secretary has to be very categorical on this issue. One, is it the Ministry's position that any head teacher who sends a child home on account of the parent not having paid for lunch money is violating the policy, the directive of the Ministry, and the law? The Ministry should indicate the action it will take upon reporting of such principals and head teachers to the education office.

In the same vein, on the issue of extracurricular activities, you find children in slums being sent home on account of not wearing sports shoes and sports uniforms on a particular



school day, where there is a requirement for children to attend class in tracksuits and sports shoes. We cannot have a policy that provides for free and compulsory basic education and then, along the way, the administrators introduce new barriers to the achievement of a national goal.

**The Temporary Speaker** (Hon. Farah Maalim): You have made your point, Hon. Raso, be the last one.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. The question I posed to the Cabinet Secretary was that he said in primary school, a learner will be entitled to Ksh1,400, and in junior school, Ksh15,042. If that is the case and there is a funding gap, what is the predictable amount that schools will be planning on? Of course, this is what was projected, but in reality, that is not what they are likely to get.

On a follow-up to what Hon. Naomi Waqo asked about the feeding programme, particularly in the Arid and Semi-Arid Lands (ASALs), if you do not have a feeding programme, then most of those learners are not likely to attend school. You need to tell us something about that.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Lochakapong, the very last one.

**Hon. Peter Lochakapong** (Sigor, UDA): Thank you, Hon. Temporary Speaker. Listening to the Cabinet Secretary, there are serious funding gaps in basic education. Could we take it to mean that education actors are going out of their way to find ways of filling this gap? Secondly, within the policy guidelines, are there provisions where these actors have the discretion of charging extra levies?

Hon. Temporary Speaker, we all come from this country, and we are all aware that many of our schools charge extra levies. In meetings where these decisions are made, the Ministry is represented. Yet they give the approval for those extra levies to be charged. In this case, how is the Ministry enforcing the prohibition of charging illegal levies, or how is it ensuring that institutions do not charge extra levies?

Another assumption for education to be free is that the Ministry of Education, through the Teachers Service Commission, adequately staff schools. However, we know that in schools up to Form Four, we could only have a principal sent by the Teachers Service Commission, while the rest are teachers employed by boards of management, yet those teachers are required to be remunerated. From which resources will schools pay those teachers if they are not allowed to charge extra levies? The Cabinet Secretary is saying that we ringfence resources, but at the same time, we must recognise that we are not able to meet all the requirements for free basic education in this country.

We must just be alive to that fact and tell the country that we have this challenge. Therefore, though the Constitution and the Basic Education Act say this, and the guidelines say this, the reality and the issues on the ground are not aligned with that. What is the comment and view of the Cabinet Secretary in relation to this?

**The Temporary Speaker** (Hon. Farah Maalim): The Cabinet Secretary, answer this and then we will go to the next Question.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): But one fundamental issue you have to take note of as you are answering is that you admit that there are funding gaps. And you have not created a provision for head teachers to fill in that funding gap. Now, how do you expect institutions to move? Because the funding gap is there, the additional resources needed are not there, and you do not allow the principals to bridge that funding gap. Let us make it legal, because it is free and compulsory basic education. Maybe you need to be very clear about that. And if you need more time, you can then ask the House.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Hon. Temporary Speaker, I will need more time to deal with that. The funding gap is a gap that we continue to

work on with the National Treasury to reduce. For example, as I have indicated, for this Financial Year 2025/2026, there was a funding gap of Ksh26 billion. We managed to have it reduced by Ksh3 billion during the first supplementary budget, and we continue working towards ensuring that by the end of the year, we would have reduced it substantially. That is why any levies that any particular head teacher or principal imposes on account of the gap are considered illegal and are not allowed. They cannot use that levy, for example, to send children home. That is the official position. That is the Government policy that is subsisting at the moment. However, as I have indicated, this is an issue relating to lack of resources, that we need to work towards addressing.

Once the Ministry funds are submitted, they should be ring-fenced so that in future, we can avoid situations where headteachers and principals will be forced to fill that gap using their own methods. So, the Ministry's position is to work, through the Government, to ensure that the funding gap is reduced and where resources have been given to institutions, as I earlier indicated, they are used optimally to meet their obligations within the resources we receive from the Government as it is required. That is the position. What I can undertake here...

**The Temporary Speaker** (Hon. Farah Maalim): Actually, if you followed Members contributions and concerns very well, does the failure to factor in that gap, either through parents or otherwise, compromise the quality of education in our institutions? That is one thing that a Member may raise through a point of order and ask what then will happen. If it is illegal for them to demand additional funding, you have just admitted that there is need for it, are you saying that the additional funding that you need is – for lack of a better word – for other functions? Is it that it is not quite necessary for the very basic requirements of the free compulsory education? Could it be it is because you have not been supplying them with anything before and you cannot afford to do that at this stage? Is it going to compromise the very basic education requirements so that children will be seen as having an inferior quality of education? Members will rise up on such points of order. I may as well guide you on that now.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker. I am just trying to explain the position. Perhaps I need more time to respond to that in a global manner so that we can then interrogate that whole space and analyse what it means at the end of the day. However, according to Government policy, levies that are given without the authority of the Ministry are illegal. They should not be given in that manner. That is the position.

**The Temporary Speaker** (Hon. Farah Maalim): Do you still need more time to give a global answer to it?

Hon. Members, it is fair to give the Cabinet Secretary more time so that he informs the Committee. Is the Chair of the Departmental Committee on Education here? Do you have anybody from the Departmental Committee on Education in the House? Interestingly, there is none.

Cabinet Secretary, we need to give you more time on this. It is not fair just to... Hon. Kimaiyo, you are not in that Committee? What do you have? The Cabinet Secretary has undertaken to give a global answer to that question and send it through the Committee. I suggest that you do not lynch him any further than that.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Hon. Temporary Speaker, just in addition to that, it would be prudent if the Cabinet Secretary releases a circular to all schools and education directors down there. We are not speaking to this in vain.

**The Temporary Speaker** (Hon. Farah Maalim): If you listened to the Chair very well, he asked: Does the gap impact on the quality of education?

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Hon. Temporary Speaker, just allow me to read this part of the law. Section 28(1) of the Basic Education Act states that the Cabinet Secretary shall implement the right of every child to free and compulsory basic education. So,

the onus is on the Cabinet Secretary to implement that. The law allows him to implement that. He can release a circular so that the children of poor people in this country are not stopped from going to school.

**The Temporary Speaker** (Hon. Farah Maalim): The Cabinet Secretary has given a serious undertaking that he is going to come up with a comprehensive global answer to that question. However, it is illegal to send any child home from school. Cabinet Secretary, I hope I got you right that you will proceed to influence issuance of an Executive decree to make sure that no child is sent away from school because of not paying that illegal additional fee.

In the meantime, you will come up with a comprehensive global answer on how that gap will be bridged and accommodated.

The next Question is by the Member for Baringo. No! It is not Baringo. Sorry. We have already passed it. That was dealt with before I took the Speaker's Chair. Order, Hon. Members! We are through with the Cabinet Secretary.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Member for Funyula?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. I hope the Cabinet Secretary is not distracted. Do not distract the Cabinet Secretary. Through you, I want to pass a message. Cabinet Secretary, the people of Funyula Constituency have asked me to sincerely thank you for gazetting Bumbe Polytechnic as "Bumbe National Polytechnic." They are extremely grateful. They are inviting you for an investor ceremony at your earliest time of convenience. *Asante sana. Nyasaye akhulinde.*

**The Temporary Speaker** (Hon. Farah Maalim): We are through with the Questions.

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

**The Temporary Speaker** (Hon. Farah Maalim): The Member of Parliament for Kesses, what is your point of order?

**Hon. Julius Rutto** (Kesses UDA): I am not asking a Question. This is just a follow-up. I have tried to listen...

**Hon. Emmanuel Wangwe** (Navakholo, ODM): On a point of order, Hon. Temporary Speaker.

**Hon. Julius Rutto** (Kesses UDA): I am on a point of order, Hon. Temporary Speaker. How can we have another point of order?

**The Temporary Speaker** (Hon. Farah Maalim): Order! The Member for Kesses, please, sit down. What is your point of order, Hon. Wangwe?

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Temporary Speaker. The great Member for Funyula has spoken some Latin.

**The Temporary Speaker** (Hon. Farah Maalim): Latin? Which says what?

**Hon. Emmanuel Wangwe** (Navakholo, ODM): I do not understand. That is why I am seeking your direction, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): The Member for Funyula, Latin is not one of the languages of the National Assembly. The Member for Kesses, what was your issue?

**Hon. Julius Rutto** (Kesses UDA): Hon. Temporary Speaker, I raised a question that is very pertinent on the issue of twin labs that are being done by the Ministry. I waited for the answer from the Cabinet Secretary...

**The Temporary Speaker** (Hon. Farah Maalim): Come again?

**Hon. Julius Rutto** (Kesses UDA): On the question I raised with regard to the Senior Secondary Schools twin laboratories that are being constructed across the country, I have tried to listen to the Cabinet Secretary, but he has not come out clear about it.

**The Temporary Speaker** (Hon. Farah Maalim): That was not in the body of the Question that the Cabinet Secretary was prescribing. However, should the he wish to give an answer at a later date, it will be up to him.

Cabinet Secretary, if you want to answer now, you can proceed and answer.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Temporary Speaker. My apologies. The Ministry did an exercise and confirmed that there is a need of 1,600 laboratories that would cover about 1,339 schools that do not completely have laboratories. These are schools that are going to have laboratories that were provided for in the current financial year. Their construction has not started. I undertake to provide their comprehensive list and the rationale, so that Members can interrogate it.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. The Member for Kesses, you have heard a very good response from the Cabinet Secretary on that.

*(Loud consultations)*

Order, Hon. Members! Order. Hon. Nabii Nabwera, you have just walked in.

*(Hon. Nabii Nabwera spoke off the record)*

No! No! You do not have the Floor.

Hon. Cabinet Secretary has been here the whole afternoon. You have grilled him on questions you never listed before. He has tried to answer everything on what was needed. He has given an undertaking that he will come back, through the Committee, to address globally the areas that you still have concerns. Hon. Cabinet Secretary and your team, thank you very much. You are now discharged.

**The Cabinet Secretary, Ministry of Education** (Mr Julius Ogamba): Thank you, Hon. Members.

*(The Cabinet Secretary was escorted out of the chamber)*

**The Temporary Speaker** (Hon. Farah Maalim): Next Order. Hon. Naomi Waqo, the next Order is 8, and you are here as the Deputy Whip of the Majority Party.

## BILL

### *First Reading*

THE PUBLIC SERVICE SUPERANNUATION SCHEME (AMENDMENT) BILL  
(National Assembly Bill No. 33 of 2025)

*(The Bill was read a First Time and  
referred to the relevant Committee)*

**The Temporary Speaker** (Hon. Farah Maalim): Yes, continue.

## MOTION

ADOPTION OF 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, 13<sup>th</sup> August 2025:

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

*(Moved by Hon. Emmanuel Wangwe on 7.10.2025)*

*(Resumption of debate interrupted on 7.10.2025)*

**The Temporary Speaker** (Hon. Farah Maalim): The last person who was on the Floor was Hon. Kakai Bisau. You have eight minutes left. I remember that very well because I chaired the Session. You may now proceed.

**Hon. Bisau Kakai** (Kimini, DAP-K): Thank you, Hon. Temporary Speaker.

I would like to take this opportunity to thank the Chair of the Public Investments Committee on Social Services and Administration, Hon. Wangwe, for the immense work that has been done.

If you look at the reports covered, they span about seven years. While I know that through the House there was a need to establish various PICs, which have indeed helped to fast-track the audit process, conducting an audit covering seven years, and going back almost a decade to review records, is not an easy task. I, therefore, thank the Committee for the excellent work done.

I also sit in the PIC on Education and Governance. What has become very clear is that, across all those records, most institutions have had unqualified accounts. This clearly indicates non-performance and weaknesses in the proper utilisation of public funds. As we move forward as a House and continue to interrogate these reports, it is important that we establish a mechanism whereby, if the heads of agencies continue to record unqualified accounts for three consecutive years, we must find a way to break that cycle. It is my view that we should now focus on the current audits. I am aware that most PICs have cleared the backlog, but we must concentrate on the ongoing financial years. If you review the audits already tabled, you will realise that, in some institutions, the officers concerned have already left, given that most of these reports cover the period from around 2018 to 2024. Therefore, we must become more current in our oversight work. It is also critical that this particular Public Investments Committee, across all sectors, is adequately facilitated and resourced to effectively carry out its mandate.

That is the only way we can ensure that there is real value for money in every allocation earmarked for public institutions.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kassim Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Ahsante Mhe. Spika wa Muda.

Jana tulikaa hapa mpaka tukafunga kikao nikisubiri kutoa mchango wangu kwenye Hoja hii. Nianze kwa kutoa shukrani zangu za dhati kwa Mwenyekiti na Kamati yake. Kwamba, waliweza kukaa na kukagua hesabu hizi, ni kifahamisho kuwa, Mwenyekiti wa Kamati ni gwiji kwenye haya masuala ya hesabu na ukaguzi.

Mhe. Spika wa Muda, natoa shukurani kwa sababu wamekagua baadhi ya vitengo kama National Syndemic Diseases Control Council mpaka mwaka wa 2023/2024. Hiyo ni kumaanisha wamefanya kazi mpaka ikawa sambamba. Tumbakisha 2024/2025. Hali kadhalika, wamekagua shirika la National Social Security Fund na lile la ugonjwa wa janga la saratani.

**The Temporary Speaker** (Hon. Farah Maalim): Sema National Social Security Fund kwa Kiswahili maana wewe ndiye mswahili hapa kabisa. Unajua Kiswahili kushinda wengine wote.

**Hon. Kassim Tandaza** (Matuga, ANC): Sio kuliko wengine wote. Kutoka sehemu ya Mombasa haimaanishi kuwa wewe ni gwenzi wa Kiswahili; manake ni somo ambalo watu wanafanya. Ukiangalia katika mitihani, wanaofanya bora mara nyingi sio Wapwani. Ni wale wa bara. Hili ni somo kama lingine.

**Hon. Martha Wangari** (Gilgil, UDA): Hoja ya nidhamu, Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. Farah Maalim): Kuna hoja ya nidhamu.

**Hon. Kassim Tandaza** (Matuga, ANC): Ni 'hoja la nidhamu' au 'hoja ya nidhamu'?

**The Temporary Speaker** (Hon. Farah Maalim): Mhe. Tandaza, nidhamu ni nidhamu. Mhe. Martha ako na hoja ya nidhamu.

**Hon. Martha Wangari** (Gilgil, UDA): Mhe. Spika wa Muda, ukitoka mwambaoni, mahali Mbunge wa Matuga ametoka, ingawa wewe ni mtaalam wa Kiswahili yote, tunaielewa unafaa kuwa na ujuzi kuliko sisi tuliitoka bara. Lakini la muhimu tufahamu kuwa ni Kanuni za Kudumu za hii Nyumba ambazo zimetuamrisha kuwa huwezi kutumia lugha mbili tofauti. Kama umeanza kwa Kiswahili au la ishara, itabidi umeendelea nayo. Na kama ulianza kwa Kimombo, vile vile. Kwa hivyo, hata kama sio ujuzi, tufuate Kanuni zetu za Kudumu.

**The Temporary Speaker** (Hon. Farah Maalim): Mheshimiwa wa Matuga, hiyo ni Kanuni za Kudumu, ama kwa Kimombo Standing Orders za Bunge hili. Kwa vile umeanza na Kiswahili, endelea kuchangia Hoja yako vile vile.

**Hon. Kassim Tandaza** (Matuga, ANC): Nimechukua Kanuni hizo za Kudumu na nitajaribu kuzifuata ijapokuwa Kiswahili sanifu, ni 'Bunge hili' wala sio 'Bunge hii'.

Tukiendelea mbele, nilikuwa nimefikia Kanuni ya Ibara ya nne ambayo ilifanyiwa ukaguzi mpaka mwaka wa 2018/2019. Hii inamaanisha kuwa kuna ukaguzi ambao haujafanyika kutoka mwaka huo mpaka sasa, ambayo ni takriban, miaka sita. Jambo hili linanitia wasiwasi. Licha ya kazi nzuri ambayo imefanyika, kuna kazi iliyosalia ya miaka sita nyuma katika shirika hili ambalo bado linaendelea kufanya kazi.

Ombi langu ni kuwa Kamati hii ijizatiti na kuona kwamba ukaguzi wao wote katika haya mashirika unafuatiliana ili ikiwa kuna ubadhirifu wa hela, kama walivyotanguliza katika Ripoti yao, hatua zichukuliwe kwa wakati unaofaa ili Serikali na wananchi wasipoteze rasilimali.

Ukiangalia Ripoti hii kwa kina, kuna ubadhirifu wa hela katika shirika hilo na wamependekeza hela hizo zirejeshwe. Ilifika wakati ambapo kulikuwa na maoni kuwa Bunge hili lisiwekeze pesa tena katika mashirika haya. Lakini tujue kwamba tukikosa kuwapa pesa zozote, wananchi ambao wanapata huduma hizo ndio watateseka. Kama tulivyotanguliza, wengine ni watoto mayatima ambao wanategemea ufadhili wa shirika hili, ilhali ni mtu binafsi ama bodi husika iliyobadhirisha fedha hizo. Kwa hivyo, ni maoni yangu kuwa, hata ikiwa wamestaafu kama ilivyoripotiwa, sheria lazima ifuatwe. Miaka isiwe kizuizi uhalifu unapotendeka eti baada ya miaka mitano, watu hawawezi kushtakiwa. Kamati hii inafaa kutoa mapendekezo kwa vitengo tofauti tofauti husika ili watu hao washtakiwe hata kama wamestaafu. Ikiwa waliaga, niko na imani kuwa walinunua mali na inaweza kufuatiliwa na kurejeshwa katika mkono wa umma. Endapo itafanyika hivo, wengine wanaodhania kuwa wanaweza kubadhirisha mali ya umma wakiwa karibu kustaafu wataogopa.

Mara nyingi, pesa ya uzeeni haitoshelezi. Kwa hivyo, maafisa wa umma wengine walio na vyeo mbali mbali wakifikia miaka miwili au mitatu ya kustaafu, wanazidisha ulafi kwa sababu ya uoga wa kutojikimu kimaisha hapo mbeleni. Lakini wakifuatiliwa, watajua kuwa watashtakiwa, mali yao itachukuliwa na watoto wao na familia zao zitahathirika wakijua ni wezi. Hii ni hatua kubwa kuhakikisha kuwa maafisa wa umma na bodi zinazosimamia taasisi hizi zinatabua kuwa wakenya wako macho na vitengo husika vinafanya kazi ipasavyo. Endapo mtu ataona kuwa msharaha wake hautoshi, basi ajiuzulu au kustaafu mapema na kuingilia biashara.

Mhe. Spika wa Muda, nashukuru kwa fursa hii. Naunga mkono Hoja hii na kuwapongeza walioweza kuileta hapa Bungeni.

**The Temporary Speaker** (Hon. Farah Maalim): Mhe. Thuku Kwenya.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Speaker, for giving me this opportunity to contribute to the audited financial reports that have been presented to this House by the Public Investments Committee on the said institutions.

I support the Report. Having previously served in that Committee, I am aware of the effort that its Members have put into producing such a Report. However, my misgiving is that audits are not conducted immediately after the conclusion of each financial year. This delay in auditing may not cure the issues at hand. The kind of reports that are presented to this House can only be equated to the work of a mortician; money has already been spent and may have been misappropriated, and the individuals involved in those decisions may no longer be in their positions, having either retired or moved on. At times, it appears that we are merely informing the public about past events, and our reports are difficult to act upon. In turn, this creates difficulties for our Committee on Implementation as it seeks to ensure that the recommendations of this House are implemented.

I am particularly concerned about two institutions; the first being the National Social Security Fund (NSSF). This Fund represents a pool of money accumulated by employees and employers for pension purposes. Let me start with the National Social Security Fund (NSSF), a Fund where employees and employers have been accumulating money that is meant for pension. For many years, that institution has not lived up to its mandate, so to speak. You can only draw the money after retirement. A lot of money has been accumulated over the years. If the Board of Trustees is not careful with the management, they may find themselves investing the money in areas that only benefits the Board members.

Let me take special interest in the Hazina Towers and the NSSF Annex, where they have a parking lot. If you were to seriously audit how much money was spent on the construction of the same, you would realise that there was no value for money. The pensioner's money has not been put to the rightful use. The rent collected does not commensurate with the amount of money that was invested. As we go through this Report, we need to dig deeper to determine if the contractors and engineers colluded with the staff working at NSSF. If that is the case, then a lot of money has been lost.

I served in this Committee last Term, and Hazina Towers was still under construction. Many years later, claims were coming in billions; claims on idle labour and variations. It went on for a long time. It is incumbent upon this House to re-stamp its authority and ensure that pensioners' money is put to the rightful use.

The other institution is the Child Welfare Society of Kenya (CWSK), a very noble Government agency that has been doing a very good job. I always wonder why institutions that are working are under-funded or politics is directed there. Many vulnerable children have benefited from the support that they get from CWSK.

When I became a Member of Parliament, CWSK would go deep into the villages in my constituency and pick children from vulnerable families, orphans and some whose parents are sick, and educate them. However, there was a challenge. Money was not availed when required.

At times, the children were sent home and yet, we are funding other agencies that have no direct impact in terms of alleviating poverty in the society.

As we seek accountability from some of those organisations, like CWSK, we must also fund them adequately to make sure that they do their job without hitches

I support the Report. Thank you for giving me the opportunity to speak on the same.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Nabii Nabwera.

**Hon. Nabii Nabwera** (Lugari, ODM): Thank you, Hon. Temporary Speaker.

I want to add my voice to the Report by first thanking the Chairman and the Committee for a job well done. Sitting in an audit Committee of this nature where you are looking through a number of financial years to produce a report requires a lot of patience, resilience and a clear mind.

Having said that, allow me to say the following: On NSSF, in the Financial Year 2021/2022, there is a mention of Hazina Towers. I expected a recommendation on a forensic audit for Hazina Towers. This is an endless pit. I agree with my brother, who was on the Floor before, that there is no value for money. You are aware that we have increased individual contributions to NSSF. Currently, the Fund collects a huge sum of money. My only comfort...

**Hon. Emmanuel Wangwe** (Navakholo, ODM): On a point of information, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Wangwe has a point of information. Hon. Nabwera, do you wish to be informed?

**Hon. Nabii Nabwera** (Lugari, ODM): Hon. Temporary Speaker, Hon. Wangwe wants to waste my time on this. Maybe, he is anticipating something else.

**The Temporary Speaker** (Hon. Farah Maalim): The issue is that he has a point of information for you.

**Hon. Nabii Nabwera** (Lugari, ODM): Hon. Temporary Speaker, I do not want to be informed.

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

**Hon. Nabii Nabwera** (Lugari, ODM): Hon. Temporary Speaker, as I was saying, NSSF is now collecting huge sums of money. When a Fund is collecting such an amount of money, we need to be as current as we can in terms of its audit reports. This is to ensure that if there is anything unusual, the report will flag it out and play its role of deterrence. One of the things that we are grappling with in the audit committees of Parliament, is the lack of corrective measures because of delayed actions. Therefore, it is critical that we laud the Committee for ensuring that they are up to date with their reports, that is up to the Year 2023/2024.

One critical thing that is in all these reports is having unqualified audit reports. That means that there is no value for money in almost all those institutions. The question we need to address is: Do we have the right staff in the accounting function? If we do, why is it that in almost all these reports, the Auditor-General is complaining about missing records and misreporting? From where I sit, the omissions and commissions are intentional. Therefore, the recommendations by the Committee must be taken seriously. I have always recommended – and I want to make it very clear – that we need to look at the South African model. When audit reports are being interrogated, the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI) should be seated in this Chamber. From there, they move straight into action. We must take immediate action against thugs, thieves and robbers who have taken public money in this country. I am sad to say that most of the good recommendations by Public Investments Committee (PIC) and other audit committees are gathering dust without action.

More hurting is that we see people in those organisations, where auditors have raised serious queries, are moved to other organisations. I am calling upon Parliament to come up with a mechanism where, if Hon. Nabii Nabwera has been running a particular institution and



the audit report indicts him in corruption, he must not be allowed to hold another position. In any case, an institution is as good as the vision bearer. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Nyeri Town, Hon. Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker.

I support the Report by this Committee. It is sad that some of the institutions that we see being audited here include the National Syndemic Diseases Control Council that is responsible for the affairs of Kenyans suffering from HIV and AIDS. I notice that in the Financial Year 2022/2023, that organisation was unable to absorb close to Ksh164 million and yet, this week, we had Kenyans suffering from HIV on the streets on account of failure to access crucial life-saving and life-prolonging commodities and services that ideally, should be provided by such institutions.

Beyond the recommendations that we have in these reports, at the conclusion and adoption of these reports, I am adding my voice to that of my friend and colleague, Hon. Nabii Nabwera, that this House is doing a lot of disservice to Kenyans by allowing the recycling of people who have demonstrated incompetence in other capacities, and we allow them to be moved from one institution to another and some of them with added responsibilities. The kind of focus that Kenyans have put on Parliament, informs me. I believe all of us; that Kenyans have a lot of faith in this House, but this House is disappointing them a lot by the failure to be more firm and proactive in defending the people who put us into the offices that we occupy.

I can see an audit of the National Cancer Institute of Kenya and yet, yesterday, we saw cancer patients come and sit in the Speaker's Gallery to ensure that this House had received their petition and commits to addressing their plight. In addressing the plight of Kenyans, we must up the game. For the reports that are before this House from the Public Accounts and Public Investment Committees, we must be bold enough to recommend that certain people are no longer fit to hold public office on account of their acts of omissions and commissions as heads of institutions that have been charged with the responsibility of handling stewardship of public money.

With that, I support.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kirima Moses.

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

I support the statements by my colleagues who have spoken before me. I also add my voice to say that those who have been given responsibility to be in-charge of important institutions like national corporations, have really failed the Kenyans that they are supposed to be protecting. Yet, those people have been given the responsibility on behalf of Kenyans to run the system. I am saying so because in the audited accounts of the National Syndemic Diseases Control Council (NSDCC), which AIDS is part of, you can see what is happening. When the American President Donald Trump took over, there was a serious scare since it was said that the Americans will not be supporting or supplementing the availability of drugs for cancer and AIDS patients. Out of that, people started dying psychologically before their actual death. Yet, you can see here that more than Ksh164 million was not utilised. It was not used for the purpose for which it was meant for. That is a very sympathetic situation; considering that the people who are suffering are very exposed and unable to support themselves on their own. Yet, money is lying somewhere and is not being used to support them. That is unfortunate.

The situation in Kenya right now is that if you are not infected, you are affected. Your relative or friend may be suffering and you can see it; but there is nothing you can do. The medicine is only available in specific areas; and it is provided in a certain way. Yet, there is money which is not used for that purpose. There is a failure. It is now upon this Parliament to make sure that the people who are appointed in those State corporations are not just people

who are tired in other areas, and are being pushed there as a place of solace or resting. We should have vibrant people who are capable, qualified and with merit to lead such institutions.

As I conclude, cancer is a pandemic especially in the Meru community. Meru is the leading county when it comes to cancer issues. Almost every family in Meru is affected by cancer. Those cancer issues are not addressed as they are supposed to, so as to assist those who are suffering. Our people in Meru have been made paupers; very poor. They have sold parcels of land. They have exhausted all means to support their patients. Yet, you can see as per the audited report that the money which was supposed to be used for cancer purposes, has not been used as it was meant to.

My conclusion is about the audited statement. When recommendations are made by the Committee concerned, they should be acted upon within the shortest time possible. That is because most of the money in the State corporations is used in a corrupt manner. It is not used prudently.

Hon. Temporary Speaker, Tanzania is using their National Social Security Fund (NSSF) to build storey buildings in Kenya. There is a very tall building in Upper Hill that is being built with Tanzania NSSF money. What about us? What have we done with our Fund? We only squander the money by buying parcels of barren land for some people to earn commissions and investing in unprofitable ventures where people do not get value for their investment.

NSSF money is a contribution from workers from which they are supposed to benefit when they retire. However, that is not the case. When people retire, they go home and it takes many years before they receive their benefits. Some of them even die before they receive their benefits from NSSF.

Therefore, if an account audit takes place, it should be acted upon within the shortest time possible. By doing so, whoever is found guilty of stealing, squandering and misusing public funds is either jailed or his property is confiscated by the State to compensate the workers who contributed the money. Due to the current bureaucracies in Kenya, whoever steals becomes a hero, goes scot-free and becomes the best politician the following day. This is because he will use that money to campaign and seal the loopholes that are used to steal from the public.

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

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, there being no further interest from Members to contribute to the Motion, I call upon the Mover to reply.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Temporary Speaker.

Allow me to appreciate my colleagues for using this opportunity to dissect my Report together with the findings therein. This is the Seventh Report. We hope to pursue more reports.

We will make sure that other reports that will come to the Floor of the House will have the impetus of what my colleagues have mentioned. We will list those who are affected so that we name them in the reports. The Public Appointments (Parliamentary Approval) Act suggests that once you are mentioned in a parliamentary report, you are not eligible for appointment. That is a caveat in that Act. We will have to enforce it by keeping in mind that the law is very clear; the right of reply has to be respected. We will do that.

Hon. Temporary Speaker, I thank you, and my colleagues, for supporting the Report. I humbly ask them to vote for it at the right time.

I beg to reply.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, I direct that this Question be put at an appropriate time in the future.

*(Putting of the Question deferred)*

Therefore, I now direct that we go to the next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

## IN THE COMMITTEE

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

### THE PRIVATISATION BILL (National Assembly Bill No.36 of 2025)

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, we are now in the Committee of the whole House on the Privatisation Bill, (National Assembly Bill No. 36 of 2025).

#### *Clause 3*

**The Temporary Chairlady** (Hon. Martha Wangari): We have a proposed amendment by the Chairperson. The Chairperson in this case is the Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady.

I hope I am getting your attention. Can I proceed.

**The Temporary Chairlady** (Hon. Martha Wangari): Yes, kindly prosecute your amendment.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady.

As you have said, I am standing in for the substantive Chairperson, Departmental Committee on Finance and National Planning, as one of the Members of the Committee.

Hon. Temporary Chairlady, I beg to move:

THAT, clause 3 of the Bill be amended—

(a) by deleting the word “and” appearing in paragraph (a);

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

“(c) prohibit restrictive or unfair trade practices in the privatization process; and,

(d) promote openness and public participation in privatisation programmes in Kenya.”

The proposed amendment seeks to provide for additional objects of the Act to buttress the purpose already provided for in the Bill, and to cover objects that are not yet provided for.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): If you intend to speak on this, press the intervention button. Hon. Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, this is a timely amendment.

However, I must note that probably, it is a kind of over-legislation because the Capital Markets Act, the Competition Act, the Trade Remedies Act and a plethora of Acts already

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

provide for such kind of arrangement. But since we have enough paper in Kenya, this should not be an issue. It is okay.

Thank you.

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

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

*(Clause 3 as amended agreed to)*

*Clause 4*

**The Temporary Chairlady** (Hon. Martha Wangari): We have a proposed amendment by the Chairperson, Public Debt and Privatisation Committee, who is represented by the Member for Kinangop.

**Hon. Kwenya Thuku** (Kinangop, JP): Hon. Temporary Chairlady, I beg to move:

THAT, clause 4 of the Bill be amended by inserting the words “in accordance with the Public Finance Management Act” immediately after the word “corporation” appearing in paragraph (c).

The justification is that the proposed amendment seeks to cross-refer to the Public Finance Management Act where it is stipulated how the same should be carried out. That is on Sections 87, 88, 89 and 90. Then paragraph (c) should be retained because Government-linked corporations are already privatised and, therefore, should not be subjected to the whole privatisation process.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Question of the amendment proposed)*

Hon. Member for Funyula, do you intend to speak on this.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Chairlady, we need your guidance because similarly, on clause 4, there is an amendment by the Departmental Committee on Finance and National Planning which seems similar. Then there is this amendment by the Public Debt and Privatisation Committee.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Funyula, let us first prosecute the amendment by the Chair of the Committee on Public Debt and Privatisation. If carried, it would have an impact on the proposed amendment by the Departmental Committee on Finance and National Planning. Let us first finish this one, Hon. Members.

*(Question of the amendment proposed)*

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

Before we put the global question, the Chairperson has another proposed amendment that should fail if this is carried.

**Hon. Julius Rutto** (Kesses, UDA): Thank you. For that purpose, I propose to stand down the amendment by the Committee.

**The Temporary Chairlady** (Hon. Martha Wangari): Are you standing down? Has it fallen because the other one has gone through? The effect is the same. Thank you, Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Already, it has failed. We are in agreement.

**The Temporary Chairlady** (Hon. Martha Wangari): The effect is the same.

*(Proposed further amendment by  
Hon. Julius Rutto dropped)*

*(Clause 4 as amended agreed to)*

*(Clauses 5, 6, 7, 8 and 9 agreed to).*

*Clause 10*

**Hon. Julius Rutto** (Kesses, UDA): The Committee is proposing a new clause 10A. I propose that clause 10 be part of the Bill. The amendment that we have is in the Motion.

**The Temporary Chairlady** (Hon. Martha Wangari): Move the amendment. I am the one to propose that it be part of the Bill.

**The Temporary Chairlady** (Hon. Martha Wangari): It should go to Second Reading if it is a new clause. If I look at the Order Paper, this is an amendment.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I am well guided.

**The Temporary Chairlady** (Hon. Martha Wangari): If I look at the Order Paper, you are amending clause 10. It is not a new clause. You have a new clause, but it is new clause 10A. So, focus on clause 10.

**Hon. Julius Rutto** (Kesses, UDA): Yes. Thank you, Hon. Temporary Chairlady for that guidance. I beg to move:

THAT, clause 10 of the Bill be amended—

- (a) in subclause (1) (d) by deleting the words “, each possessing a degree in either economics, accounting, finance or any other relevant degree from a recognised institution and having ten years of work experience of which five shall be at senior management level in a relevant field”;
- (b) in subclause (3) by inserting the words “the youth, persons with disabilities” immediately after the words “and regional balance”;

The justifications are as follows. Wait a minute. Let me consult. You will appreciate that it is my first time. Thank you for your guidance.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Kesses, I will forgive you. I think it is your first time prosecuting a Bill in a Committee.

*(Hon. Julius Rutto consulted the Clerks-at-the-Table)*

**The Temporary Chairlady** (Hon. Martha Wangari): Yes. That is why I have indulged you. Thank you. Very well.

*(Laughter)*

*(Question of the amendment proposed)*

Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): While I support the amendments because they open up to many categories of Kenyans, I do it with reservations because privatisation is an extremely technical process with a whole professional body to deal with it. I am going to use some derogatory statements. Opening up to everybody will overwork or overload the secretariat because board members will not have much to do.

However, let it pass for the sake of the various Kenyans of different ages and dispositions. I do so with reservations.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

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

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

*(Clause 10 as amended agreed to)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Hon. Member for Matuga, I am not seeing you. I was clear. Use your card for intervention.

*(Clauses 11, 12, 13, 14 and 15 agreed to)*

*Clause 16*

**Hon. Temporary Speaker** (Hon. Martha Wangari): Mover, you have an amendment. Member for Kesses, you are nomadic.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, clause 16 of the Bill be amended in subclause (4)—

- (a) by deleting the word “four” appearing immediately after the words “for a term of” and substituting therefor the word “three”;
- (b) by deleting the word “four” appearing immediately after the words “not exceeding”

The justification is that the proposed amendment seeks to reduce the tenure of the Office for the Managing Director of the Privatisation Authority from four to three years in line with the Mwongozo Code of Governance that recommends three years.

Thank you.

*(Question of the amendment proposed)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I am also nomadic.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): What! You are making my work difficult.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairlady.

I support this amendment and thank the Committee because, in line with the Mwongozo Code of Governance for State corporations, very many CEOs in many state corporations have had tenures that are beyond three years against the Mwongozo Code of Governance. Therefore, this proposal, reducing the tenure of the Managing Director of the Privatisation Authority to three years, is not just in line with that Code of Governance, but also in line with the Government policy today to reduce even those that previously had more than three years. The

Roads Amendment Bill that we passed recently and that is now an Act of Parliament reduced the tenures of the Director Generals of the Kenya Roads Authority, the Kenya Urban Roads Authority, the Kenya Roads Board, and the Kenya National Highways Authority from five years to three years. Therefore, this is in line with the same policy and I support it.

*(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 agreed to)*

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

*(Clause 16 as amended agreed to)*

*(Clauses 17, 18, 19, and 20 agreed to)*

*Clause 21*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Chairman, move your amendment.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, clause 21 of the Bill be amended in subclause (2)—

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

“(ca) the national security interests;”

(b) in paragraph (d) by deleting the words “an unregulated” appearing immediately after the words “may result in” and substituting the word “a”.

The justification is that the proposed amendment seeks to provide clarity in the paragraph.

*(Question of the amendment proposed)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Hon. Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, this is also a good amendment but, without anticipating debate, national security interests have not been defined in clause 2. Probably, it would be neater for clarity to clearly define. Otherwise, it will remain very amorphous and difficult to enforce. Probably somewhere, we need to be clear in our minds on what constitutes national security interests.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Very well. Member for Matuga, are you on this?

**Hon. Kassim Tandaza** (Matuga, ANC): Thank Hon. Temporary Chairlady.

Just as Honourable Oundo has said, this issue of national security interests can be misused. And as we move on, it would be more specified and accurate on what constitutes national security interests.

*(Question, that the words to be inserted)*

*be inserted, put and agreed to)*

*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 21 as amended agreed to)*

#### Clause 22

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 22 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note “Submission of privatisation programme to the National Assembly.”

The justification is that the proposed amendment seeks to correct the marginal note to accurately reflect the import of the provision.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(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 22 as amended agreed to)*

#### Clause 23

**The Temporary Chairlady** (Hon. Martha Wangari): We have an amendment by the Chairperson. Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 23 of the Bill be amended by deleting and substituting therefor the following new clause-

Consideration of the privatization programme.

**23. (1)** Upon receipt of the privatization programme, the programme shall be tabled in the National Assembly and the National Assembly shall –

(a) consider the privatization proposal within ninety days from the date of tabling; and

(b) be guided by principles of public finance under Article 201 of the Constitution, principles of good governance under Article 10 of the Constitution, the criteria for identification of entities specified under section 21 and any other relevant consideration.

The justification for the proposed amendment is to increase the period of consideration of a privatisation programme from 60 days to 90 days to cater for any eventualities of delay in the consideration of the privatisation programme. Also, it merges Clauses 24 with 23 since both provisions can be read together as one provision and have a logical flow.

Thank you.



*(Question of the amendment proposed)*

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I also have an amendment on the same, but now the amendment by the Committee fully addresses our concerns that we had in the Second Reading. I support.

When it comes to my amendment, it will go on record that I have withdrawn mine. Or do you want me to withdraw it at the next one?

*(Proposed amendment by Hon. Oundo withdrawn)*

**The Temporary Chairlady** (Hon. Martha Wangari): Well, we will get to that, but you have already made your views known. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I want to support that particular amendment. I agree with Hon. Oundo that he is literally covered by the amendment by the Committee. The language in this Bill is very good.

I must commend the drafters of this Bill because it says within our specified period of 90 days. It means that even if Parliament finishes the consideration of the privatisation programme within 45 days, you are still within the 90 days. If you finish within the 62<sup>nd</sup> or 63<sup>rd</sup> day, you are within the 90 days. This language is better than in other Acts of Parliament, where we say that you shall consider a certain programme for a period, which means that you have to keep it for those 90 days. This means we do not need to keep it for 90 days if Parliament is able to consider and approve a privatisation programme within 40, 45, 50, 60, 70 days, as we have up to 90 days.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): You have made your point.

*(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 23 as amended agreed to)*

#### *Clause 24*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 24 of the Bill be deleted.

The justification is that the proposed amendment seeks to delete the provision since it has been merged with clause 23. Both provisions can be read together as one provision and have a logical flow.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Question of the amendment proposed)*

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

*(Clause 24 deleted)*

*Clause 25*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Ruto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 25 of the Bill be amended in paragraph (b) by deleting the words “with amendments” and substituting therefor the words “with reservations or proposed amendments;”

The justification is that the proposed amendment seeks to align with the provisions of the National Assembly Standing Orders procedures.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon (Dr.) Ojiambo Oundo** (Funyula, ODM): Let me also join the Leader of the Majority Party in commending the drafters on the issue of, 'reservations or proposed amendments'. Hon. Temporary Chairlady, it speaks to the provisions and the spirit of Article 111(5) where it was never intended that anybody else could make law. The same way that the Privatisation Programme is fairly technical, Parliament can only express reservations and send back with the proposed amendments and not descriptive amendments.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well,

*(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 25 as amended agreed to)*

*Clause 26*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Ruto** (Kesses, UDA): Thank you Hon. Temporary Chairlady. I beg to move:

THAT, Clause 26 of the Bill be amended in –

- (a) subsection (1) by deleting the words “seven days of the decision” appearing in and substituting therefor the words “seven days of the resolution”;
- (b) subsection (2) by deleting the words “amendments and the reasons” and substituting therefor the words “the proposed reservations or amendments.”
- (c) deleting the words “the proposed amendments and the reasons” appearing in paragraph (b) and substituting therefor the words “the proposed reservations or amendments.”

The justification is that the proposed amendment seeks to align with the provisions of the National Assembly's Standing Orders.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon. (Dr.) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I want the Mover to listen very carefully.

In Clause 25, the words used are 'reservations or proposed amendments'. In Clause 26 (b), you are talking about the 'proposed reservations or amendments'. Why do we not remain consistent with 'reservations or proposed amendments' instead of resorting to 'proposed amendments or reservations or amendments'? Consistency! I did not go to law school, but I have learned law by looking at the lawyers, listening to them and legislating. The issue of consistency in drafting is extremely important. We need guidance.

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, I think Hon. (Dr) Oundo has a point.

**Hon. Julius Ruto** (Kesses, UDA): Thank you Hon. Temporary Chairlady, I think from that comment of Hon. (Dr) Oundo, it is something that we can correct.

**The Temporary Chairlady** (Hon. Martha Wangari): Move it now as a proposed amendment by Hon. (Dr) Oundo.

**Hon. Julius Ruto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I propose that Clause 26 be amended as proposed by Hon. (Dr) Oundo.

**The Temporary Chairlady** (Hon. Martha Wangari): The Leader of the Majority Party, you are not doing a very good job.

*(Laughter)*

We agreed, Member for Kesses is moving for the first time.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): He is doing a good job.

**The Temporary Chairlady** (Hon. Martha Wangari): I assigned him to be under your pupillage.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): He is simply proposing that Clause 26 be amended as was provided for in the Order Paper and a further amendment as proposed by Hon. Oundo. This is to create the consistency in language that Hon. (Dr) Oundo spoke about on the reservations. Are we clear now, Chair? I also support that particular proposal because it creates consistency.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you, Hon. Leader of the Majority Party. This is my guidance. By our Standing Orders, Hon. (Dr) Oundo cannot move that amendment. Let the Mover move that under (b). You move under (b) and (c) as we had moved in Clause 25, that is, with 'reservations or proposed amendments'. Yes, with reservations.

**Hon. Julius Ruto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 26 of the Bill be further amended in –

- (a) subsection (2) by deleting the words “amendments and the reasons” and substituting therefor the words “reservations or proposed amendments.”
- (b) deleting the words “the proposed amendments and the reasons” appearing in paragraph (b) and substituting therefor the words “reservations or proposed amendments.”

Hon. Temporary Chairlady, the import is to reflect the consistency in the words, reservations and proposed amendment.

*(Question of the further 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 26 as further amended agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. You have done well. Mover!

*Clause 27*

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 27 of the Bill be amended by deleting and substituting therefor the following new clause—

Cabinet Secretary to amend.

**27.** (1) Upon receipt of the notice under section 26, the Cabinet Secretary shall—

- (a) publish the approved privatization programme; or,
- (b) in the case where the privatization programme is approved with reservations or amendments, revise the privatization programme fully taking into account the reservations or amendments;

(2) Upon receipt of the notice under section 26 and where the privatization programme is declined, the Cabinet Secretary may submit a new privatization programme within six months.

(3) Without prejudice to the generality of subsection (1) (b), the Cabinet Secretary shall submit a copy of the revised privatization proposal to the National Assembly.

The proposed amendment seeks to align the provisions with the Standing Orders of the National Assembly.

*(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 27 as amended agreed to)*

*(Clause 28 agreed to)*

*Clause 29*

**The Temporary Chairlady** (Hon. Martha Wangari): We have a proposed amendment by the Member for Funyula Constituency, which will have an impact on the next proposed amendment. Kindly move it.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended in subclause (1) by deleting the word “eight” appearing immediately after the word “exceeding” and substituting therefore the word “five”.

The amendment will reduce the privatisation programme from the lengthy eight years to a reasonable period of five years. My reasoning is that a planning programme is about five years. When you look at Vision 2030, the various programmes have a period of five years. There is an amendment elsewhere to reduce it to four years. I now leave it to the House to decide.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Question of the amendment proposed)*

Mover, Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move...

**The Temporary Chairlady** (Hon. Martha Wangari): No, Hon. Member for Kesses and Leader of the Majority Party. The amendment has already been moved. So, you cannot move yours yet. Contribute, but do not move it.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. Five years is quite long. Four years and five years are different numbers. I am proposing that the privatisation programme should have a period of five years.

**The Temporary Chairlady** (Hon. Martha Wangari): Are you supporting or opposing the amendment?

**Hon. Julius Rutto** (Kesses, UDA): I am proposing a different amendment.

*(Laughter)*

**Hon. Julius Rutto** (Kesses, UDA): I am opposing the amendment.

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

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I wanted to support the amendment, but allow me to oppose or rather convince Hon. Oundo to allow us to carry the Committee’s proposal of four years. The medium-term planning of our budget cycle is done every three years.

These programmes are brought to Parliament for approval. We should not have one that is carried on to another Parliament. For instance, if a privatisation programme begins in 2025, it means it will go to 2030, which will be in the life of another Parliament. It is good that we midwife these processes in the Parliament that approves that particular programme. Four years is a good proposal so that a privatisation programme is covered in the life of every Parliament.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Chairman, you can now move your amendments.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended in subclause (1) by deleting the word “eight” appearing immediately after the word “exceeding” and substituting therefor the word “four”

The import is to reduce the validity period of the privatisation programme so that it aligns with the tenure of the members of the Board of the Privatisation Authority. This seeks to ensure that privatisation is expeditiously concluded. In any case, Clause 30 of the Bill

contains internal safeguards where the Cabinet Secretary can amend the privatisation programme.

**The Temporary Chairlady** (Hon. Martha Wangari): A case has already been made for this amendment.

*(Question of the amendment proposed)*

*(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 agreed to)*

*(Clause 29 as amended agreed to)*

*(Clauses 30 and 31 agreed to)*

*Clause 32*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Thank you. Hon. Chairlady, I beg to move:

THAT, clause 32 of the Bill be amended by inserting the following new sub clause immediately after sub clause (2)—

“(2A) In determining whether to limit the participation of foreigners in a specific Privatization, the Cabinet Secretary shall, in consultation with the Authority, consider the following—

- (a) the strategic nature of the public entity to be privatized;
- (b) the national security interests;
- (c) the economic empowerment and inclusion of Kenyan citizens;
- (d) the potential impact of the privatization on public welfare, service delivery or access;
- (e) the risk of foreign dominance or monopolistic control; and
- (f) the national development goals and policies.”

The justification is that the proposed amendment seeks to provide parameters for limiting the participation of foreigners in privatisation. It provides clarity on the participation of non-Kenyans. This aims to strike a careful balance between the involvement of Kenyans and non-Kenyans in privatisation.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. (Dr) Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, when I saw the proposal in the Bill, I was left wondering how enforceable it is. If it goes for an Initial Public Offer (IPO) and is listed on the Nairobi Stock Exchange, I do not know what miracles or safeguards we can put in place to ensure that foreigners do not get a pie in privatised institutions that are strategic in nature - national security, economic empowerment and inclusion.

Perhaps, the Committee could enlighten us so that I am well informed to the extent that I can answer. The Leader of the Majority Party can step in for the Committee and assist us to

unravel this one. It is a good talking point, but enforceability is what we have not addressed. There must be safeguards to ensure that the original intention is maintained.

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I wish to give comfort to Hon. (Dr) Oundo. The same Act gives powers to the Cabinet Secretary to formulate further regulations for implementation. I am sure that the concerns raised will be captured so that the provision is executed in accordance with the law.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, maybe, I also need to allay the fears of Hon. Oundo, particularly in relation to the IPO he mentioned. He is a well-schooled person and must be aware that in this country, today, unlike in the past when one could simply walk into the Nairobi Stock Exchange and purchase shares through a broker, every investor must have a Central Depository Settlement Corporation (CDSC) account. Those CDS accounts have unique identifiers; whether it is your Identity Card, company registration certificate, or passport number as a foreigner. Therefore, it is very easy to identify who are foreigners and who are local investors.

This is a very critical amendment that I strongly support from the Committee, particularly if you have listened to some of the people who are opposing the IPO of Kenya Pipeline Company. They have been telling Kenyans that the company will be sold to foreigners and that we will lose our strategic national assets. These are the safeguards we spoke about when we were discussing the Sessional Paper on the Kenya Pipeline Corporation IPO, that there will be safeguards within the law. These are the safeguards we are now creating. I truly hope that Hon. Kalonzo Musyoka is listening to me. If he is not listening, Hon. Robert Mbui should perhaps send him a clip of what we are saying here. He needs to see that we are safeguarding, not just what we consider to be of national security interest, but also those that serve our national development goals and policies. These are investments that are strategic in nature to the public and whose potential for enriching Kenyans, and not foreigners, is great.

Therefore, I strongly support this amendment and believe that Hon. Oundo is now convinced that we are well taken care of.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kassim Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Chairlady. This is a very important amendment considering item (e) which talks of the risk of foreign dominance or monopolistic control. We know very well at this point and time, unless we are safeguarded, most Kenyans might not have the disposable income that will be able to compete with foreigners and those with “big pockets”.

I really support this amendment for it takes care of the local *mwanaanchi* when it comes to the issues of buying shares.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Bisau Kakai.

**Hon. Bisau Kakai** (Kimini, DAP-K): Thank you, Hon. Temporary Chairlady. This is a very important proposal so that we do not give out our strategic assets to foreign hands. As much as Kenya is a capitalist market, we still believe that most of it should remain within the Kenyan citizenry.

Again, we do not want it implied in law but, rather, it should be in black and white as the Constitution so that, in future, reference can be made. For example, at the stock exchange, we should be able to define the percentage of shares foreigners can hold. We need it to be documented, in black and white, as a reference point.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Question of the amendment proposed)*

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

*(Clause 32 as amended agreed to)*

*Clause 33*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady.

From the onset, I want to state that Clause 33 as per the Order Paper has been typed wrongly to mean Clause 34.

**The Temporary Chairlady** (Hon. Martha Wangari): Yes, there is a typographical error or typo on the Order Paper.

**Hon. Julius Rutto** (Kesses, UDA): It is a typo error?

**The Temporary Chairlady** (Hon. Martha Wangari): Yes, it is noted.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 33 of the Bill be amended by deleting paragraph (c).

The import of this is that the proposed amendment seeks to delete paragraph (c) which makes reference to a non-existent provision. In any case, paragraph (a) makes the correct reference and captures the right intention of paragraph (c). The amendment is, therefore, a clean-up.

Thank you.

*(Question of the amendment proposed)*

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

*(Clause 33 as amended agreed to)*

*(Clause 34 agreed to)*

*Clause 35*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): I beg to move:

THAT, Clause 35 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (d)— “

(da) an initial valuation report of the entity to be privatized;”

The justification is that the proposed amendment seeks to provide for a privatisation proposal to specify an initial valuation report of the entity to be privatised to safeguard public interest and to ensure fiscal transparency and accountability in the privatisation process.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Question of the amendment proposed)*

*(Hon. (Dr) Ojiambo Oundo raised his hand)*



**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I had a similar amendment. I am happy the Committee consulted widely and saw the need of having an interim or an initial evaluation report. An investment proposal without a valuation report is hoodwinking Kenyans. I have been in this space for long. They started privatisation in this country in the 1990s with five sugar mills. So, I know. Thanks for picking it up. There is no need for the amendment now.

**The Temporary Chairlady** (Hon. Martha Wangari): Are you withdrawing your amendment? Be on record.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Yes, I am.

*(Proposed amendment by Hon.  
(Dr) Ojiambo Oundo withdrawn)*

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority leader?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to support this particular amendment, especially on the question of valuation, and not just the financial status or financial position of the entity seeking to be privatised. We remember the debates on the Sessional Paper on the Kenya Pipeline IPO and the public discourse that ensued, including in political rallies outside this chamber.

Many of our leaders are lazy to read! I must say that. They have been saying that we are not sure of the valuation of the Kenyan Pipeline and asking how can we go into an Initial Public Offer (IPO) before it is valued? I remember we argued here that before any privatisation is carried out, whether it is through an IPO or whichever method, the value must be known. That is in this particular clause, if people had bothered to read. This Bill is almost a replica of the Act that was nullified in court on the basis of public participation. It had all these provisions. The current law as it is, that will be replaced by this particular one, also has all these provisions that you cannot privatise something without knowing the value of what you are selling. Even if you are taking your second-hand clothes to a *mitumba* market, you ought to know how much they are worth!

The discourse has been whether there will be a valuation of the Kenya Pipeline Company before it is privatised through an IPO. Herein lies the answer. I pray that those who have been shouting out there, including Members of this House, especially those from the Wiper Democratic Movement, whom none of them is here now when we are making the law...

The Member for Kajiado North is the one I saw at a press conference speaking about the valuation of Kenya Pipeline Company. Now when we are doing the law, they are nowhere. I must commend Hon. Oundo because he not only speaks but also acts. He is diligent enough to make sure that what he is speaking about out there, he is here to legislate. That is why we are elected by the members of the public.

Sorry that I had to digress, but it is important since this is the actual making of law. You will not find those who shout the loudest present here, when we are doing the actual legislative work. But, tomorrow, we will see them in a press conference somewhere near City Mortuary.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kwenya.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Temporary Chairlady. I am very impressed with this amendment.

Indeed, just like the Leader of the Majority Party has said, you cannot purport to sell something that you do not know the value of. Therefore, the inclusion of an initial valuation report in this Bill is very important. I support.

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

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Chairlady. On the issue of the valuation, I would be quite categorical.

In most cases, land is under-valued when it comes to the issue of valuation of those enterprises. It is my hope that this time as we do privatisation, land is valued as it is. If the pipeline passes through Karen, certainly the value of land there is higher than, say, Tsavo. That should also be taken into account.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Well, before I put the global question, Member for Funyula be on record for having dropped your amendment.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I have dropped the amendments so that we can move on.

*(Proposed amendments by Hon. (Dr) Oundo dropped)*

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

*(Clause 35 as amended agreed to)*

#### Clause 36

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I think for the first time, our minds and intentions are in sync with the other side.

**The Temporary Chairlady** (Hon. Martha Wangari): Which other side?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): The side on your left. No! The side on your right.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): They are in sync. I had proposed an amendment. My argument was that the privatisation programme must also be subject to parliamentary approval. I can see the Committee has carried that proposal. Probably, there could have been more elaborate provisions than what has been provided. So, allow me to drop my amendment in favour of the Committee's amendment.

Thank you.

*(Proposed amendment by Hon. (Dr) Oundo dropped)*

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. There is no amendment on Clause 36. Allow me to put the Question.

*(Clause 36 agreed to)*

#### Clause 37

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 37 of the Bill be amended in subclause (1) by deleting the words "section 36" appearing immediately after the words "a Privatization proposal under" and substituting therefor the words "this Act".

The justification is that the proposed amendment is a consequential amendment arising from the preceding amendment.

*(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 37 as amended agreed to)*

*Clause 38*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 38 of the Bill be amended in subclause (1) by inserting the words “of a parent company and its subsidiary” immediately after the words “assets valuation.”

The justification is that the proposed amendment seeks to ensure that the evaluation of an entity is an accurate representation of the value of the entity to be privatised under the proposed entity.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): This is a very well-thought-out amendment. We can probably go further. However, in the fullness of time, even where they have other companies that have got beneficial interest... Let me put it very clearly. For example, an entity that is being privatised has bought shares at the Nairobi Stock Exchange in a company where it is just a mere shareholder and it has no control, how will we incorporate its shares in a formalised manner? That is food for thought. For now, we can live with this. The issue of beneficial interest in other entities needs to be incorporated in regulations or in due time.

**The Temporary Chairlady** (Hon. Martha Wangari): Yes, the Leader of the Majority Party.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Temporary Chairlady, Hon. Oundo has a point. However, if you read the provision in Clause 38, it talks about a business and asset valuation. If you are holding some beneficial ownership of shares at the Nairobi Stock Exchange, it is either part of your business or your assets. Therefore, when we value that business, we value part of the other investments that you will be holding, whether it is land or shares. That is taken care of. Dr Oundo looks convinced.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

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

*(Clause 38 as amended agreed to)*

*(Clauses 39, 40, 41, 42, 43 and 44 agreed to)*

*Clause 45*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

**Hon. Julius Rutto** (Kesses UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 45 of the Bill be amended—

- (a) by deleting subclause (1);
- (b) in subclause (2)(a) by deleting the word “objection” and substituting therefor the word “review”.

The justification is that the proposed amendment seeks to ensure the consistency of terms that are used in the Bill. The Bill provides for reviews instead of objections and amendments to ensure consistency.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Question of the amendment proposed)*

*(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 45 as amended agreed to)*

*(Clauses 46, 47 and 48 agreed to)*

*Clause 49*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 49 of the Bill be deleted.

This is because Clause 48 of the Bill is adequate since it provides safeguards ensuring that proceeds from privatisation are paid into the Consolidated Fund.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Chairlady. I had actually wanted to move an amendment to the clause, but I hesitated because, many times, matters dealing with finance or money Bills require approval from the National Treasury. So, it might have been rejected. However, I think this is a very good amendment. Proceeds are proceeds; they already have a designated destination. Keeping Clause 49 as it was would have been unnecessary and only diluted the process.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Ichung’wah.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairlady. This is a very good amendment because it creates clarity on where the proceeds will go. Clause 49 had suggested that proceeds from the sale of a public entity be deposited into a special interest-bearing account established for that entity’s privatisation, with the funds to be credited to the Consolidated Fund within 90 days. In the interest of accountability and transparency, it is important to clarify that such proceeds must go directly to the Consolidated Fund. This eliminates any ambiguity about how long money can be held elsewhere. Without this clarity, funds could be deposited in a commercial bank, earn interest and later, only the principal amount might be remitted to the Consolidated Fund. By deleting Clause 49, it is now clear that all proceeds shall immediately go to the Consolidated Fund.

Again, for those who have been making misleading statements in public, that Ruto is selling the Kenya Pipeline Company (KPC), that money is not going to President William Ruto's personal accounts. All proceeds go to the Consolidated Fund, and it is this House that will appropriate the funds from it. Therefore, for the clueless people that I have seen on the television stations saying that William Ruto is selling or buying KPC, they should read the law. It is there.

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

*(Clause 49 deleted)*

*(Clause 50 agreed to)*

*Clause 51*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 51 of the Bill be amended by deleting and substituting therefor the following new clause—

Appeals. 51. A person who is dissatisfied with the decision of the Authority on the implementation of the privatisation programme may appeal to the High Court.

The justification is that Clause 51 of the Bill provides for appeals to the Privatisation Appeal Board. The proposed amendment deletes this reference since the Board may not align with the I-Code Declaration in Petition No.197 of 2018, which was upheld by the Court of Appeal in Attorney-General vs Okoiti and Others, Civil Appeal No. E416 of 2021, under Kenya Law Reports.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, at least now we are a listening Parliament. We raised these concerns during the Second Reading and it is good that it has been addressed. My only point of discomfort was another layer. Privatisation is a timely assignment and the process through a tribunal, the High Court and Court of Appeal was going to delay the process. Thank you for listening to Kenyans and deleting that cumbersome and onerous body that had been inserted in the Bill.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. Hon. Kwenya.

**Hon. Kwenya Thuku** (Kinangop, JP): Hon. Temporary Chairlady, this amendment cures an expense that we would have incurred in establishing the Appeals Board. I am in support because it will save time. If anybody is dissatisfied, we already have an existing judicial system where anybody can seek redress. Therefore, without pre-empting the subsequent amendments, there is no need of an Appeals Board.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(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 51 as amended agreed to)*

*Clause 52*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 52 of the Bill be deleted.

The justification is that there was need to delete Clauses 52, 53...

**The Temporary Chairlady** (Hon. Martha Wangari): Move one at a time.

**Hon. Julius Rutto** (Kesses, UDA): Yes, delete upto Clause 58. Hon. Temporary Chairlady, the justification to these particular clauses is related because it refers to the case which was already determined by court. It is, therefore, a question of clean-up.

**The Temporary Chairlady** (Hon. Martha Wangari): Okay.

**Hon. Julius Rutto** (Kesses, UDA): They are all deletions. That is why there is justification to delete Clauses 52, 53, 54, 55, 56, 57, and 58 of the Bill providing for the establishment, functions, composition, conduct and related provisions on the Privatisation Appeals Board. The deletions are informed by the various reasons. First is the case I referred to earlier in Clause 52, *Okoti versus Judicial Service Commission* and two others. *Katiba Institute* was an interested party. There is also Petition 197 of 2018 under the Kenya Law Reports, where the petitioner sought various reliefs from the court with respect to the Constitution, and composition and operation of tribunals established pursuant to Article 169(1)(d) of the Constitution of Kenya 2010.

The High Court held that local tribunals created under Article 169(1)(d) of the Constitution are subordinate courts in Kenya. The appointments and removal of members of the local tribunals, created under Article 169(1)(d) of the Constitution by the Executive, violates the principle of separation of powers. It also contravenes the rights to fair hearing under Article 50 of the Constitution and infringes the independence of the Judiciary and that of the local tribunals under Article 169(1)(d) of the Constitution. It also must be transited to the Judiciary. The appointment and removal of their members should be undertaken by the Judicial Service Commission.

The second justification...

**The Temporary Chairlady** (Hon. Martha Wangari): Keep it short.

**Hon. Julius Rutto** (Kesses, UDA): Yes. Although the Bill names the appeals body of the Privatisation Appeal Board, there is a danger that the board may not be aligned to the High Court declaration. The other reason is that the appointment of the members of the Privatisation Appeal Board by the Executive violates the principle of separation of powers and contravenes the right to fair hearing. Lastly, the proposed Appeals Board has financial implications and this would impose extra financial burdens in the operationalisation of the Act.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Several Hon. Members spoke off the record)*

If we were to follow the Member for Kesses, we would do them together but they will be prosecuted one at a time because you could have an issue with one and not the other. However, I indulge the Hon. Member to use the same justifications as above.

*(Question of the amendment proposed)*

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

*(Clause 52 deleted)*

*Clause 53*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): I beg to move:

THAT, Clause 53 of the Bill be deleted.

The justification for this is similar to what I read in Clause 52.

*(Question of the amendment proposed)*

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

*(Clause 53 deleted)*

*Clause 54*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, Clause 54 of the Bill be deleted.

The justification for this is as related in Clause 52.

*(Question of the amendment proposed)*

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

*(Clause 54 deleted)*

*Clause 55*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, Clause 55 of the Bill be deleted.

The justification for this is as cited in Clause 52.

*(Question of the amendment proposed)*

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

*(Clause 55 deleted)*

*Clause 56*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, Clause 56 of the Bill be deleted.

The justification for this is as cited in Clause 52.

*(Question of the amendment proposed)*

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

*(Clause 56 deleted)*

*Clause 57*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, Clause 57 of the Bill be deleted.

The justification for this is as cited in Clause 52.

*(Question of the amendment proposed)*

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

*(Clause 57 deleted)*

*Clause 58*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, Clause 58 of the Bill be deleted.

The justification for this is as cited in Clause 52.

*(Question of the amendment proposed)*

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

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Chairlady. I support this deletion. While discussing this tribunal, I realised that a privatisation process is not something that we encounter every day. If we were to establish a standing tribunal, it would likely continue to withdraw allowances even when there is no need for privatisation. This would be wastage of the taxpayer's resources.

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

*(Clause 58 deleted)*

*(Clauses 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,  
69, 70, 71, 72, 73, 74 and 75 agreed to)*

*New Clause 10A*

That, the Bill be amended by inserting the following new clause immediately after Clause 10—

10A. (1) A person qualifies to be appointed as the Chairperson or a member of the Board under section 10(1)(d), if that person—

(a) is a Kenyan citizen;



- (b) holds a degree in either economics, accounting, finance, law or any other relevant degree from a university recognised in Kenya;
- (c) has at least ten years of work experience of which five shall be at senior management level in a relevant field;
- (d) meets the requirements of chapter six of the Constitution;
- (e) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months; and,
- (f) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move Second Reading.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move that the new clause 51A be now read a Second Time.

The justification is that the proposed new clause seeks to provide for similar qualification requirements for both the chairperson and the members of the Board appointed under Clause 10(1)(d) of the Bill. This seeks to ensure that the Board's capacity is enhanced to realise the Board's and the Authority's purpose. The proposed chairperson's qualifications are key due to the critical role the chairperson plays in governance, accountability, and the overall policy direction of the Board.

Thank you.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Chairman, we need clarification in view of the amendments we made in Clause 10, which deleted possession of a degree in either economics, accounting, finance, or another relevant degree from a recognised institution or having 10 years of work experience, of which five shall be at a senior management level.

Again, in 10 (1)(d), we re-impose the same qualification that we deleted. This is contradictory, and we need clarification. Are we deleting and then re-inserting? Sorry to use the word. It might mean something else. We need clarity. You know we cannot read in isolation. Since the amendment to Clause 10 was carried, then why would you have a new clause 10A? A clarification will do.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady...

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairman, read this amendment together with what we passed—the deletion under Clause 10.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. The deletion of Clause 10 and the introduction of the new clause is just for the logic of the law and nothing further than that. Thank you.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): No.

**The Temporary Chairlady** (Hon. Martha Wangari): We did not get you. Go again.

**Hon. Julius Rutto** (Kesses, UDA): The justification is for the logic of law. That is compliance. Thank you.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, it is not true. Allow the Chairman and the Leader of the Majority Party to consult the technical team just for a second, so that we can get clarity. There seems to be a contradiction ...

**The Temporary Chairlady** (Hon. Martha Wangari): There is confusion.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Yes, and also confusion. Give them a minute or so. We are legislating for posterity, and not for today only. I do not want to sit and say I saw the anomaly and I did not correct it and yet, people paid for my school fees.

*(Hon. Julius Rutto consulted with Hon. Kimani Ichung'wah)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo, even as they consult, I was also trying to go through it myself. If you look at the Bill, it enumerates who is supposed to be in the Board. Under “d”, they had put the issue of qualifications. So, new Clause 10A is meant to isolate the issue of qualification and leave Clause 10 to be just the list of who should be on the Board. That is understandable but, maybe, the Leader of the Majority Party can assist.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairman, that is actually the position. If you read the old Clause 10, you realise Clause 10A is just giving some logical flow to the same qualifications.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kasim, are you on this?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): No, he is not.

**The Temporary Chairlady** (Hon. Martha Wangari): Okay.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): And Hon. Oundo seems satisfied.

**The Temporary Chairlady** (Hon. Martha Wangari): Yes. Hon. Members, allow me to put the question.

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

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

#### *New Clause 36A*

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Submission of privatization proposal to the National Assembly.	36A. (1) The Cabinet Secretary shall submit the privatisation proposal to the National Assembly for approval.
-------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------

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

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Chairlady, I beg to move that the New Clause 36A(1) be now read a Second Time.

The justification is that whereas the Bill provides for the role of the National Assembly in the approval of the privatisation programme, it does not provide for similar safeguards on the privatisation proposals. Therefore, the proposed amendment seeks to provide for the role of the National Assembly in the approval of the privatisation proposal. Approval of the privatisation programme alone is not adequate as an oversight mechanism of the privatisation process. Further, Section 23(3) of the Privatisation Act (Cap. 485B), provides some safeguard, albeit inadequate. It provides as follows: “The Cabinet Secretary shall submit a report in form of a sessional paper on a privatisation proposal approved by the Cabinet to the National Assembly for consideration.”

Thank you, Hon. Temporary Chairlady.

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

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

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

#### *New Clause 36B*

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—  
 Consideration of the privatization proposal.

36B. Upon receipt of the privatization proposal, the proposal shall be tabled in the National Assembly and the National Assembly shall—

- (a) consider the privatization proposal within ninety days from the date of tabling
- (b) be guided by principles of public finance under Article 201 of the Constitution, principles of good governance under Article 10 of the Constitution, the specifications of the privatization proposal under section 35(2) and any other relevant consideration.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Chairlady, I beg to move that the New Clause 36B be now read a Second Time.

The justification is as I had read in New Clause 36A. Thank you, Hon. Temporary Chairlady.

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

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

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

#### *New Clause 36C*

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—  
 Decision of the National Assembly.

36C. The National Assembly shall either—

- (a) approve the privatization proposal for implementation;
- (b) approve the privatization proposal with reservations or proposed amendments; or,
- (c) decline the privatization proposal.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Chairlady, I beg to move that the New Clause 36C be now read a Second Time.

The justification is as I had read in New Clause 36A. Thank you, Hon. Temporary Chairlady.

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

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

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

**New Clause 36D**

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Notification of the decision.

36D. (1) The Clerk shall notify the Cabinet Secretary of the resolution of the National Assembly within seven days of the resolution.

(2) Where the National Assembly approves a privatization proposal with amendments or reservations, the notice shall state the proposed amendments or reservations made by the National Assembly.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Chairlady, I beg to move that the New Clause 36D be now read a Second Time.

The justification is as I had read in New Clause 36A. Thank you, Hon. Temporary Chairlady.

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

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

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

**New Clause 36E**

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Amendment of  
privatization proposal.

36E. (1) Upon receipt of the notice under section 36D, the Cabinet Secretary shall—

- (a) publish the approved privatization proposal;
- (b) in the case where the privatization proposal is approved with reservations or amendments, revise the privatization proposal fully taking into account the reservations or amendments; or,

(2) Upon receipt of the notice under section 36D and where the privatization proposal is declined, the Cabinet Secretary may submit a new privatization proposal within six months.

(3) Without prejudice to the generality of subsection (1) (b), the Cabinet Secretary shall submit a copy of the revised privatization proposal to the National Assembly.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Chairlady, I beg to move that the New Clause 36E be now read a Second Time.

The justification is as I had read in New Clause 36A. Thank you, Hon. Temporary Chairlady.

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

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

*(Question, that the New Clause be  
added to the Bill, put and agreed to)*

*New Clause 36F*

THAT, the Bill be amended by inserting the following New Clause immediately after Clause 36—

Publication of the  
privatisation proposal.

36F. The approved privatisation proposal shall be published in the Kenya Gazette.

*(The New Clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move that the New Clause 36F be now read a Second Time.

The justification is as indicated earlier under proposed New Clause 36A. Thank you.

*(Question, that the New Clause be  
read a Second Time, proposed)*

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

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

**New Clause 37A**

THAT, the Bill be amended by inserting the following New Clause immediately after Clause 37—

Extension of time.

37A. Despite the provisions of this Act or any other written law, where a time is prescribed for doing an act or taking a proceeding by the National Assembly relating to privatisation, the National Assembly may, by resolution, extend that time by a period not exceeding thirty days.

*(The New Clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move that the New Clause 37A be now read a Second Time.

The justification to this amendment is also as read earlier under proposed New Clause 36A. Thank you.

*(Question, that the New Clause be read a Second Time, proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, New Clause 37A provides for instances where Parliament will extend the period of doing anything that was required for under the Act, for circumstances beyond its control or other emerging issues.

The justification the Chairman has given is completely misplaced and wrong. But as we said, we shall indulge him. He is a first-timer who has done a wonderful job so far today. As a teacher, I will forgive you for the mistake.

Thank you. I support the amendment.

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

*(Question, that the New Clause be added to the Bill, put and agreed to)*

**New Clause 76**

THAT, the Bill be amended by inserting the following New Clause immediately after Clause 75—

Consequential amendments.

76. The Public Finance Management Act is amended by inserting the following new sections immediately after Section 87—

Insertion of new section 87A in Cap. 412A.

Sale of government shares in a government linked corporation

87A. (1) The National Government may sell or dispose of part or all its shares in a government-linked corporation, with the approval of the Cabinet, which approval of the Cabinet may only be given taking into account any recommendations of the National Treasury regarding the financial implications of the sale of such shares.

(2) The sale of shares in a government-linked corporation shall only be done with the approval, by resolution, of the National Assembly.

(3) Subject to subsection (2), the Cabinet Secretary shall submit the proposal for sale of shares in a government-linked corporation to the National Assembly for approval.

(4) The request under subsection (3) shall be accompanied by an explanatory memorandum indicating—

(a) a description of the government-linked corporation;

(b) the total number or percentage of shares proposed to be sold;

(c) the benefit to be gained from the proposed sale of shares;

(d) the recommendations of the National Treasury regarding the financial implications of such sale;

(e) any other recommendations.

(5) The National Assembly shall consider the proposed sale within twenty-eight sitting days of receipt.

(6) The Clerk shall notify the Cabinet Secretary of the decision of the National Assembly within seven days of the resolution of the National Assembly.

(7) Where the National Assembly declines the proposed sale, the Clerk shall notify the Cabinet Secretary of the resolution of the National Assembly.

*(The New Clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Kwenya Thuku** (Kinangop, JP): Hon. Temporary Chairlady, I beg to move that the New Clause 76 be now read a Second Time.

*(Question, that the New Clause be read a Second Time, proposed)*

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

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

*First Schedule*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairman.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the First schedule to the Bill be amended by inserting the following new paragraph immediately after paragraph 4—

4A. Co-option to the Board

The Board may co-opt any person to participate in its deliberations, but a person so co-opted shall have no right to vote.

The proposed amendment provides for the co-option of persons with expertise to provide valuable advice to the Board. Thank you.

*(Question of the amendment proposed)*

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

*(First Schedule as amended agreed to)*

*(Second Schedule agreed to)*

*Third Schedule*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, the Third Schedule to the Bill be amended—

(a) by deleting paragraph (4);

(b) by deleting paragraph (5) and substituting therefor the following new paragraph—

4. Appeals

(1) Pursuant to section 51 of the Act, a person aggrieved by the decision of the Authority may appeal to the High Court.

(2) An appeal to the High Court shall be made within fifteen days of receipt or notification of the determination of the Authority.

(c) by deleting paragraph (6); and,

(d) by deleting paragraph (7).

The justification is that the proposed amendments are consequential amendments, arising out of deletion of the provisions on the Privatisation Appeals Board.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(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 left out be left out, put and agreed to)*

*(Third Schedule as amended agreed to)*

*Clause 2*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, clause 2 of the Bill be amended—



- (a) in the definition “Cabinet Secretary” by deleting the words “to the National Treasury” and substituting therefor the words “responsible for matters relating to finance”;
- (b) by deleting the definition “Appeals Board”;
- (c) by inserting the following new definition in the proper alphabetical sequence—  
“divestiture” means disposing of whole or part of the assets or shares of a public entity;

The justification is that the amendments to the definition of ‘Cabinet Secretary’ seeks to provide clarity to the definition and alignment to practice. The second proposed amendment seeks to delete the definition ‘Appeals Board’, as a consequence of the proposed amendment of clause 51, and deletion of clauses 52, 53, 54, 55, 56, 57 and 58. This provides for, among others, the establishment, composition and conduct of the Privatisation Appeals Board. The third proposed amendment seeks to provide for the definition of ‘divestiture’, to aid interpretation and provide clarity. Clause 9(f) of the Bill uses the word ‘divestiture’.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Question of the amendment proposed)*

Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, perhaps, we need to seek their way of thinking with the Leader of the Majority Party because I had raised the issue of the definition of ‘national security interests’ when we were debating clause 21. I thought it would have been right to seek clarity and have it defined under clause 2, unless the technical team can tell us that the provisions of the Constitution are adequate to lead to clarity on this particular matter. Otherwise, it will be so wide and amorphous to an extent that it might even stall any privatisation process. For example, a litigious busybody may perpetually go to court arguing that the Kenya Pipeline is a national security interest. This is just my thinking. I leave it at your wisdom to decide.

**The Temporary Chairlady** (Hon. Martha Wangari): Chairman.

**Hon. Julius Ruto** (Kesses, UDA): I think the Constitution of Kenya has given clarity on matters national security, up to the order of priority in terms of any decision that has to be undertaken.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Allow me then to 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 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): We have come to the end of the Committee of the whole House. Mover, move reporting.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the House reports its consideration of the Privatisation Bill, (National Assembly Bill No.36 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. Farah Maalim) in the Chair]*

## MOTION

### CONSIDERATION OF REPORT ON THE PRIVATISATION BILL

**The Temporary Speaker** (Hon. Farah Maalim): Chairperson, report to the House.

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Privatisation Bill, (National Assembly Bill No.36 of 2025), and approved the same with amendments.

**The Temporary Speaker** (Hon. Farah Maalim): Mover? Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Farah Maalim): I cannot put the question before you move the recommittal.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Speaker, I beg to move that the Motion for agreement with the report of the Committee of the whole House be amended by inserting the words, "subject to recommittal of Clause 45".

I request Hon. Lochakapong to second. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Lochakapong, you have to be on the *Hansard*. Come to where the Leader of the Majority Party is or go to where the Member of Parliament for Kesses is.

**Hon. Peter Lochakapong** (Sigor, UDA): Hon. Temporary Speaker, I second.

*(Question put and agreed to)*

## COMMITTEE OF THE WHOLE HOUSE

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

*(Order for Committee read)*

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

### IN THE COMMITTEE

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

THE PRIVATISATION BILL  
(National Assembly Bill No.36 of 2025)

*(Recommittal of Clause 45)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members it is the recommittal of just Clause 45.

*Clause 45*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Julius Rutto** (Kesses, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 45 of the Bill be deleted.

I propose that Clause 45 be deleted in its entirety in reference to clauses 52 all the way up to clause 58 that we deleted. The justification is that the Appeals Board of 50 and 51 has now been moved to court and, therefore, this one stands.

*(Question proposed)*

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

*(Clause 45 deleted)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move reporting.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Privatisation Bill, (National Assembly Bill No. 36 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. Farah Maalim) in the Chair]*

### MOTION

CONSIDERATION OF THE REPORT ON THE

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

## PRIVATISATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2025)

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

**Hon. Martha Wangari** (Gilgil, UDA): Thank you Hon. Temporary Speaker. I beg to report that the Committee of the Whole House has considered the Privatisation Bill, (National Assembly Bill No. 36 of 2025), and approved the same with amendments.

**The Temporary Speaker** (Hon. Farah Maalim): Mover of the Bill. Are you in agreement with the Report?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Kirima to second the Motion for agreement with the Report of the Committee of the Whole House.

*(Hon. Moses Kirima spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): You have to be on record.

**Hon. Moses Kirima** (Central Imeni, UDA): I beg to second, Hon. Temporary Speaker. Yes, I support.

*(Question proposed)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the Question will be put another time in the future.

*(Putting of the Question on the Motion deferred)*

Next Order.

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

**The Temporary Speaker** (Hon. Farah Maalim): Leader of Majority Party, you will move the Second Reading.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary, I beg your indulgence to move this debate to tomorrow. We defer this debate to tomorrow.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Members, under the circumstances, the Chairperson has directed that this matter be placed in the Order Paper for tomorrow afternoon. Next Order!

**MOTIONS**

## ADOPTION OF GREEN FISCAL INCENTIVES POLICY FRAMEWORK

**The Temporary Speaker** (Hon. Farah Maalim): Where is the Chairperson of the Departmental Committee on Environment, Forestry and Mining?

Leader of the Majority Party, where is the Member? He is not here to move the Motion.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I, again, beg your indulgence because the Chairperson of this particular Committee and the Chairperson of the Committee on Regional Integration...

**The Temporary Speaker** (Hon. Farah Maalim): We will take one Order at a time.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, this Chairperson is involved in another parliamentary engagement this evening and, therefore, I beg your indulgence.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough! Under the circumstance, I accept and direct that this matter be placed on the Order Paper at an appropriate date in future, when the Chairperson of the Departmental Committee on Environment, Forestry and Mining will be able to prosecute this Motion.

*(Motion deferred)*

Next Order.

ADOPTION OF EALA'S FORTH MEETING  
OF SECOND SESSION OF 5<sup>TH</sup> ASSEMBLY

**The Temporary Speaker** (Hon. Farah Maalim): Is the Hon. Chairperson of the Committee on Regional...

*(Loud consultations)*

Order, Hon. Members! You cannot transact business in here when the Temporary Speaker is addressing the House.

Is the Chairperson of the Committee on Regional Integration in the House to move this Motion? Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Chairman. Hon. Temporary Speaker, sorry! I was used to the Committee of the whole House addressing the Chairman. Again, the Chairperson of this Committee is engaged in that meeting of chairpersons and, therefore, he is not available.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. What is your plea?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Defer the Motion to tomorrow afternoon.

**The Temporary Speaker** (Hon. Farah Maalim): Defer this to another date?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): The Temporary Speaker directs that this Motion, which is a Report by the Chairperson of the Committee on Regional Integration, be deferred to an appropriate date in the future when the Chairperson will be in the House.

*(Motion deferred)*

Next Order.

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

**The Temporary Speaker** (Hon. Farah Maalim): This is the same Chairperson for the Departmental Committee on Environment, Forestry and Mining. Leader of the Majority Party, this Chairperson is not in the House now.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes, Hon. Temporary Speaker. I know there is a meeting of the Liaison Committee involving many chairpersons.

**The Temporary Speaker** (Hon. Farah Maalim): Okay. Is your prayer in this matter that it be moved to a date in the future?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): The Temporary Speaker directs that this matter also appears on the Order Paper at a date in future when the Chairperson of the Departmental Committee on Environment, Forestry and Mining can prosecute the Motion.

*(Motion deferred)*

Next Order.

## BILLS

### *Second Readings*

#### THE TEA (AMENDMENT) BILL (Senate Bill No.1 of 2023)

*(Hon. Julius Rutto spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim) Order, Member of Parliament for Kesses.

The Temporary Speaker directs that this matter be placed on the Order Paper at an appropriate date in the future when Hon. Brighton Yegon can prosecute it, when he has presumably concluded his protesting, as you put it. Am I right?

*(Laughter)*

*(Bill deferred)*

Next Order.

#### THE MATERNAL NEWBORN AND CHILD HEALTH BILL (Senate Bill No.17 of 2023)

**The Temporary Speaker** (Hon. Farah Maalim): The Chairperson of this Committee is one of the most... How come Dr Nyikal is not around today when he has a matter on the Order Paper? He is always around. Today is an exception. He must have thought that my business was going to be concluded before we got to his.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, Dr Nyikal is a very diligent Chairperson and Member of this House. He was here up to about 7.30 p.m. when he went for that meeting. That is the only reason why Dr Nyikal is not here.

**The Temporary Speaker** (Hon. Farah Maalim): The Temporary Speaker directs that this matter be placed on the Order Paper at an appropriate date when Hon. (Dr) Nyikal can prosecute his Bill.

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, there being no other business on the Order Paper today, and the time being 8:25 p.m. this House stands adjourned until Thursday, 9<sup>th</sup> October 2025, at 2:30 p.m.

The House rose at 8.25 p.m.

*Published by  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi*