



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

10th February 2026

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THE HANSARD

Tuesday, 10th February 2026

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the Quorum Bell. The Whips of the Majority and the Minority Parties, do your work.

(The Quorum Bell was rung)

Hon. Members, we now have quorum to transact business.

COMMUNICATIONS FROM THE CHAIR

RESUMPTION OF SITTINGS FOR THE FIFTH SESSION

Members on their feet, take your seats. Hon. Members, I wish to welcome you back to the House for the Fifth Session of the 13th Parliament. I trust you had a restful holiday break with your families and friends and that, you also took the opportunity to engage with constituents on key development matters. I am confident that you are well rejuvenated and ready to embark on the business ahead of us this Session.

At the outset, I wish to thank you for availing yourselves for the Legislative Retreat held from 26th to 30th January 2026 in Nakuru County. A high turnout of over 90 per cent of the House was in attendance. I extend my gratitude to all of you for your active participation, which made the legislative programme a success.

As you recall during the retreat, we reviewed the National Assembly's performance, reflected on lessons learned, set priorities for the Fifth Session, and held candid discussions on key national issues that are of concern to the people. The key resolutions and strategic approaches adopted to ensure effective and timely processing of legislative business for the remainder of this Session and the parliamentary term will be communicated to Members in due course.

*(Hon. Cecilia A. Ngitit and several
other Members stood at the Bar)*

Members at the Bar, this Communication is a little long. Take the nearest seats. Hon. Asinyen, take the nearest seat. Thank you.

Further, the retreat agreed on several sector-specific resolutions, including matters relating to national security. Accordingly, it was agreed that the Cabinet Secretary for Interior and National Administration shall appear before the House in the Speakers' *Kamkunji* on

Thursday, 12th February 2026, at 10.00 a.m., to brief Members on the state of security. That is the day after tomorrow.

With respect to the education sector, you will recall that we agreed that the Departmental Committee on Education shall undertake continuous oversight of implementation of the agreed measures on financing, infrastructure, staffing, enforcement, and equity in that sector. The Committee will also be required to obtain periodic progress reports from the Ministry of Education to ensure sustained accountability and follow-through.

Having said that, as the Fifth Session gets underway, I wish to remind the House that in accordance with the provisions of the Standing Orders, business that was not concluded at the end of the Fourth Session has lapsed. This includes any pending Motions, Statements, Questions and certain Bills. As such, any Committee or individual Member wishing to introduce any lapsed business is advised to do so in accordance with the procedures laid down in the Standing Orders and our parliamentary practice. Members who may not clearly understand the procedure are advised to visit the Table Office for assistance.

GUIDANCE ON BUSINESS NOT
CONCLUDED IN THE FOURTH SESSION

Hon. Members, with regard to the lapsing of Bills, you will recall that on Tuesday, 2nd December 2025, the House passed a Procedural Motion exempting 22 Bills from lapsing during the period of the Fourth and Fifth Sessions. The Bills that were saved are:

*(Hon. Kamande Mwafrika and several
other Members stood at the Bar)*

Members at the Bar, take the nearest seats. Hon. Mwafrika, take the nearest seat quickly.

The Bills that were saved are:

1. The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022).
2. The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022).
3. The Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No. 19 of 2023).
4. The Fisheries Management and Development Bill, (National Assembly Bill No. 29 of 2023).
5. The Kenya Roads (Amendment) Bill, (National Assembly Bill No. 34 of 2023).
6. The National Transport and Safety Authority (Amendment) Bill, (National Assembly Bill No. 36 of 2023).
7. The Meteorology Bill, (National Assembly Bill No. 37 of 2023).
8. The Universities (Amendment) Bill, (National Assembly Bill No. 38 of 2023).
9. The Mining (Amendment) Bill, (National Assembly Bill No. 51 of 2023).
10. The Employment (Amendment) Bill, (National Assembly Bill No. 62 of 2023).
11. The Universities (Amendment) (No. 3) Bill, (National Assembly Bill No. 64 of 2023).
12. The National Cohesion and Integration Bill, (National Assembly Bill No. 74 of 2023).
13. The Sexual Offences (Amendment) Bill, (National Assembly Bill No. 78 of 2023).
14. The Universities (Amendment) (No. 5) Bill, (National Assembly Bill No. 79 of 2023).

15. The Kenya Sign Language Bill, (National Assembly Bill No. 1 of 2024);
16. The Public Finance Management (Amendment) Bill, (National Assembly Bill No. 2 of 2024).
17. The Universities (Amendment) Bill, (National Assembly Bill No. 16 of 2024).
18. The Public Relations and Communication Management Bill, (National Assembly Bill No. 17 of 2024).
19. The Kenya Roads Board (No. 2) (Amendment) Bill, (National Assembly Bill No. 20 of 2024).
20. The National Transport and Safety Authority (Amendment) Bill, (National Assembly Bill No. 24 of 2024).
21. The Pensions (Amendment) Bill, (National Assembly Bill No. 25 of 2024).
22. The Environmental Professionals Institute of Kenya Bill, (National Assembly Bill No. 36 of 2024).

Hon. Members, with regard to Questions, any Questions that had been transmitted to the respective Ministries and have not received a response by the end of the Session have lapsed. However, if any Member still wishes to obtain a formal response, the Member is advised to visit the Questions Office to formally indicate their interest in obtaining a response.

This must be done by the close of business on Thursday, 19th February 2026, to enable the Leader of the Majority Party to prioritise Questions when scheduling the appearance of Cabinet Secretaries before the House. Any Questions that had not yet been transmitted to the ministries, constitutional commissions and independent offices have also lapsed. Members are, however, still at liberty to file them afresh if they so wish.

As we commence this Session, I wish to remind the House of the need to reconstitute the Powers and Privileges Committee and the Members' Services and Facilities Committee, whose terms lapse at the end of every Session.

I urge the leadership to expedite this process to ensure those committees are promptly reconstituted and able to continue overseeing matters relating to Members' privileges, welfare and services. Additionally, the Committee on Selection is reminded to hasten the process of placing our new Members into the various Committees, to enable their full participation in matters of representation, legislation and oversight.

As we settle into this new Session, I urge all Members to update their biodata with the Office of the Clerk at their earliest convenience, in order for it to be accurately captured in the records of the House and on the website.

CONFERMENT OF STATE HONOURS TO MEMBERS

Hon. Members, on a related note, allow me to mention an important development that occurred during the recess period. Several Members of this House were conferred State Honours by His Excellency the President during the 62nd Jamhuri Day Celebrations. Those national honours were awarded in recognition of their distinguished service to the nation in various capacities. The following Members were conferred the honour of the Chief of the Order of the Burning Spear (CBS):

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|-----------------------------|-------------------------------------|
| 1. Hon. Mark Mwenje | 19. Hon. Kassim Tandaza |
| 2. Hon. (Dr) Otiende Amollo | 20. Hon. Dido Raso |
| 3. Hon. Fabian Muli | 21. Hon. Brighton Yegon |
| 4. Hon. John Waluke | 22. Hon. Simon King'ara |
| 5. Hon. John Kiragu | 23. Hon. Major (Rtd.) Bashir Sheikh |

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|-------------------------------|-----------------------------|
| 6. Hon. Eve Obara | 24. Hon. Sarah Korere |
| 7. Hon. Benard Shinali | 25. Hon. Ferdinand Wanyonyi |
| 8. Hon. Marwa Kitayama | 26. Hon. Liza Chelule |
| 9. Hon. Rindikiri Murwithania | 27. Hon. Patrick Munene |
| 10. Hon. Samuel Atandi | 28. Hon. Hilary Kosgei |
| 11. Hon. William Kamket | 29. Hon. Rahim Dawood |
| 12. Hon. James Wamacukuru | 30. Hon. Robert Gichimu |
| 13. Hon. Gertrude Mbeyu | 31. Hon. Alfah Miruka |
| 14. Hon. Didmus Barasa | 32. Hon. Naisula Lesuuda |
| 15. Hon. Jackson Kosgei | 33. Hon. Christine Ombaka |
| 16. Hon. Charles Kamuren | 34. Hon. Lemanken Aramat |
| 17. Hon. Tindi Mwale | 35. Hon. Fred Kapondi |
| 18. Hon. Rozaah Buyu | |

(Several Members stood at the Bar)

Hon. Members at the back, take the nearest seats. Hon. Karemba, what is your idea of the nearest seat?

Hon. Members, let us take a moment to congratulate the Members on this well-deserved recognition, alongside several members of staff, including our Directors of Legislative and Procedural Services Mr Kipkemoi Arap Kirui, Legal Services Ms Vane Akama and Departmental Committee Services Mr Peter Chemweno, who were awarded the Order of the Grand Warrior of Kenya (OGW) for their commendable service to the nation.

DEMISE OF HON. JOSEPH HAMISI DENAR

Before I conclude, it is with profound sorrow that I remind the House of the untimely demise of our esteemed colleague, the late Hon. Joseph Hamisi Denar, a Nominated Member of the National Assembly under the Amani National Congress (ANC) Party, who passed away on Saturday, 6th December 2025, only two days after the commencement of the long recess. Indeed, I notified Members of this sad development on the same day. The late Hon. Hamisi Denar was interred on Saturday, 13th December, 2025, in Kwale County, where Yours Truly and several Hon. Members attended.

The late Hon. Denar served this House with diligence and commitment, contributing significantly as a member of the Departmental Committee on Sports and Culture and the Select Committee on National Cohesion and Equal Opportunities. In recognition of his dedicated service to the House and the nation, I request that we observe a minute of silence as a mark of respect and remembrance. Shall we be upstanding?

*(Members observed a minute of silence
in honour of the late Hon. Joseph Denar)*

May his soul rest in eternal peace. Amen.

UPDATE ON THE NG-CDF CASE

With respect to the National Government Constituencies Development Fund (NG-CDF), as Hon. Members are now aware, the Court of Appeal delivered judgment on the constitutionality of the NG-CDF Act, 2015, on Friday last week. In its decision, the Court upheld all the provisions of the Act except one sub-section, which ties the term of the NG-CDF

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Manager to the term of Parliament. We celebrate the decision of the three judges of the Court of Appeal to side with the people and their representatives. As I have reiterated time and again, NG-CDF remains the most impactful national intervention on the lives of the common *mwana nchi* since Independence.

I commend the work of the House Legislative Caucus that is ably co-chaired by Hon. Otiende Amollo, SC and the Hon. Samuel Chepkong'a. With the support of our Directorate of Litigation and Compliance, the team painted the true picture of the NG-CDF to the Court and faithfully told our story. We are grateful for your selfless service to the House.

I am informed that a Notice of Appeal has now been lodged in the matter. As it proceeds to the Supreme Court, I remain confident that our Litigation Team shall steadfastly defend this second Appeal and again persuade the bench on the constitutionality of the Fund. In the meantime, I urge Members to be measured in their comments the matter pends final resolution. Avoid engaging in any rhetoric that casts the NG-CDF as a competition or supremacy battle with other bodies or groups.

Conscious that the Fund is a national Government entity domiciled in the State Department of Economic Planning and managed by a statutory board, I advise that we focus our energies on allowing the Fund to continue delivering its tangible benefits to the people of Kenya.

Finally, Hon. Members, as we embark on the Fifth Session, I am confident that the House will continue to build on its commendable performance in consideration of key legislative business and other crucial committee business. Let us remain committed to serving the people of Kenya with diligence, integrity and efficiency. Once again, I welcome you back to the House and look forward to a productive Fifth Session.

Thank you.

Hon. Members on your feet, take your seats. Order, Hon. Mary Maingi! Take your seat.

MESSAGE

NOMINATION OF PERSONS FOR APPOINTMENT TO VARIOUS STATE OFFICES

The Speaker: Hon. Members, I have a Message from His Excellency the President on nomination of persons for appointment to State offices.

Pursuant to the provisions of Standing Order 42(1), I wish to report to the House that I have received two Messages from His Excellency the President seeking approval of persons nominated for appointment to specific State offices.

In the first Message, His Excellency the President conveys that in exercise of the powers conferred on him by the provisions of Article 132(2)(e) of the Constitution as read together with Sections 20(2) and 22(2)(a) of the Foreign Service Act (Cap. 185E), he has nominated Canon Dr Ida Betty Odinga, EGH, for appointment as Permanent Representative of the Republic of Kenya to the United Nations Environment Programme (UNEP).

In the second Message, His Excellency the President notifies that in exercise of the powers conferred on him by the provisions of Articles 233(2) and 250(2)(b) of the Constitution as read together with Section 5 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), he has nominated Mr Francis Meja for appointment as Chairperson of the Public Service Commission (PSC).

The President now seeks the approval of the National Assembly on the appointment of the two distinguished nominees to the respective offices. Standing Order 45 provides that upon receipt of notification of nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration.

In this regard, with respect to the nomination of the Permanent Representative to the United Nations Environment Programme (UNEP), the name of the nominee together with her curriculum vitae and other testimonials is hereby referred to the Departmental Committee on Defence, Intelligence and Foreign Relations for consideration.

With respect to the nominee for appointment as the Chairperson of the Public Service Commission, the name of the nominee together with his curriculum vitae and other testimonials is hereby referred to the Departmental Committee on Labour for consideration.

It is important to note that the First Schedule to the Public Service Commission Act (Cap. 185) requires the National Assembly to consider the nominee for appointment to the Commission within 14 days, while the Foreign Service Act (Cap. 185E) does not provide any timelines. However, Section 8 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F) provides that the Committee to which such nomination is referred shall consider the matter and table a report in the House within twenty-eight days.

Accordingly, the approval processes shall proceed in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act to afford the two committees sufficient time to undertake the exercise.

In this regard, the two departmental committees are expected to immediately commence the approval processes, notify the nominees and the general public of the time and place for holding the approval hearings and, thereafter, upon conclusion, table their respective reports within set timelines to enable the House consider the matters.

Thank you.

(Hon. Omboko Milemba spoke off the record)

Hon. Speaker: Yes, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker.

You indicated in your Communication that we lost one of our Members, Hon. Hamisi Denar, who was a nominated Member of the Amani National Congress (ANC) party that we later dissolved to join the United Democratic Party (UDA). Even though belated, being the tradition of this House, could you give parliamentarians a chance to pass their condolences to his family and close Members?

Hon. Speaker: The request is legitimate. Let me finish another Communication.

COMMUNICATION FROM THE CHAIR

DELEGATION OF STAFF FROM THE PARLIAMENT OF UGANDA

Hon. Speaker: Hon. Members, I wish to introduce to you a delegation of 11 members of staff of the Department of Serjeants-at-Arms from the Parliament of Uganda. The delegation is in the country on a visit to the National Assembly to learn about the various strategic programmes undertaken in the Directorate of the Serjeants-at-Arms.

On my behalf and that of the whole House, I welcome them to Parliament and wish them fruitful engagements during their stay in the country.

TRIBUTES OF THE HOUSE

EULOGISING HON. JOSEPH HAMISI DENAR

Hon. Speaker: Hon. Members, I give you two minutes each to eulogise Hon. Denar, starting with Hon. Milemba. We will do that for a maximum of 30 minutes.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. On my behalf, my family, the people of Emuhaya, and the fraternity of the former ANC party, I take this chance to pass my condolences to the family of Hon. Hamisi Denar who was a nominated Member of Parliament from the ANC party.

He was a very calm Member of Parliament who preferred to sit behind me here and would hardly disagree with anybody. At best, he would smile at every comment you gave. He loved everybody and we say *pole* to the family for losing a father and a relative.

May his soul rest in eternal peace. Thank you.

Hon. Speaker: Hon. Dan Wanyama.

Hon. Daniel Wanyama (Webuye West, UDA): Thank you, Hon. Speaker. I say *pole* to the family of Hon. Hamisi Denar who was a Member of the Departmental Committee on Sports and Culture that I chair. We will really miss him because he was a very committed Member of the Committee. We appreciated his contribution.

May his soul rest in peace. Thank you.

Hon. Speaker: Yes, Hon. Chonga.

Mhe. Ken Chonga (Kilifi South, ODM): Ahsante mstahiki Spika kwa kunipa nafasi hii nami pia nitoe rambirambi zangu.

Kusema kweli kabisa, binadamu tuna maumbile, tabia na hisia tofauti. Lakini mwendazake Mhe. Hamisi Denar alikuwa mtu wa kipekee. Tabasamu zake hazikupotea hata kwa mtu mgeni. Alitumia wakati wake mwingi kuhakikisha anajenga urafiki zaidi ya uadui. Ilikuwa rahisi kufanya kazi na mwendazake. Wengi walipenda kuwa karibu na yeye.

Nachukua nafasi hii kupeana rambirambi zangu za dhati. Mungu amlaze Mhe. Hamisi Denar mahali roho yake ilipochagulia.

Ahsante.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Speaker. I wish to join my colleagues in condoling with the family of the late Hon. Hamisi Denar. He had a special personality; he was very unique and friendly. My first encounter with him occurred while I was performing my duties as a Whip. I spotted him having a meal, but I did not realise he was a Member of Parliament due to his demeanour. He was quiet and engaging with everyone. I whipped everyone else who was there having lunch, and a staff member informed me: "You have left an Hon. Member seated in that corner." Even after being directed to where Hon. Denar was seated, I still could not identify him as a Member of Parliament. I had not known him and yet he had been in this House for about six months! That was quite funny and embarrassing for me. Eventually, we became close friends, bonding and engaging in several activities together.

It is quite unfortunate that he passed on abruptly, without suffering from any disease that we knew of. This House has lost a gentleman. Indeed, Hon. Denar was the gentleman of the 13th Parliament. May his soul rest in eternal peace.

Hon. Speaker: Yes, Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. I also take this opportunity to extend my condolences to the family of the late Hon. Hamisi Denar, who was with us in the Nominated Members Caucus. We previously served together in the Committee on National Cohesion and Equal Opportunity. Hon. Denar was one of those individuals, as everyone has remarked, who was very calm and peaceful. He had a rich background and experience from various places he had worked, including the Independent Electoral and

Boundaries Commission (IEBC). He was a very fatherly figure to those of us who interacted with him closely. On behalf of my family, the Nominated Members Caucus, and the people of Nyamira, I express my condolences to his family on the demise of Hon. Denar. May his soul rest in peace.

Thank you.

Hon. Speaker: Hon. Martha Wangari.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I also join you and my colleagues in eulogising Hon. Denar. I was actually telling Hon. Omboko that before he was in Amani National Congress (ANC), I worked with him in the defunct United Democratic Forum (UDF) Party in the years 2011 and 2012. We collaborated on many matters back then. In sending my condolences, I would like to deeply appreciate the Members of this House. If you may recall, we had just started our Long Recess, and several Members had travelled to Uganda. As one of the lead treasurers and mobilisers, I wish to apologise for having bothered many of them during what was a tricky period. I want to express my appreciation on behalf of the family for their support. They came through for us, and with the backing of the Clerk, everything went well and very smoothly. We are grateful that he was laid to rest with dignity, and we hope he may find eternal rest.

Thank you very much.

Hon. Speaker: Hon. Haika.

Hon. Haika Mizighi (Taita Taveta County, UDA): Ahsante sana Mhe. Spika kwa kunipa fursa hii hata nami niweze kutoa pole zangu kwa familia ya mwendazake Mhe. Denar. Tulimfahamu kama Mjumbe aliyekuwa mpole, mkakamavu, mpenda watu, na zaidi alikuwa mpenda amani. Ndiposa alikuwa Mjumbe wa Chama cha Amani National Congress (ANC). Niwape pole sana familia. Kwa niaba yangu binafsi, watu wa Taita Taveta, na Pwani nzima, tunasema pole sana kwa familia. Mungu aendelee kuilaza roho yake mahali pema peponi.

Hon. Speaker: Who is the lady at the back? Is that Hon. Jayne Kihara? Your hair is covering your face! I cannot tell who it is.

(Laughter)

Hon. Jayne Kihara (Naivasha, UDA): Thank you, Hon. Speaker. I wish to extend my condolences to the family of Hon. Denar, on my own behalf and on behalf of the people of Naivasha. I served with Hon. Denar in the Committee of Lands during the last Session. He was a composed individual, very kind, and knowledgeable about the issues we were addressing. He was peaceful. Whenever we travelled to Mombasa, he would host us to an evening coffee or meal. May he rest well, and may God preserve him with the angels.

Thank you.

Hon. Speaker: Who is the Member at the back? Hon. Fred Ikana, there is a light behind you, and I am unable to determine who it is.

Hon. Fred Ikana (Shinyalu, ANC): Ahsante sana Mhe. Spika kwa kunipa fursa hii kuomboleza pamoja na wenzangu na kutoa rambirambi zangu kwa jamii na marafiki wa ndugu yetu Mhe. Denar Hamisi. Jinsi mnavyofahamu, nilikuwa na ufahamu na utendakazi wa karibu sana na Mhe. Denar. Kando na kuwa mwanachama mwenza katika chama cha ANC, pia nilipata nafasi ya kuhudumu naye katika Kamati ya Mshikamano wa Kitaifa na Fursa Sawa. Nakubaliana na wenzangu kuwa Mhe. Denar, amewacha alama ambayo haiwezi kusahalulika katika nchi hii yetu tukufu. Naomba Mwenyezi Mungu aiweke roho yake mahali pema peponi. Pia, azidi kuwaruzuku na kuwatia nguvu jamaa na wale wote walioweza kujuana naye na kushirikiana naye kwa mambo tofauti tofauti hapa duniani.

Ahsante Mhe. Spika.

Hon. Speaker: Yes, Mwalimu Kombe.

Hon. Harrison Kombe (Magarini, ODM): Ahsante sana Mhe. Spika kwa kunipa nafasi hii ili nami nijiunge na wenzangu kutoa rambirambi kwa jamaa na marafiki wa mwendazake Mhe. Hamisi Denar. Mhe. Denar alikuwa rafiki wa karibu sana. Na nitamkumbuka kwa mienendo yake na ucheshi wake. Sikumbuki hata siku moja niliwahi kumwona akiwa amekasirika. Mhe. Hamisi alitabasamu kila saa. Zaidi, tulishirikiana vyema katika Kamati. Hili ni pigo kubwa kwa familia yake. Langu tu ni kumwomba Mwenyezi Mungu awajaze nguvu wakati huu Mhe. Hamisi hayuko pamoja nao. Pia, Mwenyezi Mungu akalijalie kaburi lake liwe bustani katika mabustani peponi.

Ahsante.

Hon. Speaker: Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Ahsante sana Mhe. Spika kwa kunipa nafasi hii. Ningependa kutoa rambirambi zangu kwa familia na marafiki wa Marehemu Mhe. Denar. Hili ni jambo la kuhuzunisha kwa sababu Mhe. Denar alikuwa mtulivu. Aliheshimu watu wote na aliipenda kazi yake sana. Aliheshimu kazi yake pia na mambo ya vyama. Ni jambo la kuhuzunisha tunaposimama hapa leo tukikumbuka alivyotuacha. Kwa niaba yangu na watu wa Marsabit, tunatoa rambirambi zetu na pole zetu kwa familia yake. Tunaomba kuwa Mungu atawalinda na atamlinda alipo.

Ahsante.

Hon. Speaker: Hon. Feisal.

Hon. Feisal Bader (Msambweni, UDA): Ahsante sana Mhe. Spika. Nami pia naungana na wenzangu kutoa rambirambi na pole zangu kwa familia na jamii nzima ya Mazeras kwa kumpoteza Mhe. Hamisi Denar.

Mhe. Hamisi Denar alikuwa kiongozi mpole, msikivu na aliyependa kushirikiana na wenzake. Alijitolea sana hususan kwa mambo ambayo yalikuwa yakiongelewa katika Kaunti ya Kwale na Jimbo nzima la Pwani. Alikuwa anashirikiana kikamilifu. Alijitolea kwa hali na mali. Sisi kama wajumbe wa Kwale tumempoteza mmoja wetu. Tunazidi kutoa pole zetu kwa familia. Mungu ailaze roho yake mahali penye wema na aendelee kuipatia familia subira na uvumulivu wakati huu wanapo omboleza mareheme Denar.

Ahsante, Mhe. Spika.

Hon. Speaker: Hon. Passaris

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Speaker. Death never gives notice. When we broke for the recess, we all thought that we would go and have our beautiful Christmas and new year and then see each other in January, but that was not so for our colleague, Hon. Joseph Hamisi Denar.

I feel for his family. I am sure that their Christmas is one that they will never forget. I pray that they find strength and continuity in their lives. My condolences remain with them from my County, Nairobi, and my family.

Thank you.

Hon. Speaker: Hon. Adagala.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Speaker, for giving me this opportunity to eulogise my colleague, the late Hon. Denar. On behalf of the people of Vihiga County, the former Amani National Congress (ANC) National Women Leaders – which I was the Chairlady – I wish to condole with the family and wish them peace.

I have just remembered that we were with him from the United Democratic Forum Party (UDF) days, where he was very instrumental. He was a good man. As a country, we have lost someone who is very instrumental. We would go to Mombasa for private visits, and he would take care of us. We have lost him. May his soul rest in eternal peace.

Hon. Speaker: Thank you. We will end there on the late Hon. Denar. May his soul rest in peace.

COMMENTS ON THE NG-CDF JUDGMENT

Hon. Speaker: On the National Government Constituencies Development Fund (NG-CDF), I have been requested by Senior Counsel Otiende Amollo and Hon. Chepkong'a to allow them to comment. I will give you two minutes each, following the guidelines I gave in my Communication.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I am speaking on behalf of the Legislative and Litigation Caucus, Hon. Samuel Chepkong'a and I, and a number of Members who are part of us. Present here, I see Hon. Mutuse, Hon. Gichimu, Hon. Murugara and my friend, Hon. Karemba, among others.

As we already indicated to this gathering in Naivasha on 6th February...

Hon. Speaker: Senior Counsel, is Hon. Karemba also a lawyer?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): No!

Hon. Speaker: Or is he a cheerleader?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): There are three non-lawyers who are ably assisting the team with the matters that may not be legal but are pertinent to this House.

Hon. Speaker: Okay.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): The three non-lawyers include Hon. Dawood, Hon. Zamzam and Hon. Karemba. They are ably assisting us.

On 6th February, the Court of Appeal gave a very well-reasoned and solid judgment delivered by the President, Justice Musinga, together with Justice Tuiyott and Justice Muchelule in 63 pages. As a Caucus, we have taken the time to synthesise it into just two pages, which we have shared on the wall for Members who do not want to read too much legalese.

Very briefly, we want to say that there are certain points we had raised before the High Court and later before the Court of Appeal, but in which we were not successful in the High Court. On the Appeal, we raised 18 different points. I am happy to say that we succeeded on almost all of them except for one, which I will speak to.

It is important that this Judgment is considered in its proper context. This Judgment establishes certain constitutional principles that are very important. One, it disabuses the notion that the NG-CDF may be interfering with devolution. The Court importantly observes that devolution is different from decentralisation, and that these are decentralised funds. You cannot stop the National Government from determining how it is "decentralising".

Hon. Speaker, since I am helping Members not to read 63 pages, I beg to be given a little more time.

Hon. Speaker: I have allowed you.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you. Secondly, there was this myth that the NG-CDF interferes with the division of functions and the devolved funds. The Court of Appeal was able to demonstrate that the entire NG-CDF is restricted to what is already allocated to the National Government. The Court then went on to deal with the question of whether NG-CDF is a unit of service delivery. Quoting the National Government Coordination Act, the Court was able to establish that "the constituency" is a service delivery unit. You cannot say that merely because it is called "constituency", you cannot use it as such. That is very important.

The Court importantly found that there is nothing in the doctrine of separation of powers that makes NG-CDF unconstitutional. In fact, the Court finds that it is quite consistent with the doctrine of separation of powers. The myth that Members of Parliament control NG-CDF was found to be a myth without foundation, and supported by fact, which is very important.

The Court importantly finds that on the question of the constitutional principle of public finance, the NG-CDF is quite consistent. It further says that there is no need, and there was no need, to involve the Senate either in enactment or amendment of the National Government Constituencies Development Fund Act. It is very important to know that even today, if we choose to enact or amend, we do not have to go to the Senate.

The Court found that there is a presumption of constitutionality. This thing of starting by presuming that everything Parliament has done is unconstitutional should be the other way around. The Court should start by presuming that Parliament, in its wisdom, acts constitutionally. Unless the person challenging it is able to demonstrate otherwise, then what Parliament has done should be sustained.

It is also important to understand that there is only one respect in which the Court did not agree with us – that is Section 43 of the Act, which talks of the tenure of the Fund Account Manager. The Court found that the particular Section is inconsistent and should be severed. It is my advice to the team that we agree with the Court's position. In truth, that Section is misplaced. The Fund Account Manager is not an employee of a Member of Parliament. He is an employee of the Board. So how long they serve is neither here nor there. We have no business appealing that. In fact, we agree with the Court of Appeal on that. We are happy to sever that section and remain with the Act as it is.

This Judgement is important, and we thank the Judiciary for its sensitivity in terms of timing. The decision has come at the last possible moment, knowing that by the 15th of February, which is just next week, the Budget Policy Statement (BPS) has to have been rendered to this House. Had we not gotten a decision in time, we would not have been able to factor in the NG-CDF for the next financial year. So, it is quite timely.

This Judgement is also quite timely because the High Court had decreed that by the fall of midnight of 30th June, 2026, every project, activity, employee and everything to do with NG-CDF ceases. So, all those who are employed, whether it is in the constituencies or at the national level, and all those projects, the 'Sword of Damocles' was hanging over them. That uncertainty was already starting to affect so many employees who were starting to exit before the fall of that hammer.

I have two more points. It is important to understand that when we celebrate this decision, we are not celebrating it for Members of Parliament. We are celebrating it for the citizens of this country.

(Applause)

Allocation of bursaries and construction of classrooms are not part of our mandate as Members of Parliament. The construction of laboratories and dormitories in schools, and of gates and fences at police stations and chiefs' camps, is for the citizens and not for Members of Parliament. If there are instances of misuse of funds by a Member, that should not be visited on the concept or on the Act. Some people suggest that we should disband the NG-CDF and assign it to governors as if governors are any cleaner than Members of Parliament. Even if we returned it to the Executive, they are also not saints and saviours. There could be abuses in all those sectors, but each abuse must be dealt with individually.

Lastly, I am happy that the Court of Appeal disabused people of the notion that the work of a Member of Parliament is limited to legislation, representation and oversight. Many people say it so often that it starts to sound like the absolute truth. No part of the Constitution expressly states that the only work of a Member of Parliament is legislation, representation and oversight. That conclusion is deduced from an understanding of various parts of the

Constitution. However, those parts do not state that, that is our only work. Unless the Constitution states that, that is our only work, then by deduction, we can do those three and still do more.

(Applause)

I encourage my colleagues not to listen to such statements but to go straight to Article 95(2) of the Constitution, which states that the work of the National Assembly is to discuss and resolve matters of concern to the citizens. The key word is “resolve”. If in your village the biggest problem is a mudslide, then you are required to find a way of resolving it. If in your village the biggest issue is death, and people want to give their loved ones a decent burial, it is part of your work to resolve it. If in your village the biggest problems are roads and floods, although they are not part of our mandate, you must find a way of resolving them.

It gets to ridiculous levels in some instances. Even those who are planning to marry want Members of Parliament to help them pay dowry. They also want you to help them claim the dowry. If that is what concerns them, it is your duty to fulfil their wishes.

(Laughter)

I have analysed the attrition levels in Parliament. If you believe anybody who tells you that your work is only limited to representation, legislation and oversight, you will not be re-elected. You better go beyond the call of those three duties because only then might you get re-elected.

We bear no ill will towards our detractors who have indefatigably taken us to court and have now filed a notice of appeal. We will defend that appeal in the Supreme Court as gallantly as we defended it in the Court of Appeal.

(Applause)

We bear no ill will towards the High Court, which did not agree with us because that is the nature of the law. I urge my colleagues to embrace this finding, to be confident and not to fear, to avoid vilification and to focus on our work as Members of Parliament to ensure that our citizens get their dues.

I so submit.

(Applause)

Hon. Speaker: Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Speaker. I must commend Hon. Otiende Amollo for summarising the contents of the ruling by the Court of Appeal. I agree with Hon. Otiende Amollo that we have three non-lawyers because we follow a certain dictum of the law that states that one must have reasonable bystanders. Hon. Karemba is one of the reasonable bystanders in the Committee. In fact, he agrees with us that those other “bush” lawyers were not right, but that the lawyers in this House were right.

(Laughter)

To add to the views by Hon. Otiende Amollo, the Supreme Court of Kenya was very clear on the question as to whether this law concerns the counties. They said that the NG-CDF does not concern the counties.

(Applause)

That matter was brought to the attention of the lawyers on the other side. They were asked whether the NG-CDF concerns the counties and they had nothing to say. That is why the Court of Appeal did not hesitate to give the judgement that it did. How will they argue the matter in the Supreme Court? That is the crux of the matter.

Secondly, on the issue of separation of powers, some of us have visited the Congress in the United States of America, which is said to be the apex of democracy. It is the best globally known presidential system. The Speaker of the House of Representatives sometimes gives a Representative money to resolve issues of concern to his people in his congressional district. Hon. Speaker, you do not give us cash. The NG-CDF is domiciled in the Ministry of Finance and Economic Planning and its disbursement follows a certain pattern in law. So, when people say that Members of Parliament...

Hon. Speaker: You should clarify that the Speaker of the House of Representatives gives out federal funds, not his own money. He gives out federal funds.

(Laughter)

Hon. Samuel Chepkonga (Ainabkoi, UDA): I am sorry, but it is not a bad idea if you gave us your money. The Speaker gives out federal funds which are allocated to his office. That is the best known presidential system. It is well known that we borrowed a lot from the Constitution of the United States of America. Therefore, anyone who purports to say that our system of government subscribes to a pure separation of powers must be dreaming. If, indeed, there is a pure separation of powers, construction of court buildings, the function should be undertaken by the Ministry of Lands, Public Works, Housing and Urban Development. However, construction of court buildings is performed by the Judiciary. When I was the Chairman of the Departmental Committee on Justice and Legal Affairs a while back, we asked the Judiciary that question. Construction of court buildings is not a judgement that they are writing. It is work that is done on behalf of the Executive. Thus, pure separation of powers is a misunderstanding. That will finally be clear to them at the Supreme Court of Kenya.

Another issue that has been misunderstood is our participation in public fora held by the NG-CDF committees around our constituencies. We sit there as members of the public and very ably present issues of concern to the people as required by the Constitution. I do not understand why they see that as a problem. In fact, we do not dictate what they should do. They are persuaded by what we tell them. We tell them that a certain child needs school fees because he or she is very poor, or is an orphan, and they agree with us because we package the information in the best way possible. The misconception that we are dishing out bursaries is a misunderstanding because they also do not listen to the full story. They should listen to the full story from my Ainabkoi Constituency and witness as I talk about students from poor backgrounds wishing to be considered for bursary award. What is wrong in agreeing with a Member of Parliament?

I thank the Members for standing with us, and particularly the Members of the Caucus. One of them is Hon. Gichimu, my Vice-Chairman. He was recently drafted, but he is a very intelligent man. Listen to his plea. He is also very happy that we won. We will defend the NG-CDF with all our energy and abilities.

I thank you, Hon. Speaker, for forming this particular Caucus. You have ensured that this issue and others that concern this House are well defended.

Hon. Speaker: Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I take this opportunity to thank you and the lawyers who have represented us on this case of the NG-CDF. The lawyers have proved that they are learned and we are illiterate, but we are happy because we are all benefiting from their knowledge.

The NG-CDF has been a big problem for those of us who were in the 11th and 12th Parliament and are in the current 13th Parliament. I thank the Judiciary because since the inception of the Constitution of Kenya, 2010, two issues that have been a big problem in this House have now been resolved. The first one was the issue of the relationship between the Senate and the National Assembly in the Bicameral Parliament. The Supreme Court ruled on the matter and it has since been settled. The next big thing that has been settled by the Judiciary is NG-CDF. Many people have been fighting NG-CDF by hiding behind the Constitution and saying that it is unconstitutional and it concerns only counties. Even our colleagues in the Senate were not happy that Members of the National Assembly have NG-CDF. They have been supporting the counties in saying that NG-CDF is unconstitutional. I take this opportunity to thank the Judiciary for doing their work and standing for the rights of Kenyans because it is Kenyans who benefit from NG-CDF.

I am not a lawyer. I am just one of the bystanders, but I do not see this case succeeding in the Supreme Court because the Court of Appeal has given a very detailed judgment on this matter. Anyone who intends to appeal will waste the Court's time.

Hon. Speaker, with those few remarks, I congratulate our legal team. Thank you.

Hon. Speaker: Hon. Hassan, Member for Kamukunji.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker. I join fellow Members in congratulating the legal team that represented us. They have vindicated us and their position as legal experts. Whenever this case was lost in the Judiciary, I thought that maybe it was because we did not have very good legal minds. But obviously, we have the best legal minds here led by Hon. Otiende Amollo and Hon. Chepkong'a, who have done a great job.

The NG-CDF judgment is the most level-headed and rational one I have seen since I came to Parliament. Most of the arguments against NG-CDF were emotional and vindictive. There were people who did not want the poor people of Kenya to benefit from this Fund that reaches the people at the lowest level of our society. I always wondered how it was possible for judges to make such terrible decisions that deny ordinary Kenyans opportunities of advancing in education by sending their children to school. As we speak, we have a bursary registration centre. The queues are full of people hungry to take their children to school and those who consider education important, but do not have the means. NG-CDF gives them a lifeline. To think that NG-CDF that is benefitting the poorest of the poor in our country benefits Members of Parliament is a very poor argument.

This is a very good judgment. I once again say *hongera* to our colleagues. Well done. It is a victory for the poor people of Kenya. It is also a victory for the poor people of Kamukunji. I thank the lawyers for the role they have played.

Hon. Speaker: The last contribution on this is from Hon. George Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Speaker. I join the House in lauding the Court of Appeal because of this decision which will be celebrated in this country. It is a lengthy decision that is very well reasoned. As we have said, we should abide by it, including the ground that we lost. I wish to point out to Members that when all is said and done, nothing has changed, including our roles in NG-CDF. The fact remains that a Member of Parliament exercises an oversight role over NG-CDF. This is what the court has affirmed. We have always said from the word go that we do not do anything else with NG-CDF apart from overseeing what the Board passes for implementation.

It is also vitally important that, as we have been advised by the Speaker, we proceed with restraint. There is a lot that we do in the constituencies but we cannot attribute everything we do to NG-CDF. NG-CDF does what it is allowed to do and we have a lot more that we do in various ways with funds from elsewhere, and we will not stop doing that. As we move forward, let us maintain the role given by the law as regards what a Member of Parliament can do in the Fund.

We also laud the Supreme Court because it has previously interpreted the Act of Parliament in issue. We are sure that all those naysayers saying that they will go to the Supreme will meet us there. We will be advancing the same argument that NG-CDF has nothing to do with county governments, governors or anybody else who is coveting that money.

Thank you very much, Hon. Speaker.

Hon. Speaker: Thank you. We will end that debate there. Hon. Otiende Amollo and your team, you forgot to also acknowledge that the Attorney-General of the Republic of Kenya supported the position of Parliament on this matter.

Before we call the next Order, allow me to acknowledge, in the Public Gallery, Al-Mohajiroon JSS and Primary School from Kamukunji Constituency, Nairobi City County. Members, on your and my own behalf, I welcome them to Parliament.

Next Order.

PAPERS

Hon. Speaker: The Leader of the Majority Party.

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

1. Legal Notice No.166 of 2025 relating to the Military Veterans (General) Regulations, 2025 and the Explanatory Memorandum from the Ministry of Defence.
2. Legal Notice No.190 of 2025 relating to the Public Finance Management (Wildlife Conservation Trust Fund) Regulations, 2025 from the National Treasury and Economic Planning.
3. Legal Notice No.191 of 2025 relating to Amendment of Legal Notice 15 of 2021 on Income Tax Exemption for the Project on Strengthening Research Capacity of Kenya Medical Research Institute (KEMRI) and the Explanatory Memorandum from the National Treasury.
4. Legal Notice No.199 of 2025 relating to Energy (Biofuels) Regulations, 2025, Regulatory Impact Statement, Public Notices inviting comments on the Regulations and the Explanatory Memorandum from the Ministry of Energy and Petroleum.
5. Legal Notice No.200 of 2025 relating to the Tourism (Tourism Enterprises) Regulations, 2025, Report on Public Participation undertaken during the

- development of the Regulations, Regulatory Impact Statement and Explanatory Memorandum from the Ministry of Tourism and Wildlife.
6. Draft Public Service Commission (Affirmative Action) Regulations, 2025 from the Public Service Commission.
 7. The Agreement between the Government of the Republic of Kenya and the Government of the Federal Democratic Republic of Ethiopia on the Defence Co-operation from the Ministry of Defence.
 8. The Agreement between the Government of the Republic of Kenya and the Government of the Republic of Zimbabwe on Co-operation in Defence and Training from the Ministry of Defence.
 9. Draft Charter for the Kenya Advanced Institute of Science and Technology from the Ministry of Education.
 10. Inter-governmental Partnership agreement between National Government through the Ministry of Education and the County Government of Nakuru.
 11. Recommendation on sharing of nationally raised revenue between the National and County Governments for the Financial Year 2026/27 from the Commission on Revenue Allocation (CRA).
 12. Performance Audit Report on Implementation of the Kenya Urban Support Program Phase 1 from the Auditor-General.
 13. Auditor-General's Report on the status of implementation of recommendations of the First Report of the Special Funds Accounts Committee on consideration of the Report of the Auditor-General on the Financial Statements of Nine Funds.
 14. Approval of additional funding under Article 223 of the Constitution relating to the FY 2025/26 from the National Treasury and Economic Planning.
 15. National Governments Constituencies Development Fund Board Report for the Second Quarter of 2025/26 Financial Year.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

Hon. Speaker: Is Hon. Musa Sirma in the House?

Hon. Beatrice Elachi (Dagoretti North, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Musa Sirma has given me permission to lay the Paper for him.

Hon. Speaker: Go ahead.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Status update on the disbursement of funds and submission of project proposals for the National Government Constituencies Development Fund (NG-CDF) Board for the Financial Year 2025/2026.

Thank you.

Hon. Speaker: Thank you. Next Order.

MOTION

Hon. Speaker: Leader of the Minority Party, Hon. Junet.

APPOINTMENT OF MEMBERS TO THE

HOUSE BUSINESS COMMITTEE

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 171(1)(f), this House approves the appointment of the following Members to the House Business Committee, in addition to those specified under paragraphs (a), (b), (c), (d) and (e):

1. Hon. Robert Mbui
2. Hon. Adan Wehliye Keynan
3. Hon. Omboko Milemba
4. Hon. Faith Wairimu Gitau
5. Hon. Samuel K. Chepkonga
6. Hon. Tom Joseph Francis Kajwang'
7. Hon. Sarah Paulata Korere
8. Hon. Joshua Mbithi Mwalyo
9. Hon. Umul Kheir Kassim Sheikh

I request the Leader of the Majority Party to second. Thank you.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I thank the Leader of the Minority Party for moving this Motion. As Members understand, we customarily do this at the beginning of every year. Members of the House Business Committee dedicate a lot of their time every week on Tuesday as from 11.00 a.m. to schedule business lined up for the following week.

Many Members did a splendid job last year and both Coalitions agreed to retain them within the House Business Committee to ensure continuity. As you said in your Communication, it is an opportunity for Members who want to revive Motions that may have lapsed, but were saved by our Standing Orders. Do what you have been advised by the Hon. Speaker so that, as the House Business Committee meet beginning next week, we prioritise your Bills for consideration.

Equally, as you indicated, up to the 19th February 2026, Members who had sought questions and statements but had lapsed at the end of the last Session, can re-file them so that we can schedule the Cabinet Secretaries who will come and answer them.

Hon. Speaker, allow me to second the Motion. I also take this opportunity to welcome all Members to this new Session. I also congratulate the legislative caucus team, our team of lawyers in the National Assembly and those who supported us from outside Parliament, for the great work that they did in saving NG-CDF from assault by those who do not understand its value to Kenyans and not to Members of Parliament.

I also commend the three Judges of the Court of Appeal for applying their minds and intellect, and being sensitive to the needs and aspirations of Kenyans in their development aspirations. They conceded that this Fund plays a role in the development of our country and is not a threat to devolution in any way. It benefits many Kenyans who depend on it to take their children to school and construct classrooms. As the President said, out of the 23,000 classrooms that have been built in the last two years, 30 per cent of them have been constructed by NG-CDF. This is commendable by Members of the 13th National Assembly.

Hon. Speaker, I second the Motion. Thank you.

Hon. Speaker: Thank you.

*(Hon. Charles Nguna and several
Members remained upstanding)*

Members on their feet, take your seats. Hon. Nguna!

(Question proposed)

Do I put the Question?

Hon. Members: Yes.

Hon. Speaker: Once I put the Question, the House will adjourn. If you vote in the affirmative, the Members approved will proceed to Room 9 immediately for House Business Committee to define the business of the House from tomorrow going forward.

(Question put and agreed to)

Hon. Members, you may be upstanding.

ADJOURNMENT

Hon. Speaker: Hon. Members, the time being 3.55 p.m., the House stands adjourned until Wednesday, 11th February 2026 at 9.30 a.m.

(The House rose at 3.55 p.m.)

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