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**THIRTEENTH PARLIAMENT**

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## THE HANSARD

Tuesday, 15<sup>th</sup> October 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Quorum Bell for five minutes.

*(The Quorum Bell was rung)*

Hon. Members, let us proceed. First Order.

MESSAGE

APPROVAL OF MR. DAVID KIBET KEMEI FOR APPOINTMENT AS  
THE DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY

**Hon. Deputy Speaker:** Hon. Members, I have a Message from the Senate on the approval of Mr. David Kibet Kemei for appointment as the Director-General of the Competition Authority of Kenya (CAK).

Pursuant to the provisions of Standing Order 41(4) of the National Assembly Standing Orders relating to Messages from the Senate, I wish to report to the House that on 4<sup>th</sup> October 2024, I received a Message from the Senate regarding the approval of a nominee for appointment as the Director-General of the Competition Authority. The Message conveys that the Senate, on Thursday, 3<sup>rd</sup> October 2024, adopted the Report of the Joint Sittings and approved the nomination of Mr. David Kibet Kemei for appointment as the Director-General of CAK.

The respective committees of both Houses of Parliament jointly conducted the approval hearings for the nominee for Director-General. As you may recall, on Tuesday, 1<sup>st</sup> October 2024, the National Assembly considered the Report of the Joint Committee and approved the said nominee for appointment as the Director-General of CAK.

The approval by the Senate now concludes the bicameral consideration of the proposed appointment. I am informed that the decision of the Houses of Parliament has since been transmitted to the appointing authority for necessary action.

The House is accordingly informed.

Thank you. Next Order.

PAPERS

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

1. Legal Notice No.147 of 2024 relating to the Social Health Insurance (Amendment) Regulations, 2024, and the Tariffs for Healthcare Services under the Social Health Insurance Act.
2. The Annual Corporate Report of the Office of the Auditor-General for the Financial Year 2023/2024.
3. Report of the Auditor-General and financial statements of the Kenya National Assurance Company (2001) Limited for the year ended 31<sup>st</sup> December 2023.
4. Report of the Auditor-General and financial statements of Public Service Superannuation Fund for the year ended 30<sup>th</sup> June 2024.

Thank you.

**Hon. Deputy Speaker:** We also have a paper by the Chairperson of the Budget and Appropriation Committee. Who is representing the Chairperson? Proceed, Vice-Chairperson, Hon. Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Budget and Appropriations Committee on its consideration of the Senate Amendments to the Division of Revenue (Amendment) Bill, (National Assembly Bill No. 38 of 2024).

Thank you.

**Hon. Deputy Speaker:** Thank you. The next Paper is from the Chairperson of the Mediation Committee. Hon. Kangogo, you may proceed.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Mediation Committee on the Water (Amendment) Bill, (National Assembly Bill No.33 of 2023).

Thank you, Hon. Speaker.

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

### NOTICE OF MOTION

Chairperson of the Mediation Committee, Hon. Kangogo, you have a notice of Motion.

#### ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE WATER (AMENDMENT) BILL (National Assembly Bill No.33 of 2023)

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House adopts the Report of the Mediation Committee on the Water (Amendment) Bill, (National Assembly Bill No.33 of 2023), laid on the Table of the House on Tuesday, 15<sup>th</sup> October 2024, and approves the mediated version of the Water (Amendment) Bill, (National Assembly Bill No.33 of 2023). Thank you, Hon. Deputy Speaker.

### PETITION

**Hon. Deputy Speaker:** Thank you. Hon. Members, before we go to Order No. 7, it has come to my attention that under Order No. 4, there was a Petition by the Hon. Member for Machakos Town, Hon. Caleb Mule, which was omitted by mistake. Let me give him a chance.

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Hon. Mule, are you ready?

**Hon. Caleb Mule** (Machakos Town, MCCP): Yes.

**Hon. Deputy Speaker:** You can proceed. We will go back to Order No. 7 after this.

FAILURE OF THE IRA TO PROTECT PUBLIC  
TRANSPORT OPERATORS ON INSURANCE CLAIMS

**Hon. Caleb Mule** (Machakos Town, MCCP): This is Public Petition No.17 of 2024 regarding the failure of the Insurance Regulatory Authority (IRA) to protect public transport operators on insurance claims.

I, the undersigned, on behalf of the Machakos Matatu Owners Association (MAMOA), draw the attention of the House to the following:

THAT, MAMOA represents over 4,000 public service vehicles operating in the Lower Eastern region of Kenya. The Association and its members have consistently complied with all relevant laws governing the public transport industry;

THAT, IRA is mandated by the Insurance Act to among others, formulate and enforce standards for the conduct of insurance and reinsurance business in the country;

THAT, the grievances by the operators stem from the recurring and persistent financial losses that they suffer and that are caused by insurance companies that fail to uphold their legal and contractual obligations;

THAT, although all their vehicles fully comply with the required terms and conditions for partnerships with insurance companies, they have been unjustly subjected to severe economic hardships thus, leading to the loss of property and livelihoods;

THAT, the following insurance companies that are regulated by IRA have consistently refused to honour claims from the operators in the event of accidents:

INVESCO, Africa Merchant Assurance Company Limited (AMACO) and Direct-line Assurance Company Limited;

THAT, despite payment of monthly premiums to those insurance companies, securing compensation for accident victims has proven extremely difficult due to the inefficiency and ineffectiveness of the aforementioned insurers;

THAT, in many cases of accidents involving their fleets, those operators face double expenses because, despite paying premiums, they are forced to compensate accident victims themselves, contrary to the legal framework;

THAT, these issues have plagued them for decades and have been perpetuated by the regulator's failure to exercise its legal mandate to regulate the insurance companies that have been mentioned;

THAT, in addition to failing to honour claims, those insurance companies have not provided legal representation in pending court cases when needed, leading to the defeat of many accident cases in court due to the absence of legal representation;

THAT, MAMOA has suffered irreparable harm due to the failure of those insurance companies to honour claims, resulting in more than 10 of the members now facing court orders to show cause why they should not be committed to civil jail for failing to compensate accident victims; and,

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

Now, therefore, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Intervenes on behalf of the operators and urgently addresses the issues surrounding the compensation of valid accident claims by the aforementioned insurance companies;
2. Recommends that the Insurance Regulatory Authority (IRA) formulates and enforces standards of conduct for insurance companies;
3. Recommends that IRA compels insurance companies to honour all pending claims to protect the public transport industry, considering the vital role that the public transport sector plays in revenue generation in the country; and,
4. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your Petitioners will forever pray.

**Hon. Deputy Speaker:** Thank you. This particular matter is referred to the Public Petitions Committee. Is the Chairperson here? The Vice-Chairperson is here. Hon. Janet Sitienei, how many weeks do you need? Give her the microphone.

**Hon. Janet Sitienei (Turbo, UDA):** Thank you, Hon. Deputy Speaker. We will handle the matter as a Committee.

**Hon. Deputy Speaker:** They are asking about the timeframe because it is a bit urgent.

**Hon. Janet Sitienei (Turbo, UDA):** Hon. Deputy Speaker, we have other petitions that are scheduled, but we will fast-track this one accordingly. We will schedule a time to listen to his Petition within two weeks. Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Members, we will now move from Order No.4 to Order No.7. Next Order.

## QUESTIONS AND STATEMENTS

### REQUEST FOR STATEMENT

**Hon. Deputy Speaker:** Hon. Members, we have requests for statements. The first one is by the Member for Isiolo County, Hon. Mumina Bonaya. She is absent. We will proceed to the next request for a statement by Hon. Protus Akujah, Member for Loima. Is he present? We will skip that one. The next request for a statement is by Hon. Joseph Lekuton, Member for Laisamis Constituency. Is he present? Let him have the microphone. You may proceed.

### SUBMERSION OF LEARNING INSTITUTIONS DUE TO RISING WATER LEVELS IN LAKE TURKANA

**Hon. Joseph Lekuton (Laisamis, UDM):** Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education regarding the submersion of learning institutions due to rising water levels in Lake Turkana.

For generations, Lake Turkana has been a vital resource for economic and cultural well-being, with fishing being their primary source of livelihood. Regrettably, over the past four years, the rising water levels in Lake Turkana have led to the closure of a number of learning institutions as they have been submerged. This has greatly impacted not only the resident's way of life, but also the educational opportunities for their children. The rise in water levels has adversely disrupted students' learning. Further, this has led to a reduced attendance of learners in schools, thus negatively affecting the gains that have been made towards enhancing access to basic education.

It is against this background that I seek to request for a statement from the Chairperson of the Departmental Committee on Education on the following:

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1. A detailed report on the number of schools and students who have been affected by the submersion;
2. Urgent measures that are being put in place to ensure all affected students can attend school, including steps being taken to relocate submerged schools and provision of temporary classrooms and offices to enable learning to continue; and,
3. Plans in place to ensure candidates are able to undertake their exams in October 2024.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. The Chairperson of the Departmental Committee on Education or a member of the Committee to give an undertaking on behalf of the Committee. Hon. Melly, I was not seeing you.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Deputy Speaker. I will give a response in two weeks.

**Hon. Deputy Speaker:** Thank you. Next is a request for a statement by Hon. Joshua Kandie, the Member for Baringo Constituency. You may proceed.

#### REGULATION OF LABOUR MIGRATION THROUGH PRIVATE RECRUITMENT AGENCIES

**Hon. Joshua Kandie** (Baringo Central, UDA): Hon. Deputy Speaker, pursuant to Standing Order 44 (2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Labour regarding the role of the Ministry of Labour and Social Protection in regulating labour migration through private recruitment agencies and whether the State Department for Diaspora Affairs has encroached on those roles.

Labour migration has immense socio-economic benefits to both countries of origin and destination. It is a source of employment and livelihoods for migrant workers, bridging skill gaps in destination countries, supports skills development and technological transfer and is a source of the much-needed remittances in the migrant workers' countries of origin.

Over the years, Kenya has continued to experience the migration of its citizens to different parts of the World, including Europe, the United States of America, Asia, Latin America, Canada, Australia, the Middle East and the Gulf Region, with the bulk being the youths who are seeking employment opportunities in international markets where their skills are in demand. This trend underscores the importance of efficiently managing the labour migration while ensuring the protection of Kenyan migrant workers.

Despite the significant benefits that are accrued by the country from labour migration, the sector still faces a number of challenges, which include weak coordination of labour migration management, inadequate information on labour migration, inadequate policy and legal framework on labour migration, limited bilateral labour migration agreements; inadequate social protection for migrant workers; inadequate regulatory framework for private recruitment agencies and high cost of remittances.

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

1. What is the Ministry of Labour and Social Protection's roles in registering and regulating private recruitment agencies that are involved in labour migration?
2. How does the Ministry of Labour and Social Protection work with the State Department for Diaspora Affairs in regulating the labour migration sector while ensuring the State Department does not encroach on the roles of the Ministry?
3. Why and how do private recruitment agencies that have been banned by the Ministry of Labour and Social Protection continue to recruit migrant workers?

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. This particular request for statement is referred to the Departmental Committee on Labour. Is there any member of the Committee present because I can see the Chairperson is not here? Any member of the Committee! In that case, I will let the representative of the Leader of the Majority Party, Hon. Naomi Waqo, to ensure that this gets to the Departmental Committee on Labour.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Deputy. I will do that.

**Hon. Deputy Speaker:** Let us proceed. We have another request for a statement by the Member for Funyula Constituency, Hon. (Dr) Oundo.

#### STATUS OF REGISTER OF GOVERNMENT LAND

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): 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 Lands regarding the status of the Register of Government Lands as provided for under the various land laws of Kenya.

After section 97 of the Government Lands Act, Cap 280 was repealed, it was replaced by the Land Registration Act. The Register of Government Lands established under the now repealed Section 97 of the Government Lands Act became a register as provided for under section 104(1) and section 105(1)(c) of the Land Registration Act. Additionally, the Constitution classified land in Kenya as public land, community land and private land. Article 62(1) of the Constitution further defines public land to include unalienated Government land, land lawfully held, used or occupied by any State organ, land in respect of which no individual or community ownership can be established by any legal process.

Despite the provisions of the Constitution, the country has been inundated by reported cases of unclear acquisition and encroachment of public land. In other cases, private individuals have acquired titles to public land without following the provisions of section 9 of the Lands Act. Several audit reports by various committees of Parliament have found cases of unaccountable public land and public entities not knowing the extent of their land holdings nor having any ownership documents. This has resulted in the loss of public property, conflicts and rampant cases of demolitions.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Lands on the following:

1. The current number of titles and parcels of lands and the total number of Government lands appearing in the defunct Register of Government Lands that was transitioned to the new Land Register as provided for under Section 104 (1) and Section 105 (1) (c) of the Land Registration Act No. 3 of 2012;
2. The changes, if any, in the number of titles of public land and acreage in the period between 2012 and 2022;
3. Whether there is a designated Registrar for Public Lands among those appointed under section 12 of the Land Registration Act No. 3 of 2012; and,
4. Plans in place to ensure that registration details of public land are made known and available to the members of the public as provided for under Section 10 of the Land Registration Act No. 3 of 2012 and Access to Information Act No. 31 of 2016.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The request for statement is referred to the Departmental Committee on Lands. Is the Chairperson of the Departmental Committee on Lands here? Again, Hon. Naomi Waqo you will take note of that.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Deputy Speaker. The Member has raised a weighty issue. As a Committee, we need about four weeks to respond. Thank you.

**Hon. Deputy Speaker:** Thank you. That is noted. The Member for Loima is back, and I will allow him to request for a statement. Hon. Akujah.

SCHOOL FEEDING PROGRAMME BY THE NATIONAL  
COUNCIL FOR NOMADIC EDUCATION IN KENYA (NACONEK)

**Hon. Protus Akujah** (Loima, UDA): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education regarding the school feeding programme by the National Council for Nomadic Education in Kenya (NACONEK).

The National Council for Nomadic Education in Kenya (NACONEK) is a semi-autonomous agency that is established under the Ministry of Education with the mandate of initiating the development, implementation and review of policies on all matters relating to education in ASAL regions. The Council mobilises funds and other resources from various sources to support relevant programmes, including the school feeding programme in nomadic regions. The school-feeding programme was designed to promote education by increasing school enrolment, improving the health of school-going children and enhancing the overall academic performance. However, it is deeply concerning that the public primary schools in Arid and Semi-Arid Lands (ASAL) areas, specifically in Loima Constituency in Turkana County, are facing an acute shortage of food supply since the commencement of the current term, which has been a recurring problem.

Hon. Deputy Speaker, this situation is particularly alarming given that Grade 3 and Grade 6 candidates are expected to sit for their national assessments soon. Many vulnerable children that are motivated by food availability in schools have been forced to drop out. This shortage has severely undermined the welfare of the learners and has a negative impact on the education sector in the region.

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

1. Reasons for the persistent delays of food supply to public primary schools in ASAL regions;
2. Report on assessment of NACONEK's capacity to meet the educational needs of marginalised communities, including any challenges the agency may be facing; and,
3. Plans for immediate intervention to ensure timely supply of food to affected schools.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Okay. The request for a statement will be forwarded to the Chairperson of the Departmental Committee on Education. Hon. Melly, you may give an undertaking.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Deputy Speaker. I give an undertaking that I shall return the report to the House in two weeks. However, on the issue of El Molo, because the examination process is actually due or has already started, I promise to undertake that I bring the report before Thursday, especially on the examination issue. I thank you Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Members, before we continue with the requests for statements, I wish to recognise the presence of the following schools that are seated in the Public Gallery: Prestigious Vineyard Academy from Embakasi East Constituency,



Nairobi County, St. Dominic Kitise Secondary School from Makueni Constituency, Makueni County and, lastly, Jumbi Primary School from Mathioya Constituency, Murang'a County.

*(Applause)*

On behalf of the National Assembly, I wish to welcome them to the House.

Next, we have a request for statement by Hon. Dorice Donya, Member for Kisii.

#### REDUCTION OF FARES

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Deputy Speaker. There is something I want to note.

Today, for the first time, I bought a newspaper. I saw that petrol prices have been reduced by Ksh8.00, diesel has been reduced by Ksh3.00, and kerosene has gone down by Ksh6.00, which is approximately Ksh7.00 because it is Ksh6.90. I was not good at mathematics, but this Ksh6.90 can be rounded off to Ksh7.00. I was just discussing with Hon. Clive, and I was telling him that I have seen prices go up, and when they go up, the fares are hiked for those of us who use *Matatus*. This has happened since 2015. Now that the prices have gone down, and I do not foresee a day when I will wake up and find that transportation prices have been lowered now that most of the vehicles are using diesel. I note that the Government is doing some good work. But the customers down here are not feeling the effects of that price reduction.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Chairperson of the Departmental Committee on Transport and Infrastructure will respond to that matter. Any member of the Committee here? Hon. Milemba, you want to say something? Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Deputy Speaker, it will have to be after recess because we are going on recess. So, after the recess, another week or two. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Dawood. Hon. Milemba, did you say you have a request for statement? You are not on the list. Is it a response to a statement or a request for a statement?

**Hon. Omboko Milemba** (Emuhaya, ANC): The request for statement itself.

**Hon. Deputy Speaker:** Okay, I will allow you. Proceed.

#### SPORADIC ATTACKS IN EMUHAYA CONSTITUENCY AND VIHIGA COUNTY

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you Hon. Deputy Speaker. I request for a statement regarding the sporadic attacks that are occurring in Emuhaya Constituency and Vihiga County.

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 Department Committee on Administration and Internal Security regarding the sporadic attacks that are occurring in Emuhaya Constituency and Vihiga County in general.

Hon. Deputy Speaker, several armed gangs and assailants have been using motorcycles to conduct theft by attacking residents and pedestrians along the markets and roads of Emuhaya Constituency. The gangs have been using weapons such as machetes or crude, blunt objects to rob people of their belongings and injure them severely. The rampant cases of insecurity are common, specifically along the Luanda-Ebuyangu to Yala Road, Khu Msalaba, Emusutsui to Stendi Kisa Road, and Esirulo to Luanda Road.

Hon. Deputy Speaker, it is unfortunate that several persons who have been attacked along those areas are either dead or admitted to hospital due to severe injuries that they have sustained.

For instance, on 2<sup>nd</sup> October 2024, an armed assailant with guns attacked and killed Mr. Nicodemus Olinjo Abuyeka of ID. No. 29000828, who was a businessman and *bodaboda* rider from Esaba Village in Emuhaya Sub-county. Additionally, a Miss. Diana (a *Mama Mboga* vendor) at Luanda Market was killed on 24<sup>th</sup> September 2024, while two other people namely Eli Mukuna and Mr. Antony were attacked by the armed assailants at Sokomoko and have been hospitalised due to severe injuries that they sustained.

Hon. Deputy Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following.

1. A status report on investigations into the killing of Nicodemus Olinjo Abuyeka from Esaba Village in Emuhaya Constituency, Vihiga County, which was reported at Embali Police Station vide OB No. 23/02/10/2024, and if any arrests of the assailants have been made by the police.
2. The measures that have been put in place by the Government to ensure the deployment of additional officers to police stations in Emuhaya Constituency to enhance security, including the timeline for the deployment.

Hon. Speaker, this is not the first time I have asked this. In the so-called Constituency of Emuhaya, we have four police posts and one main police station that is not occupied. That is at the Sub-county Headquarters at Emusire, which is not occupied despite the fact that the construction has been completed. We then have Ebuhaya, Emurembe and Ipali police posts, which are not occupied.

Thank you Hon. Deputy Speaker.

**Hon. Deputy Speaker:** That request for a statement is referred to the Departmental Committee on Administration and Internal Affairs. Is the Chairperson present? Yes, Hon. Tongoyo?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Yes, Hon. Deputy Speaker. I will bring a response in two weeks, but I want to add one thing. The issue of constructed and completed police stations with no personnel, as indicated by the Hon. Members, can be followed up with the Inspector-General (IG). It does not even have to wait for two weeks for us to bring the response on the issue of incidences of deaths and killings.

**Hon. Deputy Speaker:** All right. Thank you very much. We will now proceed to get responses to statements that have previously been raised in the House. The first was to get the answer to statement request is Hon. Wario, Member for North Horr. Hon. Tongoyo, do you have a response to that request for statement?

#### ATTACK ON CIVILIANS ALONG THE KENYA-ETHIOPIA BORDER IN MARSABIT COUNTY

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Deputy Speaker, on the question that was asked by Hon. Wario concerning North Horr, the issue was canvassed and discussed in depth by the Cabinet Secretary for Interior and National Administration when he appeared before the Committee. There is a lot of progress. A meeting with the leaders of that region has already taken place. As such, I have the response but, since it is a document of the House, I prefer to table it. We had already discussed it.

**Hon. Deputy Speaker:** Thank you. Let us move to the next response, which is still with you. It is the answer to the request for statement by the Hon. Member for Igembe Central, Hon. Karitho.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you again, Hon. Deputy Speaker. I need your indulgence in deciding whether the concerned Hon. Member is in the House.

**Hon. Deputy Speaker:** Is Hon. Daniel Karitho in the House? There is no point in responding to it if he is not here. I can see that, today, many Hon. Members who had sought for statements are not present. In other cases, the Chairpersons are missing. The substantive Speaker has pronounced himself severally on this issue.

Let us move to the next issue, which is a response to the statement by Hon. Wamboka, Member for Bumula. Hon. Chairman of the Departmental Committee on Defense, Intelligence and Foreign Affairs, do you have a response?

#### DISPARITIES IN KDF RECRUITMENT

**Hon. Nelson Koech** (Belgut, UDA): Thank you, Hon. Deputy Speaker. Yes, I have a response, which is as follows:

The Member for Bumula Constituency, Hon. Wanami Wamboka, sought a statement pursuant to Standing Order 42(2)(c) on the disparities in Kenya Defence Forces (KDF) recruitment. He specifically raised the following concerns in his request:

1. Reasons behind rampant irregularities during KDF recruitment.
2. A comprehensive list of youths who have been recruited in the last recruitment per sub-county, including those who claimed to have hailed from Bumula Constituency.
3. Steps being taken by the Ministry to ensure that future recruitment processes are fair and transparent.

Hon. Deputy Speaker, the Committee engaged the Ministry of Defence on the above concerns by Hon. Wanami Wamboka. I, therefore, wish to respond to the issues as follows:

On the reasons behind rampant irregularities during KDF recruitment, factors contributing to the perceived prevalence of irregularities during KDF recruitment include the systematic and cultural tendencies within segments of the population that seek to manipulate the process through various methods, including bribery, extortion and intimidation. The Ministry upholds a strict zero-tolerance policy regarding such conduct.

The second question was on a comprehensive list of youths recruited in the last recruitment per sub-county, including those who claimed to have hailed from Bumula Constituency. The response is that in the most recent KDF recruitment drive in 2023, 14 individuals from Bumula Constituency were recruited — 12 males and two females.

The third issue was on the steps that are being taken by the Ministry to ensure that the future recruitment processes are fair and transparent. The response is that the Ministry continues to ensure that the KDF recruitment remains fair and transparent through civic sensitisation and mass media information to curb recurrent malpractices.

I submit. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon Wamboka, are you satisfied with the response?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, definitely not.

The gist of this question was that some people were recruited in Bumula Constituency, but they did not come from there. I engaged my administrative officers, including the Chief, Ms. Lucy Makokha, the Assistant Chief, Mr. Reuben, and all the village elders, and they do not know a single person who was recruited from Kimaeti Sub-County. That is the gist of this question. What I expected from the Hon. Chairman, who is my good friend and namesake, was to give me the names that he purports were recruits from Bumula Constituency, but he has not done so.

My second question was about a comprehensive list of the youths that were recruited. How do you understand that question, Hon. Chairman? Hon. Deputy Speaker, the Chairman is

clearly trying to hide something. He knows the truth that Bumula was disadvantaged, just like many other constituencies in this Republic. However, he is trying to cover it up. Please, do not politicise the Kenyan Military. It may be the only professional thing that is remaining in this Republic. We want fairness where every corner of this country feels part of that institution.

Therefore, Hon. Deputy Speaker, of course, my question was not answered. I do not have the list, but I need to see it to disapprove of the Hon. Chairman's allegations that the people he has in the name of Bumula Constituency do not come from that constituency.

Thank you.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Deputy Speaker.

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

**Hon. Omboko Milemba** (Emuhaya, ANC): I rise on a point of order to emphasise what he is saying. It is a matter that the Hon. Chairman should take seriously. I had a similar situation, which I have to explain well. When our former senior colleague was still in charge of that particular Ministry, the names of the people who were recruited into the armed forces from Emuhaya were not from Emuhaya. It was so glaring that it had to be said that even the National Government Administration Officers (NGAO), who are working under the Provincial Administration knew that some syndicate somewhat was happening, where names can be mopped up, fitted from a certain constituency and go away. At the end of the day, the celebrated quarter which we would want all departments to adapt — such as the Ministry of Roads and Transport, the Ministry of Energy, the Kenya Defence Forces, the National Police Service, the National Youth Service (NYS), and others - is not being followed.

Therefore, as you go back to research, you need to look at the holistic picture in many of our constituencies.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Yes, Hon. Koech, the Hon. Chairman.

**Hon. Nelson Koech** (Belgut, UDA): Hon. Deputy Speaker, the two Hon. Members have raised this issue. Firstly, Hon. Wamboka, it would have been easier if you had given me the names of those you think are not from your constituency. Secondly, and as a matter of concern, it now looks like the issue touches on most Members of Parliament. As Members have raised, there might have been recruitments done in different sub-counties. However, the names are not from those sub-counties. I will ensure that the abnormalities are worked on since whatever has happened has happened.

We will also ensure that in future recruitments, if it is for Emuhaya, for instance, all the 14 names that have been provided from that constituency are as indicated. It will then be a lie to say you will have recruitment in Bumula, and then get people from Shinyalu to register in Bumula and be employed from there. I will take up the matter, Hon. Wamboka. Among the 14 recruits, who is not from your constituency?

**Hon. Deputy Speaker:** Member for Bumula Constituency, were you given the list?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, the National Assembly has asked the Ministry to provide the names of the people who were recruited in Bumula Constituency. For crying out loud, why is the Chairman passing the buck or the ball to me? This is because he cannot produce the names. He goes ahead and says this is a bygone case. I find it unreasonable because this is how different constituencies have been missing out while others continue employing more people. It beats logic. For instance, why would you pick children from Garissa Constituency and recruit them through Bumula Constituency? Or rather, why would you pick Kiambu children and recruit them through Emuhaya Constituency? Now that he is admitting that it has happened, what measures are in place to ensure that those constituencies that were disadvantaged are compensated? What can we do to ensure that the missing slots problem that Bumula Constituency has been experiencing is restored? This did not only happen in 2023. It goes back to so many years and that is why the military is

continually being politicised. You cannot feel part and parcel of this country because of such things. The net effect of not recruiting children from every constituency is that progressively, when those people climb up the ladder and get promotions, we will not have children from Emuhaya and Bumula constituencies getting promoted. It is unfair. It goes against the Constitution of Kenya.

The Chairman is out of order. Can he tell this House when he would produce the names of the people who were recruited from Bumula Constituency? Hon. Chairman, you are out of order. Could you, please, take this House seriously?

**Hon. Deputy Speaker:** Hon. Wamboka, declaring a Member out of order is my prerogative.

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

**Hon. Deputy Speaker:** Hon. Raso has a point of order. I will, therefore, give him the chance and then get back to the Chair, Hon. Koech.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Deputy Speaker.

Hon. Wamboka has said that the military is politicised. That is far from the truth. The military has recruiting centres. Even with the new sub-counties that are coming up, that would mean more recruiting centres coming up in the military. But what is important is what he has raised, that recruiting officers must ensure that the identity of young men and women being recruited are truly from locations and sub-locations within that sub-county. What Hon. Wamboka might have suffered from is potentially people moving from different places because of population, or because they feel it is easier to get employed or recruited there. However, I believe that the Chairman has a task of ensuring that the few who are being recruited from different sub-counties and constituencies are actually the *bona fide* residents of those areas so that no area is unfairly disadvantaged.

Thank you.

**Hon. Deputy Speaker:** Hon. Chairperson, if you cannot read out the names here, you can always provide them to the Member and thereafter, report back to the House.

**Hon. Nelson Koech** (Belgut UDA): Hon. Wamboka, do not be emotional about it. I understand your pain and concern. It is also unfair to bring the names of all the recruits from Bumula Constituency. It is only fair if you say you want to engage with the Ministry of Defence to understand how it was done in your constituency, which they can do in private because they are also Kenyans. Their privacy should be upheld. I understand your pain and I promise to deal with it. I beg your indulgence. And if you accept, I will take up the matter and proceed to request the Ministry of Defence to invite you so that they can explain to you on how recruitment was done in your constituency.

**Hon. Deputy Speaker:** I think we have belaboured this point, Hon. Wamboka.

*(Hon. Wanami Wamboka spoke off the record)*

Hon. Wamboka, I am trying to help you so that you can get a resolution. Usually, the names of the recruits as per their constituencies are published in the dailies. Hon. Chairperson, is that right?

*(Loud consultations)*

Proceed, Hon. Wamboka. I will give you a minute before we....

**Hon. (Dr) Robert Pukose** (Endebess, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Pukose, go on.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Deputy Speaker, I need guidance from the Chairperson, Hon. Koech. The military is a very sensitive institution and it deals with matters security of this country. Therefore, exposing publicly the names of the military officers would affect the integrity and security of the nation.

*(Loud consultations)*

By saying that you want the names of all recruits that were done for all the constituencies, then we are playing into a very dangerous game. If we want to be specific....

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

**Hon. (Dr) Robert Pukose** (Endebess, UDA): However, if it is only for Bumula Constituency, it can be done.

**Hon. Deputy Speaker:** Hon. Wamboka, what we were saying, and which is what the Chairperson offered, is that you can have a meeting with him as a representative of the people of Bumula Constituency, engage with the military officials, go through that list and give them sufficient facts to confirm that the persons who were recruited were not from Bumula Constituency. Going forward, I am sure they will ensure that people from Bumula Constituency are taken care of by ensuring that there are counter-checking systems in place. That is something that can be resolved. You can later come back to the House and confirm that the matter has been resolved. Are you happy with that?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, I have a problem. When the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations wants to hide behind you Chair... This is the National Assembly. Those people were recruited publicly, and during the day. There is no other House that is more supreme than this Assembly. That, the Ministry of Defence, in the name of recruiting people from Bumula Constituency, brought other people. That is the reason why he has not given us those names. It is a question that has been addressed to him. Why should I have to go and meet the Cabinet Secretary *in camera*? No! I refuse to do so. This is the National Assembly of the Republic of Kenya. We have asked the Chairperson of the Committee to produce the people that were purportedly recruited from Bumula Constituency. Other Members feel that they have the same problem.

How do we just move forward like that? How do we move forward when constituency A has 20 recruits while Bumula Constituency has zero recruits? Bumula Constituency is continually being disenfranchised. We cannot proceed like that. That is why we are saying that we will not go to see the Cabinet Secretary. The Chairperson of the Committee has to give this House the names of the people who were recruited. The question was asked in this House.

**Hon. Deputy Speaker:** The Chairperson of the Committee did not say that he would not give the names. He has just said that it would be prejudicial to make the names public; considering that they are already serving in the military. That is the issue that he was raising.

**Hon. Farah Maalim** (Dadaab, WDM): On a point of order, Hon. Deputy Speaker.

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

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Deputy Speaker, Hon. Wamboka is my very good friend. My point of order is this: For the benefit of the House, one cannot discuss anything to do with ordnances, weapons, the number of forces we have, or the names of our security forces. That is a strategic matter.

*(Loud consultations)*

Hon. Deputy Speaker...

**Hon. Deputy Speaker:** Allow him to prosecute his point. Hon. Caroli, just allow him to prosecute his point. You will have a chance to respond. Order, Hon. Members! Hon. Members, you will have an opportunity to respond.

**Hon. Farah Maalim** (Dadaab, WDM): Can I explain?

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members! Hon. Wamboka, we have given you an opportunity to prosecute your case. We are still prosecuting your case. You have not been gagged. Hon. Clive, if you have something to say, you can rise on a point of order and speak to it. But do not heckle other Members from your seat because we will not make progress. Let each Member say their part, and then we can proceed, even if you disagree. Hon. Clive, how would you feel if I heckled you because you said something that I do not agree with? Let everyone have their say. It does not necessarily mean that other people can speak and others cannot.

Proceed, Hon. Farah.

**Hon. Farah Maalim** (Dadaab, WDM): I am not in any way negating what somebody feels should be done, but I am talking about the traditions of the House. If you want to discuss a matter of national security, you should seek an appointment, and then the House will sit *in camera*. Only then can you discuss such a matter. Kenya is a sovereign State which belongs to all of us. Can I finish my point of order? You cannot discuss matters of national security in the open. You are lucky because if I was in the Chair, I would have thrown you out if you insisted on discussing such sensitive matters.

**Hon. Deputy Speaker:** Let us hear from the Chairperson of the Committee because the question was directed to him. Proceed. Hon. Elachi, sit down. I am not giving you an opportunity to speak. I have given an opportunity to the Chairperson of the Committee.

**Hon. Nelson Koech** (Belgut, UDA): Hon. Members, let us end the matter there. I promise that I will invite all the Members who have issues with the recruitment to a meeting of the Committee that will be held *in camera* as mentioned by the Deputy Speaker. All the issues that you have raised will be dealt with at that point.

**Hon. Deputy Speaker:** Let us proceed.

*(Loud consultations)*

We already have a conclusion. What did you want to say, Hon. Caroli? I know that you had raised your hand up earlier.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Deputy Speaker, for giving me an opportunity to speak. We are not being very judicious in the way that we are handling this matter. We are dealing with the recruitment of personnel. We are not dealing with military operations. We are dealing with a process that is guaranteed under Article 10 of the Constitution on our national values of transparency and accountability. Article 35 of the Constitution and Section 18 of the Parliamentary Powers and Privileges Act give this House the power to ask for the information that the Members have requested.

We cannot hide behind mere statements. Disclosing the names of the people who were recruited under fraudulent circumstances does not pose a security risk to the Republic of Kenya. A crime has been committed and this House cannot shield the commission of a crime. It is fraudulent to deny people their rightful chance to be recruited to the KDF in their sub-counties by importing other people into their sub-counties, and then claiming that there is some security issue. A crime has been committed. It is fraud. This House has the power to...

**Hon. Deputy Speaker:** Hon. Caroli, you are speaking as if it has already been confirmed that there was fraud. Hon. Wamboka has alleged that the recruitment process was flawed. We want to try and confirm that what Hon. Wamboka has said is correct. Only then shall the names of the recruits be made public. We have given an opportunity for the matter to be resolved between the concerned sub-counties and the security forces. Hon. Caroli, we are not talking about the ongoing recruitment but post-recruitment. Those are persons who have already been recruited.

*(Hon. Caroli Omondi spoke off the record)*

Shut up, Hon. Caroli! Hon. Members...

*(Loud consultations)*

My apologies for telling the Member to shut up. He has been shouting.

*(Loud consultations)*

Hon. Members, we are working towards a resolution which will allow the names of the recruits to be presented to the House. We are not stating the names now until some preliminary investigations and gathering of information have happened. Hon. Caroli, you were speaking even when I had not given you the microphone and so, you were out of order. That is why I could use that language on you.

Let us proceed. Hon. Wamboka, your matter is under investigation. We have not closed it. It will come back to the House. If we proceed to discuss it, we will only be speculating. We will get an opportunity to discuss the matter when actual facts absent of speculation can be brought to the House. I rule that this matter shall be brought back to the House after further consultations with the Committee. That is the end of the matter. Let us move to the next Order.

There was a response to a statement from Hon. Titus Lotee.

*(Loud consultations)*

What is your point of order? I did not know that you had a point of order. Hon. Amollo Otiende, do not be angry. You do not have to get upset. I did not know that you had a point of order. I thought that you were part of the heckling. Okay, proceed with your point of order.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Deputy Speaker. I respect your ruling and guidance that the matter will be discussed further. There is only one problem. You are leaving it at a point where the Chairperson of the Committee has said that he will invite Hon. Wamboka and any other Member who has an issue to the Committee. That is the problem. When a Member poses a question and many other Members find that the same issue affects them, they usually await the answer instead of everyone bringing the same question. We were waiting for the answer on this.

It is grossly inaccurate for the Temporary Speaker Maalim to misguide the House and it goes unchallenged. There is nothing in the KDF Act that prevents a disclosure of the names of the persons who were recruited. Before our forces are deployed, the matter is usually brought to this House for approval. There are certain things that cannot be disclosed, but the recruitment is not one of them. We are in a process where this House impeached the Deputy President for such practices. How then can we say that when we want to know how people have been recruited, it is a secret? We want to know not just about KDF, but the police, teachers and all of us because we represent constituencies. The answers should always be brought here.

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(Applause)

Hon. Deputy Speaker, I urge, in line with your ruling, to guide that when the matter comes back, the Chairman should be prepared to indicate, for our benefit, who was recruited in which constituency.

(Applause)

We are not even going to the issue of how many people we have in the Kenya Defence Forces. We are only talking about the last recruitment. What is secret about that? What is it about national security by Hon. Osoro knowing that my constituent was not recruited in his constituency by fraud, and *vice versa*. It is accountability. It is in line with Article 47 of the Constitution. The Access to Information Act 2016 requires that such information should be provided even before it is sought. When it is sought, I am afraid that the Chairman of the Committee ought to bring it to us.

I so humbly submit, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, let us stay focused that this issue relates to a matter that was raised by the Member for Bumula. He has raised very serious concerns. We have agreed that we find a methodology that is easy and efficient for him to get his answer accurately. That is why we are going in this direction. We have said that we are not closing the matter. The matter shall be put back to the House at the appropriate time, so we are not closing it. A valid question now is the timeline. The Chairman for the Departmental Committee on Defence, Intelligence and Foreign Affairs should tell us. If other sub-counties have an issue with it, that can be raised at a later date by those particular sub-counties. Let us start with Bumula Constituency. In the event we find that Bumula Constituency had challenges when the Chairman reports, we can then go step by step to other sub-counties. But let us confirm that there is, in fact, a problem. Then we can deal with the larger policy situation. That is why we have a better chance of getting a resolution rather than being a talk shop here and find no solution at the end of the day. The only answer I will entertain on this point now is from the Chairman to tell us how long he will take, so that there is a timeframe when you will come back to report to the House.

Are you satisfied with that, Hon. Wamboka? Hon. Koech, give us timelines.

**Hon. Nelson Koech** (Belgut, UDA): Two weeks after we resume, Hon. Deputy Speaker, if we will be adjourning on Thursday and, if that is okay with Hon. Wamboka.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you very much. Member for Emuhaya, you did not bring a request for statement. I am told that because you are neighbouring constituencies, it will probably touch on your constituency. But we are not opening the matter up for other people to bring their grievances. They have their own individual opportunity to bring a request for a statement on behalf of their constituents. No, I will not entertain your point of order on this particular point, unless you have a point of order on something else. Since we have not gone to the next order, there is no point of order because we have closed this matter. Let us proceed.

There was a response to the request for a statement by Hon. Titus Lotee, Member for Kacheliba. It is supposed to be answered by the Departmental Committee on Administration and Internal Affairs. Hon. Tongoyo, do you have that? It is the last response.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Yes, I do, Hon. Deputy Speaker. I do not know whether the concerned Member is in the House as well?

**Hon. Deputy Speaker:** Yes, Hon. Lotee is present. You may proceed.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Deputy Speaker. The Member for Kacheliba, Hon. Titus Lotee, requested for a statement regarding insecurity in his constituency. He was concerned by a banditry attack at Kases Village in Kasai Ward, which led to the death of two women. In particular, the Member wanted a detailed account of the attack and the current status of the investigations into the matter, particularly the killing of Ms. Chemket Long'olenyang and Ms. Cheposangil Rengeyei.

Additionally, the Member wanted to know the additional resources or support that is being provided to strengthen the capacity of security personnel in Kases Village and Kacheliba Constituency. He also wanted a report on the immediate and long-term measures that are being taken by the government.

Hon. Deputy Speaker, I state as follows:

On 25<sup>th</sup> July 2024, about five armed Turkana bandits raided Nadome Village, with the aim of stealing livestock, but were repulsed by the National Police Reservists (NPRs). However, as the bandits fled towards Lorogon, they shot and killed two women, Ms. Chemket Long'olenyang and Ms. Cheposangil Rengeyei, who were engaging in small-scale gold mining activities in the nearby valley. The police officers responded to the scene and in pursuit of the bandits, but no arrests were made. The bodies of the deceased were moved to Kapenguria County Referral Hospital for preservation and post-mortem. The bodies were later released to the families for burial. The case is still pending under investigation by the writing of this Report.

The Government has taken the following measures to strengthen the capacity of security personnel:

1. Deployed 50 NPRs officers within the area.
2. Revitalised the peace committees, which bring together elders from both communities to formulate means of sustainable peace and security in the area.

On issue number three, the Government has taken several measures to address the recurring banditry attack to enhance security in Kacheliba Constituency and, in this case, the entire valley region:

1. Intensifying police visibility through patrols.
2. Sensitisation of the members of public.
3. Engaging the political class across the ethnic divides and imploring on them to enhance peaceful co-existence.
4. Sustaining coordination of NPRs to enhance their supervision and effectiveness in their operations.
5. Collaboration with the various stakeholders, including local leaders and Non-Governmental Organisations, to coordinate meetings between communities that are living along the borders.
6. Sustaining joint security meetings along the borders.
7. Organising major security operations whenever there is an incident.

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

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

Hon. Temporary Speaker, the Government is taking the following long-term measures to enhance security in Kacheliba Constituency: -

1. Opening up disturbed areas through construction of security roads, construction of schools, hospitals and markets to prepare the locals for alternate jobs and livelihood.

2. Increasing budgetary allocation to police operations in the operational areas, including the modernisation program.
3. Posting and equipping adequate security personnel and operationalisation of the newly gazetted Ombolion Location to help improve coordination of security in the disturbed area.
4. Creation of more administrative units given the harsh terrain and vastness of the area and the population notwithstanding.
5. Establishment of the Police Station at Ombolion.
6. Affirmative action for education. The Government is planning to build low-cost boarding schools and encourage all school-going children from Turkana and Pokot to be taken to those schools.

Hon. Temporary Speaker, on the issue of administrative status of Lorogon Village, including reasons for being administered from Turkana County and the measures being implemented to prevent that village from serving as a hideout for bandits, I state as follows:

Lorogon is a disputed area at the border of West Pokot and Turkana counties, with both communities laying ancestral claim to the same land. Currently, the area is mainly inhabited by the Turkana Community within Lorogon Sub-location, with an Assistant Chief under Kaputir Location, Kainuk Division within the Turkana Sub-county. On the other hand, the Pokot Community claim the area is within Songok Sub-location, Korpu Location, Kasei Division within the Pokot North Sub-county.

Previously, the area was not occupied and was used by the Pokot Community as a grazing field as well as a watering point at Turkwel River. However, in the early 90's, the Turkana Community from the Kaputir/Katilu/Lopur areas moved to the areas to mine gold during which they set up temporary camps and renamed the area Lorogon Village.

Subsequently, in 1986, more Turkana kinsmen moved to Lorogon to seek casual employment at the Turkwel Hydro-electric Power Plant. The population of the Turkana community in Lorogon village grew, and with the support from the County Government of Turkana, the majority established permanent resettlement. However, the settlement of the Turkana in the Lorogon area infuriated the Pokot community and subsequently led to their incensed attacks and counter-attacks. Those prompted the creation of the Lorogon Sub-location in 1997 and, subsequently, the appointment of the assistant chief. However, due to the prevailing hostility in Lorogon, Michael Loese, the Assistant Chief, is based at the Kalemorok Location, Kainuk Division within Turkana Sub-county.

The following measures are being implemented to prevent Lorogon Village from serving as a hideout;

1. Intensifying police visibility through patrols;
2. National Government Administrative Officers (NGAOs) and the National Police Service (NPS) partnering with other stakeholders to hold regular peace-building and conflict management meetings;
3. There is an Anti-Stock Theft Unit (ASTU) camp at Lorogon area, which was established to serve the residents. In addition, there are other formed units to include a General Service Unit (GSU) Camp in Turkwel and Nakwamoru in Turkana South Sub-county to support security operations.

Thank you. I submit.

**The Temporary Speaker** (Hon. Farah Maalim): The Questioner has the first go of it. Proceed, Hon. Lotee.

**Hon. Titus Lotee** (Kacheliba, KUP): Thank you, Hon. Temporary Speaker. I appreciate the Chairman for giving a comprehensive report about the insecurity. The only thing that makes me dissatisfied with the response is the promises that have always been given by Government officials. For example, when we say that we have beefed up security by increasing

the number of NPRs, could it be clear from the Chairman, when that happened? How many NPRs have been added to beef up security? That is a fallacy. No NPRs have been added apart from those that were there before.

The other thing that makes me a little bit disturbed is the fact that the killings took place four or five months ago and, up to date, they have still not found out the real reason for that. They are still saying that the investigations are ongoing. Can we be given the right time when that investigation will be concluded and the people who killed those ladies brought to book? If investigations continue forever, then it means that they cannot get justice because 'justice delayed is justice denied'.

I appreciate the history that the Chairman has given about Lorogon Village; that it used to be a Pokot Village until in 1986 when Turkana headsmen came to mine for gold. He has said that the population of the Turkana increased in this area and in 1997, they were given a sub-location. In this country, do we give a sub-location to a community to be administered from another county when they are within the precincts of that county? That question remains unanswered. I wish that the Chairman...

**The Temporary Speaker** (Hon. Farah Maalim): You have asked your question. Can you allow the Chairman of the Committee to answer the question, please? The Chairman will take one more question. We will, of course, move to the next question. Is it Hon. Pkosing or Posing? Or do you add both of them together?

**Hon. David Pkosing** (Pokot South, KUP): Hon. Temporary Speaker, listening to that response from the Chairman, whom I really respect, I find it theoretical and academic. However, I do not blame him because he is just receiving statements from the Ministry or people who write them. I used to be a Chairman of a Departmental Committee. You just receive statements from the Ministry, but I do not know whether he knows what he said. What he has said is totally a lie.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Pkosing. The word 'lie' is unparliamentary. You could say 'misleading'. Use the right word. If you want to say that the information is not factual, then just say it is misleading. Ask the question; do not make a speech. Proceed.

**Hon. David Pkosing** (Pokot South, KUP): Thank you, Hon. Temporary Speaker. It depends on the school that somebody went to. I do not want to tell you where I went, but I went to a good school. Let me use your word. The information about Kenya Police Reservists (KPRs) is misleading. The Cabinet Secretary himself came to Pokot and said he was going to add the KPRs. Where are the KPRs in that area?

Secondly, he is telling us that those investigations are still going on. Since when? Investigations have been going on. Even next year, investigations will still be going on. I want to remind the Chairman that we are not living in the old Constitution where Cabinet Secretaries and Government officials used to hide "until when funds were available". This is a new Constitution and it is bound by dates. The Chairman must give the dates.

**The Temporary Speaker** (Hon. Farah Maalim): Your point is taken, Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, KUP): Are you becoming the Chairman of...

**The Temporary Speaker** (Hon. Farah Maalim): It is question and answer time. Please ask a question. You are not supposed to give a statement or a speech. The Chairman has given you sufficient leeway to build your question. Now that you have built it, can you ask your question?

**Hon. David Pkosing** (Pokot South, KUP): Hon. Temporary Speaker, I have been in this House sufficiently. I really respect you because you are the Chairman of the people who have cows like me. However, you cannot hold a brief for the Chairman of the Departmental Committee on Administration and Internal Affairs. You cannot hold a brief for this guy. He cannot run away. Where are the KPRs, Hon. Temporary Speaker? Where are they?

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

**Hon. David Pkosing** (Pokot South, KUP): Regarding the issue of locations and sub-locations, he is telling us that they are going to be considered. When are they going to be considered? The Cabinet Secretary came and said he was going to do it.

**The Temporary Speaker** (Hon. Farah Maalim): You have asked your question. The point is taken.

**Hon. David Pkosing** (Pokot South, KUP): I know you represent him, but it is okay.

**The Temporary Speaker** (Hon. Farah Maalim): The Member for Turkana South, ask the last question.

**Hon. John Namoit** (Turkana South, ODM): Thank you, Hon. Temporary Speaker. While I was away from the House, I heard the response from the Chairman of the Departmental Committee on Administration and Internal Affairs on the conflict between Turkana and West Pokot. Specifically, I want to highlight the issues that have been raised by the Chairperson and Member of Parliament for Pokot North. I heard the Member for Pokot North saying that a village in Turkana South is a village in West Pokot. That is misinformation. When we go back to history, a Turkana person was in charge of determining the boundaries with those *wazungus*.

*(Hon. David Pkosing spoke off the record)*

Hon. Temporary Speaker, protect me from Hon. Pkosing.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Turkana South, sit down. The Chairman of the Departmental Committee on Health is on a point of order.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Is the Member for Turkana South, right...

**The Temporary Chairman** (Hon. Farah Maalim): In order.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Is he in order to imply that there is a Member for Pokot North when we know that Hon. Lotee is a Member representing Kacheliba?

**The Temporary Speaker** (Hon. Farah Maalim): Fair Enough. Point taken.

Hon. Lotee is a Member of Parliament for Kacheliba. There is no constituency called Pokot North.

Member of Parliament for Turkana South, proceed and ask your question.

**Hon. John Namoit** (Turkana South, ODM): I appeared before the Departmental Committee on Administration and Internal Affairs. I told the Chairperson of the Committee to plan so that we visit the places. Coming up with stories here in Nairobi will not assist the people of Turkana and West Pokot. There is need to visit conflict zones instead of just writing issues here and presenting them to this House.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. My presumption is that your Question is: When will you go to the ground together? Chairperson, can you answer those questions?

**Hon. Gabriel Tongoyo** (Narok West, UDA): First, I need to appreciate that the Member for Kacheliba who asked for the statement admitted that he is satisfied with the response, apart from just a few concerns. Having said that, I think the Member should remember that the Committee actually visited the troubled area. We also had very extensive meetings with all Members from that region, both the Turkana and the Pokot. We managed to canvass and discuss those issues in depth with concerned Members. I appreciate.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Chairperson, there seems to be concurrence between the MPs from Kacheliba and Turkana South that there is need for you to go to the ground now. Am I right, MP for Kacheliba?

**Hon. Titus Lotee** (Kacheliba, KUP): I also have a point of concern to the Chairperson. He says that he actually had a meeting with all of us. I did not attend any meeting, whatsoever!

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

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

Order, Hon. Members! You have made your point, MP for Turkana South. You want the Committee to go to the ground and get the facts as they are today.

**Hon. John Namoit** (Turkana South, ODM): I never did a meeting with the Chairperson on the ground.

**The Temporary Speaker** (Hon. Farah Maalim): That is clear enough. Both MPs are in concurrence that they were not party to the meeting when it took place. Am I right? They do not remember. Give an undertaking on when the Committee will go to the ground with the MPs of Kacheliba, Turkana South, and any other MP from the affected areas.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Speaker, I am well guided. However, I think it is also good to put it on record. The Report of the Committee on the extensive visit and fact-finding in the troubled region has already been tabled in this House. It is a record of Parliament awaiting to be debated. The fact is that Hon. Lotee was not in the House or did not appear before the Committee, but a majority of his colleagues, including the MP for Turkana South, appeared. You know we visited the area, including the particular village. But, that notwithstanding, there is nothing wrong with visiting again, if need be, because I really feel their concern and pain.

On the investigations, they should appreciate the terrain and the problems of that area. We are going to tell the agency to enhance the investigation. We will not hesitate to bring the Report or the findings to this House once they are available.

**The Temporary Speaker** (Hon. Farah Maalim): I want to move to the next Question.

*(Hon. Silvanus Osoro, Hon. Antony Kibagendi and  
Hon. Nolfason Barongo consulted in the gangways)*

**Hon. Charles Nguna** (Mwingi West, WDM): On a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, the MP for Mwingi West? You have been given the point of order. Proceed.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Osoro is busy carrying out an Abagusii 'kind of' a meeting in Parliament. Can he go to another place? We cannot even hear anything that is being executed.

**The Temporary Speaker** (Hon. Farah Maalim): I cannot see Hon. Osoro. Where is he? It does not matter whether he is consulting MPs from the Abagusii. Hon. Osoro, are you consulting in low tones? Have you turned this into a Kisii meeting? Okay, fair enough. Hon. Osoro is going to make sure that he does it in low tones. I think we have prosecuted this Question well enough.

Hon. Gisairo, are you on a point of order? What is your point of order?

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. I am standing on a point of order seeking to know why a Statement I sought on 24<sup>th</sup> April of this year has not come.

**The Temporary Speaker** (Hon. Farah Maalim): You will get an opportunity to prosecute that. Allow this Question to be concluded first.

Hon. Pkosing, are you on a point of order? How many times are you going to rise on a point of order before we go to the next Question on this matter? I thought you made your point very clear.

**Hon. David Pkosing** (Pokot South, KUP): Yes.

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

**Hon. David Pkosing** (Pokot South, KUP): Hon. Temporary Speaker, I am raising a point of order because you understand the place. You know you helped us a lot before you became an MP. For the record of the House, the Chairman actually visited those areas. I want to support that.

**The Temporary Speaker** (Hon. Farah Maalim): Security is not a static matter. What obtained six months ago probably cannot obtain now. Things could have changed and that is why the Hon. Members are insisting that we should go there again now. I come from a pastoralist area where dynamics can change in a matter of hours, not even days or months. Now that both MPs are seriously affected – that is the MPs for Kacheliba, Turkana South and many others - and are of the opinion that the Committee should visit there, I think the Chair should give an undertaking that he is going to visit there as soon as possible. Proceed and give that undertaking. Finish answering the Question.

**Hon. Gabriel Tongoyo** (Narok West, UDA): As much as I appreciated that we visited the place, I think I indicated that there is no harm if we visit again as soon as possible. We are going to capture it in our schedule and communicate the time of the visit to the concerned Members.

**The Temporary Speaker** (Hon. Farah Maalim): Well done. Fair enough. Next Question. What is your point order, Hon. DK? Proceed.

**Hon. David Kiplagat** (Soy, UDA): As we proceed, I know that we are coming to an end on responses to requests for statements.

**The Temporary Speaker** (Hon. Farah Maalim): No. We still have one more. We have one on the spillage of highly poisonous substances in Kabembe Area in Rironi Town. Is the Questioner, Hon. Kiragu, in the House? Yes, Hon. Kiragu is in the House. I think you can raise issues of questions that were not properly attended once we conclude that one. I will give you an opportunity.

**Hon. David Kiplagat** (Soy, UDA): Okay.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed and ask your Question, the MP for Limuru, Hon. Kiragu.

**Hon. (Eng.) John Kiragu** (Limuru, UDA): I am waiting for an answer from the Chairperson.

**The Temporary Speaker** (Hon. Farah Maalim): A statement?

**Hon. (Eng.) John Kiragu** (Limuru, UDA): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): Yes. The Chairperson of the Departmental Committee on Environment, Forestry and Mining. Proceed!

#### SPILLAGE OF HIGHLY POISONOUS SUBSTANCE IN KABEMBE AREA, RIRONI TOWN

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. You know people are not very keen on environmental issues. However, it is also a very important topic. Hon. (Eng.) Kiragu, who is the Member of Parliament for Limuru, brought it. Hon. (Eng.) Kiragu asked for a response to a request for a statement regarding the spillage of a highly poisonous substance in Kabembe area in Rironi Town on 20<sup>th</sup> July 2024. Hon. Kiragu requested:

1. A report on the origin and intended destination of the sodium cyanide, including details of the transporter or owner and their compliance with the National Environment Management Authority (NEMA) regulations on managing and handling of highly toxic substances on transit.
2. The exact quantities of sodium cyanide that spilled from the 22-tonne cargo that was being transported, including details of quantities that were recovered and those that could not be traced.
3. Measures being put in place by NEMA for monitoring the movement of toxic materials across the country and policies for rapid response to such incidences to safeguard the safety of residents.
4. The steps that are being taken by the Ministry to safely dispose the spilled chemical and recover containers of sodium cyanide that were looted for safe disposal to protect the communities near the accident site from potential health risks.
5. Clarify whether there was a plan that has been put in place to hold the owners and transporters of the spilled sodium cyanide accountable for the associated health and environmental hazard that was occasioned by the spillage. I wish to respond as follows:

One, the background. On 20<sup>th</sup> July 2024, a lorry carrying sodium cyanide overturned in Kabembe area, Rironi Town along the Nairobi-Nakuru highway. Some drums with the product were looted by suspects from within Rironi and Limuru locations, while a few cases were spotted loading stolen drums on public vehicles. Sodium cyanide is known to be highly toxic and poisonous and causes acute effects when it comes into contact with the skin, is inhaled or is ingested. If the chemical gets into aquatic environment, it causes significant effect to aquatic organisms. The response to the incident was rapid and involved Tigoni Traffic Police, the Ministry of Health officials, the National Government Administrative Officers, the NEMA inspectors, the County Government of Kiambu officials, the media and the public.

Question one was on the origin of the sodium cyanide. It is a Czech Republic product that was imported through the Port of Mombasa by Towata Kenya Limited as evidenced in Annexure 2 in the response. The consignment was being transported by Big Rig Company Limited as evidenced in Annexure 4. Currently, the movement of hazardous and toxic substances is regulated by the Environmental Management and Coordination (EMCA) Act No. 8 of 1999. There are no substantive NEMA regulations for movement and use of chemicals. There is a draft Environmental Management and Coordination Chemical Regulations in place.

On Question number two, some amount of sodium cyanide pellets spilled on some parts of the road, although it was not widespread. The spillage on the road was immediately cleaned and the toxic neutralised. Two damaged drums had contents, but the chemical was contained in the primary packaging plastics bags. No spillage occurred as evidenced in Annexure I.

Question three: The draft Environmental Management and Coordination Chemical Regulations are in an advanced stage at the Attorney-General's Office. Once they are passed, they will come in handy in regulating the movement, manufacturing, use and management of incidents involving the chemicals when they occur. In addition, NEMA has put in place an elaborate public awareness plan with social media platforms and hotlines for members of the public to report such incidences. Further, NEMA has networked with first responders to incidents, and they include respective county governments and lead agencies. A team is quick to respond and offers expertise in managing environmental pollution incidents.

Question four: A robust sensitisation and awareness campaign was launched immediately the Ministry of Health – in collaboration with NEMA – issued a public notice on the same. The public notice was read in all the local churches. This concerted effort and teamwork resulted to the recovery of 18 drums out of the 25 that had been taken away from the



scene of the incident and it prevented casualties. The search for the unrecovered chemicals and the sensitisation activity are still ongoing.

On the Question of clarity as to whether there are plans to put in place mechanisms that will make the owners or the transporters to be accountable, the response is that the “Polluter Pay Policy” will apply. The owner must ensure that the area is clear of the chemical and he has to put in place a monitoring mechanism and report back to NEMA.

Investigations led by the NEMA Police Unit to establish any breaches of the law and negligence are ongoing. The Ministry, through the Authority, is committed to ensure that Kenya enjoys a clean and healthy environment and everyone takes their duties and responsibilities to safeguard the environment seriously.

Lastly, the Authority will implement this mandate without fear or favour as cited under Annex I on the NEMA Report.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): The Member of Parliament for Limuru, ask the first follow-up question.

**Hon. (Eng.) John Kiragu** (Limuru, UDA): Thank you, Temporary Speaker. I want to thank my friend Hon. Gikaria, the Chair of the Committee. The Report confirms that the accident occurred. Out of the 25 drums of highly toxic material, seven of them have not been traced. There is no accountability on where they went or who is keeping them. We do not know whether they have gone into the hands of people who may not know that it is a very toxic material.

In my career as an engineer, I have come across cyanide salt or what we call: “sodium cyanide.” It is a very toxic material. It is a serious issue if anybody comes across it without knowing the danger that it can cause. My point here is that the Report received cannot be complete without telling this House, and the country, where the seven drums of that highly toxic material are.

It is very sad that in this nation, there can be business of transporting toxic material across the country from Mombasa without security escort or NEMA officials. We need to have a transport plan indicating the route such material will pass, where the truck will fuel and the precautions that people need to take to make sure that the material is in safe hands. That was not the case here. An accident happened and the public – as you know – found something that they do not know and went to make use of.

I agree that there was mobilisation. What they have not indicated is that even I was involved to make sure that we have all the products are brought back. We were lucky that 18 of those drums were brought back by the public.

It is on record from the Report given that there is no substantive regulation on the movement of toxic material. I wonder why NEMA has not looked into that. We know that there is a regulation on the movement of radioactive material like isotopes that are being used either in hospitals or in the industry. It is sad that at this point in the history of this country, we are still saying that we are working on a regulation. We should not allow people to import such material unless we can guarantee their safety when they are on transit or when they are being used.

Finally, I am saddened when the Report says there is no formula for compensation that can be used, in case the public comes into contact with that toxic material.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Limuru, this is a Statement. You need further clarification. Allow the Chairperson of the Committee to answer you or build up on whatever he has already said. What do you want to say? You have half-a-minute.

**Hon. (Eng.) John Kiragu** (Limuru, UDA): Yes, I have half-a-minute. The Statement has given us safeguards or surety that those people who may be affected by that material will

be compensated. It is not clear. We know the effects of cyanide are long-term. If our people come into contact with those seven drums and they later fall sick, I do not think the Statement has adequately covered that.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. You have raised a very passionate and informed concern on this matter. Chairperson of the Committee, I think you get the gist of what the Member for Limuru has said. Firstly, seven of those drums have not been accounted for. Secondly, the effects of that toxic material can last for ages. How will you account for everybody who has been affected by it? If you need more time to work on that, you better tell the Temporary Speaker so that you are given more time.

Proceed, Chairman of the Committee.

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. I totally agree with Hon. (Eng.) Kiragu on the substantive issues that he has raised.

First of all, I want to clarify that there were 25 drums and 18 of them, which the members of the public had taken away, were recovered. Two drums were left on the ground where the accident happened. Therefore, in total, we only have five drums which cannot be accounted for.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Chairman, five drums are too many for that kind of toxic material. Those of you who remember rudimentary chemistry, sodium cyanide is a very dangerous compound. Those five drums can cause damage that can essentially last for a long period of time. That can be very devastating. So, give us a serious undertaking. If you do not have that information now, ask for more time.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, I totally agree with you. I appreciate the efforts of the team that recovered the 18 drums. You can imagine the situation that would have been there. Although it is not within the purview or mandate of our Committee but the Committee on Delegated Legislation, it is important for this House to pronounce itself on these matters to the Attorney-General to release the regulations that will start the implementation of safety of such kind of hazardous chemicals or materials. Again, there are regulations that are at the Attorney-General's Office. If they find their way to the Committee on Delegated Legislation, Parliament can fast-track and advise on it. We are users of that road. Whenever there are important materials that are being transported, there is always some security guarding the truck, which is also important.

On the issue of compensation, in case the toxic material lands in the wrong hands and the public is affected, there is no formula. However, we will ask the Ministry to give further clarification on some of these issues, particularly the tracing of the five drums which were not recovered.

**The Temporary Speaker** (Hon. Farah Maalim): Are you giving an undertaking that this is not over and you will use your office and the Committee to seek and give further closure to Kenyans who are wondering what will happen to the population? That is what I take it to be. Is that in the affirmative?

**Hon. David Gikaria** (Nakuru Town East, UDA): Most obliged, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. Hon. Members, I know there are a number of you who asked for statements, which have taken an inordinately long time. Hon. DK, can you do it in half-a-minute?

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Temporary Speaker. I am purposely here today to receive a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the request for statement that I had sought in this House. However, I am a bit perturbed. Hon. Speaker gave clear guidelines that, that Statement would be tabled today. I cannot trace it on the Order Paper.

**The Temporary Speaker** (Hon. Farah Maalim): Point taken. Is the Chairperson of the Departmental Committee on Transport and Infrastructure in the House? Is there any Hon. Member of the Committee in the House?

*(Hon. (Eng.) John Kiragu spoke off the record)*

Can you give an undertaking to Hon. D.K. that you will have that Statement in the next... Please, give Hon. Kiragu the microphone.

**Hon. (Eng.) John Kiragu** (Limuru, UDA): Hon. Temporary Speaker, I undertake to push for an answer for that request for statement.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Next is the Member for Tiaty. You have half-a-minute. Please, give him the microphone.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Temporary Speaker. More than a month ago, I sought for a statement from the Departmental Committee on Administration and Internal Affairs on the recruitment and qualifications for recruitment of chiefs and assistant chiefs, which received a lot of support from across the aisle. Since we are proceeding on recess on Thursday, can I ask....

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Kamket. You are still seeking a statement that is long overdue. Am I right?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Temporary Speaker, this is a matter that touches on every Member here. The recruitment is ongoing. This is a policy matter. The Ministry can change the policy tomorrow and help so many hustlers in the villages who have been disenfranchised by it. The Chairman should respond to this matter tomorrow.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Kamket! Where is the Chairman of the Departmental Committee on Administration and Internal Affairs? I thought he was in the House. Is there any Member of this Committee in the House now? It is not the business of the Temporary Speaker to look for Members of Parliament who are at the back. Hon. Chairman, you have to give an undertaking on how soon you will bring the Statement.

*(Hon. Kassait Kamket spoke off the record)*

Order, Hon. Kamket! Give us an undertaking on the statement sought by Hon. Kamket.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I will bring it tomorrow in the afternoon.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. The Member for Igembe Central sought a statement from the Departmental Committee on Administration and Internal Affairs. Is it ready today?

**Hon. Gabriel Tongoyo** (Narok West, UDA): It is ready, but he is not in the House.

**The Temporary Speaker** (Hon. Farah Maalim): I direct that you issue that Statement tomorrow along with the other one.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I will.

**The Temporary Speaker** (Hon. Farah Maalim): I have given him the leeway for it.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I hope he will be present in the House.

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

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Sorry! Just a moment. What is your point of order?

*(Hon. Silvanus Osoro stood on the isle and consulted loudly)*

Order, Hon. Osoro.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. On 24<sup>th</sup> April, I also sought for a statement from the Departmental Committee on Communication, Information and Innovation, chaired by Hon. Kiarie.

**The Temporary Speaker** (Hon. Farah Maalim): Do we have a Member of the Departmental Committee on Communication, Information and Innovation here? Is Hon. Kiarie here? Order, Hon. Members. Is the Leader of the Majority Party here? Where is he? You better whip your Chairperson of the Committee to bring the Statement that was requested four months ago by the Member for Kitutu Masaba. Give the microphone to the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I will make sure I get the Chairman of the Departmental Committee on Communication Information and Innovation to answer that statement by Hon. Clive.

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

## BILL

### *Second Reading*

THE ETHICS AND ANTI-CORRUPTION COMMISSION (AMENDMENT) BILL  
(National Assembly Bill No.11 of 2024)

*(Moved by Hon. George Murugara on 1.10.2024)*

*(Debate concluded on 2.10.2024 – Afternoon Sitting)*

*(Hon. Silvanus Osoro consulted loudly)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. Order Hon. Osoro. Debate on this Bill was concluded and all we have is to put the Question.

*(Question put and agreed to)*

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

**The Temporary Speaker** (Hon. Farah Maalim): The Chairman has directed that we skip Order 9 and proceed on to Order 10. We have re-arranged the Order Paper.

## MOTION

SENATE AMENDMENTS TO THE DIVISION OF REVENUE (AMENDMENT) BILL  
(National Assembly Bill No.38 of 2024)

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

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker. Hon. Members, this is a very important Motion. I request that you listen because I am sure you will want to contribute to it.

Hon. Temporary Speaker, I want to move the Report of the Budget and Appropriations Committee on its consideration of the Senate amendments to the Division of Revenue (Amendment) Bill, (National Assembly Bill No.38 of 2024).

Hon. Members, the Division of Revenue Act 2024 was assented to by the President after the approval of...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Member. Vice-Chairperson of the Budget and Appropriations Committee, please, read the Motion verbatim. Read it as it is and proceed and prosecute it.

**Hon. Mary Emaase** (Teso South, UDA): I stand guided, Hon. Temporary Speaker.

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order, Hon. Temporary Speaker.

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

**Hon. Kassait Kamket** (Tiaty, KANU): Is it in order for us to continue discussing anything for the county governments after they have taken us to court? Can they as well go to court and discuss that?

**The Temporary Speaker** (Hon. Farah Maalim): Order. You are out of order! Proceed Vice-Chairlady. Read it verbatim and then ask somebody to second you.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker. The Division of Revenue Act, 2024 was assented to by the President after approval by both Houses of Parliament following the recommendation of the...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Member. Say: "I beg to move the following Motion" which is the consideration of the Senate amendments to the Division of Revenue Bill. Just read it as it is and then you move it. Give her the proper Order Paper. Move the Motion as it is, and then ask somebody to second you.

**Hon. Mary Emaase** (Teso South, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, the Senate amendments to the Division of Revenue (Amendment) Bill, (National Assembly Bill No.38 of 2024) be now considered.

I request Hon. Julius Ruto ....

**The Temporary Speaker** (Hon. Farah Maalim): When you move, the tradition is that you go to the substance of the Motion where you explain yourself. Make your case.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker.

The Division of Revenue Act 2024 was assented to by the President after it was approved by both Houses, the National Assembly and the Senate, following the recommendations of the Mediation Committee that the equitable share for county governments be set at Ksh400 billion. The Mediation Committee did set the amount at Ksh400 billion.

The National Assembly had proposed the equitable share at Ksh391 billion, whereas the Senate at the time had proposed the equitable share to be Ksh415 billion. The decision of the Mediation Committee was guided by the anticipated higher revenue collection arising from the measures that are pronounced in the Finance Bill 2024. Hon. Members, we all remember that the revenue-raising measures contained in the Finance Bill 2024 were projected to raise an estimated Ksh346 billion in revenue. However, following the withdrawal of the Finance Bill 2024 and the attendant downward revision of revenue projections, it was deemed appropriate and fair that the two levels of government, national and county, bear the reduction in expenditure equitably. Consequently, the Division of Revenue (Amendment) Bill 2024 was introduced with an aim to amend the Division of Revenue Act 2024.

That revision of the Division of Revenue Act 2024 provides for the sharing of revenue raised nationally between the national Government and the county governments for the financial year 2024/2025. It projected that a shareable revenue of Ksh2,948 billion, out of which the equitable share to the county governments was to be Ksh400 billion and that of the

national Government to be Ksh2,540 billion, and the Equalisation Fund was to take Ksh7.8 billion.

The National Assembly, on 7<sup>th</sup> August 2024, considered and approved the changes in the sharing as proposed in the Division of Revenue (Amendment) Bill 2024, where the total shareable revenue is envisioned at Ksh2,602 billion. The amount is shared as follows:

The national Government is allocated Ksh2,214.27 billion, county governments to receive Ksh380 billion and the Equalisation Fund to remain at Ksh7.8 billion.

The Bill was thereafter transmitted to the Senate for consideration; after we had revised it following the collapse of the Finance Bill.

The Senate, in accordance with Article 110(4) of the Constitution, and pursuant to Standing Order 145 of the Senate Standing Orders, facilitated public participation on the Bill, and on 3<sup>rd</sup> October 2024, passed the Bill with amendments. Since the Senate passed the Bill with amendments, it was referred back to the National Assembly. The Bill was referred to the National Assembly on 4<sup>th</sup> October 2024 for consideration and concurrence on the Senate amendments as per the provisions of Article 112(1)(b) of the Constitution.

Therefore, it is worth noting that the publication and approval of the County Allocation of Revenue Bill is pegged on the approval of this Bill. Hence, the urgency to conclude this matter so that we can implement. The Committee, having considered, reviewed and examined the Message from the Senate on the Division of Revenue (Amendment) Bill, 2024, recommends that the House rejects the amendments by the Senate.

On behalf of the Budget and Appropriations Committee, I would like to appreciate the Office of the Speaker, the Office of the Clerk of the National Assembly and the Parliamentary Budget Office (PBO) for the support they extended to us in order to fulfil our mandate during the consideration of the Message from the Senate on the Division of the Revenue (Amendment) Bill, 2024. Pursuant to Standing Order 199(6), it is my pleasant duty and privilege to table the Report and recommend to the House for its adoption.

Hon. Temporary Speaker, I invite Hon. CPA Julius Rutto, Member for Kesses, to second the Motion. Thank you.

**Hon. Julius Rutto** (Kesses, UDA): Thank you so much, Hon. Temporary Speaker. I also want to thank Hon. Emaase for the good presentation. I rise to support this Motion on the rejection of the Senate amendments to the Division of the Revenue (Amendment) Bill.

It is obvious information to every Kenyan, as we speak, that we suffered a serious challenge when the Finance Bill, 2024 was not assented into law. That was the first time we experienced such a scenario. The Division of Revenue Bill, 2024 that was approved by the National Assembly and Senate was prepared on the backdrop that the ordinary revenue was to be raised to Ksh2.9 trillion. Unfortunate happenings took place thereafter, with the rise of the Generation Z demonstrations and Kenyans rejected the Finance Bill.

The President heeded to the call by Kenyans, not to assent to the Finance Bill, 2024. All of us know that the revenue suffered a shock. As we speak, the reality is that the revenue projected is way below Ksh346 billion which was intended to be collected. Therefore, this calls for amendments. The National Assembly, through the Budget and Appropriations Committee, absorbed 94 per cent of the drop of revenue to Ksh346 billion. This was the biggest cut. Only 5 per cent allocation under the Division of Revenue Bill to county governments was affected. That was enough for them to say thank you. It is high time that county governments rose to the occasion and knew we are one Kenya. Despite the fact that there are 47 counties, all of us constitute one Kenya. We do not have other ways of collecting additional revenue and so, we should live within our means.

I support the rejection of the amendment Bill. I also ask the Senate to further consider the amendments because there are more demands to be met. They introduced issues like the roads maintenance levy. We are all aware that in 2019, they were agitated by this issue.

However, our courts granted that counties consolidate and collapse the conditional grants on roads maintenance levy, to form part of the equitable share. Even the current stalemate they have caused on the roads maintenance levy is backward thinking. It is against the backdrop of progress. As the National Assembly, we are ready to support devolution. But we are not prepared for conflicts. After, we discuss issues, we do not move forward and yet, we have given the right positive support.

Thank you, Hon. Temporary Speaker. I second the rejection of the Bill.

*(Question proposed)*

**The Temporary Speaker** (Hon. Farah Maalim): Proceed, Hon. Dr. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. It is important that we get a few Members to contribute on such an important Motion. This is because the Senate has rejected the proposed changes by this House. The mood I see in the House is that we are likely to end up in mediation.

It is important to remind the House that where we are today, is a result of mediation. That is how we ended up with Ksh400 billion as equitable share to the counties. The Senators are relying on a clause in the Division of Revenue Act that was passed by this House. It states that in case of any shortfall in revenue collection, the National Government should take the deficit. What they have forgotten is that this is an abnormal year.

As a country, we faced challenges because the Finance Bill, 2024 was withdrawn. On that basis, all the projected revenue was not realised. We want to ask the Senators, even though the Act states we cannot change, but informed by the current situation this year, there is need to open up. Next year, we will go back to the normal way of doing things. It is on this basis that the Budget and Appropriations Committee recommends that we cannot afford to approve the changes. If we do, automatically, there will be no money to give them. This will be a budget that is not funded, thus leading to more deficit. Based on this, as a House, we need to support this rejection so that we can go back to mediation and see if we can get to an agreeable figure without having to harass Kenyans.

Thank you, Hon. Temporary Speaker. With those remarks, I support the rejection of the amendment Bill.

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

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Temporary Speaker. I agree....

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

**Hon. Joseph Makilap** (Baringo North, UDA): Yes, Hon. Temporary Speaker. That is my true name - yours truly. I agree with the Report of the Budget and Appropriations Committee. As a country, it is the reality that after the fall of the Finance Bill, 2024, we are living in abnormal times. The Arms of the Government; the Judiciary, Parliament and Executive – Ministries and Semi-Autonomous Government Agencies (SAGAs) had to cut their budgets because there was a drop in revenue collection. Governors and the Senate should realise that we are being practical on this matter. Not only did many departments reduce their budgets, but the county government's funds were only reduced by five per cent. The reality is that when Ksh400 million was reduced to Ksh380 million, everybody cut their budgets. There is no need in this country to have...

*(Loud consultations)*

Hon. Temporary Speaker, protect me from these Members. There is no need to have a budget that cannot be supported by revenue which finances the budgets. Without revenue, it is not realistic...

*(Hon. David Kiplagat and Hon. (Dr) Robert Pukose consulted loudly)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. D.K. and Hon. Pukose, allow Hon. Makilap to make his contribution. Listen to what he has to say. Proceed.

**Hon. Joseph Makilap** (Baringo North, UDA): Hon. Temporary Speaker, for example, in no financial year have the county governments been able to get all their share because of revenue fall. That is the reality. The Senate must live to the reality of the times, rather than having a budget in figures and not having resources to implement the programs. We need to live in realistic times and be able to come down. With this, I support the Committee by rejecting the proposals from the Senate. Thank you.

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

**Hon. Daniel Karitho** (Igembe Central, JP): Thank you, Hon. Temporary Speaker. I rise to support this amendment. Everybody in this country knows the situation and financial position that we are in. I also believe that the Senate and the governors understand the position that we are in. Our revenue collection has gone down because of the condition in our country. Worldwide, in most countries, revenue collection is down. Therefore, this direction is in order. I support that the amendment be done so that we only spend what we have and live within our means.

Going as per yesterday's demands will not solve the problems that we have in this country. Therefore, we need to live within our means. I support this amendment by the Budget and Appropriations Committee. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Julius M'anaiba.

**Hon. Julius M'anaiba** (Igembe North, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity. I thank the Committee for standing firm that we should reject this amendment. Extraordinary times calls for extraordinary measures. We are living in extraordinary times whereby the Government's projections due to the rejection of the 2024/2025 Finance Bill - and this is in public domain and that of the governors - revenue targets cannot be realised. It is, therefore, only prudent to be certain that we cannot budget what we cannot raise. I, therefore, support the directive and statement by the Budget and Appropriations Committee, that we reject the proposals by the Senate. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. Hon. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise to oppose the amendments from the Senate and completely disagree with them. Rather, I agree with our Budget and Appropriations Committee.

As has been very well articulated by the Vice-Chairperson of the Budget and Appropriations Committee and also Hon. Makali Mulu, who has been a very diligent Member of the Committee; the shortfall that was occasioned by the rejection of the Finance Bill 2024/2025, had to have consequences. Consequences that were to emanate from the fall of the 2024/2025 Finance Bill were not to be borne by the national Government alone. It is on that basis that we passed the amendments to the Division of Revenue Act of 2024/2025 to reflect that particular shortfall in the projected revenues. It must not be lost to our brothers and sisters in the Senate that the national Government has no resources of its own but rather, raises resources that are shared horizontally and vertically between the national Government and the county governments. Those monies are raised from the public through taxation.



Therefore, if we lost the entire 2024/2025 Finance Bill, then the projected revenues that would have come from that Bill, which accumulated to a total of about Ksh346 billion, are not available today. That had an implication on the performance of our economy. This also means that besides losing the Ksh346 billion, the economy is also bound to lose much more than that. That is because, part of the revenues that we are raising were going into productive sectors of the economy that would have generated more money. It is, therefore, foolhardy for those in the Senate to argue that what was projected at the time we did the Division of Revenue Bill earlier this year will suffice and the national Government must be able to bear the entire burden of the loss of the Finance Bill alone.

If you look at the figures as has been articulated by the Vice-Chairperson of the Committee, from the entire shortfall of Ksh346 billion, the national Government was going to bear Ksh325.88 billion, which can be rounded off to Ksh326 billion. We are asking the county governments to bear Ksh20 billion only. If you divide this amount amongst the 47 counties, you get an average of about Ksh380 million per county. That is money that they can survive without! Should we be able to recover some of the tax measures that we had in the course of the year, and are able to generate more revenue, nothing stops us from re-appropriating and dividing more monies to the counties.

It must not be lost to our senators and governors that besides the shareable revenue that they get here, there are also conditional allocations that have not been touched. The Vice-Chairperson of the Committee should have reminded the senators and governors that the equitable share of Ksh20 billion is the only amount we are asking them to sacrifice because of the problems that we ran into. If you look at the percentages, the Ksh20 billion to be shared amongst the 47 county governments, is equivalent to 5.81 per cent. Whereas the national Government was going to lose 12.83 per cent which is almost 13 per cent of what was projected as the revenues that would go to each level of government. I, therefore, beg that we reject these amendments from the Senate so that we can go into sober mediation.

I ask our good senators - and I know it behoves on them as senators to be seen to be protecting the counties - that they cannot do this by just shouting in towns. Protect counties by holding governors to account. A lot of resources are wasted in the counties and we do not see any accountability in the Senate. I do not want to disparage the Public Accounts Committee in the Senate, but they and all Kenyans know what happens in that Committee. No governor is ever held to account and we must make sure this happens. And to our governors, they should ...

**The Temporary Speaker** (Hon. Farah Maalim): I add you two minutes.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you for your indulgence, Hon. Temporary Speaker.

Our governors must tread carefully. We have shared resources with them through the Division of Revenue Bill. However, they are still going after constituencies' monies under the Kenya Rural Roads Authority (KeRRA). You cannot have resources being devolved to you directly, to cater for roads, and then you go after the money that is left at the centre which is supposed to maintain national Government roads, apparently because it is Members of Parliament who are managing that money. Members of Parliament do not manage KeRRA money! That money is managed by regional engineers at the regional headquarters of KeRRA.

Let us not pretend that it is those people you see going to court, but it is the Council of Governors who sponsor all those cases in court. Therefore, I want to tell them to remember what happened in the year 2021/2022. In one financial year, we increased the shareable revenue by close to Ksh50 billion on the promise and understanding that they would have adequate resources to maintain county government managed and classified roads at the county level. It is foolhardy that two years later, governors have retreated and taken us back. They are now telling us that they want a piece of the pie from the share of national Government resources

under KeRRA. It will not happen and we must never allow it to. It is KeRRA, the Kenya Urban Roads Authority (KURA) and the Kenya National Highways Authority (KeNHA) that enable Kenyans connect from one area to another.

The money that is going to our counties for maintenance of roads is ending up in private pockets of governors and their sidekicks in the counties. This is not only happening in one county, but across the country. I know my County of Kiambu is the worst in terms of theft, especially in the roads sector. You will never find anywhere, where, the governors are properly utilising money the way Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA), or Kenya National Highway Authority (KeNHA) are doing. Therefore, I want to beg that we reject these amendments and send them back to the Senate so that we can reason together soberly during the mediation and agree. If there is a shortfall in revenue, we all bear it. We all contributed to its shortfall, whether as the county governments or national Government.

Therefore, I oppose all the amendments from the Senate and support the Committee that we reject them. I believe we shall all be voting no.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Bisau, followed by the Chairman of the Departmental Committee on Finance and National Planning, and then Hon. Waluke.

**Hon. Bisau Kakai** (Kimini, DAP-K): Thank you, Hon. Temporary Speaker, I stand to also give my contribution. We need to live within our means.

My expectation was that the Senate would come up with measures to motivate the counties to spend prudently. Unfortunately, the counties have become dens of wastage. They are a place where when they ask for more, they are given without many questions. I am very surprised that following most of the discussions of some of the county chiefs that have appeared in Senate, it has turned out to be some sort of a 'boys' club'. You find that there are a lot of jokes even on very serious matters, especially when there are issues to do with misappropriation of funds.

I would have expected the senators to advise the counties to come up with creative ways of generating revenue. And as they receive the revenue, they also ensure that there is no wastage so that in future, the same counties can even advance some money to the national Government. I stand here to join the Committee in rejecting what has been presented here by the Senate. Let us live within our means.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Member of Parliament for Molo, Hon. Kimani. Proceed.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker.

At the outset, I would like to reject the recommendations that have been made by the Senate on the amendments to the Division of Revenue Bill. As it has been rightfully put here, these are the realities that we are facing as a country. If there is non-performance of our revenues, then there definitely would be a repercussion on our expenditures. One of the basic lessons in accounting would be a balance sheet or an income statement. For you to expend, you must raise revenue. The Government has only three ways of raising revenue. These are: Taxation, Appropriations-in-Aid (A-in-A), which are the charges that the Government charges for the services it offers to its citizens, or through borrowing.

There has been tremendous improvement on our A-in-A. For the last two financial years, we have seen almost 200 per cent increase across Government ministries due to implementation of a single treasury account for all revenue. For example, if you go to a park, you will pay on an e-Citizen platform. This has reduced pilferages that were happening in the payment and performances of the A-in-A.

On borrowing, this honourable House passed a law that changed its ceiling from absolute figures to a percentage of Gross Domestic Product (GDP) in present value terms. As

we speak, if you are to do a proper audit of our loans, and include pending bills as they amount to a loan to Government, then we stand a risk of exceeding that rate as a percentage of the GDP as passed by this House. Therefore, it is clear that if you have a revenue shortfall, then there must be an adjustment to the budget. That is why this Bill was reducing the proposed allocation from Ksh400 billion to Ksh380 billion. It is very important to remind the senators and Governors that even with the proposed reduction of that allocation of equitable share to counties, it is still 24.2 per cent of the last audited and approved estimates of this Government for the Financial Year 2021/2022. Therefore, this is way above the constitutional threshold of 15 per cent as contained in Article 203 (2) of our Constitution.

With this reality on the ground, what should we do? The expectations to the counties would be that, even though they might have prepared their budgets for the Financial Year 2024-2025 based on the previously approved equitable share of Ksh400 billion, then they should go ahead and prepare a Supplementary Budget to cut on the expenditures, similar to what the national Government did in this House. In addition to doing that, I would encourage the Commission on Revenue Allocation, that when they are coming up with the new formula for sharing of resources, then let some weighted points be given for raising own-source revenue. We have counties that have the ability to improve on their own-source revenue, but they do not do it. We have a lot of pilferages in terms of when people go to pay for charges like in hospitals. They are paid in different peoples' accounts. If you go to the parking fees that are charged by counties, there is so much money that is lost here.

My plea to the county governments is this: Do a supplementary budget, cut the budget and this is the consequence of a shortfall in revenue, when there is no revenue and they cannot borrow more. You have to cut on expenditures. As it has been said, we must live within our means and make sure we prevent pilferage of resources. Counties must find out ways of raising their own revenues to support themselves.

I think there was a study that was done a few months that showed counties that did very well, including the great County of Homa Bay led by my predecessor, Hon. Gladys Wanga. That is the way to go. Counties must find a way of raising their own revenues, not to rely only on those that are raised by the national Government, so that the both levels of government can work harmoniously.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Waluke, followed by Hon. Ruku and then Hon. Zamzam. Proceed.

**Hon. John Koyi** (Sirisia, JP): Thank you, Hon. Temporary Speaker, for giving me a chance to also contribute on this.

I want to reject the Report and thank the Committee for bringing this to the attention of the House. There would be a lot of money in the counties, if IT revenue systems were not being stolen. If the revenues that they are collecting are banked in the national Government account, they can help this country. But the staff in the counties are just stealing. I think devolution was meant to help governors steal from the people of Kenya, and that is what is happening.

Hon. Temporary Speaker, we want the counties to work, not pick the little money that is allocated to constituencies. In the last few months, they looked for Ksh2 million sports money that was with the National Government Constituencies Development Fund (NG-CDF). They are now looking for money from KeRRA for the roads that Members maintain.

Hon. Temporary Speaker, this is the time for us to come together and decide, just as the Deputy Leader of the Majority Party has suggested. We cannot continue like this and yet, the governors are hiding money instead of helping the national Government.

Most developments in the counties are done by the national Government through the National Government Constituencies Development Fund (NG-CDF). County governments are doing zero work and yet, we are allocating them a lot of money every time.

I reject.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Ruku followed by Hon. Zamzam.

**Hon. Ruku G.K.** (Mbeere North, DP): Thank you, Hon. Temporary Speaker.

At the outset, I rise to reject the proposal by the Senate to increase the share on revenue allocations. As much as this House respects and promotes devolution, it is important to note that for every expenditure, it must be accompanied by revenue. The way it is at the moment, revenues have gone down because of what happened in June this year – the rejection of the Finance Bill, 2024.

It is, therefore, understandable that all the expected revenues to finance different functions of the Government must undergo serious austerity measures. Every State department has been urged to ensure austerity measures are taken care of, and are enshrined in them. Devolution is key to the people of the Republic of Kenya, but one of the very expensive systems which the people of Kenya bestowed upon themselves.

Regardless of how expensive it is, governors must know that the resources are coming from the pockets of Kenyans through taxation. It is from taxation that the Government is raising its revenue in terms of audit and assurance, while some of the resources are borrowed.

As a Government, we are exceeding our borrowing ceiling and, therefore, it is no longer tenable to continue raising monies to fund county governments as much as we want services to be offered to the people of the Republic through devolution.

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

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

Therefore, when the economy of the nation improves, there would be no problem if this House can convene and come up with measures of raising more monies or appropriating more monies to the county governments.

I, therefore, reject.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana Naibu Spika wa Muda kwa kunipatia nafasi hii nami nichangie huu Mswada uliotoka Bunge la Seneti wa kungezea kaunti mgao.

Ninaupinga maana kaunti zimekuwa zikitumia pesa kwa ubathirifu. Kwa ukweli, tungependa ugatuzi uinuliwe ili tuendelee mbele lakini, wanapoulizwa waeleze jinsi walivyotumia mgao wao, hawawezi kueleza vizuri. Na ndio maana kila wakati katika Bunge la Seneti, tunawaona magavana wengi wakifikishwa pale kwa minajili ya mashtaka. Hii ni kwa sababu kaunti nyingi zina utata na mchezo wa katafuna.

Rasilimali na ushuru ya Wakenya lazima upewe ulinzi na tuhakikishe kuwa pesa hizo zinaingia katika miradi inayoeleweka. Sio tu magavana kupewa pesa na ilhali barabara zimetengenezwa vipande vidogo vidogo vinavyotoshana hapa mpaka pale, maji safi hamna na maji taka yametapakaa kila mahali. Siwezi nikahukumu kaunti zote maana zingine wametumia mgao wao vizuri.

Kwa hivyo, mimi kama Mama Kaunti wa Mombasa, napinga kwa kusema kuwa, wasiongezewe mgao wao mpaka watuambie vile walivyotumia ule mgao waliopewa.

Ahsante.

**The Temporary Speaker** (Hon. David Ochieng'): Member of Parliament for Soy.

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Temporary Speaker. At the outset, I oppose the Senate Amendments. We need to tell our governors that we are not living in an utopian society. We are living in Kenya, and we know that the Finance Bill, 2024 was not assented to, and we are now using the Finance Bill, 2023.

Therefore, the proposal that county governments be given Ksh380 billion of the share of revenue was good, based on the then conditions. We also want to tell the governors that it is high time that they stop fighting and behaving like jilted lovers. They are taking us to court on every issue.

They have taken us to court on the issue of Kenya Rural Roads Authority (KeRRA) because they also want a bite. They have also taken us to court on the issue of NG-CDF, and I do not know the reasons. If the governors have decided to fight us in court, we shall fight them on the Floor of this House.

Whoever is advising the Senate should be told that for us to move forward, we need to work as a team. They need support from the National Assembly and, if they behave the way they are doing, chances are - and I dare say that - nothing from the county government will ever pass through this House as long as they are going towards that direction. If you look at the roads that have been constructed, including in my own constituency, they have been done by KeRRA, Kenya National Highways Authority (KeNHA) and Kenya Urban Roads Authority (KURA). If you look at the roads that have been constructed in counties and especially, by the County Government of Uasin Gishu, it is just hot air. They just prepare documents and pay without even the contractor going to that specific road. In fact, what they are just paying are the roads that have been developed by KeRRA. It is high time we told the Senate that, instead of them practising and behaving like the National Assembly and always overseeing ministries, let them focus more on the corruption that is taking place in our counties. Let them make the governors accountable and audit the expenditure from the county governments, so that we can ensure that there is value for money and our people get the services that they deserve.

Thank you. I oppose the amendments from the Senate.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you, Hon. Temporary Speaker. Member for Endebess.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this Bill from the Senate. That is the consideration of Senate Amendments to the Division of Revenue Bill.

At the outset, I oppose the amendments that were done by the Senate, and I will be voting against this Bill. Apparently, the counties seem to be so demanding in terms of finances, but when you look at their productivity, it is wanting.

Apparently, the Senate allocated itself money for oversight. Senators get about Ksh1.5 million every month for oversight, but we are not aware of how much oversight the Senate is really providing in the counties. It is very embarrassing to see what is happening in the counties. Workers go for several months without getting their salaries. I do not know what the Senate does with the money for oversight and yet, there is serious corruption within the counties. There is mismanagement of resources within the counties. Many employees are going without salaries. Even those who had been employed on contractual basis or as casual labourers are being dismissed in many counties. In my County of Trans Nzoia, more than 600 people were laid off the other day. I also saw several people being laid off in Nandi County. From where will those people being laid off earn a living? How were they employed? How were they engaged? Why have governors decided to lay them off now? Who will take over their work?

Hon. Temporary Speaker, we are currently rolling out the Universal Healthcare Programme. However, our health facilities, dispensaries, health centres and sub-county hospitals are lacking in terms of human resources. There are no nurses, clinical officers, doctors or physiotherapists. They are lacking in many areas. I hope that the governors will be careful during this process of rolling out the Universal Healthcare Programme because, if they do not stock their health centres or have enough personnel within the health facilities, they will not be able to provide services, which will mean that they will not be able to qualify for the Primary Healthcare Fund through the Facilities Improvement Financing Act.

The counties must put their houses in order. Health is a devolved function and, therefore, the governors must take it seriously. They should ensure that our health facilities are well-equipped, have medicines and the necessary human resources, so that they can deliver on that function.

With those few remarks, Hon. Temporary Speaker, I support the Committee's recommendation.

**The Temporary Speaker** (Hon. David Ochieng'): Member for Butula.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also contribute to this Motion. It is one thing to have a revenue estimate and another to realise that revenue. It is a known fact that the revenue level was reduced as a result of the rejection of the Finance Bill, 2024. Therefore, if the national Government is reducing its revenue level, the county governments should do likewise and reduce the projected level of revenue that they expect to be transferred to them.

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

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

The revenue figures have already been passed by this House and it is known that they will definitely come down. So, if the county governments increase their revenue or retain their projected figures, it will be another way of creating pending bills, which will result in more borrowing and increase our debt level. So, it is important that these amendments by the Senate be rejected.

Therefore, I support the rejection of the amendments by the Senate as proposed by the Budget and Appropriations Committee.

**The Temporary Speaker** (Hon. Farah Maalim): Is Hon. Ndindi Nyoro in the House? Proceed, Hon. Ndindi Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you, Hon. Temporary Speaker. I want to thank the Vice-Chairperson of the Committee for moving this Motion. As we all know, this issue emanated from the 2024/2025 Budget, which was made in hindsight with a view to collecting projected revenues. As we all know, it was not possible for us to continue in that trend, especially after the events that we witnessed in the country. Therefore, the country had to downscale the projected revenue-raising measures. In the wisdom of this House, it was decided that all the arms of Government, including Parliament, the Executive and the Judiciary, would carry their fair share of the burden of the unrealised revenue-raising measures. This House also resolved that both levels of government had to carry their fair share of the burden. That is why we considered the First Supplementary Estimates and we were able to downscale our budget by approximately Ksh200 billion.

As we are all aware, Parliament lost money because it was the most reasonable thing to do then. We had to carry our fair share. That is something that has never happened before in this Republic, where the Parliament of Kenya, superintended by the Members of Parliament, passed a downgrade of the National Government Constituencies Development Fund (NG-CDF) by approximately Ksh10 billion. That had never been seen before. Therefore, in the wisdom of this House, since the downgrades were cutting across all departments, Semi-Autonomous Government Agencies (SAGAs), and spheres of Government, it was decided that our county governments also had to carry their fair share. However, out of our current budget of Ksh3.887 trillion, we realised that over Ksh1.008 trillion is going towards the payment of interest on our financial obligations, which are loans. During the last financial year, the amount of money that the country expended on servicing loans was around Ksh1.8 trillion. Therefore, that is our main burden.

Secondly, we have become more or less a Government that takes up most of the responsibilities. Economic theory dictates that as democracy grows, people demand better and more services from the Government. Therefore, the Government spending increases. That is where Kenya is. Basic education is mostly free. The Government also shoulders a huge cost of higher education. The Government is also investing in health care. Therefore, most resources go towards Recurrent Expenditure.

I was in Kiharu the other day and some of the people I was having a discussion with were surprised by the amount of money we expend on Recurrent Expenditure and on welfare, for example, the money that we give to our parents who are over 70 years old and above. It is hardly even possible for a policy-maker to boast that we are spending money on welfare because it appears to be a paltry sum of only Ksh2,000. But the reality of it is that we have budgeted Ksh30 billion for that alone. Therefore, very little has been left for major infrastructural development. All the more reason why the “haircut” was applied to all arms and levels of Government. That is why the equitable share fell from Ksh400 billion to the current Ksh380 billion. However, in this Budget, it is Ksh410 billion, because there is a carry-over of Ksh30 billion from last year, which we could also not realise through the revenue-raising measures.

Lastly, on the recommendation of the Departmental Committee on Budget and Appropriations, the wisdom of the Committee’s Members was that when we budget for money and there is a shortfall of revenue...

**The Temporary Speaker** (Hon. Farah Maalim): Give him addition of two minutes, being the Chairman of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I was concluding by saying that in the Report of the Budget and Appropriations Committee, we had indicated in a clause that in case we budget for those monies and, by the close of the year the country does not realise those monies, the two levels of government were to share the shortfall proportionately. We can budget to have revenues of Ksh2 trillion but what would happen by all means if the country only raises only Ksh1 trillion? We are obligated, upon passing the Division of Revenue Bill, to give to the county governments the stipulated amount. What if our revenue-raising measures are so drastically down that they undermine even other areas like salaries? That is why in the context of the Committee, we thought of safeguarding the 15 per cent in terms of shortfall but, any shortfall over and above the 15 per cent, the two levels of government will share proportionately.

I thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Kisauni, Hon. Bedzimba, proceed.

**Hon. Rashid Bedzimba** (Kisauni, ODM): Ahsante Mhe. Spika wa Muda kwa kunipa fursa kuweza kuchangia huu Mswada wa Nyongeza ya Fedha kwa serikali za ugatuzi. Nimesimama kukubaliana na Kamati ya Bajeti kwa hali ilivyo sasa katika taifa kushindwa kupeleka fedha hizo katika serikali za ugatuzi. Ingawa kwa sasa naweza kukubaliana kwa vile hali ni ngumu kidogo, lakini wakati hali itakuwa nzuri ni vyema fedha zishuke kule mashinani kwa sababu serikali za ugatuzi zinapopata fedha, mambo mengi huendelea katika sehemu tofauti katika taifa. Hata sasa mabadiliko yale ambayo yako katika taifa ni kulingana na serikali za ugatuzi. Wakati wa zamani, fedha zote ziliwekwa katika hazina ya Serikali kuu na ilikuwa vigumu sana fedha hizo kufika mashinani. Hii ndiyo sababu unapata kwamba sehemu nyingine za nchi hii ziko nyuma na nyingine ziko mbele. Kwa hivyo, inafaa wakati mambo yako shwari, fedha zaidi zipelekwe mashinani. Ikiwezekana, Seneti ingekaa na kuhakikisha kwamba hizo fedha za nyongeza zimetengewa wawakilishi wa wadi ili ziwasaide kufanya maendeleo kule mashinani. Wabunge wanapopeleka fedha mashinani kupitia NG-CDF, wawakilishi wa wadi

pia wapewe fedha wafanye miradi pamoja na serikali za ugatuzi ili watu wetu waweze kuendelea haraka na sehemu zilizobaki nyumba ziweze kuendelea kwa kasi.

Hivi sasa, hali ya uchumi ni ngumu sana lakini itakapokuwa sawa, ni muhimu fedha zaidi zifike mashinani. Utulivu ulioko katika taifa umeletwa na serikali za ugatuzi. Angalau watu wanapata vibarua. Mpango wa kazi kwa vijana unatoa ajira kwa miezi miwili au mitatu, na vijana wanajisaidia. Vijana wanapokosa fedha, mambo yote yanakuwa magumu. Katika Serikali kuu, tatizo ni kwamba mambo mengi hufanywa kwa msingi wa ukabila na kuleta hali ya sintofahamu. Nimesimama hapa kusema kwamba tukubaliana kwamba hivi sasa hakuna fedha. Wale watakaochaguliwa kukaa chini baina ya Seneti na Bunge la Taifa wazungumze wakifahamu kwamba hivi sasa, hali ni ngumu. Hali itakapoanza kuwa nzuri, wapeleke fedha zaidi mashinani kusaidia ugatuzi. Hivyo basi, fedha zaidi zitawafikie wawakilishi wa wadi ndiyo nao waweze kuwa na hazina ya kujenga barabara, kuendeleza *Early Childhood Education* (ECD), kupeleka madawati, na kusaidia kulipa karo ili watu wetu wafaidike.

Magavana wasiwe na wivu na fedha za NG-CDF ama za NGAAF za akina mama. Pesa zote zinazokwenda mashinani zinawasaidia watu wetu kufukuza umaskini. Magavana wakome kupiga hazina ambazo zinasaidia kujenga barabara na kadhalika. Wabunge, magavana na wawakilishi wa wadi wafanye kazi pamoja kuwasaidia watu mashinani. Kwa sasa, nimekubaliana lakini hali ya kifedha itakapoimarika, fedha za ziada zifikishwe mashinani.

Ahsante sana, Mhe. Spika wa Muda kwa kunipa nafasi hii.

**The Temporary Speaker** (Hon. Farah Maalim): Is Hon. Eve Obara in the House? Please, proceed.

**Hon. Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to also contribute to this debate. I want to reject the amendments.

In 2010, we came up with our constitution as the people of Kenya. The intention of establishing the two levels of government was to take services closer to the people. The sectors that affect our people most are water and roads. Those sectors have been devolved to the county government level as others remained at the national level. This is, indeed, the best thing that has happened in this country. Unfortunately, as we move on, we realise that, at the county level, there are serious gaps, particularly in terms of the utilisation of resources to benefit the people. I mean not in all counties, but in some.

If you compare the impact of the money that has been given to the county governments over the years with what has been given to the constituencies through the National Government Affirmative Action Fund (NGAAF) and the National Government Constituencies Development Fund (NG-CDF), the development that is visible on the ground is that which has been done through those two devolved funds. This is because the NG-CDF and the NGAAF are focused on the areas of greatest needs to the people at the constituency and ward levels. As we seek to raise revenues through taxation based on our projections, we either meet our targets or we do not. When we fail to meet our revenue targets and end up with budgetary shortfalls, the expectation would be that people would be able to adjust their expenditure and work with the available resources. I am surprised that this has not been obvious to many people within the county governments to the extent that the Senate has come up with this amendment, thus demanding an allocation of extra funds that are not available to be shared amongst the counties across the country. Therefore, as I said earlier, these amendments must be rejected. The county governments must be advised to live within their means. They should use the money that has been allocated to them prudently.

The county governments have structured themselves as a replica of what is in the national government, and that cannot work. They have very many employees. They have chief officers, ministers, directors and all manner of officers. We do not need some of those officers at that level. In our previous dispensation, as a country, we used to have mayors and



chairpersons of county councils who had very limited resources, but we never had the challenge of pending bills, unpaid salaries and other unmet financial obligations. I commend the few governors who have done well. One of them is my governor. I can tell this House without fear of contradiction that we have been able to raise our revenues from a paltry Ksh130 million to about Ksh1 billion within a year. It is possible. It is about time we sanctioned governors who do not meet their targets because they have no reason not to meet those targets. I want the audit function to be strengthened within the county governments because I believe there is a lot of wastage. Money is not being managed properly in some counties.

With those remarks, I reject the amendments.

**The Temporary Speaker** (Hon. Farah Maalim): Is the Member for Turkana East in the House? Hon. Ng'ikor.

**Hon. Nicholas Ng'ikor** (Turkana East, JP): Thank you, Hon. Temporary Speaker, for giving me this chance to reject the Senate Amendments to the Division of Revenue (Amendment) Bill. We all support devolution. We do not understand why senators have failed to play their role of ensuring that there is no misuse of money that is meant for devolution. They have just taken another route of looking for ways of getting more money for the counties and yet, the monies that have been allocated to counties so far have not been properly accounted for. There are so many cases of corruption in our counties. These issues have been brought to the Senate, but we have not witnessed a single case that has been handled satisfactorily. The senators have been misleading Kenyans that they are protecting devolution but, in actual sense, they are killing devolution by not playing their oversight role.

The Senate Amendments to the Division of Revenue (Amendment) Bill is not the way to go. It looks like the senators do not understand how this country is doing in terms of the economy that is supposed to support this Amendment Bill. We have to reject these amendments. The two Houses should agree on the right ways of funding the counties. The senators should protect the money that has already been sent to the counties, instead of supporting governors to fight this House when it comes to building roads through the Kenya Rural Roads Authority (KeRRA) and NG-CDF. Those are national Government functions. It is this House which is mandated to allocate resources to the various Government departments, including the counties. The money that is spent by KeRRA and NG-CDF on roads go to the same counties. The funds are from the national Government. Why are governors fighting that money and yet, it goes straight to their counties? In fact, it goes down to the villages unlike the money that is shared amongst the counties, which is concentrated at the county headquarters. Devolved funds should trickle down to the village level, just like NG-CDF and KeRRA funds for roads. It is time for us to tell the senators the truth. They should not continue misleading Kenyans in the name of protecting devolution.

The senators must perform their role of protecting devolution by implementing the recommendations of the Auditor-General. Several reports have come to the Senate, but they have never acted on them. It is not right for them to continue facilitating a fight between this House and the Senate. They need to be told what they are supposed to do. They need to work for the benefit of Kenyans, instead of facilitating fights between us and them.

With those remarks, I reject the Senate Amendments to the Division of Revenue (Amendment) Bill.

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

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

At the outset, let me say that I support the Committee's recommendation that we reject this proposal from the Senate. We must be alive to the fact that there was a deduction in the Budget because of the fall of the Finance Bill, 2024. It is time the counties re-engineered mechanisms to raise their own revenues. In this country, we have every reason to find ways of

reducing our expenditures rather than imagine that we can have a big budget that we cannot even fund on our own.

The counties are supposed to be agents of greater development. However, nowadays, every story of pending bills is domiciled in the counties. Their wage bills balloon every now and then because of employees who are politically assimilated into the county governments. We have huge wage bills in the counties. Instead of endeavouring to reduce their wage bills, most counties have accommodated so many people and, for that reason, they want an increase in the revenue that has been allocated to them by the national Government.

In its wisdom, this House, as per the recommendation by the Budget and Appropriations Committee, reduced the county allocation from Ksh400 billion to Ksh380 billion as a way of trying to live within our means. However, our colleagues in the Senate do not clearly understand that.

With those remarks, I support the recommendation of the Budget and Appropriations Committee to reject the proposed amendments from the Senate.

**The Temporary Speaker** (Hon. Farah Maalim): Next is the Member for Endebess, who will be followed by the Member for Rangwe.

*(Hon. (Dr) Robert Pukose spoke off the record)*

Why is your name on my screen if you have spoken? Let us have Hon. (Dr) Gogo Lilian.

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to put the voice of the people of Rangwe to the idea of rejecting the proposed amendments by the Senate, and accept what the Committee has done. More often than not, people do not realise that the Committee does a lot of work and that whatever recommendations goes into its report are informed by research. They are recommendations that are well thought-out and balanced.

I want to echo the sentiments of the Leader of the Majority Party and the Chairman of the Budget and Appropriations Committee that there were reductions on the revenues that were expected to be collected through taxation. When the Finance Bill of 2024 was rejected, there arose the need for budget adjustments. The adjustments had to be done. Proposals to that effect were brought to the House through a revised Bill, and we passed it. In the same manner, we want to urge our brothers and sisters who are managing the devolved systems to also adjust their budgets.

I want to thank the governors who are doing well. The main intention of leadership at any given time is service delivery to the people. There are governors who are doing quite a good job on the ground. I want to speak about my own Governor of Homa Bay, Hon. (Dr) Gladys Atieno Nyasuna Wanga. She is doing a good job. She is going out of her way to collect revenue within the county so that she can finance her programmes. I want to urge our devolved governments to ensure that the hospital systems are taken care of. Water must still be taken care of. We must involve our people in increasing food security. That can only be done at the devolved level, because agriculture is a devolved function. I want to thank my own Governor because for the first time in Homa Bay County, I have seen all village schools get Early Childhood Development and Education (ECDE) classrooms. The Governor has gone out of her way to construct, at least, one ECD classroom in every neighbourhood. This work has been ongoing whether there are limitations of funds or not.

When we have limited resources, we live as such. We also have to live within our means. I know it is difficult for the citizenry and the people who have to wake up to hustle and get money. More often than not, the Government supports businesses. Most money for business people comes from the Government. Life becomes very difficult for business people out there

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when the Government is unable to raise resources. However, appreciate the efforts the Government is making. Even yesterday, there was a decrease in prices of fuel products. They tried to lower the fuel prices. That means there is goodwill. The national Government is making efforts where it can do something.

Therefore, I request our devolved counterparts to innovate ways and means of raising revenue locally and, at the same time, prioritise areas they want to make functional with the limited resources that are given to them by the national Government. They should not forget the healthcare system and water because these are very necessary functions for the citizenry's development.

With those remarks, I support the Report of the Committee.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Esther Passaris.

**Hon. Esther Passaris** (Nairobi County, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the Motion on the consideration of the Senate Amendments to the Division of Revenue (Amendment) Bill, (National Assembly Bill No.38 of 2024), that was brought by the Chairperson of the Budget and Appropriations Committee.

When he coined the word 'devolution', my party leader – who is, hopefully, the incoming Chair of the African Union Commission (AUC), had the notion that every part of Kenya should feel it is in Kenya. There was a time when people from the North Eastern region used to say that they were going to Kenya whenever they travelled to Nairobi. It is because their areas were neglected in terms of development. Devolution has seen money going to almost every part of this country. The thing is the results. We have seen many wealthy people coming out of county governments. However, we have not seen equal results in the populace. We have not seen a growing middle class. We have not seen infrastructure to support the people of this country that has been put in place.

Even as the Senate brings proposals to the National Assembly asking for the county governments' rightful share, the Senate should appreciate that their rightful share can only be given if the country is doing very well financially. Because of what happened to the Finance Bill of 2024, we do not have the right amount of revenue that is needed right now. The vision of the President to ensure that this country becomes debt-free is one of the best ways to ensure that we end up with more money going to devolution. We will save Ksh1 trillion annually once we reduce the debt that is owed by Kenya. That money can be used to do so much for this country. What the Senate is asking for the counties is an additional Ksh20 billion. That gap can be filled just by the Senate doing its job of ensuring that the county governments operate efficiently and enhance the collection of their own revenues locally.

There is much money that is being siphoned out of the county governments. The Senate is meddling in the affairs of the National Assembly, instead of focusing on county governments. I saw them summon Adani in the recent past. What they did was not work for the Senate. They are just creating drama. I think they are not focussing on the job they are mandated to do. Their job is to ensure that devolution works. Devolution is not working in the manner it should. If we have to give devolution a scorecard, I do not think we can give it even 50 per cent. Why? They are not improving on revenue collection. They are not improving on dealing with corruption.

Right now, this country is crippled because of the failures of devolution. The growth of pending bills in the county governments is becoming a shame. We have Kenyans out there who have supplied goods and services to county governments, but they have not been paid for the last three terms that the county governments have been in existence. The county governments say that they need to form committees to look at whether they owe any money. It is becoming really sad. Kenyans are financing the operations of county governments by providing goods and services, but they are not being paid.

The Senate has a lot of work to do. They should sit down and deal with the pending bills issue. The county governments should make sure that they allocate money for settling those bills, instead of looking for Ksh20 billion from the national Government when they know that it has programmes that are aimed at benefitting all the counties. Every county will benefit when we come up with Export Processing Zones (EPZs) across the country. It is going to create jobs and opportunities. Instead of the county governments working on their revenue collection to ensure that they do not strain the national revenue kitty, they are sitting pretty and asking for what they call their rightful share. The counties demand for money without caring that revenue collection at the national level is dwindling.

I support the fact that the National Assembly should reject the amendments to the Division of Revenue (Amendment) Bill that have been brought by the Senate. The Senate should be directed to do its job of ensuring that county governments up their revenues at the county-level, provide the services that are needed, curb corruption and pay their pending bills so that we can get this economy moving.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Naomi Waqo, do you still want to contribute on this Motion?

*(Hon. Naomi Waqo gestured in the negative)*

Hon. Members, there being no more interest on this Motion, I call upon the Mover to reply?

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker. I appreciate all the Members who have contributed to this very important Motion. They include my Committee Chair, Hon. Ndindi Nyoro.

Listening to the Members who contributed to this Motion, it is very clear that we are sending a message to the senators that, the collapse of the Finance Bill of 2024 occasioned the shortage we are suffering. The county governments are not bearing the burden alone. The whole country is bearing the burden, because of the shortage that arose as a result of the withdrawal of the Finance Bill of 2024. All Ministries, Departments and Agencies (MDAs) had to cut their budgets. They had to sit down and rearrange their budgets to accommodate the little revenues because the anticipated revenue collection of Ksh346 billion was not tenable. All of us needed to adjust our budgets. For the county governments, the request is that you drop down from the agreed Ksh400 billion to Ksh380 billion. It is very reasonable because all the other departments have dropped down because of insufficient revenues.

Secondly, Members have also raised concerns with respect to accountability. How accountable are you when you are pushing for more funds? Members have spoken about the aspects of efficiency. There are so many loopholes. How are you managing the few resources that are allocated to the county governments? How are you dealing with corruption in the county governments? How efficiently are you administering the few resources that you have?

Hon. Temporary Speaker, Members have also raised concerns with respect to raising additional revenue or own-source revenue by county governments. We have commended county governments like that of Homa Bay for the tremendous improvement in revenue collection. Whereas they are pushing for additional funds, we are saying it is impossible for now because this is an extra-ordinary year. We have had to go through very difficult times. We know difficult times call for difficult decisions.

Hon. Temporary Speaker, we have to live within our means. Kenyans have spoken. We cannot add more taxes. We cannot borrow more because doing so would mean coming up with more revenue-raising measures to pay the loans, give additional funds to the county governments and State departments. Therefore, I commend Members for their contributions.

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Among the concerns that Members have raised is that governors should prioritise the payment of pending bills. The Senate should come up with ways and means to ensure that county governments pay their pending bills. Contractors should be paid. No one wants to work with the county governments any more. As we speak, many contractors are shying away from working with the county governments because they are not paid. The county governments need to shape up. They need to pay their bills and increase their revenue collection. They also need to take up the proposal that was given by this House.

Before the First Supplementary Budget, we had a mediation. We had proposed Ksh391 billion, while the Senate had proposed Ksh415 billion. We arrived to a middle ground of Ksh400 billion. However, we cannot give the county governments Ksh400 billion right now because we are unable to raise enough revenue. They have to take Ksh380 billion.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the Question on this matter will be put at an appropriate time. I direct it to be put on the Order Paper sometime in the future.

*(Putting of the Question deferred)*

Hon. Members, I have to re-arrange the business on the Order Paper again. Initially, I intended to have the Kenya National Library Service Bill, (National Assembly Bill No.20 of 2023) now, but I do not see the Chairperson of that Committee. So, we cannot resume debate on this Bill. Therefore, I direct that we move to Order No.11.

## MOTION

SENATE AMENDMENTS TO THE FOOD AND FEED  
SAFETY CONTROL CO-ORDINATION BILL  
National Assembly Bill No.21 of 2023

**The Temporary Speaker** (Hon. Farah Maalim): Leader of the Majority Party, you are supposed to move this Motion.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Temporary Speaker, I beg to move:

THAT, the Senate amendments to the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No.21 of 2023), be now considered.

I thank the Departmental Committee on Agriculture and Livestock for its consideration of the Senate Amendments to the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No.21 of 2023), which was passed by the National Assembly on 23<sup>rd</sup> August 2023 and submitted to the Senate, pursuant to the provisions of Standing Order No.142.

As Members may be aware, the principal object of this Bill is to provide for the coordination of public institutions in the control of food and feed safety, establish the office of the Food Safety Controller and provide for the role of county governments in food and feed safety. It also seeks to ensure that there is supply of safe food and feed to consumers. This being a critical function of both the national Government and county governments, it will ensure fulfilment of consumer protection.

Hon. Temporary Speaker, Clause 3 of the Bill outlines the Bill's objectives as follows:

- (a) To effectively coordinate the performance of the functions of the competent authorities.
- (b) To enhance accountability in the implementation of official control.

It is also very critical that food safety be assured by protecting the food supply chain from all types of hazards that may occur during all the stages of food production. This also includes growing, harvesting, processing, transporting, retailing, distributing, preparing, storing and even consumption. To this end, all measures must be put in place to ensure that food will not cause harm to the consumer, while it is prepared or eaten according to its intended use. This is central to consumer safety and public health. This is where Hon. Pukose and his Committee comes in. They are in charge of food security and key to facilitation of local and international trade.

Clause 22 of the Senate amendment proposes an amendment to Clause 22(2) by deleting the words ‘conduct risk management’ that appear immediately after the words ‘the Controller may’, and substituting therefor the words “advise on the appropriate risk management measures.” Analysis of the Senate amendment in Clause 22 is that the amendment proposed seeks to amend the function of the Controller from conducting risk management to advise on the appropriate risk management measures. This is with regards to where the Controller conducts a risk assessment in relation to food and feed hazards and discovers an overlap in the functions.

The Departmental Committee on Agriculture and Livestock observes and agrees that the Controller may not have the competence to conduct the necessary risk management. Therefore, the proposal by the Senate for the Controller to advise on the appropriate risk management measures makes sense as the advice can be used by the relevant competent authority to mitigate the risk.

There is also a proposal to amend Clause 25 in sub-clause 3 by inserting the following new sub-clause—

‘3A. On receipt of report under subsection 3(b), the governor shall submit the report to the respective county assembly.’

This proposal intends to allow county governors to submit their annual reports on the state of food and feed safety in the counties to the respective county assemblies. When the Departmental Committee on Agriculture and Livestock looked at this proposal, they agreed and said that submitting the annual report on the state of the food and feed safety to county assemblies increases oversight to the sector - which is a good thing - given that it is a very critical function. Additionally, the reports are submitted to Parliament. Therefore, it makes sense for them to be submitted to county assemblies because the data is collected from counties.

There is also the Senate amendment to the First Schedule of the Bill. It is amended by inserting the following new items immediately after item No.3—

3A. Each county government department dealing with matters relating to agriculture.

3B. Each county government department dealing with matters relating to health.

The amendment seeks to include each county department dealing in health and agriculture matters in the list of competent authorities. This was rejected by this relevant Committee because the competent authorities at the county level are not recognised internationally. A county authority that is formed within the county cannot be used as an authority to be recognised internationally. The competent authorities that are proposed by the Senate report to the competent authorities that are listed in the First Schedule of the Bill. Therefore, it makes no sense to include them in the list.

In conclusion, I read the Committee’s Report and appreciated the captured observations. I urge the House to agree with the Senate amendments to Clauses 22 and 25 of the Bill, and reject the Senate amendment to the First Schedule of the Bill. I am also getting new development from Hon. Pukose, who will second this Motion. This will also be reviewed, as we proceed.

However, we urge Hon. Members, to adopt the recommendations as they are in line with the realisation of Articles 43(1)(c) and 46(1)(c) of the Constitution of Kenya.

Therefore, Hon. Temporary Speaker, I beg to move.

I request Hon. Pukose to second.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker. I second the Report as tabled by the Majority Whip. When we talk about competent authorities, we are talking about Kenya National Bureau of Statistics (KNBS) and the Kenya Bureau of Standards (KEBS). Those are competent authorities which have the power to competently give a report. I think it is misleading to say the Health and Agriculture committees of the county be included in the schedule for competent authorities since they do not have that capacity as competent authorities.

Hon. Temporary Speaker, we agree with the other two amendments. When the Food and Feed Safety Control Co-ordination Bill appeared before the National Assembly, we, the Departmental Committee on Health and the Departmental Committee on Agriculture and Livestock dealt with it together. Matters feed and food affect both agriculture and health. We are talking of food from the farm to the table and to the folk. Therefore, the handling of that food is both a public health and an agricultural concern. When the food is being prepared in the farm, you must use proper herbicides. When you are cleaning, you must make sure that the food is cleaned and packaged properly before it can be taken to the market.

Occasionally, when you travel, you see lorries along the road carrying cabbages that are just hanging with a lot of dust flowing into them. That is not a proper way of handling food. When you go to the butchery, you occasionally see butchers carrying meat on their backs. That is not the way it should be done. I think this Bill will enforce hygiene and proper measures through which we can have both self-control and regulations that can guide us on how to handle food, animal feeds and other related products.

On the last amendment by the Senate, which we disagree with, I think both the Departmental Committee on Agriculture and Livestock and the Departmental Committee on Health will be able to mediate. We will form a mediation committee to iron that out so that the senators can understand what we mean by competent authority. A committee on health or agriculture is not what we mean by competent authority.

With those few remarks, I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Lilian Gogo.

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): Thank you, Hon. Temporary Speaker, for allowing me to speak on this matter of food safety.

By dint of my training, I am a food scientist. When it comes to matters of food safety, I am more than glad that you have given me an opportunity to speak in the area that is so close to my heart. Other than representing the great people of Rangwe Constituency, I was trained as a food scientist and I have a Doctor of Philosophy Degree in Food Science.

I rise to reject the proposals by the Senate. As it has already been said by Hon. Chairman of the Departmental Committee on Health, it is important that a middle ground is reached. Conducting food safety risk management systems is very important and essential to a governance system.

Hon. Temporary Speaker, we have had issues with school children getting food poisoning from the point where they eat. We should mitigate those risks. It is on record that we have had issues with food poisoning in our hospitals. We have also had issues with food poisoning from the food that is vended around. It is to the great importance of this nation, that matters food safety are taken seriously. It makes me sad that our universities continue to train young people

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in the discipline of food science and related fields. However, they are not absorbed to be used. Their knowledge is not used and utilized at the correct place.

The very concept of food safety should rise from farm to fork. We do not often use the fork. Therefore, it is from farm to hand and to the mouth, that we should have safety of our food taken care of at the farm level. This includes: The type of pesticides that we use in stimulating those foods to get into maturity. The type of agricultural systems that we use, the mode of transportation and labelling of the contents of the food, especially for those who have some types of allergies for certain food products. Food science and the area of food safety is a very technical area. As I speak, there are thousands of trained food scientists. They have done the chemistry, mathematics, engineering and literature of food. They have done everything to do with farming and farming systems. They have looked at post-harvest technology and the processing of food. How we would use excessive food in the time of glut to make fermented food products. They have done shelf-life testing of food though we still talk of unsafe foods in our systems.

I urge both the national and county governments to ensure that on matters concerning food safety, since agriculture is devolved, they engage food scientists. There are many of them that can help. We have trained agriculture extension services experts. I know that their numbers are in thousands, but they are jobless. At a time when the young people are getting interested in doing agriculture, they need to be assisted so that the kind of agriculture they practice provide us with safe food. We should be able to trace where the food has come from. We can know the kind of farming system that has been used to get the food and the cleanliness of the market.

I want to thank the Governor of Homa Bay County for building a fish market. Fish is a staple food in Homa Bay. They have built a nice fish market. This ensures that from the point of inception, that is, from the lake, it is traceable on how it is done, processed, fried, up to the point it ends up on the plate of the consumer. There are changes, but we need a middle ground. We need to discuss it amicably so that the recommendations of the Senate are looked into but, at the same time, we objectively dispense of this Bill into law.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Esther Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to the Senate amendments to the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No.21 of 2023). We are what we eat. Are we eating to live or to die? If we do not address the way we distribute, handle and grow our food, then we are obviously not doing the right thing for the citizens. We are eating all the time. We start off with breakfast, then 10.00 O'clock tea, lunch, 4.00 O'clock tea, dinner, midnight snacks and then morning glory. We are eating, but are we eating to live? Whether we are eating to live depends on how we handle our food. It is such a shame that we have traceability of our exports, from wherever they were grown, all the way to when they reach their destination in Europe. But when it comes to our markets, like when you go to Ukulima Market, you cannot tell where the *sukuma wiki* came from. It could have been grown on a sewer just down the road. We, therefore, have a problem in how we handle our food.

I think we also need definitions of food and feed. I believe this amendment Bill by the Senate has addressed key definitions that are necessary. The Chairperson of the Departmental Committee on Health talked about the transportation of food. If we transport the food and it is containing a lot of pollution on its way to its destination - the market - then, obviously, what the consumer will get will not be healthy and will not serve them well. While we talk about food, we have to understand that the key components in our food is the fertilisers that we use, minerals that we restore in our soils, the fortification that we put, and the water we use to cook the food. That should never be left out. You can have an amazing cabbage, but if the water is contaminated, the cabbage will not serve the person. Today, we are told that half of the cancers



that we have in this world are food-related. We should start managing how we grow and fertilise our agricultural products, and how we transport, cook and store our food.

Food can also be stored and, at the same time, become an asset for tomorrow. We have not reached that point where we can store our food in a hygienic manner. We store our maize and end up with aflatoxins. As a country in the devolved system, we need to ensure that we look into food because it is a big part of our economy, well-being, and health. If we manage our food in terms of security, transportation, traceability, how we grow it, how we cook it, how we transport it and how we consume it... There is also a lot of science that talks about the order in which you eat your food.

There is a lot that can be done in terms of food and nutrition. I support because every step in the right direction might not give us everything that we want. I believe the Senate and the National Assembly can sit together, form a committee and address it. We need proper legislation when it comes to how we handle, grow, transport and serve our food. While we are looking at food, we also have to make sure that our water is clean and not contaminated. If it is contaminated, the food can be good, but we end up back to square one.

I support. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): We do not have any other interest in this. I will have to call upon the... Yes, Hon. Member of Parliament for Molo Constituency.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute to the Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No.21 of 2023). This Bill provides several provisions, one being providing a regulatory framework in which it establishes a comprehensive system to regulate food and safety that covers all aspects of the food chain, from production all the way to consumption. This Bill also provides for a Food and Feed Safety Authority. This will be an authority that is mandated to do inspections, enforcements, and setting of standards for the quality of food.

This Bill also provides for safety standards, licensing and registration and, most importantly, inspection and enforcement. This Bill is very critical for consumer protection. The Bill emphasises the protection of consumers by ensuring that food and feed products in the market are safe and of high quality. This includes the provisions for proper labelling to provide consumers with adequate information about the products they purchase.

At a time when there has been a lot of uptakes of processed foods, it is very important that those foods are clearly labelled to show their contents, whether they are carbohydrates or proteins and all those other nutrients, so that we can ensure that our population is fed not just on the right foods, but also on the correct quantities of the particular nutrients that should be served on the foods. It is not just food for human consumption, but also for feeds. As a poultry and a dairy farmer, one of the challenges is getting the correct quality of feeds. You are sold feeds that are supposed to increase milk production because of a particular content that they are supposed to have, like the protein content, only for you to feed your cows and realise that the production is not even improving. The content that is said to be in those feeds is false.

In poultry farming, when the chicks are small, they are fed a particular diet of food. As they grow into six weeks, you change the diet for them. When they start laying, their diet is different. If you are producing either laying chicken or broilers, the diet is different. Therefore, it is very important that we have an authority that checks the quality of that, so that our farmers can be certain that the feeds they give to their animals have the right quality.

If this Bill is passed into law, it will strengthen Kenya's food safety management systems, and will provide a legal foundation for ensuring that food and feed products meet international safety standards. This would benefit consumers, businesses, and also Kenya's position in global agriculture. There has been a global push to have, not just countries being in a position to produce food for their population, but also for the quality of food.

If you check especially in our slums, you find stunted growth in our children. This stunted growth is because the food they eat does not contain the required level of nutrients for their growth. In those slums, you also find more prevalence of diseases because the immunity of those people is low. The quotient of the food they feed on is not checked, and the ingredients listed as the content in that product, like the amount of fat or protein, are not accurate.

I, therefore, congratulate the Senate for this Bill. I support it and the good work that has been done by the Committee on this. I hope we will not only produce enough food for our people and our animals, but we will also ensure that we have quality food for our people.

With that, I beg to support.

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

**Hon. Sabina Chege** (Nominated, Jubilee): Thank you Hon. Temporary Speaker, for giving me the opportunity to contribute to this Bill.

First and foremost, I want to really thank the Chairperson. It has been quite a journey with this Bill. The Bill was brought by Hon. (Dr) Robert Pukose in the 11<sup>th</sup> Parliament. In the 12<sup>th</sup> Parliament, when I was the Chairperson of the Departmental Committee on Health, we handled the Bill and we could not get consensus between the Ministry of Health and the Ministry of Agriculture.

Together with Hon. (Dr) Robert Pukose, we went for benchmarking in the USA to see how food is regulated for the benefit of consumers. We saw how the Food and Drug Authority regulate their food products. I am happy that this Bill has finally reached this level, and I support it fully. Kenya is the only country which allows its people to feed their animals with different products that may be harmful to the consumers.

Finally, we are dealing with diseases such as cancer and we are not sure of their cause or how to handle it. When food is mishandled and its labelling is not done properly, it then becomes a problem. We have instances where different products have been labelled organic and yet they are not. We have cases of diabetes and obesity in this country. Kenyans, therefore, need to know what they are feeding on, and the percentage of every nutrient that is in the products that they are consuming without being lied to. This is also important to the people who need to cut weight. There are many products that are being sold with all sorts of names and promises but, at the end of the day, nobody is accountable.

It is important for the Ministry of Agriculture and Livestock Development to regulate what is being fed to our animals. When in the USA, we visited one of the poultry farms and we saw how eggs are handled before they are released into the market. There are some standards that must be adhered to in relation to what you feed your livestock on. Sometimes, our farmers give cows some medications and thereafter, take their products like milk to the market which would, in turn, become harmful to the consumers.

I support this Bill, and I am hoping that with these kinds of regulations, we will have a reduction of diseases and we would be able to save more lives. Above all, we would also cut on the health budget because if you consume something that is not good, you will end up being sick and you would need to go to the hospital, which is very expensive because we will be paying from our pockets or through the different initiatives that the Government offers.

Hon. Robert Pukose, I am very happy today and grateful that this Bill has got to this level.

I support. Thank you.

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

**Hon. Rashid Bedzimba** (Kisauni, ODM): Ahsante sana Naibu Spika wa Muda kwa kunipatia fursa ya kuchangia ubora wa chakula ama ulinzi wa chakula bora mpaka ufikie mnunuzi.

Ni muhimu kuwe na taratibu ya vipi tutalinda chakula kuanzia pale shambani kwa hali ya ubora mpaka ifike sokoni, mahali ambapo kuna ununuzi unayofanywa kwa mazingira mazuri.

Taifa ambalo liko na nguvu au liko na maendeleo ni lile ambalo watu wake wako na afya. Mara nyingi, afya hutokana na matumizi ya vyakula ambavyo wanavitumia na haswa, upandaji kuanzia shambani hadi sokoni.

Mheshimiwa Spika wa Muda, taifa letu sasa limekumbwa na maradhi ya saratani. Kumekuwa na kesi nyingi za saratani mpaka hata watoto wadogo wako na saratani. Kwa sababu ya umaskini, watu wetu wengi wanapoteza maisha yao majumbani mwao kwa sababu hawana uwezo wa kwenda hospitali kutibiwa. Wale wanaokwenda ni wale wanaojiweza. Ukienda pale, inakuwa ni vigumu sana kupata matibabu kama huna fedha. Ijapokuwa hospitali ni za Serikali, bei ya matibabu ni ghali mpaka hata mtu haziwezi kulipa kama hana kazi au bima. Hivi sasa, idadi kubwa ya Wakenya hawana kazi na kwa hivyo, wanapopatwa na maradhi kama hayo, inakuwa hali ni nzito sana.

Kesi hizo nyingi za saratani zinachangiwa na ukuzaji wa bidhaa. Katika taifa letu, tuko na Shirika la Viwango. Shirika hilo limelala na halijui kile linalokifanya. Hii ni kwa sababu mara nyingi wanatangaza kuwa tumetumia sumu wakati wananchi wameshaitumia. Wanatuelezea kuwa tumekula sukari ya sumu, na vyakula vibaya, au tumetumia mafuta ambayo hayafai, ilhali kazi yao ni kuzuia kutoka mwanzo mwananchi wa kawaida asifikawe na bidhaa hizo zisizo salama kwa matumizi ya binadamu. Hii ni kwa sababu mwananchi wa kawaida hawana uwezo wa kujua vile bidhaa wanavyonunua viko na usalama kiasi gani.

Nitakupa mfano, Mheshimiwa Spika wa Muda. Kuku wa gredi hupewa kemikali ili wazidi kufura. Vifurushi vya kemikali hizo vimeelezea kuwa baada ya kuku hao hupewa kemikali hizo, wasitumike kama chakula kwa siku kadhaa mpaka ile sumu itoke miilini mwao.

Lakini kwa sababu Shirika la Viwango halijali Wakenya, wale kuku wanaopewa zile dawa, kesho wanapatikana kwenye soko. Mtu anamnunua kuku amechomwa, anamla kisha inamdhuru baada ya masiku kadhaa. Anapopimwa wakati wa matibabu, anaambiwa kuwa anaogua saratani. Tayari taifa letu lina gharama kubwa ya kupeleka madawa hospitalini. Wangelizua gharama hiyo ikiwa wangeangalia sehemu ambapo nyama hiyo inatoka. Wangelichunguza ni mbolea gani inatumiwa na kwa kiasi gani. Wangelizingatia ubebaji wa nyama hiyo mpaka sokoni. Ikifika pale, je, kuna watu maalumu wanaozunguka kuangalia kama kweli bidhaa iliyokuja haitamdhuru mwananchi?

Kwa hivyo,, ni sawa kukiwa na utaratibu wa kuwalinda wananchi kwa sababu wanalipa ushuru wakitegemea kuwa Serikali ina Shirika la Viwango. Wao hawajui ni kitu gani kinachoendelea. Mboga zinazopandwa mashambani, zinanyunyiziwa kemikali fulani ambayo pia inatakikana kukaa kwa muda fulani. Kemikali hiyo inafanya jani liwe kubwa kwa haraka na wakati huo huo, mboga zinatolewa shambani na kupelekwa sokoni ambapo mwananchi wa kawaida anaenziwa. Unapata watoto wako na vitumbo vikubwa unafikiria kuwa wameshiba ilhali ni maradhi tu. Yote yanasababishwa na Shirika la Viwango katika Kenya.

Kwa hivyo, kama Shirika hilo halina wafanyikazi wa kutosha, waseme hivyo. Hawana *manpower* ya kutosha ili watembee katika mashamba kukagua mifugo wanapokamuliwa na kuhakikisha kuwa wanakamuliwa katika mazingira mazuri. Isiwe kuwa mifugo hao wanakamuliwa na watu wamejaa matope kisha maziwa hayo yanapelekwa mahali ambapo yanauzwa. Lazima kuwe na utaratibu wa kumlinda mwananchi ili awe na uhakika.

Hata watalii wakija hapa nchini na wakule vyakula bora, hiyo ni mojawapo ya njia za kuwavutia. Wanajua kuwa ukitaka kula vyakula bora, nenda Kenya. Lakini ikiwa hatutakuwa tumejipanga vizuri, basi mambo mengi yataharibika na maradhi yatakuwa mengi.

Kwa hivyo, Mheshimiwa Spika wa Muda, nimesimama...

**The Temporary Speaker** (Hon. Farah Maalim): Ikiwa unataka kuzungumza zaidi, naweza kukupatia dakika moja.

**Hon. Rashid Bedzimba** (Kisauni, ODM): Niko sawa.

**The Temporary Speaker** (Hon. Farah Maalim): Sawa. Huu ni wakati wa *the Mover* to reply.

*(Hon. (Dr) Robert Pukose spoke off the record)*

Mheshimiwa Pukose, kama Kiswahili kinakusumbua, usijilazimishe kukizungumza.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. I want to appreciate the Members for unanimously supporting the Motion on the Senate Amendments to the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No.21 of 2023). It is, indeed, an opportune time. The Motion could not have come at a better time.

We all agree that food safety is paramount and needs to be looked into not only by the national Government, but also by the county government. The county government is very close to the people within the jurisdictions and a particular jurisdiction. The county government, right from the governor himself, will have clear and adequate control over what happens and affects their people. Governors, like any other elected leaders, move around the counties to talk to the electorates and they know the needs of their people. They know the food their people take and it is important that they get involved entirely in the process of their safety. If you do not protect or prevent any risk, then you will be inviting some very serious calamities and for that reason, I beg to reply.

Thank you very much.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. The Question on this matter will be put at a later date. I direct that it be deferred to another date.

*(Putting of the Question deferred)*

Next Order.

## MOTION

### CONSIDERATION OF SENATE AMENDMENTS TO THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (National Assembly Bill No.2 of 2023)

The Chairperson, Select Committee on Delegated Legislation.

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, the Senate Amendments to the Statutory Instruments Amendment Bill, (National Assembly Bill No.2 of 2023), be now considered.

This Bill emanated from this House. It provides a very brief background about the Statutory Instruments Act; that the powers to delegate is derived from Article 96 of the Constitution. Sometimes, regulatory-making bodies make regulations and this House has been confronted by situations where regulations have been made by regulatory-making bodies, but they do not submit them to Parliament.

This Bill seeks to address some lacunas in the law of the Statutory Instrument Act, so that if a situation like that arises, there has to be some action that has to be taken by a resolution of the committee or the House. This Bill had only seven clauses by the time it left this House and transmitted to the Senate. Although the Senate has made a few amendments to the Bill, both the National Assembly and the Senate largely appear to agree. That is why the Committee

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on Delegated Legislation of the National Assembly, after considering the amendments that were made by the Senate on this Bill, is in total agreement and the Committee recommends that the Bill may be passed as amended by the Senate.

One of the amendments that the Senate brought in was that if the Committee discovers in any way that a regulatory-making body has already published regulations or any other statutory instrument which have not been brought before Parliament, then the Committee, through a resolution, may require the Cabinet Secretary to publish an annulment of those regulations within seven days and submit the published notice to Parliament. Initially, the National Assembly had thought that the Clerk ought to make a gazette notice, but the powers to publish regulations can only be done by the Cabinet Secretary. Therefore, on that one, the Committee recommends the approval of the Senate amendment.

There was also a deletion of Clause 3 by the Senate. The Committee on Delegated Legislation agreed to it because it was also repetitive of Clause 2.

The Senate proposes an amendment to Clause 5 which sought to amend Section 19 of the Act. The Senate proposes that where Parliament has adopted a report or a resolution that a statutory instrument be annulled, the instrument shall stand annulled, and the Clerk of the relevant House shall publish in the website and convey the resolution of the House to the statutory-making authority. Initially, the only report that was supposed to be made by the Clerk was the report of adoption. The statutory instrument was quiet on annulment. The public might have suffered before without knowing whether a certain statutory instrument that has been annulled by Parliament is in force or not. It is, therefore, very good for the public to know all the statutory instruments that have been annulled by Parliament.

Similarly, the Senate amended Clause 6 by deleting it, and I think it also touched on the same issue.

Finally, under Clause 7, the National Assembly had recommended a fine not exceeding Ksh500 as a penalty.

**The Temporary Speaker** (Hon. Farah Maalim): Ksh500,000 or Ksh500?

**Hon. Gichimu Githinji** (Gichugu, UDA): Ksh500,000. Sorry, Hon. Temporary Speaker. As a Committee, we agreed that owing to the times we are living in, there are some instances where the statutory instrument might require someone to pay a heavier penalty. The current statutory instrument requires a payment of only Ksh20,000. So, we had proposed to increase it to Ksh500,000, but the Senate thought that Ksh1 million will do better and will actually take us many years without amending the Statutory Instruments Act again. As a Committee, we agreed with the proposal to amend that clause. That marks the end of the amendments that were proposed by the Senate.

As a Committee, we recommend that the Bill be passed as amended by the Senate. I thank the Members of the Committee on Delegated Legislation and the staff for having looked into this matter twice; first, when it was before the National Assembly and the second time when it came back from the Senate for the consideration of their amendments. That was work well done.

With those many remarks, I beg to move and ask the Member of Parliament for South Mugirango, Hon. Osoro, to second.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker.

This is one of the Bills that has also found its way in this House quite timely. The question of subsidiary legislation has over the years been misused and abused because of that slight lacuna that really existed between several competing interests. One is given delegated power to come up with regulations and they imagine that because it does not really affect them directly, then it would not bother them that it would affect another person. So, the subsidiary element of power that is bestowed upon the very specific individuals who can come up with

the regulations and laws and direct people need to involve an authority. In this case, an authority that is fully mandated to review and make laws as per Article 95 and 96 of the Constitution is the bicameral Parliament of Kenya. It is very exciting to realise that the Senate noticed a lacuna that existed in the statutory instruments and pushed this amendment to us.

It is quite interesting to note that while approving the Senate amendments, the Committee has given very interesting proposals on the things that need to be re-looked into in future as far as this Statutory Instrument Bill is concerned. However, for now, this is a step in the right direction.

As the Committee has proposed, I request and move this House to consider the proposals by the Senate. This is the direction the Senate should be taking; that is, of coming up with very good proposals of Bills that we all can universally agree with without having to debate and fight over who should do what. We all agree that, at times, those subsidiary legislation powers are abused. There is no restitution channel where you can seek a review on amendments and give suggestions. The only people who are mandated to hear public opinion on any legal matter are Members of this House. For that reason, I beg to second.

*(Question proposed)*

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

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker. I want to support the Committee's recommendations on the Senate amendments to the Statutory Instruments (Amendment) Bill, (National Assembly Bill No.2 of 2023). I remember we debated it in this House and we agreed that we have institutions which have been gazetting their instruments without regard to this House. Parliament is the only organ that has the power to make any statutory instrument, which is a delegated power. Therefore, this is good. Many Kenyans and institutions have suffered. When a statutory instrument is published and the House annuls it, there is no way of knowing whether it has been annulled. Some of the statutory instruments are punitive. They continue being applied unknowingly by officers and yet, they are not anchored in any law. So, it is a good amendment Bill and the Senate has further improved it by proposing that the Cabinet Secretary will gazette the annulment so that people are aware that a subsidiary legislation has been annulled.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Farah Maalim): Order! Hon. Gogo. Okay, and who is that? Honourable who? Gogo.

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): Thank you so much, Hon. Temporary Speaker. I have come to speak about this matter that is very pertinent to this House and this nation. We are talking about legislation that is not done by this House. However, it is subordinate to the House, though it is still law. At the outset, I support.

More often than not, we need the National Assembly and the input of the Senate on what affects our counties. In this case, where the National Assembly leaves a gap, it is important that the Senate make its input. I agree with the input and amendments they have made. Bodies are supposed to make subordinate laws regarding the relevant authority of Parliament, either through committees, plenary or whatever channels. In making their subordinate laws, bodies should inform Parliament for purposes of record and knowledge. If they ignore related systems, the Senate has proposed that the fine be increased from Ksh20,000 to about Ksh1 million. One million is not Ksh2 shillings.

I think it is going to make this matter serious. It is important for us to make laws within the systems we run. Laws guard systems and bring order. They initiate development and propose sustainability. Whether delegated or made in the House substantively, the right

procedures must be followed. I thank Parliament because it is a House of order where, more often than not, things are done rightly. We should concur where we need to involve the Senate.

I support the Committee on this matter. I support the recommendations that have been made by the Senate. It is not a very long legislation. However, it is needed, especially because there was a lacuna in the relation between delegated legislation and substantive legislation that is made in the House. I urge the Senate and the National Assembly to work together for the benefit of the citizenry of the Republic of Kenya. I thank you for giving me the opportunity.

**The Temporary Speaker** (Hon. Farah Maalim): Next is the Member for Kesses. Give him the microphone.

**Hon. Julius Rutto** (Kesses, UDA): Thank you for this moment that you have accorded me to stand in support of this presentation by the relevant Committee.

We need to appreciate that there has been confusion in the implementation of specific legislations for quite some time and, more so, the regulations that have been coming up. Some quarters take the opportunity of gaps to implement, execute or pass regulations that end up causing conflicts in the society. We need to appreciate that laws are made for the people. The Senate should appreciate the role of the National Assembly in working together to establish proper legal framework systems. It will ensure that we have harmony in law-making so that the implementation does not cause confusion. I appreciate this. Henceforth, I ask that the two Houses work together. The Executive should appreciate the role of this House because it takes the needs of the people of Kenya and what affects them, into consideration.

I support.

**The Temporary Speaker** (Hon. Farah Maalim): Mover, please reply.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you. I thank Hon. Members who have made very valuable contributions to this Motion. Without belabouring the points, everything has been covered.

I beg to reply.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, I cannot put the Question on this matter.

*(Putting of the Question deferred)*

I direct that this Question be put at a convenient later date. For now, we have come to the end of our day.

## ADJOURNMENT

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 16<sup>th</sup> October 2024, at 9.30 a.m.

The House rose at 7.00 p.m.

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