



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

## THE HANSARD

Thursday, 6<sup>th</sup> November 2025

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Robert, where are your Whips?

*(Hon. Robert Mbui spoke off the record)*

You should have an idea. You are the leader. Hon. Millie, did you forget your whip at home?

Hon. Members, we now have a quorum to transact Business.

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Members on your feet, take your seats.

Hon. Members, I wish to introduce to you a delegation from the Federal Republic of Nigeria who are seated in the Speaker's Row. They are:

1. Dr Musa Adamu Aliyu, Chairman of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) – Leader of the Delegation;
2. Sen. Emmanuel Memga, Chairperson of the Senate Committee on Anti-Corruption & Financial Crimes; and
3. Hon. Kayode Moshhod Akiolu, Chairman of the House of Representatives Committee on Anti-Corruption Agencies.

*(Applause)*

The delegation is accompanied by three representatives from the Secretariat of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and two representatives from the Secretariat of the Ethics and Anti-Corruption Commission (EACC), who are seated in the Speaker's Gallery. They are in the country to gain practical insights on best practices and institutional standards in the investigation, prosecution, and oversight of corruption-related matters.

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

In the same breath, let me acknowledge, in the Public Gallery, Mr Samuel Thige, Lelit Primary School from Moiben, Baliach Legacy School from Soy in Uasin Gishu, and Kamera Central Primary School from Kitutu Masaba in Nyamira.

*(Applause)*

I have been requested that Hon. Phylis Bartoo be given one minute to welcome the students and all the others. Go ahead, Hon. Phylis.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Speaker, for this opportunity to welcome all the students from the various schools to Parliament. Particularly, I want to zero in on Moiben Lelit Comprehensive School. I welcome you to Parliament. I congratulate you on having successfully completed your exams. I hope that your experience in this House today will help you choose your career pathways from now henceforth. Welcome, feel at home and observe what happens in Parliament. *Karibuni sana*.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. When you gave Hon. Bartoo an opportunity to welcome visitors to the House, she failed to welcome the Members from Nigeria who are on a benchmarking mission. We welcome them to Kenya. I hope you do not give Hon. CNN a chance to welcome them. He is laughing because he is not sure whether one can benchmark in Kenya on corruption issues.

*(Laughter)*

However, I know there is a lot to benchmark in Kenya about anti-corruption issues. Coincidentally, one other thing that they can benchmark on, is that their delegation has no women. I hope that in future they can include a woman in the delegation. Although we welcome them in the House, we hope they will consider adding women to their delegation.

**Hon. Speaker:** I knew that was what you wanted to say.

*(Laughter)*

On the jibes by Hon. CNN, I want to tell you that a river is never appreciated until it dries up. Go out there, around the continent of Africa—I have been to every country on this continent — and you will realise how blessed Kenya is. It is now up to you, instead of being cynical, to fight the vices that can make Kenya better.

*(Hon. Millie Odhiambo-Mabona spoke off the record)*

Yes, Hon. Farah. You have a minute to contribute.

**Hon. Farah Maalim** (Dadaab, WDM): I also take this opportunity to welcome the distinguished delegation of Members of Parliament, a Member of the Senate, as well as members of the anti-corruption body in Nigeria, which has a different name from our Kenyan body. I shared a moment with them this morning. We exchanged a lot with them as the Departmental Committee on Justice and Legal Affairs (JLAC), together with our Chairman, Hon. Murugara. There is a lot that we learned from them, and they have a lot to also learn from us.

Nigeria is an economic power in West Africa. Kenya is the eminent economic power in East Africa. Therefore, there is a need for the two of us to have a lot of discussions and exchanges so that this continent goes on to become first world. I can see that my Chairman, Hon. Murugara, is very happy. Thank you. You are welcome to our country. Sample our beautiful park. This is the only city in the world that has a national park next to it. I am sure

Parliament will make arrangements for you to visit many other places, including our beautiful Coast, Mombasa. Coincidentally, we have a Leaders Retreat in Mombasa.

*(Hon. Millie Odhiambo-Mabona spoke off the record)*

*(Laughter)*

I hope you will also participate in the retreat. Thank you very much.

**Hon. Speaker:** Ambassador Sigei, I know you want to say that I, yours truly, recommended you for appointment as Ambassador to Nigeria. Say it.

**Hon. Francis Sigei** (Sotik, UDA): Thank you, Hon. Speaker. I also rise to welcome the Nigerian delegation to the House. Hon. Speaker, you know that you played a very critical role in the process of my appointment to Nigeria. I take this opportunity to welcome...

**Hon. Speaker:** Just say I nominated you, and you were appointed to Nigeria.

*(Laughter)*

**Hon. Francis Sigei** (Sotik, UDA): Hon. Speaker, that was part of the process. It was a long process. I welcome the delegation from Nigeria. My name is Ambassador Francis Sigei. I served as High Commissioner to Nigeria from 2009 to 2012. Nigeria is a great country. Having worked there, I can confirm that Nigerians love Africans. I really enjoyed the time I served there because Nigerians are real Africans.

I thank you and welcome you to Nairobi. I hope to see you before you go back. I want to tell you again that I enjoyed working in Nigeria.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## PAPERS

**Hon. Speaker:** Leader of the Majority Party.

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

1. Reports of the Auditor-General and the Financial Statements for the year ended 30<sup>th</sup> June 2025 and certificates therein with respect to:
  - (a) Government Clearing Agency Fund;
  - (b) ADB Africa Climate Summit Project;
  - (c) Kenya Electricity Generating Company PLC;
  - (d) University of Nairobi Pension Scheme 2007;
  - (e) Kenya Symbiocity Programme-SIDA No. 51110060-Council of Governors;
  - (f) Independent Policing Oversight Authority Mortgage and Car Loan Scheme;
  - (g) Eastern Africa Regional Transport, Trade and Development Facilitation Project (IDA Credit No. 5638-KE)-Kenya Revenue Authority;
  - (h) GOK/UNFPA 10<sup>th</sup> Programme Grant Number B4210-State Department for Youth Affairs and Creative Economy;
  - (i) COVID-19 Health Emergency Response Project Credit No. 6598-KE-Ministry of Health; and

- (j) Reproductive, Maternal, Neonatal, Child and Adolescent Health (RMNCAH) Project Grant/Credit ID 6072-Ministry of Health.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Chairperson, Departmental Committee on Justice and Legal Affairs (JLAC).

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I beg to lay the following paper on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Judges' Retirement Benefits Bill (National Assembly Bill No. 27 of 2025).

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson, Departmental Committee on Education, Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Speaker, I beg to lay the following paper on the Table:

Report of the Departmental Committee on Education on its consideration of the Petition by Employees of Public Universities and Colleges regarding funding of the 2017-2021 Collective Bargaining Agreement (CBA).

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

### NOTICE OF MOTION

**Hon. Speaker:** Hon. Chairperson, Departmental Committee on Education.

#### ADOPTION OF REPORT ON PETITION BY EMPLOYEES OF PUBLIC UNIVERSITIES AND COLLEGES ON 2017–2021 CBA FUNDING

**Hon. Julius Melly** (Tinderet, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Education on its consideration of the Petition by employees of public universities and colleges regarding funding of the 2017-2021 Collective Bargaining Agreement (CBA), laid on the Table of the House on Thursday, 6<sup>th</sup> November 2025.

Thank you, Hon. Speaker.

### QUESTIONS AND STATEMENTS

**Hon. Speaker:** Let us start with Hon. Owen Baya's Leadership Statement on Thursdays.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I join you in welcoming the team from Nigeria, even though they have already left the House.

I am happy and excited that the strike by university lecturers is now over. I would like to particularly thank the Departmental Committee on Education, led by Hon. Melly, for participating and playing a crucial role in resolving the long-standing stalemate. I also thank the Deputy President for the good work. He coordinated with Parliament, the Ministry, and everyone to ensure that the strike came to an end. Our students can now return to universities and continue their studies.

### STATEMENTS

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BUSINESS FOR THE WEEK OF 10<sup>TH</sup> TO 14<sup>TH</sup> NOVEMBER 2025

**Hon. Owen Baya** (Kilifi North, USA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 4<sup>th</sup> November 2025, to prioritise business for consideration during the week.

From the outset, allow me to officially welcome Members back from the short recess. I trust that they are well rejuvenated and ready to tackle the last part of the Fourth Session. As we embark on the business ahead of us, it is noted that we still have a significant number of Bills, Committee Reports, statutory instruments and legislative proposals that will most certainly require our keen attention. I, therefore, encourage Committees and Members to be present in the House and in committee meetings to conclude any pending business in a timely manner.

Hon. Speaker, is it too hard for Members to be here when Parliament commences, at least to provide a quorum so that we start on time? It is not proper for the Speaker to sit and wait for Members. Members should be in the Chamber before the Speaker. That is the tradition of Parliament. However, I believe we have an opportunity to improve and accord our Speaker the respect he deserves by being present on time to honour his entry and commencement of the sitting.

Hon. Speaker, regarding the business for next Tuesday, the House is expected to consider the following Bills at Second Reading, if not concluded today. All these Bills will probably be considered next week:

1. The Tea Amendment Bill (Senate Bill No. 1 of 2023). I think we have a few minutes remaining on this. There was a good debate on it, particularly among Members from tea-growing regions. I request that Members, especially those from tea-growing areas, be present. We need to make changes that will bring money to farmers with respect to tea-growing areas.
2. The Government Owned Enterprises Bill, 2025.
3. The Capital Markets (Amendment) Bill, 2025.
4. The Judges' Retirement Benefits Bill, 2025. This is a very important piece of legislation. During the colloquium in Mombasa, we discussed the Judges' Retirement Benefits Bill 2025. It is a piece of legislation that we must all participate in to give the judges retirement benefits.
5. The Provisional Collection of Taxes and Duties (Repeal) Bill, 2025.

These are important Bills that we expect to consider next week.

Additionally, debate will be undertaken on the following Motions, some of which are listed in today's Order Paper:

1. Consideration of Sessional Paper No. 5 of 2024 on the National Green Fiscal Incentives Policy Framework. The Report of this Bill is in the Table Office. I request Members to read this Report. It is a new phenomenon - the National Green Fiscal Incentive Policy Framework. As the debate commences, it is important that we familiarise ourselves with its contents. The Report is ready; please take the time to read it so that we have a good debate.
2. Consideration of the amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union.
3. First Report on the Status of implementation of the Constitution by three Commissions;
4. Consideration of the Privileges and Immunities (The Global Centre for Adaptation) Order, 2025.

5. Report on the audited accounts for the Judiciary Mortgage Scheme Fund for the Financial Years 2011/2012 to 2021/2022.
6. Consideration of Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration. This is a very important policy. The President is currently in Qatar, and we have seen reports in the newspapers on labour migration. It is, therefore, an important Sessional Paper that we need to consider.
7. Consideration of Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates.
8. Report on the Audited accounts for the stores and services fund for the financial years 2020/2021 and 2021/2022, and the Occupational Safety and Health Fund for the financial years 2020/2021 and 2021/2022.
9. Report on the audited accounts for the Land Settlement Fund for the Financial Years 2020/2021 and 2021/2022, and the Railway Development Fund (Holding Account) for the Financial Years 2017/2018 to 2021/2022.
10. Consideration of a Petition regarding the pollution of the River Athi.

In conclusion, the House Business Committee will reconvene on Tuesday, 11<sup>th</sup> November 2025, to schedule business for the rest of that week.

What is also important before us is the ongoing KEPSA meeting in Mombasa, which many of our Members are attending.

Hon. Speaker, I now wish to lay this Statement on the Table. I thank you.

**Hon. Speaker:** Thank you, Hon. Owen. The next Statement is by Hon. Oundo, Wilberforce.

#### HOSTING OF THE 11<sup>TH</sup> WORLD SCOUT PARLIAMENTARY UNION (WSPU) GENERAL ASSEMBLY

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 43, I rise to make a Statement regarding the hosting of the 11<sup>th</sup> World Scout Parliamentary Union (WSPU) General Assembly scheduled to be held from 6<sup>th</sup> to 13<sup>th</sup> November 2025, in Kenya.

The World Scout Parliamentary Union (WSPU) is an international organisation that unites scout-oriented parliamentarians from around the world and brings them into closer contact with the World Scout Movement. Its objective is to strengthen both national Scout organisations and World Scouting through the influence of parliamentarians who believe in Scouting as an effective non-formal educational method and movement.

The World Scout Parliamentary Union (WSPU) General Assembly is a triennial event for parliamentarians and scout leaders to discuss the development of the Scout Movement and youth policy. During the 10<sup>th</sup> WSPU General Assembly held in Jeonju, South Korea, in 2022, the Republic of Kenya successfully bid for and won the privilege to host the 11<sup>th</sup> WSPU General Assembly in 2025. The Kenyan delegation to the 10<sup>th</sup> Assembly comprised Members of the National Assembly, of which I was privileged to be a part, the Senate, the Governor of Nyeri County, the Kenyan Ambassador to the Republic of Korea, members of WSPU Kenya, and officials from our parliamentary secretariat.

I am proud to inform all Members of Parliament and the general public that the Parliament of Kenya, in collaboration with the State Department for Devolution and the WSPU-Kenya Secretariat, will host the 11<sup>th</sup> WSPU General Assembly from 6<sup>th</sup> to 13<sup>th</sup> November 2025. The General Assembly will bring together parliamentarians and scout leaders from across the globe to deliberate on youth empowerment, leadership, sustainable development and the role of parliaments in supporting the scouting movement.

The General Assembly is divided into two parts. There is the WSPU Youth Assembly, to be held from 6<sup>th</sup> to 9<sup>th</sup> November 2025, in Nyeri County, the birthplace of scouting in Kenya and the final resting place of Lord Baden-Powell, the founder of the Scout Movement. There is also the Main General Assembly, scheduled for 9<sup>th</sup> to 13<sup>th</sup> November 2025, at Safari Park Hotel in Nairobi County—the Patron of WSPU-Kenya, the Rt. Hon. (Dr) Moses Wetang'ula, EGH, MP, the Speaker of the National Assembly and Chairman of the Parliamentary Service Commission, will grace the official opening of the General Assembly. The Main General Assembly will culminate in the adoption of key decisions and resolutions guiding the global parliamentary scout movement.

Hon. Speaker, the hosting of this prestigious global forum provides our Parliament and the entire country with a unique opportunity to showcase the country's leadership in youth development and international cooperation, while strengthening the role of parliaments in promoting the values of the scouting movement, including discipline, service, and integrity.

On behalf of the Organising Committee and the Vice President of the Global Team, Hon. John Kiarie, I cordially invite all Members of WSPU Kenya to participate in and lend their support to this landmark event. Your engagement will not only underscore Kenya's commitment to youth empowerment and global partnerships but will also enhance our country's standing as a hub for dialogue and collaboration among world parliaments.

I thank you, Hon. Speaker.

With your indulgence, I would like to add one or two things.

**Hon. Speaker:** It is not allowed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I seek your indulgence.

**Hon. Speaker:** What do you want to add?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I wish to point out that while the function is primarily for WSPU Caucus Members, we request and urge all Members of Parliament to attend. Among the representatives are our youth, who are currently facing many challenges. Any form of dialogue and discussion with them will help in understanding the challenges they face in life. The Youth Assembly at Kamwenja Teachers College will take place from tomorrow to Thursday. We have an elaborate programme involving the State Department for Youth and the State Department for Basic Education, Research and University Education. We urge all Members of Parliament and Members of County Assemblies, in their roles as representatives of the people, to come, listen and engage with the youth. There is much we can learn from them. The perceived disconnect between Members of Parliament, leaders, and the youth needs to be bridged for us to continue fostering peace, stability, and tranquillity in this country.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you.

Hon. Members. Let us dispose of Order No.8 before we come back to the next statement.

## SPECIAL MOTION

### CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS A MEMBER OF THE SALARIES AND REMUNERATION COMMISSION

THAT, taking into consideration the findings of the Departmental Committee on Labour in its Report on the approval hearing of a Nominee for Appointment as a Member of the Salaries and Remuneration Commission (SRC), laid on the Table of the House on Tuesday, 4<sup>th</sup> November 2025, and pursuant to the provisions of section 7 (11) of the Salaries and Remuneration Commission



Act, Cap 412D and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House approves the appointment of the Hon. (Eng.) Michael Thoyah Kingi as a Member of the SRC.

*(Moved by Hon. Ken Chonga on 5.11.2025 – Afternoon Sitting)*

*(Debate concluded on 5.11.2025 – Afternoon Sitting)*

*(Hon. G.G. Kagombe, Hon. George Kariuki and  
several Members walked into the Chamber)*

Order, Hon. Kagombe! Take your seat. Order Members! Order Hon. GK; freeze or take your seat.

*(Question put and agreed to)*

Go back to Order No.7. Hon. Caroline Ngelechei.

### MEMBER'S GENERAL STATEMENT

It is important to inform you that I informed the House of your message to the Speaker, and yesterday or Tuesday, we observed a minute's silence in honour and memory of the tragedy that befell your county.

#### LANDSLIDE IN ELGEYO MARAKWET COUNTY

**Hon. Caroline Ngelechei** (Elgeyo Marakwet County, Independent): Thank you, Hon. Speaker.

Hon. Speaker, pursuant to provisions of Standing Order 43, I rise to make a General Statement on the devastating landslide that struck Elgeyo Marakwet County. On the early morning of Saturday, 1<sup>st</sup> November 2025, part of Elgeyo-Marakwet County experienced landslides following heavy and persistent rainfall. The areas affected by the calamity include Embobut, Embalot Ward, Endo Ward, Sambirir Wards in Marakwet East Constituency, as well as Emsoo Ward in Keiyo North Constituency. According to the latest reports, 35 lives have been lost, while more than 16 people remain missing under the debris. Hundreds of families have also been displaced by the landslides, which have caused catastrophic destruction. At the same time, entire villages have been submerged or swept away by the torrents of mud and debris, leaving behind scenes that are unimaginable, devastating and desperate.

Hon. Speaker, the landslides have also led to the destruction of infrastructure, including roads, bridges and public facilities, severely hampering rescue and relief operations and isolating many affected communities. The disaster has brought untold suffering to households depending on farming and livestock, while farmlands were buried, crops destroyed, and livelihoods wiped out. Approximately 15 schools have been destroyed, rendered inaccessible, or converted into temporary shelters for displaced families, thereby affecting the ongoing national examination and assessment.

Hon. Speaker, it is in this same Murkutwa Location that a tragedy struck in 2001, when a brutal bandit attack claimed the lives of 67 people. The assailants who struck at around 5.00 a.m., ironically at the same time the recent landslide occurred, torched homes and left behind a trail of devastation. The massacre led to the establishment of the first day school in the area

known as Queen of Peace, Chesongo, to enable the children from impoverished families to access education.

Further, in January this year, the three peace ambassadors were ambushed and killed by bandits, prompting the Government to launch a major security operation that has since restored a semblance of lasting peace in the valley.

Hon. Speaker, this recent tragedy has once again exposed the vulnerability of families residing along the steep escarpments and valleys of Elgeyo Marakwet. This underscores the urgent need to strengthen disaster preparedness and early warning systems, enhance environmental conservation, and promote sustainable land-use practices in areas prone to flooding and landslides. As a country, we must improve coordination between national and county governments to ensure a timely response, relocation of risk-affected communities, and restoration of livelihoods.

Hon. Speaker, for the many residents, settling along the escarpment was not a matter of choice but of survival. The area became a refuge from the frequent bandit attacks that terrorised the lowlands near the Kerio River. Here, they finally felt safe and protected, never imagining that one day nature itself could turn against them, destroying their homes and shattering their hard-earned sense of security. I commend the Government for its swift intervention in deploying rescue and response teams to the affected area.

To the people of Elgeyo Marakwet County, I assure you that I will be there for you. We will be there for you. You are not alone. We will fight this tragedy that has befallen our home together.

Finally, I take this opportunity to convey my heartfelt condolences to the bereaved families, those still searching for their loved ones, and all affected by this tragedy. To the residents of Marakwet East, Embobut-Embolot, Endo, Sambirir and Emsoo Wards, I want to tell them thus:

*“Mi Jehova kobotech bikchook, kimii kibagenge eng nyasutiet na kitinyee”*

May the Almighty God grant eternal rest to those who have lost their lives, strength to the survivors and comfort to all affected families.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Caroline. Hon. Phylis Bartoo.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Speaker. Let me also join the leadership of Elgeyo Marakwet to condole with the families who lost their loved ones. Elgeyo Marakwet and Moiben constituencies are conjoined, and we are neighbours. The majority of the settlers residing in Moiben have family members in Marakwet East. I want to take this chance to say sorry for that tragedy.

We have mothers who are crying, we have sisters and brothers, we have fathers, and we have people who have been widowed. It is unfortunate, Hon. Speaker, that in the same space, once upon a time, there was a banditry attack and so many lives were lost to the tune of 67 members, yet it is the same place again that the floods have visited and destroyed families. I wish that the Government could take this opportunity to resettle these families to safer grounds, as it seems this flood disaster will never go away. Let the Government ensure that the lands currently occupied by those residents are converted into Government forests. I would also wish that the Government compensate these victims, ensure that students undertaking their exams are supported to continue, and rebuild the schools that have been destroyed.

Once again, on behalf of the entire Constituency of Moiben and the people of Moiben, please accept my condolences; we are united in mourning.

**Hon. Speaker:** Member for Keiyo North.

**Hon. Adams Korir** (Keiyo North, UDA): Thank you very much, Hon. Speaker. I want to take this opportunity to pass my heartfelt condolences to the families of those people who

lost their loved ones and to wish a quick recovery to those people who were injured following the mudslide in Marakwet East.

Hon. Speaker, I also lost two people in my constituency, a mother and a grandchild, and I also send my condolences to that family. The people of Marakwet, especially those in Marakwet East, have suffered greatly from the crisis of insecurity, but we thank the Government because it appears to have been resolved. This current problem has been caused by Mother Nature.

As we say *pole*, I ask the Government to find a long-term solution not only for the people of Elgeyo Marakwet but also for other Kenyans. We have people facing cases of flooding in Nyanza, Busia, Coast, and all other parts of the country. It is high time that, as a country, we prioritise protecting the lives of Kenyans so that, as we put forward the interests of development, we also ensure that our people are settled on safe ground.

In this regard, I want to say *pole* to those families. May the Almighty God grant you peace and comfort as you mourn the loss of your loved ones.

Thank you, Hon. Speaker.

**Hon. Speaker:** Commissioner Makau.

**Hon. Patrick Makau (Mavoko, WDM):** Hon. Speaker, allow me to join Hon. Ng'elechei and the leaders from Elgeyo Marakwet in condoling with the families of the victims of floods and landslides. This is a wake-up call that climate change is real. When Motions are brought here for the degazettement of forests, it reminds me how much we are contributing to such natural calamities. I also call upon our governors, now that even the weatherman is warning us of heavy rains and flash floods, to expect such calamities and prepare accordingly.

Devolution is one of the best things to have happened to this country. The county governors of this country should now be prepared. Emergency measures must be put in place. We must have preventive measures put in place. Just sitting here mourning and telling the dead ones *pole* is not doing them any favour. It is high time we got prepared through our budgets. We must set aside money to mitigate such calamities.

Such calamities are expected in the areas we are talking about. We should take caution by building gabions or erecting any other necessary structures to avoid such disasters. At this moment, because it is a very hard time for Members of Parliament and other leaders from that area, and even the ones who have lost their loved ones, allow me to say *pole sana*.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Ng'elechei has requested that Members who feel empathy and have some coins to spare support the rehabilitation of the affected families. I have given her permission and authority to sign a check-off for those who want to contribute.

Hon. Pkosing.

**Hon. David Pkosing (Pokot South, KUP):** Hon. Speaker, as a neighbour, because my Pokot South Constituency neighbours Marakwet East, I am very devastated. I want to share my condolences with the Honourable Woman Representative of Elgeyo Marakwet. She has made a very passionate plea. As a neighbour, I would like to extend my condolences to the families of the people we have lost.

We had a similar problem in Pokot South and parts of Sigor Constituency during the last Parliament. I would like to thank the national government, specifically for the response we saw in Marakwet East, where the problem is. In Pokot, we had a very irresponsible government, and, therefore, there was no government response during the last administration. We acknowledge whatever happened in Marakwet East. We saw both the national government and the county government of Marakwet coming in.

As we extend our message of condolences as neighbours, I would like to suggest two actions to the Meteorological Department, particularly regarding the highlands of Marakwet East, Marakwet West, Pokot South, and the highlands of Sigor. We have another problem

called lightning, which kills our people almost every day. Even during the current rainy season, I have lost several people in Pokot South.

I am suggesting – I hope they are listening – that the department responsible for weather should build lightning arresters in the highland constituencies I have mentioned, specifically in my constituency. In that area, we have two problems – problems of landslides and lightning, which have killed many people and livestock. Therefore, I propose that the concerned agencies build lightning arresters in those four neighbouring constituencies. They should also set up a meteorological station to record what is happening in those highland areas. The problem is not about cutting down forests because people have lived there for millions of years, even before we were born. We need to set up a meteorological station in those highland areas to observe the weather and have an early warning system.

Thank you, Hon. Ng'elechei. We plead with people who are able to contribute something to do so in support of the great people of Marakwet East. We sympathise and condole with them.

**Hon. Speaker:** Member for Keiyo South.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Hon. Speaker, I join my colleagues in mourning and saying *pole* to the people of Marakwet East, especially the people of Chesongoch, and more so the people of Keiyo North who reside in Kipendo.

The landslides in Elgeyo Marakwet are not random. In 2007, we lost people. In 2012, we lost people. In 2019, our old school in Marakwet East, in Litein, was swept by floods. The entire school was washed away. In 2020, we lost people again. This year, we have lost people again. I am worried because this is likely to recur.

The entire stretch of Kerio Valley in Elgeyo Marakwet County and West Pokot County consists of three topographies. There are the highlands, which have no problem; the Kerio Escarpment, and the Kerio Valley itself. When there is a lot of rain in the highlands, the water flows down to the valley. The space between the Kerio Valley and the highlands is what we call the “hanging valley.”

The problem is not caused by heavy rainfall. It is caused by very extensive light rain that falls continuously for 24 hours or more, thus soaking the ground. As the mud rolls down, it sweeps away everything it comes into contact with. What causes this? The steep topography and the man-made issues of cultivation by *wananichi*. When we talk to *wananichi*, they ask us what they should do if we do not want them to cultivate on those sloppy areas. What will they eat when farming is their source of livelihood?

As my colleagues have said, it is high time that the government came up with measures to relocate those people to safer lands and surrender the current area to the Kenya Forestry Service for conservation. We cannot have people losing their lives year in, year out. Usually, this happens from October to December. I was lucky in my constituency. There were landslides, but not on the scale of those that occurred in Marakwet West, Marakwet East, and Keiyo North, despite roads being cut off by the landslides. The investment the government has made in that area, in terms of road networks, is costly. Even electricity is expensive because of the topography of that area.

It is high time we brought a petition asking the government to relocate the people from that area to another location, since there are not many of them. We can conduct a land exchange so that forest land elsewhere can be exchanged for the land where those people currently live. We cannot have very good land in the highlands just for trees while people living on the escarpment suffer. Even though we want to promote conservation, we must take care of our people first.

Thank you.

**Hon. Speaker:** Hon. Maungu.

**Hon. Dick Oyugi** (Luanda, DAP-K): Hon. Speaker, I must start by saying *pole sana* to the great people of Elgeyo Marakwet for the loss and the damage that happened recently. On my own behalf and that of the great people of Luanda and Vihiga County in general, I cry with them and say *pole sana*. What happened may not be very new because, as my colleagues have said, these are things that have happened over and over again. It is high time we rethink our preparedness in such matters as a country. We cannot do the same thing over and over again and expect different results.

My good brother has enumerated four other similar incidents that have happened in the past. As leaders, we may have failed to take caution to prevent such occurrences. We need to have a long-term solution as much as we talk about strategic preparedness. We used to have floods around Busia some days back. Floodwaters would carry people away until dykes were built. It is high time the leadership of this country thought about how best to relocate these people to safer grounds reserved for something else.

There appears to be a very predictable pattern. It is high time that the leaders of those specific areas, along with us, as a House, made some declarations on how those people can be relocated to safer grounds to avoid similar incidents in the future. We should not have such losses of life.

Otherwise, *pole*. My condolences to the people who lost their loved ones. *Asante sana*.

**Hon. Speaker:** Can we end it there? Those who want to support can talk to Hon. Ng'elechei.

I acknowledge the presence of ACK Thika Greens youth from Kandara Constituency, Murang'a County. We also have students of Kathiguni Primary School from Chuka/Igambang'ombe Constituency, Tharaka-Nithi. On behalf of the House and myself, we welcome the students, their teachers, and those accompanying them to Parliament.

Hon. Chege Njuguna, Kandara.

## REQUESTS FOR STATEMENTS

### SHORTAGE OF POLICE OFFICERS IN KANDARA CONSTITUENCY

**Hon. Njuguna Chege** (Kandara, UDA): Hon. Speaker. Pursuant to the provisions of Standing Order 44(2) (c), I rise to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the shortage of police officers in Kandara Constituency. Chapter 10 of the National Police Service Standing Orders mandates the Inspector General to designate police stations, police patrol bases, and police unit bases as places of custody.

Furthermore, the Standing Orders provide for the equitable distribution of police stations across the country to ensure that all citizens have access to security services. However, throughout the year, the security situation in Kandara Constituency has deteriorated following the closure of five police posts: Kagira, Gakui, Mutitu, Kawendo, and Kiriko.

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

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]*

The closure has left the area without an adequate police presence, thereby compromising the safety of residents. For instance, on 23<sup>rd</sup> October 2025, Mr Stephen Kifuye Kariro of ID number 2363928 from Kandara town was tragically murdered by an unknown

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assailant who remains at large. On the following day, 24<sup>th</sup> October 2025, Mr Jason Chege from Githuya Village was also murdered under comparable circumstances. To date, no convictions have been made in connection with those heinous acts. If the situation is not addressed urgently, it could lead to additional cases of criminal activity in the area.

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

1. Reasons for the closure of Kagira, Gakui, Mutitu, Kawendo and Kiriko Police Posts in the Kandara Constituency.
2. Long-term plans in place to increase the number of police officers in the area.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much.

Chair of the Departmental Committee on Administration and Internal Security. Vice-Chair, you have changed the place where you normally sit. I will now be looking for you from the front row.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. I am trying to exit the House. I have heard our Honourable colleague. Prepare to allocate more money to the police in the next financial year. We will respond in two weeks, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Daniel Manduku, please, proceed with your request for a statement.

**Hon. Daniel Manduku** (Nyaribari Masaba, ODM): Thank you, Hon. Temporary Speaker. I acknowledge the tremendous work that this House has put into ensuring that we have tea sector reforms. I also acknowledge the ruling by the Speaker yesterday. In the circumstances, I feel that my Request for Statement has been overtaken by events. Therefore, I wish to withdraw it.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Daniel Manduku, is it overtaken by event?

**Hon. Daniel Manduku** (Nyaribari Masaba, ODM): The Committee on Agriculture put in much work yesterday. The Speaker guided on this matter.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Okay. That makes sense. I can see the Chair is in. Chair, would you like to comment on that? Proceed, Chairman of the Departmental Committee on Agriculture and Livestock?

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, I would like to inform Hon. Manduku what happened yesterday. I made a statement to the House on the inquiry we have started into the pricing of tea. We are trying to find out why tea is better paid for in the East of the Rift Valley than in the West of the Rift Valley. In this inquiry, in his wisdom, the Hon. Speaker asked interested Members from the tea-growing areas in the West of the Rift Valley to join our Committee throughout the period of the inquiry. I would like to request Hon. Manduku to join us.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): It is possible for you, Hon. Manduku, to join. The Speaker has already given an opportunity to several Members, especially those from that region. There is no problem; you can write to the Chair and join the team if you want to do so.

#### POOR PAYMENT OF ANNUAL BONUSES TO TEA FARMERS

*(Request for Statement withdrawn)*

Yes, Member of Kisii County?

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Temporary Speaker. Since Hon. Manduku was not in *Bunge* yesterday, I was chosen to represent the larger Kisii

and Nyamira area. So, even if he submits his name, it has been overtaken by events. Let him trust that Mama Donya, the woman representative for Hon. Manduku, will do an able job. I will definitely keep him updated on our progress at any time.

*(Laughter)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Actually, Hon. Manduku did not ask to join, but the Chair offered that he join. I would like to ask you, Hon. Manduku, do you have 100 per cent faith in the information you are likely to get from the Member for Kisii County?

**Hon. Daniel Manduku** (Nyaribari Masaba, ODM): Hon. Temporary Speaker, whilst I acknowledge the Women Representative's sentiments, I want to confirm that she does not own a single bush of tea.

*(Laughter)*

I doubt that she has the capacity to fight for tea farmers. Since the Chairman has invited me to the Committee, I will gladly join and ask that Madam Donya be removed from that Committee instead.

Thank you.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Hon. Members, this is a House of debate. Therefore, we encourage Members to ventilate on important topical matters. However,...

*(Hon. Dorice Donya spoke off the record)*

No, Hon. Members. We have very important business to transact, and certain Members are waiting to make their requests for Statements. The Chairperson of the Departmental Committee on Agriculture and Livestock has already agreed that Hon. Manduku will join the Committee as they inquire into the matter. We will go by the position of the Chairperson.

**Hon. GG Kagombe** (Gatundu South, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Hon. Kagombe, is something out of order? Do you have your card today?

**Hon. GG Kagombe** (Gatundu South, UDA): Hon. Temporary Speaker, I have just arrived. I am just seeking clarification on whether the extension sought by the Chairperson of the Departmental Committee on Agriculture and Livestock involves Members from the East of the Rift. The Members who were enjoined in the ruling given yesterday were specifically from the West of the Rift. Since the dichotomy that has been presented includes both the East and West Rift Valley, we may need to hear from Members from both sides. Therefore, if the Chairperson is being magnanimous, he should also invite an equal number of Members from the East of the Rift to represent their tea pickers.

I am a tea grower and a member of the Kenya Tea Development Agency (KTDA) fraternity, who were paid different amounts of money. I know the importance of our Members from the East of the Rift, specifically, Kiambu, Murang'a, Nyeri, Kirinyaga, Meru and Embu. There shall be no proper dialogue if we involve certain Members of Parliament, specifically because they come from the Western Region, and we leave out Members of Parliament from the East of the Rift.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Hon. Members, the Speaker handled this matter yesterday. Write to the Chairperson if you would like to join the Committee.

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You are free to join the Committee as a Member of Parliament, but in terms of who goes in and out, the Speaker closed that matter yesterday.

Next will be Hon. Gabriel Kagombe, the Member for Gatundu South.

COMPENSATION OF EX–SERVICE OFFICERS  
OF THE KENYA AIR FORCE

**Hon. GG Kagombe** (Gatundu South, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2) (c), I rise to request a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the compensation of ex-service officers of the Kenya Air Force.

Messrs. David Gitau Njau and L.R. Nguire were commissioned officers serving in the Kenya Air Force at the time of the attempted coup d'état on 1<sup>st</sup> August 1982. On diverse dates between 1<sup>st</sup> and 4<sup>th</sup> August 1982, they were arrested by officers of the Kenya Army on suspicion of participating in the attempted coup. Thereafter, they were held in prison custody without trial for periods spanning from six months to several years, during which they were subjected to torture and inhumane treatment. They were eventually released without being charged or pardoned. Further, they were unlawfully dismissed from service on the grounds of redundancy without being accorded a hearing. This dismissal led to the forfeiture of their dues and terminal benefits, including pension, gratuity, and unpaid salaries.

In pursuit of justice, Mr David Njau filed High Court Petition No. 340 of 2012, David Gitau Njau & 10 others vs. The Hon. Attorney General [2013] KEHC 6752 (KLR), wherein the Court found that they had been unlawfully dismissed from service and awarded each of them Ksh 5,500,000. The judgment was also upheld by the Court of Appeal in the Case of Samuel Chege Gitau & 283 Others vs The Attorney General [2016] KEELRC 1837 (KLR). It is also worth noting that during the 12<sup>th</sup> Parliament, a petition on the matter was referred to the Budget and Appropriations Committee with prayers that funds be allocated to the Ministry of Defence in the 2021/2022 Financial Year for compensation and settlement of the debts and interests accrued thereof to the ex-service officers of the Kenya Air Force, who were dismissed in 1982. However, despite these judicial pronouncements and parliamentary interventions, the ex-service officers remain unpaid to date. They are now senior citizens without any meaningful sources of livelihood, and further delay in compensation aggravates their deteriorating conditions of life.

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

1. A report on the status of compensating Messrs David Gitau Njau and L.R. Nguire, including any action taken by the Ministry of Defence to factor the funding in the 2025/2026 Financial Year.
2. The timelines within which the ex-officers will be compensated, in light of the fact that the High Court granted them various awards on account of both the irregular dismissal as well as subsequent unlawful detainment?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Is the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations in? What about the Vice-Chairperson or a Member of that Committee?

*(Hon. Yusuf Hassan raised his hand)*

Hon. Yusuf, when can we get a response to this request?



**Hon. Yusuf Hassan** (Kamukunji, JP): Hon. Temporary Speaker, I have two Statements and a response on behalf of the Chairperson of the Committee.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): When is the Member for Gatundu likely to get a response to the Statement that he has raised?

**Hon. Yusuf Hassan** (Kamukunji, JP): Within the standard two-week period.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Two weeks is good enough.

**Hon. Yusuf Hassan** (Kamukunji, JP): Okay.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Hon. Members, the next Request for Statement is by Hon. Joyce Kamene.

POLLUTION OF QUARRIES AND TYRE  
FATORIES IN MACHAKOS COUNTY

She had already informed the Speaker. Therefore, that request for a Statement is hereby deferred.

*(Request for Statement deferred)*

Hon. Members, I would like to indulge Hon. Wamboka, who has a Request for Statement, which he had informed the Speaker about.

Please, proceed.

CLOSURE OF BUMULA WEIGHBRIDGE  
IN NANDINGWA AREA

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2) (c), I rise to request a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding the closure of Bumula Weighbridge in Nandingwa area by the Kenya Sugar Board.

The abrupt closure of the Bumula Weighbridge in Nandingwa area has raised serious concerns amongst sugarcane farmers in Bumula Constituency. The closure undertaken by the Kenya Sugar Board appears to contravene the provisions of the Sugar Act No. 11 of 2024, which expressly exclude the former Mumias area, namely Bumula Constituency, from being classified as part of the Upper Zone. This action has caused confusion and disruption in cane transportation and weighing operations, adversely affecting over 10,000 sugarcane farmers in the region.

As a result of this closure, many farmers are unable to deliver their cane for milling, with some already harvested cane drying up on their farms, thereby increasing the risk of loss. This situation has not only caused economic hardship but has also exposed farmers to potential contractual disputes, as most of their agreements fall under the Upper Zone in the Mumias area. Furthermore, the de-registration of Bumula farmers has created uncertainty about their participation in the upcoming Kenya Sugar Board elections, as they are neither eligible to vote in the Lower Zone nor the Upper Zone, given their current classification and contract arrangements.

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

1. Reasons for the hurried closure of the Bumula Weighbridge in Nandingwa by the Kenya Sugar Board, despite the Sugar Act expressly excluding Bumula from the Upper Zone classification.

2. Measures being taken by the Ministry of Agriculture and Livestock Development to safeguard the interests of over 10,000 cane farmers in Bumula, whose sugarcane is either ready for harvesting or is already harvested, but remains uncollected due to the closure.
3. Clarification on the fate of Bumula farmers in the upcoming Sugar Board elections, considering that de-registration has made them ineligible to vote in both the upper and lower zones.
4. Steps being taken by the Ministry to restore operations at the Bumula weighbridge and protect farmers from further economic losses arising from this administrative action.

I thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Wamboka. Chairman of the Departmental Committee on Agriculture and Livestock, Hon. Mutunga, when are we going to get a response?

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you, Hon. Temporary Speaker. We cannot do it on Tuesday. We will be able to respond after two weeks.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Two weeks. Hon. Babu Owino, you may proceed with your Request for a Statement.

**Hon. Babu Owino** (Embakasi East, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2) (c), I rise to request a Statement from the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the circumstances surrounding the death of Mr John Ogutu of ID No.28628412, in the United Republic of Tanzania.

Reports indicate that Mr Ogutu, a Kenyan teacher working at Sky Primary School in Kinondoni, Dar es Salaam, was shot dead on 29<sup>th</sup> October 2025 under unclear circumstances. His family has since confirmed the death and learned that he was apparently returning to his residence when this unfortunate incident occurred. This matter is of grave national concern, as it touches on the safety and protection of Kenyans working and residing abroad, particularly within the East African Community (EAC), where free movement, residence, and establishment are rights guaranteed by the EAC Treaty and its protocols.

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

1. Circumstances that led to the killing of Mr John Ogutu of the said ID number, a Kenyan teacher at Sky Primary School in Dar es Salaam, Tanzania, and any official communication received from the Government of Tanzania regarding the incident.
2. Diplomatic and consular interventions undertaken by the Government of Kenya to ensure prompt, transparent and independent investigation into the killing, and to secure justice for the deceased and his family.
3. Measures being taken to repatriate the remains of Mr Ogutu to Kenya for interment or burial, and to provide psychosocial, financial and logistical support to his grieving family.
4. Policy and institutional frameworks in place to guarantee the safety, welfare and protection of Kenyans living and working abroad, particularly within the EAC region, and to prevent similar tragic incidents in the future.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Babu Owino. Where is the Chairman? In the absence of the Chairman, the Vice-Chairman or any member of the Committee can make an undertaking. Yes, Hon. Yusuf.

**Hon. Yusuf Hassan** (Kamukunji, JP): Given the urgency and importance of the Request for Statement, we will try to deliver it in a week.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Next are Responses to Requests for Statements. We will start with a response from the Ministry of Administration and Internal Security to a request by Hon. Mark Mwenje, whom I see in the House.

Please, proceed, Hon. Vice-Chairman.

## STATEMENTS

### INSECURITY IN NAIROBI CITY COUNTY

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. The Member for Embakasi West, Hon. Mark Mwenje, raised concerns about insecurity in Nairobi County. The Member particularly sought a report on investigations into the murders of Mr Matthew Kyalo Mbobu, who was shot and killed on 9<sup>th</sup> September 2025 in a drive-by attack in Karen, and Mr Joshua Kubiti, who was attacked by a criminal gang in Umoja Estate on 26<sup>th</sup> August 2025. Secondly, he sought to know the immediate measures the government is taking to address the recent surge in criminal gangs in Nairobi City County. Thirdly, he sought to know the measures being put in place to ensure that the safety of residents of Nairobi City County is guaranteed.

On 9<sup>th</sup> September 2025, at around 5:40 p.m., Mr Matthew Kyalo Mbobu, an Advocate of the High Court, was driving his Toyota Land Cruiser, registration number KCA 177W, along Mbagathi Road on his way home from work. However, he was accosted by two unknown assailants on a motorcycle near Brookhouse International School. Owing to heavy traffic caused by ongoing construction and diversions along the road, his vehicle was moving at a slow speed when one of the assailants fatally shot him eight times before escaping towards the Galleria Mall. The incident was reported vide Lang'ata Police Station OB No. 29/09/2025, and later taken over by the Homicide Department at the Directorate of Criminal Investigations on 11<sup>th</sup> September 2025.

Hon. Temporary Speaker, the scene was processed, and four spent cartridges were recovered. The deceased's vehicle was towed to the Homicide Investigations Bureau yard, pending investigation. The body was moved to Lee Funeral Home for post-mortem examination, which was conducted on 11<sup>th</sup> September 2025 by the Chief Government Pathologist, Dr Johansen Oduor, in the presence of a family pathologist. Two bullet heads were recovered from the deceased's body and, together with the spent cartridges, were submitted to the Directorate of Criminal Investigations Forensic Lab for ballistic analysis. The cause of death was established as multiple injuries due to gunshot wounds.

Several witnesses, including staff members from Kyalo and Associates Advocates, where the deceased worked, have been interviewed and their statements recorded. Preliminary findings indicate that the deceased was entangled in several debts owed to shylocks, some of which were linked to fraudulent transactions. Specifically, he was lured into dubious gold scams and dealings in alleged German antiques, which turned out to be fraudulent.

The CCTV footage from Sagret Hotel Townhouse, where the deceased's office is located, and from Brookhouse International School was retrieved and is currently under analysis by investigators to provide actionable leads. Investigations remain ongoing, with the objective of gathering sufficient evidence to identify, apprehend and prosecute the key suspects behind the crime.

Hon Temporary Speaker, Hon. Mwenje also raised the matter of the murder of Joshua Kubiti. Ms Winfred Kamene, a resident of Umoja One, Musasa Court, reported at the Buruburu Police Station vide OB No.62/22/2025 that on 21<sup>st</sup> August 2025, at about 1850 hours, she received a phone call from her son, Jesse, who informed her that his brother, Joshua Kubiti

aged 15 years old, had been attacked by fellow youths and was in critical condition at home. She immediately rushed to her House and thereafter took the injured son to Radiant Hospital, where he was pronounced dead on arrival. The body was transferred to Mama Lucy Kibaki Hospital Mortuary.

The Post-mortem examination was conducted on 28<sup>th</sup> August 2025 by Mr Muturi, a pathologist, who opined that the cause of death was a head injury resulting from blunt force trauma occasioned by assault. Preliminary investigations established that the death resulted from a fight between groups of youth between 12 and 19 years of age.

**Hon. Peter Salasya** (Mumias East, DAP-K): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Peter Salasya, Member for Mumias East, what is out order? You have an intervention.

**Hon. Peter Salasya** (Mumias East, DAP-K): Thank you, Hon. Temporary Speaker. I am requesting that you hurry up so we can discuss Electronic Government Procurement (EGP), as we have lost a lot of time.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You are out of order. Proceed, Hon. Chairman.

**Hon. Ali Raso** (Saku, UDA): This is a very exciting gentleman. He has been missing for a while.

Hon. Temporary Speaker, on the issue of Joshua Kubiti, preliminary investigations established that the death resulted from a fight between groups of young boys aged between 12 and 19 years, most of whom are school-going children who regroup during holidays and engage in physical confrontations. These youths had formed rival gangs that frequently clashed in physical confrontations within their estates.

Their rivalry reportedly stemmed from competition for social media popularity, particularly on Instagram, where they sought to outdo one another in gaining more likes and followers. As adolescents, peer pressure has been identified as a major contributing factor to aggression and rivalry among them. Investigators are awaiting the response from the Office of the Director of Public Prosecutions (DPP) before proceeding with the apprehension. So far, investigations have led to the arrest of 14 juveniles suspected of being members of rival gangs.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Chairman, is it possible to summarise, because Hon. Mwenje has the complete response? You can paraphrase the remaining part.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I will try to summarise.

What is the Ministry doing to address the surge in criminal gangs in Nairobi? They have carried out targeted operations, increased police visibility, and revitalised community policing in partnership with other stakeholders, such as NGOs, religious organisations, and the county government. They have initiated rehabilitation programmes, accelerated investigations and judicial processes, engaged with local leadership and stakeholders to identify and address the causes of gang recruitment, and implemented youth empowerment and outreach programmes.

In conclusion, the Government guarantees that the public will be sensitised to the importance of promptly reporting criminal incidents. Community forums such as *barazas* and consultative meetings are being held. The Government embraces structural community engagement forums, such as *Jukwaa la Usalama*.

Thank you, Hon. Temporary Speaker. The Cabinet Secretary for Interior and National Administration, Hon. Kipchumba Murkomen, signed the response.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Dido. Hon. Mwenje.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Temporary Speaker. I thank the Hon. Member for the response, especially the first two. I will be waiting for further feedback after the investigations are concluded.

The only thing I would like the Hon. Member to take back to the Committee is that, in Nairobi, new sub-counties have not been given motor vehicles. There are police stations in Nairobi that have not been operationalised. I am aware that the EGP system has affected the police to the point that they cannot even procure vehicles. I hope the Hon. Member will remain in the House to support the Motion that is coming, which comprises security right here in Nairobi.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Generally, you are saying that you are satisfied apart from those general issues concerning the new sub-counties and the vehicles. You seem to be aware of the challenges. Let us move to the next.

The next response is from the same Committee, to Hon. Catherine Omanyoo, Member for Busia County. Hon. Vice-Chairman, do you have a response to Hon. Catherine Omanyoo from Administration and Internal Security? Proceed.

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

#### STATUS OF OPERATIONALISATION OF ADMINISTRATIVE UNITS IN BUSIA COUNTY

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Let us agree that since Hon. Catherine is in the House and she has read the response, you can try to summarise.

**Hon. Ali Raso** (Saku, UDA): Thank you, Temporary Speaker. I am well guided.

The Member for Busia County, Hon. Catherine Omanyoo, requested to be apprised of the status of operationalisation of administrative units in Busia sub-county. She particularly sought to be informed of the status of operationalisation, the reasons for any delay in operationalisation, and the measures being taken to operationalise.

Busia sub-county has been gazetted, and divisions include Bukayo West. Locations are: Murende, Lunga, Esilu, Mundika, Bugengi, Nasira, and Buyosi. Sub-locations include: Namikoye, Madele, Siamakanga, Sikabwa, Indole, Mujuru, Bukalama, Mundulusia, and Kungungu, among others.

The Ministry has clearly said that theirs is not the only one. They would require about Ksh2.5 billion to operationalise all the gazetted sub-counties, locations, sub-locations, and divisions. So, they are seeking the authority of this House to increase funding so they can operationalise.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairman. Hon. Catherine.

**Hon. Catherine Omanyoo** (Busia County, ODM): Thank you, Hon. Temporary Speaker. Service delivery to any Kenyan is a right; we do not request it. I ask the Hon. Chairman and the Ministry to commit to prioritising Busia sub-county in the next Supplementary Budget. This is because we want service delivery to reach our people, just as it does for any other Kenyan.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I would like to defend the Chairman. Hon. Chairman, I do not know whether you can put yourself in that position to identify one county and make a commitment to Hon. Catherine Omanyoo. I will come to you, Professor. Hon. Chairman, please refrain from making that comment; if you wish to proceed, you may do so.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. I believe that in this Chamber, each Hon. Member is awaiting a location, sub-location, or sub-county that has been gazetted for operationalisation. The bottom line is that the Ministry does not have enough funds. To be fair to everyone, once the Committee receives funds, we will ensure that the allocation is staggered so that the spread reflects the face of the country.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Catherine.

**Hon. Catherine Omanyoo** (Busia County, ODM): Hon. Temporary Speaker, our issue in Busia County is different because we are a border town, and the security issues are just too much. We cannot handle them. We need chiefs and assistant chiefs to be motivated or supported so that their work is easier. We are not requesting too much. We are not baggage. For us to live in our country, feel safe, and work in places where we know security supports our growth, kindly let us start with Busia County first.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Oundo, please proceed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. I empathise with the Vice-Chair for the Statement and being a conveyor belt. I want to bring to his attention, and I hope he is listening, an idea that they can explore at the Committee's level, as well as with the responsible accounting officers and the Cabinet Secretary. For example, in Samia District Sub-County, they gazetted about three locations, a division and several sub-locations in 2017.

To date, none of them has ever been actualised. I have pounded my feet in all the offices that I could have gone to. All I get are endless promises to an extent that I am almost baptising this Government as promises made in the Book of Genesis, where the world will come to an end one of these days.

I want to make a suggestion. All that we are requesting, particularly at the border point, is simply personnel. Our people are used to working from home. We can always create spaces everywhere for people to work from. We want personnel to assist in coordinating the security matters. We were here a few minutes ago. We have clearly said there is a shortage of police officers in this country. We do not have a budget to employ more police officers for the time being. So, the gap is left. There is no one to coordinate community policing or to provide or gather intelligence.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Order, Hon. Wilberforce Oundo. Do you know that this Committee and the House will facilitate the hiring of 24,000 police officers? Is it 10,000 police officers? There is a budget. We want to thank the Committee for the work they are doing.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Even with those 10,000 police officers....

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Yes, 10,000 police officers and 24,000 teachers will be hired.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): The ratio of police officers to the population is still much lower than the United Nations (UN) standards. We are unlikely to reach a point where you can rely solely on police officers for security operations. Can you consider? We want personnel.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You have made your point.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): This is where to work from and how to get moving. The community, feeling the pinch of insecurity, will step in and do the job. It is as simple as that.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, the Chairman made a very fair Statement that this matter would be handled. Since it cuts across almost all

counties of this country, he has given a very strong Statement that it would be handled. I would like us to end it at that. It is okay to debate and showcase the need in your counties. That has already been done.

Hon. Members, I would like to move to the next Statement, which is a response to Hon. Chege Njuguna, Member for Kandara. He has been waiting. The same Committee, please paraphrase as you did with the second one.

#### DISAPPEARANCE OF MR JOSEPH NG'ANG'A MUHIA

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. The Member for Kandara, Hon. Chege Njuguna, requested to be apprised of the disappearance of Mr Joseph Ng'ang'a Muhia. He particularly sought to be informed about the status of the investigation into his disappearance.

Secondly, steps are being taken...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Order, Hon. Chairman. Hon. John Mutunga, it is very rare for you to put an intervention. What is it, Member for Tigania West?

**Hon. (Dr.) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, I would like to weigh in on the issue of insecurity.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Okay, it has been overtaken by events.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Okay.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Proceed, Hon. Chairman.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker.

Secondly, the Member requested information on the steps the National Police Service (NPS) is taking to complete investigations and ensure that Mr Joseph Ng'ang'a Muhia is found and reunited with his family.

Thirdly, the Member wanted to know what action was being taken to ensure that those found culpable were brought to book. NPS clarified that, as per OB No. 15/20/12/2024 at Membley Police Station, the missing person report was correctly identified as Mr Joseph Ng'ang'a Muhia and not really Mr Moses, as indicated in the parliamentary Statement in the Order Paper.

On 18<sup>th</sup> December 2024, Ms Miriam Wairimu Muhia reported at Membley Police Station the unknown whereabouts of her brother, Mr Joseph Ng'ang'a Muhia, who was an employee of Modern Pacific Furniture at the time. A missing person report was booked vide OB No. 15/20/12/2024 at the same station. The reportee stated that on 18<sup>th</sup> December 2024, at about 7.00 p.m., she learned of a fire incident along Thika Road in the Clay Works area through mainstream media. She became concerned because her brother worked at Modern Pacific Furniture, which was located there. Attempts to reach him on his mobile phone were unsuccessful.

On 19<sup>th</sup> December, the reportee, accompanied by her sister Tabitha Njeri, met the owner of the premises, Mr Gibson Gitonga Murage. He informed them that at the time of the incident, none of his employees were left in the premises, and no human remains were recovered, except the carcass of a dog. The Closed-Circuit Television (CCTV) footage retrieved from the neighbourhood, specifically from Ruiru Mills Bakers Company, was documented vide Memo FIA-256/2025 and forwarded to the Photographic Section at Directorate of Criminal Investigations (DCI) Headquarters for analysis. From the footage, two unidentified people were observed exiting the workshop shortly before the fire broke out. Swab samples were obtained from Esther Wambui Wairimu, the mother of Joseph Ng'ang'a Muhia, for Deoxyribonucleic Acid (DNA) profiling against the recovered remains following the recovery of a skull.

Regarding the steps being taken to complete the investigation, the NPS is still awaiting the Government Chemist's results to determine whether the buccal swab samples obtained from Ms Esther Wambui Wairimu match the DNA profile of the recovered skull suspected to belong to the missing person. NPS, through the DCI Photographic Section, is fast-tracking the review of the CCTV footage retrieved from Ruiru Mills Bakers Company.

On action being taken to ensure those found culpable are arrested and prosecuted without delay, investigations under Inquiry File no. 224 are still ongoing, awaiting the outcome of the Government Chemist's Report. This Statement has been signed by Hon. Kipchumba Murkomen.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. If you have any further questions or are satisfied, inform the House.

**Hon. Njuguna Chege** (Kandara, UDA): Thank you, Hon. Temporary Speaker. The Chairman's Statement is disappointing and unacceptable. I know he agrees with me that the Statement he has just read to the House is very unserious and prepared by very unserious investigative bodies.

The information provided is incomplete. It does not demonstrate meaningful progress in the police investigation as required by law and established procedures. For example, the Statement by the Cabinet Secretary informed the House that the buccal swab samples were taken from Ms Esther Wambui Wairimu, the mother of the deceased, on 24<sup>th</sup> April 2025 for DNA profiling. The NPS reported that the samples were submitted to the Government's Chemist under submission reference GC/2025/0417 for analysis. Seven months have now passed, yet the results have not been released. How long does it take to conduct a DNA sample in this nation? There is no reasonable justification for such a delay.

Section 49 of the National Police Service Act requires that police officers perform their duties diligently and faithfully. Again, the National Police Service (NPS) must explain why it has not followed up with the government chemist and why no interim report has been provided to the family and to this House.

I, therefore, request that the Cabinet Secretary table within 14 days the following:

1. The evidence submission form to the Government Chemist showing the date of receipt and the buccal swabs.
2. The communication records between the investigating officers and the government chemist.
3. A written explanation for the continued delay in releasing the DNA analysis results.

If we look at the issue of the Closed-Circuit Television (CCTV) footage, it is almost a joke. The Cabinet Secretary stated that CCTV footage from Ruiru Mill Bakers was retrieved under Exhibit Memo Reference FIA/256/2025, and that the analysis was being fast-tracked. They say it was being fast-tracked, but this was back on 19<sup>th</sup> December 2024. NPS has not presented any progress report since that retrieval. Sections 78A and 106B of the Evidence Act require the proper custody, preservation, and authentication of electronic evidence. NPS has not indicated whether it verified the footage metadata, confirmed the integrity of the files or produced any analysis report. The absence of feedback undermines the credibility of the investigation.

I, therefore, again, request that the Cabinet Secretary table within 14 days —

1. The evidence chain of custody record for the CCTV footage showing the officers who retrieved, stored, and did the analysis.
2. Two, the forensic extraction report or any interim findings.
3. A written confirmation that the footage is preserved in original and backup copies.



Regarding accountability and timelines, the NPS has a legal duty under Section 49 of the National Police Service Act to conduct investigations diligently and to report faithfully on their progress. To date, the family of Mr Ng'ang'a has not received any formal communication or updates. Under Article 157(4) of the Constitution of Kenya, the Director of Public Prosecutions may direct the Inspector-General of the National Police Service to investigate any information or allegations of criminal conduct, and the Inspector-General shall comply with any such direction.

This, therefore, requires investigative agencies to submit complete files to the Director of Public Prosecutions without undue delay. I request that the Cabinet Secretary again provide a clear timeline for the completion of the investigation and the submission of a conclusive report to the Director of Public Prosecutions.

It is not enough, Chairman, and you know that. You have read that Report, and you can also tell that we need more.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you.

**Hon. Njuguna Chege** (Kandara, UDA): Hon. Temporary Speaker, if you will allow me to conclude.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I will give you two minutes because I think you have done justice to that analysis.

**Hon. Njuguna Chege** (Kandara, UDA): In conclusion, the family of the late Mr Ng'ang'a deserves timely justice and accountability. Parliament must ensure that investigative agencies respect constitutional obligations and procedural integrity.

I therefore seek your direction on the implementation of these requests and expect a comprehensive, written, and time-bound response from the Cabinet Secretary. I yield back to the Chairman.

Thank you so much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Chege Njuguna has done a lot of work on that Statement. He analysed it thoroughly and has raised a very important issue. Would you like to comment, or would you like to go by the request he is making? Because he is indicating the number of days, would you like to go by those dates?

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. Every life in this country is important, and I understand why my colleague is speaking with passion.

Secondly, they say justice delayed is justice denied. Today, the Directorate of Criminal Investigations (DCI) handed over this Report to us. We told them that it is an inordinately delayed matter that should be hastened.

I agree with you, and we will take that up with the Ministry.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I would like you to give him timelines. Can you give timelines?

Some of the matters he is raising are clearly just unfair delay. For example, DNA analysis from 24<sup>th</sup> April 2024 to date? Really? Must it take that long? To be fair to him, provide clear timelines so he can give his constituents clear feedback.

**Hon. Ali Raso** (Saku, UDA): We will give the Ministry two weeks to provide us with an adequate response.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Two weeks is good. Hon. Members, let us proceed.

Next is a response to the Hon. Dekow Barrow, Member for Garissa Township, from the Departmental Committee on Defence, Intelligence and Foreign Relations. Is the Member in the House? In the absence of the Member, the response will be tabled, and it can be obtained from our Table Office.

Thank you.

Hon. Chairperson, since you are in the House, please table the response on record to Hon. Dekow Barrow, Member for Garissa Township. Hon. Yusuf, proceed.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Speaker. I have the pleasure of presenting a response to a Request for Statement from Hon. Dekow Barrow, the Member of Parliament for Garissa Township Constituency, on the non-implementation of a Court judgment on compensation for the late Abdullahi Bare Diis.

In the absence of the Member of Parliament, I will table this Statement.

*(Hon. Yusuf Hassan laid the Statement on the Table)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You have another Statement to present to Hon. Machua Waithaka, Member of Parliament for Kiambu Town Constituency.

Is Hon. Machua Waithaka in the House? Yes, he is in.

The Hon. Member for Kamukunji, you may proceed on behalf of the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

#### DELAYED PAYMENT OF A SUB-CONTRACTOR

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Speaker. On behalf of the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, I am making a response to a request for a statement by Hon. Machua Waithaka, Member of Parliament for Kiambu Town Constituency, on the delayed payment of a subcontractor by the Ministry of Defence.

Hon. Temporary Speaker, pursuant to the provisions of the Standing Order 44(2)(c), Hon. Machua requested a statement from the Cabinet Secretary for Defence regarding the delayed payment of a subcontractor by the Ministry of Defence.

The Hon. Member specifically sought clarification on the following:

1. Report on the contractual arrangements between the Ministry of Defence, China Wu Yi Company Limited and Jotwa Enterprises in the Uhuru Gardens Environmental Conservation Gallery project, including the obligation of the Ministry in ensuring payment of the subcontractors.
2. The reasons for the suspension of the project and halting payment for completed works.
3. The measures taken by the Ministry of Defence to ensure that Jotwa Enterprises and other subcontractors are paid for works already completed.
4. A clear timeline within which payment should be effected to protect Kenyan subcontractors from unfair treatment in government projects.

Hon. Temporary Speaker, the Cabinet Secretary for Defence responded as follows:

Regarding the contractual arrangements between the Ministry of Defence, China Wuyi Company Limited, and Jothwa Enterprises Limited for the Uhuru Gardens Conservation Gallery Project, the Ministry stated that the project commenced in February 2022, with China Wuyi Company Limited as the main contractor. The company had several subcontractors working under it, among them Jothwa Enterprises Limited, whose scope of work included the construction of the Environmental Conservation Building, with a total contract sum of Ksh24,502,810.

Regarding the reasons for suspending the project and halting payment for completed works, the Ministry explained that the main contract stalled due to insufficient funding. Consequently, the subcontract works also stopped. At the time the contract was halted, Jothwa Enterprises Limited had completed works worth Ksh1,196,504.71, of which Ksh484,638 had been certified and paid as certificate No. 1. Certificate No. 2 was prepared for works valued at

Ksh592,253.86, but remains unpaid due to the unavailability of funds. The Ministry attributed the delay to unforeseen budgetary constraints faced by the Government, which have temporarily affected the availability of funds for the project.

Regarding the measures taken by the Ministry of Defence to ensure that Jothwa Enterprises Limited and other subcontractors are paid for work already completed, the Ministry stated that Certificate No. 2, amounting to Ksh 592,253.86, had been forwarded to the Pending Bills Verification Committee for audit and verification. The Ministry assured that once the verification process is complete and the claim validated, payment will be effected accordingly.

On the timeline for effecting payment to protect Kenyan subcontractors from unfair treatment in Government projects, the Ministry indicated that payment for the verified claim will be made...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Is it possible to summarise?

**Hon. Yusuf Hassan** (Kamukunji, JP): I am just finishing, Hon. Temporary Speaker. The Ministry indicated that the payment for the verified claim will be made upon completion of the verification process. After which, the Office of the Clerk of the National Assembly would be formally notified of the payment status.

I submit. Thank you.

This Statement is made on behalf of Hon. Nelson Koech, the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much.

Hon. Machua Waithaka, is the response satisfactory? Please give him another microphone. Please move to your left.

**Hon. John Waithaka** (Kiambu, UDA): Thank you, Hon. Temporary Speaker. The Vice-Chairman has said that the verification process is ongoing, but he has not given a timeline. You have only said that it is in progress without indicating when it will be completed.

Hon. Temporary Speaker, the affected subcontractor, Mr Ikumbi, has indicated that he has very pressing matters. He needs to pay his son's school fees, who is studying overseas, and he needs to know exactly when he will be paid for the work he has already completed.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Vice-Chairman.

**Hon. Yusuf Hassan** (Kamukunji, JP): I will get back to Hon. Waithaka after consulting with the Chairman of the Committee.

*(The Temporary Speaker (Hon. (Dr) Rachael Nyamai) consulted  
with the Clerks-at-the-Table)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Vice-Chairman, I know you said something to the Member. Sorry, I was engaged in something else.

**Hon. Robert Mbui** (Kathiani, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Mbui, is it on the same matter?

**Hon. Robert Mbui** (Kathiani, WDM): No. It is on another statement, Hon. Temporary Speaker, if you are done with that one.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I will come to you. Let us first finalise with him. What timelines have been agreed upon? Please be on record. Member for Kamukunji, representing the Chairman, did you give him any specific timelines?

**Hon. Yusuf Hassan** (Kamukunji, JP): I suggested that we would get back to him within one week after consultation with the Committee.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): That is fair enough. Hon. Mbui, you had a point of order. I do not have any response to your Statement.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Temporary Speaker. I want to seek your direction and indulgence. A statement was requested, and yesterday, the Chairman of the Departmental Committee on Transport and Infrastructure informed the House that the circular indicating a reduction in the allocation of 22 and 10 per cent for constituency roads had been withdrawn.

There are two issues here. First and foremost, no letter or circular has been issued to withdraw the initial directive. You cannot claim to have withdrawn by just speaking on the Floor of the House. That communication is needed because regional engineers are still using the initial circular, which means it has not been withdrawn.

Secondly, some tenders have already been advertised based on the original figures. This situation must be urgently considered. If we delay and later state that some roads will not be done, yet tenders were issued and paid for, we will create a crisis, and people may end up in Court. The Committee must hasten the process. I urge that it be pushed to respond early next week.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Mbui. The Chairperson is not in the House, and the House leadership is also not present. What has been raised is now on record and must be pursued so that the letter...

Hon. Ibrahim Saney, would like to comment? Are you a Member of that Committee? Proceed.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you, Hon. Temporary Speaker. I am a Member of the Committee. The Deputy Leader of the Minority Party has explained the precarious situation that we have put Kenyans in. If I have it right, the Cabinet Secretary is scheduled to appear next Wednesday to respond comprehensively to the concerns of the House. If that does not happen, the matter will still stand because there is no letter to that effect. We held a meeting yesterday. I will communicate the same to the Chairman so that he can come up with something urgently, if necessary, before the Cabinet Secretary appears.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Mwenje.

**Hon. Mark Mwenje** (Embakasi West, JP): In addition to what the Deputy Leader of the Minority Party has said, I wish to bring to your attention that on Parliament's Facebook page, it is indicated that there was a meeting with the Departmental Committee on Transport and Infrastructure yesterday, and it plays around with figures. We had discussed Ksh36 million, but then it was stated that the letter had been withdrawn, meaning we are back at Ksh62 million. Here, it shows a new figure of Ksh52 million. I am getting this information from our Facebook page. So, that is the information you need to have as you bring the Cabinet Secretary on Wednesday.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. The Clerk's Office is to communicate those statements to the Chair.

Hon. Beatrice Elachi, would you like to weigh in on this?

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Yes. Thank you, Hon. Temporary Speaker. Mine is just a big worry. A worry that this House does not seem to see the danger in the issue of roads and the National Government Constituencies Development Fund (NG-CDF). The way we are handling things is casual. People come, make demands, and we give them what they want; the next day, they turn around and insult Parliament. The leadership must take these matters seriously. If they cannot, they should create a committee to deal with it and make it work.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, let us stick to what we have agreed, that the Clerk's Office ensures that communication reaches the Chairman of the Departmental Committee on Transport and Infrastructure for proper

handling. You cannot deal with a written document through the spoken word. This matter must be dealt with immediately.

Next Order.

### MOTION

#### ADOPTION OF FOURTH REPORT ON IMPLEMENTATION STATUS OF PUBLIC PROCUREMENT REGULATORY AUTHORITY CIRCULAR No.04 OF 2025

THAT, further to the Resolution of the House of 19<sup>th</sup> August 2025, regarding nullification of Circular No.4 of 2025 on enforcement of compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) and pursuant to the provisions of Standing Order 209(2), this House adopts the Fourth Report of the Select Committee on Implementation on the Implementation status of the Report of the Committee on Delegated Legislation on its consideration of Public Procurement Regulatory Authority Circular No. 04 of 2025, laid on the Table of the House on Tuesday, 14<sup>th</sup> October 2025 and further nullifies:

1. Circular Ref. No. NT /PPD/1/3/14 Vol VI dated 26<sup>th</sup> March 2025 by the Cabinet Secretary, the National Treasury and Economic Planning, directing Accounting Officers to transition to the e-GP system with effect from 1<sup>st</sup> July 2025; and
2. Circular No. OP/CAB.6/2A dated 5<sup>th</sup> June 2025 from the Head of the Public Service reiterating the need for all procuring entities to onboard into the e-GP system, which occasioned the issuance of circular No. 04 of 2025.

*(Moved by Hon. Raphael Wanjala on 5.11.2025 – Afternoon Sitting)*

*(Resumption of debate interrupted on 5.11.2025 – Afternoon Sitting)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, I do not know whether those appearing on the screen wish to contribute to this. Hon. Caroli Omondi was on the Floor yesterday. You still have a balance of four minutes, then we shall proceed.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you, Hon. Temporary Speaker. Let me begin by reminding this House of certain decisions made by previous Members, and how those decisions later turned against them, creating both intended and unintended consequences.

Once upon a time, Members of this House passed the Preservation of Public Security Act, which allowed detention without trial. Most of the Members who vigorously supported that Bill were, before the end of the 60s decade, detained under the same law they had passed. In 1982, Members of this House also passed, in record time through all three readings, a law inserting Section 2A, making Kenya a *de jure* one-party state. Within 12 months, those who had moved and supported that Motion were expelled from KANU, and their political careers ended. In 1989, the then-President of Romania, Ceaușescu, visited Kenya. Among the documents signed was a security cooperation arrangement under which Romania, a hardline communist state at the time, would offer training on how to deal with dissidents, including torturing and poisoning them. The public officer who signed that memorandum was the first victim. He was poisoned and died. I am not giving names. These are historical facts recorded in *The Hansard* and other official documents.

Why am I saying this? These circulars, making it mandatory for everyone to use the e-procurement platform, reflect the same kind of thoughtless Executive or legislative action by those in power. The directives are coming from a person who served in this House for 15 years. I now represent the constituency he once represented. When he left Office about three years ago, that constituency had only 30 per cent rural electrification, no internet connectivity, and not a single kilometre of tarmac road. Yet he has signed a circular stating that everyone who wants to do business with the Government must do it online, knowing very well that the people of Suba South have no internet access, not even a national fibre optic infrastructure. I am struggling with all these.

This circular is thoughtless. Nothing has been presented to this House on the social impact of making procurement mandatory online. It will affect affirmative action groups, persons with disabilities, women and youths. We cannot approve it blindly. I urge Members to join hands and adopt this Report, annulling the two circulars that make online procurement mandatory. To approve them would invalidate the very essence of public procurement, which is to afford everyone equal opportunity to participate in business. That we cannot do.

The circulars are also illegal. Section 77 provides that procurement can be done either online or manually. The law has not changed. We cannot allow the National Treasury or any other Government agency to subvert the will of this House, especially after we annulled the earlier circular in August. With those remarks, I support the Report.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support the annulment of this Report. A few years ago, during the Jubilee Government, we went through numerous regulations, many of which were extremely stringent. The National Treasury has never brought regulations to guide us on how it wants this new system managed. We have seen how NG-CDF operations have struggled. The mistake we made when dealing with NG-CDF was failing to address this issue early enough. Even in this Parliament, our Clerk is struggling with procurement. I doubt how any procurement is currently being done because the system is not working as intended.

It is important that the Executive works well with the Legislature and the Judiciary. When making resolutions that will define the whole country, the three arms of Government must sit together and agree on the best way forward. People across the country are struggling because of this system. Has Parliament trained officers on how to use it? I doubt it. Have we even trained staff in our offices? No. We need a clear framework that allows proper training before implementation. People must first understand what to do before the system is fully rolled out. Both manual and online systems should run concurrently during the transition. We cannot simply shut everything down abruptly. We cannot be like Trump, sorry to say, the way he just decided to shut down the USA. We are in a sort of shutdown, too.

I urge the Cabinet Secretary for the National Treasury to understand the different sectors. We agree that digital systems are necessary, but their adoption must be gradual. Procurement officers need to be trained, since they will each be responsible for uploading procurement plans directly to the Integrated Financial Management Information System (IFMIS) using individual credentials. It is good for Kenyans to access tenders online, but we must introduce this system in stages.

For this reason, I support the annulment and urge the National Treasury to present proper regulations to this House, as they have not even amended the law.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Next is the Member for Teso South, Hon. Mary Emaase. She is not in the House. Let us proceed with Hon. Ibrahim Saney, the Member for Wajir North.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you, Hon. Temporary Speaker. I cannot come to terms with why this Government is so concerned and attached to the so-called e-procurement. Consider the fate of a common mwananchi who is illiterate, yet has the right to participate in the procurement processes of this country, just like any other citizen. For many in Northern Kenya, the internet remains an abstract concept. Is this initiative merely an attempt to further marginalise those who are already disadvantaged? What is the import of this Report? Who is responsible for legislating it? Is it this House?

In the hierarchy of laws, I have never encountered the impact of a mere circular. Then, you cannot proclaim mandatory use of a circular. Mandatory use by whom? Is it by this House, or is it enshrined in the Constitution or statutes passed by this House? It is precedents that can at least influence our reasoning on regulations through delegated legislation. What else matters? What is a circular? What legal effect does it have, and who can deem it mandatory? I can assure you that it is not accessible to all Kenyans. Seventy per cent of Kenyans lack access to internet services. So why impose this requirement upon us? Why do you remain comfortably seated at your tables? You have been appointed by the delegated authority of His Excellency the President, on behalf of all Kenyans. This authority should not be abused. You do not possess the *de facto* power to legislate. As the Cabinet Secretary for the National Treasury and Economic Planning, you cannot claim the mandatory use of e-procurement. Who granted you that authority?

The other circular emanated from an unclear source. I do not know where they are getting this authority from. Only the Judiciary can, through positive activism, legislate from the bench. However, that does not permit arbitrary rule-making. They may identify lacunas in the law, but it is this House that ultimately creates the necessary legislation. How can the Head of Public Service issue a circular subjecting Kenyans to a mandatory requirement? Under what authority?

The Cabinet Secretary for National Treasury and Economic Planning, Hon. Mbadi, is a respected and seasoned individual. He is a friend of ours, yet he is asserting unfounded authority. I believe no citizens were adequately tested and informed for e-procurement to be regarded as successful. So how can it be deemed mandatory? The use of the word 'mandatory' is sinister. I believe it is a way to help the corrupt become more corrupt. They want to use internet services to steal and pilfer more resources in favour of the corrupt. There is nothing beneficial for Kenyans within the e-procurement system.

I support the Report of the Committee on Delegated Legislation.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Next is the Member for Kathiani, Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Temporary Speaker. First and foremost, I am very happy with the Committee on Delegated Legislation for the job well done. This issue originated from a circular issued by the Public Procurement Regulatory Authority (PPRA), which indicated that every Government or state organ must procure goods and services through e-procurement. The House has already annulled that particular circular. However, the Committee has identified another circular from the Cabinet Secretary for National Treasury and Economic Planning, as well as an additional one from the Head of Public Service, both of which are against the law.

It is important for us to determine whether a circular can indeed be classified as a statutory instrument. We should understand that the definition of subsidiary legislation under the Statutory Instrument is quite broad. It encompasses a rule, order, regulation, direction, form, tariff of costs or fees, letters, patent, commission, warrant, proclamation, bylaw, resolution,

guidelines, or other statutory instruments issued, made, or established in the execution of a power conferred by or under an Act of Parliament. By a strict interpretation of that definition, a circular can be seen as a statutory instrument. There is delegated power conferred in every law to regulatory authorities, allowing them to create regulations. Unfortunately, they must adhere to the parent law.

In this instance, the parent law is the Public Procurement and Asset Disposal Act, which clearly stipulates that procurement can be conducted in two ways: manually or electronically. Surprisingly, the Cabinet Secretary, the head of the PPRA, and the Head of Public Service can choose to undermine a law. If the law states that procurement can be conducted manually, who are they to assert that conducting manual procurement is unlawful? Article 94(5) of the Constitution clearly states that no individual, other than Parliament, has the authority to create provisions that have the force of law. Essentially, their actions violate both the Constitution and existing laws.

I call upon the Cabinet Secretary to uphold the rule of law. He must respect Parliament, particularly as he is an expert in the Executive who has derived his expertise from this House. Why would he suddenly begin to disregard the institution that contributed to his standing as an expert? The Executive must maintain respect for this House.

In conclusion, even the Ministry of Education has become notorious for issuing circulars that assume the force of law. Recently, we summoned the Cabinet Secretary for Education to clarify a circular he had issued. I was shocked to find that in his written response to this House, he stated that his circular was not made pursuant to any written law but rather in accordance with general executive power. There exists an outrageous belief within the Executive that they possess some general executive power to do anything they please. This House must stand firm. We shall support the Committee's recommendation to annul this circular and any other circulars they may present to the citizens of this country.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. (Dr) John Mutunga, the Member for Tigania West, do you wish to contribute to this or the next item on the agenda?

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): The next Order.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): The Member for Mumias East, Hon. Peter Salasya,

**Hon. Peter Salasya** (Mumias East, DAP-K): Hon. Temporary Speaker, I stand here in solidarity with the Report presented by the Committee. I have enough reasons to support that Report.

Before I proceed, I would like to express my reservations to the Ministry of National Treasury and Economic Planning and the Cabinet Secretary, Hon. Mbadi, that Parliament is powerful. We are the representatives of the people, and whatever we articulate here in this House speaks on behalf of millions, as the Constitution grants us that power. There is no way that a Cabinet Secretary can issue regulations that do not resonate with the realities of this country.

The President promised internet connectivity across the country; yet, to this day, such connectivity is not there. In certain areas, one must climb a tree just to make a phone call due to a lack of service. Additionally, there was a report that was meant to be shared, which would evaluate how the E-GPS can function. Counties such as Busia and Elgeyo Marakwet were meant to be piloted to see if this system could work effectively. However, this Report has never been completed.

In the counties, everything has been paralysed since July. Nothing is happening in this country. They are lying to people that the Electronic Government Procurement (e-GP) is going to work against corruption, but that is not the truth. Counties have only been receiving salaries



since July. We are now in the second quarter, and nothing is happening. No one is ready to use the e-GP; they have not even been prepared to use it.

I urge the Government not to rush into things only to end up wrongly, as it did with the Social Health Authority (SHA). We are asking them to nullify everything and listen to the Report of this House, so that we can ensure this country is moving forward.

Hon. Temporary Speaker, we must ensure that our stand is heard. If we do not, we will not be doing justice to this country. It is high time we take the necessary action against the Cabinet Secretary. If he fails to allow the procurement to proceed, we will impeach him and let him know that he is not above everyone. According to the Constitution, the President is ranked fifth, while the House is ranked second.

Thank you, Hon. Temporary Speaker, for giving me the chance to speak.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Adagala, Member for Vihiga County.

**Hon. Adagala Beatrice** (Vihiga County, ANC): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also speak on the Report of the Committee on Delegated Legislation. I thank the Committee for doing a very good job. We want to ensure that this Report is supported at whatever cost.

When you talk of internet coverage, most of our villages are not compliant. In some areas, including my County, Vihiga, when some people want to talk on the phone, they have to go to the highest places—the hills, trees, and other places. Internet coverage is not available there. So, when you talk about us using the internet everywhere, that will not work. Therefore, this will discriminate against women who want to do tenders with the Government, as well as the youth who are not able to access the internet to do business with the Government.

On that note, the Committee's Report should be followed to the letter. I support that Report with all my body parts. Procurement should remain the way it is. Let us not discriminate or take some Kenyans for granted. Let every Kenyan enjoy, regardless of whether they have internet or not.

The Ministry should not dictate to this House on what should be done. Those circulars should be withdrawn as the Committee's Report has recommended. I therefore support it with all my body parts.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Patrick Makau, Commissioner and Member for Mavoko Constituency.

**Hon. Patrick Makau** (Mavoko, WDM): Thank you, Hon. Temporary Speaker. From the outset, I support the Committee's Report that e-GP needs to be properly regulated, stopped, or thrown away altogether. Let me speak from my own experience. Today, in this Parliament, we have so many initiatives that are not being effected, mainly because we cannot implement them. The unfortunate part is that government institutions have money, but they cannot spend it because the National Treasury's requirements mandate the use of the e-GP. This encompasses the process of e-tendering, supplier registration, bid submission, contract and award management, and the auditing of all these transactions. The system must be tested thoroughly before it is rolled out in a city Government like this one.

We cannot introduce systems midway. When the country budget was being drafted, nobody was informed of e-GP. As leaders, we should ask ourselves whether e-GP will improve performance or productivity. From where I sit, I think the Government should have taken sufficient time to understand the system and ensure that the infrastructure—such as internet access and eligibility for digital platforms—would be in place. Currently, three-quarters of this country lacks internet access. Furthermore, three-quarters of those interested in doing business with the Government have no access to the internet.

I throw it back to this Parliament. We are the budget-making institution of this country, and the way the National Treasury is handling matters is a form of Executive interference with the workings and functions of this House. I urge Members of this House to stand firm for the sake of this House so that we can legislate, oversee and represent our people. Right now, we are really undermining our representation role. Our people can no longer conduct business. Our suppliers, contractors, and vendors are unable to be paid or apply for tenders due to the lack of a healthy business environment.

I support the Committee's Report.

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]*

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

This House should summon the Cabinet Secretary for National Treasury and Economic Planning. Sometimes, when names are brought up in this House, I feel embarrassed when I see most of you applauding and agreeing that they are good people, but the moment they enter those offices, this House is usually the first to be taught how things are done.

As a House, it is high time we ask questions about whether they will represent us and Kenyans at large, including women and the youth, when their names are brought here for approval. We need to find out what happened to the 30 per cent directive that provided for tenders to youth, women, and persons living with disabilities. This House must act so that we are not taken for granted. We need to remind the Executive that this is the House that makes laws. As the previous speaker mentioned, we should be cautious when creating laws; we should ensure they do not come back to haunt us.

As we speak, the National Government Constituencies Development Fund (NG-CDF) is at risk. There is a possibility that some of us will not be able to procure or issue bursaries. I believe you have seen the forms that have been distributed on how you are going to give bursaries. You are being stage-managed. Could it be a part of the e-GP from the National Treasury, attempting to gag us? Is it a part of the Executive making Members become beggars, forcing them to kneel whenever seeking development funds? Members of Parliament, let us restore this House to what it has been known for: the traditional belief that this is the saviour of this country. Kenyans will start believing in this country.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Madam Muhia.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you, Hon. Temporary Speaker. I stand to support the Report of the Committee. Acknowledging that the country is in a stop mode, where institutions like Kenya Power, which should supply our constituencies with transformers, have not been able to procure them. I simply wonder, since when such a matter comes on board, and the Court and this House have pronounced themselves, yet the Cabinet Secretary continues to attend rallies and issue memos threatening procurement officers as if he is not a part and parcel of this Government. Shutting the country down on a memo is quite unfortunate.

We have inadequate technology. The majority of the rural constituencies have 50 per cent or less electricity coverage. Electricity is a platform which leads to internet connectivity. It, therefore, goes without saying that the Cabinet Secretary of the National Treasury and Economic Planning, and all the teams that came up with this initiative, had no understanding or good intention for the businessmen and women who wish to obtain small tenders at the constituency or county government level.

Lack of skills among procurement officers is another headache. There is a constant urge by this Government to change everything. The National Hospital Insurance Fund (NHIF)

changed to the Social Health Agency (SHA). The university funding model was changed to a new one. We are now changing the ordinary constitutional procurement process to the Electronic Government Procurement System (e-GP) without considering the need for staff training. Electricity and internet connectivity, particularly in rural areas, are a factor. This leaves Members of this House wondering.

Hon. Mbadi was a Member of this House. He should have been an enabler to make the country work. In fact, when Hon. Mbadi was selected, I thought the country would stabilise because I know him. He is a finance expert and a former Member of Parliament, bringing valuable political knowledge and experience. However, far from the truth, he exposed his ignorance through this circular. He threatened procurement officers, ignored Court rulings and this House and had the audacity to state that the Cabinet Secretary has the power. How then will this House legislate? We legislated and put the National Government Constituencies Development Fund (NG-CDF) into law, and a team went to Court to try to have it removed. We follow the Constitution, which states that procurement can be done in either way; then the Cabinet Secretary surprises the country. The Government must demonstrate goodwill or good intentions in any process, particularly in matters of business, which creates employment opportunities for the same youth with whom the Government is struggling.

Hon. Temporary Speaker, having said that, it worries me more when the Court and Parliament pronounce themselves, and the Cabinet Secretary ignores that. So, what is this House for? What powers do we have? Why do we legislate?

With those many remarks, I look forward to this House supporting the Committee Report and nullifying this circular from the Cabinet Secretary, and asking him to style up. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Tetu, followed by Hon. Kaguchia.

**Hon. Geoffrey Wandeto** (Tetu, UDA): Thank you, Hon. Temporary Speaker, for the opportunity. At the outset, I support this Report that seeks to nullify these two illegal circulars. This country is slowly and gradually marching from being a democracy to an autocracy; a very sad event that is unfolding in our eyes as Members of this House continue to either stay silent or clap. I say this because autocracies start by undermining democratic institutions. Our strongest democratic institution in this country is Parliament. Parliament has the preserve of making laws, and today what is before us is a situation where the Executive deliberately sidelines and undermines the role of Parliament.

Hon. Temporary Speaker, I am so happy that this Motion is getting bipartisan support because we have been in a fairly divided Parliament. Unfortunately, Parliament has been left holding the short end of the stick time and again in matters such as NG-CDF, the Kenya Rural Roads Authority (KeRRA), and several other instances where the Executive appears to ignore or bypass Parliament. The people who are going to bed with this Government must be careful, even when they are Members of Parliament. That when it is time to suffer, we all suffer together. So, it is important that as Parliament, when it comes to our issues, we stay together.

We are not opposed to automation. It is a good thing. However, someone told me that in Government, the how is important than the what. We are dealing with an issue of the how. Automation is a good thing. One day, we would like to reach a situation where people can procure goods electronically, but as a country, are we ready? Do we have access to electricity? We are still in a country where more than two-thirds of the country is in darkness. Internet use is expensive, amongst many other challenges.

We have been talking about achieving 30 per cent job opportunities for the youth, women, the disabled and various marginalised people in our society. This is one way of ensuring that marginalisation is further entrenched if we adopt e-GPS. We just need to look at a few parameters. We recently rolled out e-Citizen, and as we speak, we are not sure where the

money goes. We are not sure whether it goes to a foreign country or is controlled by shadowy characters. The SHA system has also seen many Kenyans struggle as they wait for the system to be in place. Why not allow a parallel or hybrid system that enables both e-procurement and manual procurement? Why not also allow a three-year gradual rollout? We can start with one department and get it right, then slowly move to another department. This issue of *mpende msipende* (whether you like it or not) being pronounced about e-GP, that it is here to stay, whether we like it or not, is the tendency of what I am calling the gradual move from democracy to autocracy through the undermining of a public democratic institution.

Therefore, Hon. Temporary Speaker, this is not an issue of one side of this House. This must be a wake-up moment and a time for all of us Parliamentarians to stay awake. Time and again, we find ourselves holding the short end of the stick as executive overreach occurs daily in our country. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kaguchia, followed by Hon. Rael Kasiwai.

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you very much, Hon. Temporary Speaker. I stand for integrity, transparency and accountability. If this system were to help this country enhance its transparency and accountability, I would be the first person to vote for it and support it. I would not be supporting the Report from the Committee on Delegated Legislation, but supporting the implementation of this system.

However, it is not lost on me that when the team from the National Treasury and Economic Planning went to brief the Executive on their willingness and readiness to pilot this system in the country, the Executive ordered that the system be rolled out even before the pilot was completed. The reason this system should have been piloted is to facilitate modification and customisation from one agency to another, especially when it is piloted in certain agencies. That would have helped us refine the system and understand the misses and wins of this system, but this was not done. That is why it is unfortunate that the Cabinet Secretary for National Treasury and Economic Planning, Hon. Mbadi, would want to make us appear as if we are opposing what is intended to promote transparency. However, we all know that he intends to patronise procurement in this country. That is exactly what the Executive is doing. The haphazard way in which the implementation of this system has been done is suspect, mischievous and, of course, sabotages its own intentions, right from the word go—what we call *ab initio*.

Parliament is the supreme body in lawmaking in this country. The Cabinet Secretary cannot allocate himself the mandate to make laws. He does not have the power. It is the Judiciary that should adjudicate all the issues judiciously. The Cabinet Secretary cannot do that. Why is the Cabinet Secretary so ignorant about the technical challenges in this country? For this system to be implemented, we ought to have rolled out fibre optic and internet across the country. I know this might have been promised by the President at some point. But I am taken aback. Could it be that the Cabinet Secretary for the National Treasury genuinely believes that the whole country is now connected to the internet? The Cabinet Secretary must understand that there is a difference between what is promised on podiums, at political rallies, and on the roof of cars, and the reality on the ground. '*Mambo kwa ground ni tofauti*'. We know that we do not have internet across the country. However, the Executive, through the President and the Cabinet Secretary for Information, Communications, and the Digital Economy, has attempted to inform Kenyans that they have connected the internet across the country. That is not true. We know that it has not been done.

It surprises me that the Cabinet Secretary, who ought to be knowledgeable and understanding, can actually push on a system that he understands very well cannot work at this time. This does not mean that it cannot work in future. But what he is doing now is flogging a dead horse. This has had an effect on this country. It has basically sabotaged and locked down

cash flow from all government institutions for the last three months. It is no wonder that Kenyans do not have money in their pockets, given what this government promised—that it would put money in the pockets of the Kenyan people. The reason why Kenyans are suffering today, with a lack of cash flow and liquidity in the country, is that there is no money flowing out of the government through the supply chain. As you know, the government is the biggest consumer and buyer in the country. We must remedy this, unless we want our country to go down the drain.

Hon. Temporary Speaker, I submit. Thank you very much.

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

**Hon. Rael Kasiwai** (West Pokot County, KUP): Thank you, Hon. Temporary Speaker, for this opportunity.

At the outset, I support the Report of this Committee, where I am a member. This e-GP will not function in many areas, for example, my County, West Pokot, where even electricity connectivity is at five per cent. Introducing this system is like locking down my county. Nothing will happen in West Pokot County because of poor electricity connectivity.

This system also poses cybersecurity and data risks, as it can be easily hacked. The Gen Z are very good at this. How sure are we that the data in our counties or the procurement officers will be protected? This e-GP will not work in our country.

Setting up this system might not be that cheap. We will require expertise in procuring both hardware and software. Using a lot of money to set up a system that will fail us is a waste of the taxpayers' money. Where will we get the money to set up this costly system? That money can be used to do something else. Hon. Mbadi should rethink his decision to force us to use this system, because it is very costly.

Another issue with this system is delays and a lot of bureaucracy. We know that this system is new to our country. Therefore, approval alone might take a lot of time, hence delaying all the programmes in our departments. It is not good to implement the system. Hon. Mbadi should know that Kenya is a third-world country. If anything, in other countries where this system has been used, for example, Rwanda, it was not done hurriedly, the way it is being done here. There was piloting, right from the small departments, before it was rolled out to all the government departments.

Hon. Temporary Speaker, this e-GP is not the best for our country. Thank you.

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

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

I rise to support this Report, as presented by the Committee on Implementation. I would like to go on record as saying that any system that removes subjectivity and brings objectivity to public finance management and procurement-related activities should be welcomed. This is because we have had harrowing incidents where the procurement process has been subverted for the benefit of a certain category of people.

There are many people in this country who have consistently participated in the procurement process, despite having high-quality papers, but they have never won any tenders. There are those who, without even submitting papers, have bribed their way to win tenders, yet they lack the capacity to deliver the works and services for which they have been contracted.

That is why we end up with very many stalled projects and shoddily done work that simply collapse or end up not benefiting the public. Many projects do not have value for money.

When e-GP was introduced, I thought it was a revolutionary process that could work out. I am not a systems expert, but I have been involved and have seen how systems are implemented. Systems are never implemented all at once, but rather in an organised manner. This is to ensure that any teething problems are addressed in earnest and incorporated to the extent that, when the system is fully rolled out, it is possible to serve the intended purposes. That is why we pilot systems in small areas or cohorts before we roll them out at a go. For the

system to roll out at a go, I thought that they had better technologies, hardware, and bandwidth to enable it to work. But when I engaged procurement officers, normal contractors and service providers, they told us that the way the system is designed, it cannot work.

I stand here today to support this Report on three or four accounts. One, Parliament, in its wisdom, under the powers granted to it by Article 95, annulled the Circular. For the Cabinet Secretary to proceed and issue subsequent circulars that override the decision of Parliament is contemptuous, demeaning, and belittling. This Parliament should not allow such nonsense. Parliament will have surrendered its mandate under Kenya's Constitution the moment we acquiesce to this kind of approach.

Secondly, it is on record that courts of law have issued an injunction stopping the rollout of the system until and unless the issues raised in the petition have been adequately canvassed, addressed, and ensured they comply with the principles set out under Article 10 of the Constitution. To proceed again and issue subsequent circulars is an act of impunity and contempt of the Court. For an administration that purports to rule by the rule of law and comply with the Constitution, it is a sure case of a dictatorial government to disregard Parliament and Court decisions. We are setting up authoritarian institutions that will make sure this country does not move anywhere.

For Members of Parliament, this is now a call to action. We have been subservient for so long and made to become praise and worship Members. It is time to stand up for our cause and protect the Constitution and the integrity of this country. We must annul this by approving this Report. Let us make sure this procurement system is not rolled out until the Executive complies with the requirements of the courts of law and the National Assembly.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Yegon, Member of Bomet East.

**Hon. Richard Yegon** (Bomet East, UDA): Thank you.

I would also like to support the Report by the Committee on Delegated Legislation tabled in the House. I do not understand why this Parliament exists when a Cabinet Secretary goes ahead to nullify everything that has been done through legislation and passed. I was asking myself why the Cabinet Secretary is doing this, yet he was in this Parliament the other day. Had he been here, I know he would have supported this Report. I do not know what entered his mind when he moved to the Executive.

It is very wrong for the country to move in a direction where Parliament makes laws that we do not support. We have people across the country, and we have talked about the internet. Applying for this through the internet is giving people problems. The government should rescind all that it has done and follow the advice of Parliament and the Committee on Delegated Legislation. That is so that we are seen to be following the law. It will not be business as usual in the near future if we violate the laws we pass in this House. That is why Gen Z and everyone in the country are getting agitated towards the government. I am not only talking about Kenya; it can also be seen across the world. It is because we tend to violate what has been passed.

We need to take time and digest the issue of the Electronic Government Procurement (e-GP) System to make sure that it is working. We also need to allow people who do not have internet in the countryside to do manual procurement. So long as these things are done fairly, we need to support it. I support the delegated legislative consideration to revoke the actions taken by the Cabinet Secretary.

Thank you very much.

**The Temporary Speaker** (Hon. Farah Maalim): I do not see any further interest. Is the Mover ready to reply? Hon. Mwenje, are you the Vice-Chair of that Committee?

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you.

This is a Report by the Committee on Implementation following a Motion the Committee on Delegated Legislation brought forth. The House adopted it and referred it to the Committee on Implementation.

First, I would like to thank all the Members who have contributed to this Motion. More importantly, it is clear because no Member rose to oppose this Motion. When the Cabinet Secretary and the Head of Public Service issued these circulars, along with the other annulled Circular, those three circulars were what he had been relying on for e-GP. This House nullified Circular No. 04 of 2025 of the Public Procurement Regulatory Authority (PPRA). To make it clear, these two additional circulars are what the Cabinet Secretary of the National Treasury is relying on for e-GP.

Therefore, those two additional circulars stand nullified, and e-GP becomes a thing of the past if this House adopts this Report. We need to make that quite clear. Courtesy of the two circulars that are there, as it stands, the e-GP violates Article 227(1) of the Constitution, which provides that a procurement system should be fair, competitive, and cost-effective. This system does not meet those standards. By nullifying these two circulars, we are complying with Article 227(1) of the Constitution.

The Cabinet Secretary must amend Section 77 of the Public Procurement and Asset Disposal (PPAD) Act if he wants to implement e-GPS. That is the provision that provides for both electronic and manual procurement. He must bring an amendment to this House to amend it to be electronic alone. Furthermore, in order for you to activate an electronic system, Section 7(2)(c) of the same Act provides that the Treasury shall submit regulations to this House to create a procurement system that respects and promotes the distinctiveness of national and county levels.

Every Member speaking on behalf of the various areas and regions they represent has said that the electricity connection is not 100 per cent. Even for me, as a Member of Parliament in Nairobi, where we might have electricity connected in my entire constituency, we do not have internet and electricity all the time. More importantly, even the hustlers and the low people trying to get these jobs cannot meet the standards set out by e-GPS as it stands.

We need to go on record that this House is not opposed to e-GPS. That is not what we are here for. We are not opposed to a better procurement system. What we are opposed to is the Executive legislation on behalf of this House. There is a proper procedure that the Cabinet Secretary can follow. He may introduce regulations by bringing them to the Committee on Delegated Legislation, and amend the Act through this House. That will be sufficient for him to introduce this system. Without that, these circulars stand nullified once this Report is adopted.

Once we finish this, I pray that the National Treasury will implement it immediately and follow through with all procurement entities. Failure to do so, this House is within its right to sanction the Cabinet Secretary of the National Treasury and Economic Planning. It would be a sad affair, considering that he sat right here next to us about 15 months ago. I pray that Hon. Mbadi respects the decision of this House.

With that, I beg to reply.

*(Question put and agreed to)*

## **BILL**

THE TEA (AMENDMENT) BILL  
(Senate Bill No.1 of 2023)

*(Moved by Hon. Brighton Yegon on 4.11.2025)*

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*(Resumption of debate interrupted on 4.11.2025)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. (Dr) John Mutunga, the Chairperson of the Departmental Committee on Agriculture and Livestock, will now have the Floor. Proceed.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Tea (Amendment) Bill.

We have undergone a lengthy process of developing legislation that serves the tea sector. We have completely sorted out the sugar sector. Kenya will be self-sufficient in terms of sugar in the next two years because we have identified the bottlenecks, challenges, and low centres and plugged them so that we can contain the industry. We are now looking at the tea sector, taking into account the fact that agriculture is a devolved function, which mostly takes place locally.

This Bill came from the Senate and is, therefore, being co-sponsored by my Vice-Chairperson.

The Bill principally seeks to amend the provisions of the Tea Act, 2020 Cap. 343, to restructure the value chain, enhance transparency and accountability within the value chain, better manage tea sales, improve grower earnings for the farmers, promote value addition, and strengthen the regulatory framework governing the tea industry in our country.

Tea is one of our country's key foreign exchange earners. It has remained at the top of the list of foreign exchange earners, unlike coffee, which has dwindled. We have maintained our quota in the global market because tea farmers are very committed to their cause.

The recent happenings in terms of the price differentials between the east and west of the Rift Valley are disheartening, to the extent that we need to quickly take care of this situation so that we do not discourage tea farmers. If we discourage tea farmers, we lose a lot as a country. We lose the foreign exchange in terms of the foreign currency. We also lose the external markets that have relied on us and the trust bestowed on our tea. Our tea, just like coffee, is special to the extent that it is highly demanded because of its quality, aroma, and taste. We would therefore like to maintain Kenya's position as one of the top global tea producers, not just in terms of volume, but also in terms of quality. That is why it is important for us to address this issue of pricing.

I presented a statement in this House yesterday. I promised that we have already started a process of inquiry into the causes of the differences in the tea pricing. We realised that most factories in the west of the Rift Valley are earning much less in bonuses, while those in the east are earning a lot better. Although some in the east of the Rift Valley are also sharing similar levels of earnings, we want to delve into the depth and breadth of this. We want to identify exactly why a tea factory would sell tea leaves and earn more money, while another factory in another part of the country sells the same variety of tea leaves and earns less money. This inquiry goes deeper into identifying the cost centres within these factories. It is also trying to establish whether we are rational in decision-making around the cost.

We will also investigate the institutions that are partnering in moderating the tea management in this country. Any institution within the tea value chain would be investigated with the aim of establishing its role and how that role affects the industry. We know that tea is not just sold through one management agency. Our tea passes through multiple management agencies. Key among them is the Kenya Tea Development Agency (KTDA). There are also other private agencies. Most management agencies, per se, do not produce tea. They only manage the marketing and the value addition of tea. Therefore, we need to ask ourselves: Does



the registration, licensing, or incorporation of many management agencies become a factor in tea pricing? Is it an issue that we need to focus on?

There are many other issues that we need to look at. While dealing with the issues of sugarcane, we found that to reduce costs at the farmer level, we must increase the varieties that yield high sucrose content. That is why this country has invested in Cane Testing Units (CTUs). For tea, we shall find out exactly how the management and staffing of the factories affect the pricing. We promise Kenyan farmers that we will identify the issues affecting tea pricing and address them.

Coming back to the legislation, this Bill will achieve several benefits. One of them is to provide the institutionalisation of tea sales. We want to allow Kenyans and others to sell tea directly. We have been selling tea through auction. We also want an alternative route to sell tea, so that Kenyan farmers can benefit significantly more than they do currently. We want to guarantee the timely disbursement of resources or the proceeds from the tea sales.

We also want to incentivise Kenyan tea producers to add value to their tea. In this case, we propose that anyone who adds value to their tea will be exempt from the levies in the tea industry. This will encourage many players within the sector to add value to their tea before selling it. We sell tea as Brown CDC, which is not a value-added product. We would like tea to be sold directly for consumption. As you travel to most parts of the world, you realise that our tea is often mixed with other herbs. I say so because it is not real tea. Sometimes, you do not even get the colour, taste or smell of the tea. It, therefore, means that those teas are not as good as ours. That is why our tea is used to blend with other teas for the purpose of improving their quality.

We also want to enhance the governance architecture of TBK. We want to look at the levels of investigations to manage the quality of representation within TBK, so that the right people take up the correct positions within the Board. We also want to harmonise the statutory definitions and terminologies in the law itself so that the law speaks clearly to its users in managing the industry.

Hon. Temporary Speaker, allow me to highlight some of the issues captured in the Bill. One of them is direct sales. It is important for us to understand what direct sales means. This is basically a proposed introduction of direct packaging of tea overseas for people to sell, allowing licensed factories or entities that represent tea growers to sell tea directly instead of passing through the auction. This is an opportunity to increase growers' earnings and provide them with greater value for their tea. That is where the law comes in to make it possible to make direct tea sales.

Another important issue is the cost of tea management itself. There is a collection centre where tea is taken. From the collection centre, the tea is weighed and recorded, and then it is transported to the factory for processing. We are looking at how this cost is managed, what it is and how to ensure that it does not overburden farmers. We have scrutinised the levies, taxes and every other cost. We have, therefore, proposed provisions for the marketing function, post-harvest management of tea, and the pre- and post-harvest management of the entire value chain.

We have provided TBK with resources to run that function effectively. Post-picking of tea will be done by various institutions, including the Kenya Tea Development Agency (KTDA). We have given tea factories the power to do direct marketing. The tea industry is a crucial sector of the country's economy. The Committee has basically looked at how to make it possible for farmers to benefit a lot more than they are doing right now. We have had intensive public participation. We have engaged with institutions to ensure that we receive the best opinions from everyone. These opinions have been incorporated into the new legislation, which looks a lot better than before.

There are a few important issues that have been included in the new legislation. I might want to highlight them. One of them is that we decided to allow tea to be controlled a lot more

by its owners, who are the farmers. We have given farmers the responsibility to constitute the Board and manage their produce themselves. Farmers have a way of electing directors to the factories. The factory directors are the ones who run the show.

Another issue is e-commerce. We have introduced e-commerce for the purpose of international trading in tea, allowing tea to be properly channelled through a registered e-commerce system. We have also introduced other options that will help with tea management. We have adopted what probably looked good in this particular legislation. For instance, we introduced guidelines on governance, ethics and the conduct of tea factory directors. This is something we avoid when legislating most of the time. We realise that it is important to look at the ethics and conduct of tea directors so that we do not have people enriching themselves with the proceeds of tea farmers.

We also looked at other provisions in the legislation. We looked at their logic to enable farmers to get better input at the right time, enable them to sell their produce better, and also promote tea value addition in this country, bearing in mind that this country requires employment. Since we require employment, the value addition of tea will offer a number of opportunities, because more than 600,000 families depend on tea. Through a multiplier effect, many people will become independent.

Besides that, we have to industrialise through value addition. That will engage many people in the collection, actual transformation, packaging, transportation, and marketing. That will also open up other avenues for creating employment in the tea sector. This will help the country grow its income, engage more youth in the industry, and intensify tea production.

Hon. Temporary Speaker, with those remarks, I wish to support the Report.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mwiti also has an interest in this matter.

**Hon. (Dr) Shadrack Mwiti** (South Imenti, JP): First and foremost, thank you, Hon. Temporary Speaker, for giving me this opportunity to participate in debating this important Bill, which really touches on the people of South Imenti, whom I represent. I represent a Constituency with three tea factories: Kionyo, Kinoro, and Imenti, where I served as a director.

The Bill is very important because it deals with the direct sales of tea. When factories operate autonomously with direct sales, they earn more money and have greater market control. In this case, they will negotiate the prices, and the payment of tea proceeds would be higher than it is today.

Direct sales would lead to better marketing of tea in various countries. Our main market at the moment is Pakistan and other parts of Asia. Tea is sold through auction, and factories have no mandate to sell their tea directly to consumers. By opening up tea sales, factories would achieve fair pricing and timely payments, thereby empowering their farmers.

The Bill also allows for localised value addition, thereby encouraging the packaging and branding of the tea produced by various factories.

Factories will also be allowed to sell tea directly through their outlets. One advantage of direct sales is that it increases the profitability of the chain by allowing factories to sell their tea directly, auction their products, and gain more value for their tea.

The Bill will also improve market diversification. Opening up sales channels creates opportunities for factories to explore new and diverse markets by selling directly to importers and consumers. Direct sales will also eliminate middlemen who influence the market and prices. In the traditional auction system, middlemen often play a significant role by taking a portion of the profits that should go to the farmers. These intermediaries allow farmers and factories to retain only a share of their profits.

The Bill will also improve the quality assurance of the tea that we produce. With the ability to sell their tea directly through various channels, factories will prioritise quality over

quantity, thereby achieving greater benefits. They will engage in better quality control measures than they currently do.

There will also be an increase in value-added products on the market, such as packaged tea and speciality blends, which will enhance tea quality and boost income. Factories will also develop their own brands and market their products more effectively.

There is also consumer convenience. Packaged tea offers convenience, making it easier for consumers to prepare and utilise the product. It will also create job opportunities, as the value-added process requires a skilled workforce within factories and the broader community.

Tea is an important foreign exchange earner in our great country. Decisions should be made cautiously to protect the tea industry, give leeway to direct sales, and facilitate direct payment of tea bonuses. Value addition is critical, and factories should be encouraged to undertake it.

Thank you, Hon. Temporary Speaker.

I support the Bill.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Yegon, you still want to say something on this?

**Hon. Richard Yegon** (Bomet East, UDA): Hon. Temporary Speaker, I would like to contribute to this very important Bill, the Tea (Amendment) Bill (Senate Bill No. 1 of 2023).

I support this Bill because, from the recent bonuses we received, farmers are really suffering. There are many things that are going on that need to be addressed.

If you see how the bonuses or money received by these factories are distributed, it is inclined to a given area. Basically, the bonuses are coming in very badly, especially from the west of the Rift Valley. I come from a constituency where my farmers are taking tea to a tea factory, which received Ksh12 per kilo in this financial year's bonuses. I was checking why some other areas are getting better remuneration for their farmers, while others are suffering. There is one factory in the west of the Rift Valley that recently received more than Ksh45 per kilo, while the rest were coming down from Ksh20, Ksh13, or Ksh15 from the same region. When I checked, there is one director on the KTDA Board who comes from around the Momul Tea Factory. The farmers from that area got very good remuneration, while the rest are really suffering.

**Hon. GG Kagombe** (Gatundu South, UDA): On a point of order, Hon. Temporary Speaker.

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

**Hon. GG Kagombe** (Gatundu South, UDA): I know this is an emotive issue, but it is important to stick to the Bill and the amendments that have been made. The issues that the Member is talking about, of individual factories and the management agent, which is just one management agent against five that are licensed by the Tea Board of Kenya, and the insinuation that someone who is elected by members of a tea factory to represent them in a setup called KTDA, does not really find its way in this amendment Bill.

It is also important that the Member, while discussing, be factual. This is a House of debate, and this debate has been taken seriously by the people. When you insinuate that a factory got money because someone sits on the KTDA Board, we are about to find out. Hon. Temporary Speaker, yesterday you told this Committee to go and conduct fact-finding and come back in three weeks with answers on why there is a price difference between the two regions. Before then, we would be putting the cart before the horse because we have not gone out yet. You also ruled that the Member join the Committee for a fact-finding mission. I beg that he, at this point, stick to what we are discussing, which is the amendment Bill that came from the Senate. Thereafter, at an appropriate time, we can discuss the disparity and dichotomy in payment of the bonus or the second payment, after we have gone out and found facts.

Otherwise, what he is doing now is prejudicing the public, this House, and the Speaker of the House. I would ask that he withdraws and keeps to this particular issue. He said he would have all the time to address the issue of price disparity.

Thank you, Hon. Temporary Speaker.

**Hon. Richard Yegon** (Bomet East, UDA): Thank you, Hon. Temporary Speaker. I know the Member has a lot of interest because he is a farmer like me. It is good that we truly agitate for our farmers and everybody. I support the amendments as they are. I was just stating facts, that factories owned by KTDA directors pay double the prices that other factories from the South-West Rift Valley pay. We are going to come up with a report in less than three weeks after the fact-finding mission.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Yegon, the Standing Orders are very clear. You have to be factual and relevant. So, maintain that.

**Hon. Richard Yegon** (Bomet East, UDA): Thank you, Hon. Temporary Speaker. I stand guided. I am going to be factual and bring the facts to this Parliament after three weeks of the completion of the fact-finding mission by the *ad-hoc* Committee. There are many things we need to do, including testing tea by mouth. Instead of the auctions in Mombasa that involve a lot of bureaucracy, there will be direct sales. This will be very important, as it will provide farmers with a good income. Selling tea in sacks instead of engaging in value addition is something we also need to look at and ensure that farmers across the country benefit.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): For the benefit of the Chairman, although I am not a tea farmer, I can safely say that the space those two cash crops occupy in our country is huge. Throughout our history, from colonial times to the Independent system of government... I was one of the few founders of what was called the Coffee and Tea Parliamentary Association (COTEPa) in 1993, if my memory serves me correctly, along with Hon. Paul Muite, Hon. Kiraitu Murungi, and Hon. Ndwiga from Embu. Once the bureaucracy is removed, individual factories and farmers will be able to market their coffee wherever they choose. Why are there price differentials, yet the quality of the tea is the same? I listened to Hon. Mutunga very keenly when he said that the quality is the same on both sides, but there are serious price differentials. Where would the problem be? You are the Chairman.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, for that very thoughtful question. The reason we requested an inquiry as a Committee is that this issue has been misused. It is emotive to the extent that some farmers are uprooting their plantations, while others have stopped producing tea. They have left tea bushes to grow into trees, which is not supposed to be the case. Quite a number are also demoralised because of the pricing regimes. There are some intricacies that we believe could be the causes of these price differentials.

One, different factories have different processing costs, not because of the equipment but because of human resources. Some factories are over-established in terms of human resources. Some other factories have made it deliberately lean, and that is painful when it comes to the community that basically owns the factory. Factories are owned by communities that grow tea.

The other issue, Hon. Temporary Speaker, is the licensing of many private buyers and tea hawking, which has the connotation of encouraging poor quality. This is because when the Kenya Tea Development Agency (KTDA) rejects tea due to poor quality, hawkers buy and process it. We should remember that it is only KTDA that offers farmers a bonus. All the others just buy, process, and sell. So, they finish the business at that point in time.

The other issue we shall be investigating very closely is the other influencers in terms of pricing. One of them has to do with the capacity of the factory to run machines over time, and the establishment of that capacity based on the availability of tea. All private tea processors

do not own a single tea plant. So, they rely on the tea they hawk or get from anywhere. In this House, we have some owners of those factories. We are discussing this issue so that we can help Kenyans, not necessarily the post-production investors in the sub-sector. We want the producers to benefit.

The problem with having many factories licensed to buy, process, and sell tea is that they create excessive competition. May I proceed to state that KTDA is quoted globally as the most effective smallholder tea management agency? It is often quoted by people who do not even know Kenya, but know the KTDA. They know it is for smallholder tea farmers. They know it has collection centres, a transport system, factories, and processing units owned by farmers who are managed by elected directors.

Factories are set up at the initial stage of purchasing equipment, considering the amount of tea they will process. They set up and buy machines that are commensurate with the amount of tea to be processed and hire manpower commensurate with the amount of tea to be processed. Along the way, we introduce new private processors who are not in the equation. As a result, these processors remain idle for a certain period, which is costly to the factory. They pay personnel and fixed costs run. There is an issue here because the factory must pay the costs and compete with the others.

Again, when farmers have an alternative, sometimes they sell some to KTDA and at other times to others. The KTDA establishment may not lay off staff because they do not know whether the tea will be available or not. There is no possibility of telling whether farmers will sell to them or not. We need to fix that bit as well. There is a lot that we are going to find out. That is the time the Hon. Member who has just been speaking will come to this House and tell us the particular people who do what and give us the facts. By then, we shall have the facts as well.

**The Temporary Speaker** (Hon. Farah Maalim): You have made it a lot clearer. Liberalisation and the opening up of the market itself, as well as making it a free market, have their own challenges. This is because many people are taking advantage of it, essentially because it is no longer regulated. They buy the tea at any price. As you have put it, there are a lot of overheads and certain costs that are occasioned by the fact that there are too many factories and buyers. Am I right? Anyway, that was just for my benefit.

Hon. Kagombe, you are the last one on this one.

**Hon. GG Kagombe** (Gatundu South, JP): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to contribute to this amendment. You had asked the Chairman to say something to your benefit.

*(The Temporary Speaker (Hon. Farah Maalim) consulted  
with the Clerks-at-the-Table)*

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

**Hon. GG Kagombe** (Gatundu South, UDA): Hon. Temporary Speaker, proliferation or opening up of businesses is not bad. However, there are two levels. There is the business of manufactured tea, which you want to ensure is open so that you do not attend the auction alone. You can get other markets for manufactured tea. What is not allowed and what is not good for the market is the proliferation or opening up of green leaf, which the Tea Board of Kenya regulates. It is a crime. Poaching and hawking of tea are crimes that attract a fine of Ksh10 million under the Act we are amending. That is where the problem lies, but I will see you privately and explain it better before we embark on the fact-finding mission.

Tea contributed 27 per cent of all the foreign income that we earned last year. It was only second to money from our diaspora remittances, which contributed 30 per cent. Kenya is the third-largest producer of tea, after China and India. Sri Lanka comes in at number four,

followed by Vietnam, Turkey, Iran, Indonesia, Argentina, and Japan, in that order, all the way to number 10. Kenya is the number one tea exporter in the world. Most of these other countries, which are ahead of us, such as India and China, have the capacity to consume their own tea. We only consume a maximum of 3 per cent of the tea that we produce. The tea that we produce here will only make sense to the farmer if it reaches the markets outside.

One of the things that this Bill addresses is the banning of direct sales overseas. It means that a factory or producer can have a forward contract with someone who wants a particular blend that is not found at the auction. It only sells six grades of black CTC, which is what we produce. They are: BP1, PF1, PD, Dust, Dust1 and Fannings. We are trying to enter the orthodox market, but we have not done so properly.

When you ban direct sales overseas, as was done by law in the past, it means that all the tea must be provided for sale at the auction. That is one of the greatest things that we are trying to cure. I know you understand that any market operates according to market forces, which include demand and supply. You remember there was noise last year when there was a glut in Mombasa. Tea reached levels of 104 million kilogrammes, yet the market has only the capacity to absorb a maximum of 8 million kilogrammes. What happens to the farmer? I have told you that 99 per cent of our tea is consumed elsewhere. The buyers, who are not Kenyans, will be very happy. They know you have 104 million kilogrammes, and we can only absorb 8 million kilogrammes. They will give the price that they want, and it becomes a buyer's market.

What we want cured in this amendment is opening the direct sales overseas so that we can have other avenues to pick up the sales and reduce the tea that goes to the auction. It is considered the best place for price exploration, although it is not necessarily the best place to do so.

The other thing is value addition. We have been selling our tea in bags of 70 kilogrammes. You are well aware that the people who will be consuming this tea will typically purchase a maximum of one kilogram. This means that someone will be doing that value addition here, probably adding other tastes like cinnamon and *tangawizi*, thus creating a differential. What we are doing by allowing value addition is to ensure that most of the money is in the value chain. This is because tea that cost a farmer Ksh258 billion here was worth more than half a trillion Kenyan shillings in the market. Therefore, all this money would have been left in Kenya if we had value addition here.

Another factor is the cost of production. These are things that we wanted to say. Many laws have been made in the tea industry, and there is a serious dichotomy. There are 71 small-scale and 71 large-scale farmer factories. The 71 factories owned by small-scale farmers have been the primary targets of these laws. When we stopped Daily Sales Overseas (DSO), it was partly because the definition that had been given to a factory was effective. This ensured that these laws were only applicable to small-scale farmers.

The DSO that was stopped did not affect the big-scale farmers, and there is a strict dichotomy. It is 71 against 71. These are the things that we have been trying to address. The other issue addressed in this amendment is the licensing of factories. As you may have heard, there is an issue between the West and the East, which I really am opposed to. This is because every factory goes to the market as a garden mark. There is no "Oh, we now belong to this block" or "we do not". Every factory goes to the market as an individual garden mark that is known in the market. It is upon us all to ensure that we help the farmers whose gardens are not attracting a good price, to help them do so. To help in this regard is to ensure that we conduct research and have markets outside this country. That is why we are seeking funding to support the Tea Board of Kenya, ensuring they do not rely on funds that are not forthcoming from the Consolidated Fund. The Tea Board should get markets for tea, and do more research, especially in ways to make better tea, which is acceptable to the newer and younger generation that does not take tea.

Without making many remarks, I support.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. There being no further interest in this, the Chair will put the Question at an appropriate time in the future.

*(Putting of the Question deferred)*

Let us proceed to the next Order.

## MOTION

### APPROVAL OF THE NATIONAL GREEN FISCAL INCENTIVES POLICY FRAMEWORK

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

**The Temporary Speaker** (Hon. Farah Maalim): Do we have the Chairperson of the Departmental Committee on Environment, Forestry and Mining? We do not have him in the House? I direct that this be placed on the Order Paper at an appropriate time in the future.

*(Motion deferred)*

Next Order.

## BILLS

### *Second Readings*

#### THE GOVERNMENT-OWNED ENTERPRISES BILL (National Assembly Bill No.40 of 2025)

**The Temporary Speaker** (Hon. Farah Maalim): The Leader of the Majority Party is not in the House. I also direct that this business be placed on the Order Paper at an appropriate time in the future.

*(Bill deferred)*

#### THE CAPITAL MARKETS (AMENDMENT) BILL (National Assembly Bill No.30 of 2025)

**The Temporary Speaker** (Hon. Farah Maalim): The direction on this is the same as the direction on Order No. 12 because the Leader of the Majority Party is not in the House. I direct this be placed also on the Order Paper at a moment in the future when it can be moved by the Leader of the Majority Party in the House.

*(Bill deferred)*

Next Order.

## MOTIONS

### ADOPTION OF THE FIRST REPORT ON THE STATUS OF IMPLEMENTATION OF THE CONSTITUTION

THAT, this House adopts the First Report of the Constitutional Implementation Oversight Committee on the status of implementation of the Constitution by the following Independent Commissions, laid on the Table of the House on Tuesday, 12<sup>th</sup> November 2024:

- (i) Kenya National Commission on Human Rights;
- (ii) The National Land Commission; and
- (iii) The National Gender and Equality Commission.

**The Temporary Speaker** (Hon. Farah Maalim): I have been approached by the Chairperson of the Constitutional Implementation Oversight Committee to have this business prioritised on the Order Paper next week. I direct that it be accorded priority next week.

*(Motion deferred)*

Next Order.

### ADOPTION OF THE REPORT ON AUDITED ACCOUNTS FOR THE JUDICIARY MORTGAGE SCHEME FUND FOR FY 2011/2012 TO 2021/2022

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the audited accounts for the Judiciary Mortgage Scheme Fund for the Financial Years 2011/2012 to 2021/2022, laid on the Table of the House on Tuesday, 5<sup>th</sup> August 2025.

**The Temporary Speaker** (Hon. Farah Maalim): The Chairperson of the Special Funds Accounts Committee is not in the House. I direct that this matter be placed on the Order Paper at a future date when the Chairperson will be present to move this Motion.

*(Motion deferred)*

Next Order.

### ADOPTION OF THE FIFTH REPORT ON THE AUDITED ACCOUNTS FOR THE COMMODITIES FUND FOR FY 2018/2019 TO 2021/2022

THAT, this House adopts the Fifth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Commodities Fund for the Financial Years 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

**The Temporary Speaker** (Hon. Farah Maalim): I give the same direction as in Order No. 15, because it concerns the same Chairperson of the Special Funds Accounts Committee. I direct that this matter be placed on the Order Paper at a future date when the Chairperson will be available to move the Motion.



*(Motion deferred)*

Next Order.

## BILL

### *Second Reading*

#### THE JUDGES' RETIREMENT BENEFITS BILL (National Assembly Bill No.27 of 2025)

**The Temporary Speaker** (Hon. Farah Maalim): Since the Leader of the Majority Party is responsible for moving this Bill, I direct that this business be placed on the Order Paper at an appropriate date in the future when he is in the House to do so.

*(Bill deferred)*

Next Order.

## MOTIONS

### APPROVAL OF THE NATIONAL POLICY ON LABOUR MIGRATION

THAT, this House adopts the Joint Report of the Departmental Committee on Labour and the Select Committee on Diaspora Affairs and Migrant Workers on the consideration of Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration, laid on the Table of the House on Thursday, 9<sup>th</sup> October 2025, and approves Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration.

**The Temporary Speaker** (Hon. Farah Maalim): My presumption is that the Chairperson of the Departmental Committee on Labour is not in the House. Under the circumstances, I also direct that this business be placed on the Order Paper at a future date.

*(Motion deferred)*

Next Order.

### ADOPTION OF THE SIXTH REPORT ON AUDITED ACCOUNTS FOR THE STORES AND SERVICES FUND AND THE OCCUPATIONAL SAFETY AND HEALTH FUND FOR FY 2020/2021 AND 2021/2022

THAT, this House adopts the Sixth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Stores and Services Fund for Financial Years 2020/2021 and 2021/2022 and the Occupational Safety and Health Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

**The Temporary Speaker** (Hon. Farah Maalim): This business was supposed to be moved by the Chairperson of the Special Funds Accounts Committee, who is not in the House. In the same manner as the previous ones for that Committee, I direct that it be placed on the

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Order Paper at an appropriate date in the future when the Chairperson will be available to move it.

*(Motion deferred)*

Next Order.

ADOPTION OF THE SEVENTH REPORT ON AUDITED ACCOUNTS FOR  
THE LAND SETTLEMENT FUND AND THE RAILWAY DEVELOPMENT  
FUND (HOLDING ACCOUNT)

THAT, this House adopts the Seventh Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Land Settlements Fund for the Financial Years 2020/2021 and 2021/2022 and the Railway Development Fund (Holding Account) for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

**The Temporary Speaker** (Hon. Farah Maalim): I give a similar direction as I have under Order No. 19. Order No. 20 is supposed to be moved by the Chairperson of the Special Funds Accounts Committee, who is not in the House. I direct that this business be placed on the Order Paper at an appropriate date in the future when the Chairperson will be available to move it.

*(Motion deferred)*

Next Order.

**BILL**

*Second Reading*

THE PROVISIONAL COLLECTION OF TAXES AND DUTIES (REPEAL) BILL  
(National Assembly Bill No.18 of 2025)

**The Temporary Speaker** (Hon. Farah Maalim): This business was to be moved by the Leader of the Majority Party, Hon. Ichung'wah Kimani, who is not in the House today. I direct that it be placed on the Order Paper at an appropriate date in the future when he will be in a position to move it.

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, there being no other business on the Order Paper today, and the time being 6.35 p.m., this House stands adjourned until Tuesday, 11<sup>th</sup> November 2025, at 2.30 p.m.

The House rose at 6.35 p.m.

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