



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. IV NO. 65

THE HANSARD

Tuesday, 29th July 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. Speaker: Hon. Members, we now have a quorum to transact business.
Clerk-at-the-Table.

ADMINISTRATION OF OATH

The Oath of Office was administered to Hon. Harold Kipchumba Kimuge.

Hon. Speaker: Congratulations, Hon. Harold. You will now sign the Oath of Office Book. Other Members, please, take your seats. Leave the Whips here.

*(Hon. Speaker gave Hon. Harold Kipchumba
a bundle of documents)*

Hon. Harold Kipchumba, these are the instruments that will enable you to discharge your duty and responsibility as a Member of Parliament following the Oath of Office that you have taken. Congratulations.

Hon. Harold Kipchumba (Nominated, ODM): Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

PAPERS

Hon. Speaker: Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, before I lay Papers on the Table, let me take this opportunity to congratulate our new Member and welcome him to the Chamber. Hon. Harold Kipchumba Kimuge, welcome to the 13th Parliament. The Majority Party side welcomes you.

Thank you very much.

Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and financial statements for the year ended 30th June 2024 and the certificates therein in respect of:

- (a) Baringo High School.
- (b) Baringo National Polytechnic.
- (c) Chepalungu Technical Training Institute.
- (d) Emurua Dikirr Technical Training Institute.

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

Hon. Speaker: Order, Hon. Owen Baya. Hon. Kajwang', what is your point of order?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Speaker, this Member sometimes ruffles feathers unnecessarily. He has said that the nominated Member who has joined us is joining the Majority Party side.

Hon. Speaker: That is not what he said.

Hon. TJ Kajwang' (Ruaraka, ODM): What did he say?

Hon. Speaker: He said that the Majority Party side welcomes him.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Speaker, thank you so much, but you....

Hon. Speaker: He did not say he is joining the Majority Party side. Hon. Millie can also say the Minority Party side welcomes him.

Hon. TJ Kajwang' (Ruaraka, ODM): You have helped him quite a lot.

Hon. Speaker: That is what I heard.

Hon. TJ Kajwang' (Ruaraka, ODM): He ruffles feathers for no reason sometimes. If you check the *Hansard*, you will realise he said the opposite.

Hon. Speaker: If you bring the *Hansard* and the opposite is the case, then we will deal with it. However, he said that the Majority Party welcomes him. Is that what you said, Hon. Baya? Be honest and tell us what you said.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I am a Christian. I am the grandson of an Archdeacon of the Anglican Church. My brother is the Bishop of Mombasa County. I said that the Majority Party side welcomes the new Member.

Hon. Speaker: That is what I heard.

(*Laughter*)

Go on, Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA):

- (e) Kabianga High School.
- (f) Kaplong Girls High School.
- (g) Kipsigis Girls High School.
- (h) Konoin Technical Training Institute.
- (i) Moi Girls Isinya.
- (j) Najile Boys Secondary School.
- (k) Nakeel Secondary School.
- (l) Nyambaria High School.
- (m) Olkejuado High School.
- (n) Oloolaiser High School.
- (o) Ossen Girls High School.
- (p) Sironga Girls High School.
- (q) Sot Technical Training Institute.
- (r) Sotik Technical Training Institute.
- (s) Tenwek Boys High School.

Hon. Speaker: Chairperson of the Special Funds Account Committee. Is that not Hon. Fatuma of Migori?

(*Hon. Beatrice Elachi stood along the aisle*)

Hon. Speaker: Hon. Beatrice Elachi, you are out of order. You cannot stand between a Member on their feet and the Speaker.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table:

- Reports of the Special Funds Accounts Committee on its consideration of:
 1. The audited accounts for the Water Sector Trust Fund for the financial years 2018/2019 to 2022/2023.
 2. The audited accounts for the National Humanitarian Fund for the financial years 2020/2021 and 2021/2022.

Thank you.

Hon. Speaker: Thank you, Hon. Fatuma.

Next Order by the Chairperson of the Constitutional Implementation Oversight Committee. Hon. Karembe, is that not you?

(Hon. Muchangi Karembe off the record)

Hon. Speaker: Okay. Go to the next person—Chairperson of the Special Funds Account Committee, Hon. Fatuma.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON AUDITED ACCOUNTS FOR NATIONAL HUMANITARIAN FUND FOR FYs 2020/2021 TO 2021/2022

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT this House adopts the report of the Special Funds Accounts Committee on its consideration of the audited accounts for the National Humanitarian Fund for financial years 2020-2021 to 2021-2022, laid on the Table of the House on Tuesday, 29th July 2025.

Hon. Speaker: You have left out one.

ADOPTION OF REPORT ON AUDITED ACCOUNTS FOR THE WATER SECTOR TRUST FUND FOR FYs 2018/2019 TO 2022/2023

Hon. Fatuma Mohammed (Migori County, Independent): I beg to give notice of the following Motion:

THAT, this House adopts the report of the Special Funds Account Committee on its consideration of the audited accounts for the Water Sector Trust Fund for financial years 2018/2019 to 2022/2023, laid on the Table of the House on Tuesday, 29th July 2025.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Karembe, do I understand that you are not ready?

Hon. Muchangi Karembe (Runyenjes, UDA): I will be ready shortly.

Hon. Speaker: We will do that tomorrow. You will be available tomorrow morning.

On the next Order, Hon. Members, you will notice we have a Supplementary Order Paper. That is what will guide our business this afternoon.

Next Order by Hon. Mumina Bonaya, Isiolo County.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENT

DISAPPEARANCE OF MR ABDULLAHI BONSO ABDI

Hon. Mumina Bonaya (Isiolo County, JP): Thank you, Hon. Speaker.

Pursuant to 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 disappearance of Mr Abdullahi Bonso Abdi.

Mr Abdullahi Bonso of national ID No.23374006 was reportedly abducted along the Kinna-Kulamawe Road on Friday, 9th May 2025, under unclear circumstances. The incident was reported at Kinna Police Station on 12th May 2025 under Occurrence Book No. 05/12/05/2025.

His whereabouts remain unknown to date, a situation that has caused immense distress to his family and the broader community. The inordinate delay by security agencies to trace Mr Bonso and re-unite him with his family or charge him in a Court of law, in case of any offence committed, raises concerns for his whereabouts.

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. A comprehensive report on the circumstances leading to the disappearance of Mr Abdullahi Bonso, efforts made to establish his whereabouts, and ensure his safe reunion with his family.
2. Confirmation of whether Mr Abdullahi Bonso is being held in police custody. If not, the specific measures being undertaken by the National Police Service and other security agencies to address the increasing cases of abductions and enforced disappearances, and to ensure accountability for individuals or entities found culpable.

I thank you.

Hon. Speaker: Hon. Tongoyo, when can you respond?

Hon. Umulkher Harun (Nominated, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hold on, Hon. Tongoyo. Yes, Hon. Harun. What is your Point of Order?

Hon. Umulkher Harun (Nominated, ODM): Hon. Speaker, we also raised similar questions about missing persons with this same Committee. I have three cases and a pending report. In the last Session, you had ordered the Chairman to summon the Cabinet Secretary to appear before the Committee. He did not show up but cancelled three times. I wonder what will happen to cases that are still coming up.

Hon. Speaker: Just check with the Table Office. In case the ones from the last Session lapsed at the end of the Session, then you can revive them. Hon. Tongoyo?

Hon. Gabriel Tongoyo (Narok West, UDA): On the majority of Requests for Statements being sought by Members in this House and as alluded to by the Hon. Member, we had planned to have a session with the Cabinet Secretary. The Cabinet Secretary could not show up because of the exigencies of duties and the issue of insecurity in the country. We communicated the same to the Members. I commit that we still can do it in due course.

On the Request for Statement by the Hon. Member, let me try to give a preliminary response - not a comprehensive one - on Wednesday.

Hon. Speaker: Wednesday, next week. That is okay. Thank you.

Hon. Kareke Mbiuki.

STALLED CONSTRUCTION OF DAMS IN THARAKA NITHI COUNTY

Hon. Kareke Mbiuki (Maara, UDA): Thank you, Hon. Speaker.

Pursuant to provisions of Standing Order 44(2)(c), I rise to seek a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding the stalled construction of Thambo and Kanjogu Dams in Tharaka-Nithi County.

Climate change continues to pose a significant threat to our economic development, evidenced by recurring droughts and erratic rainfall patterns that adversely affect livelihoods and deplete vital community assets. In response to these challenges, the Government initiated the construction of Thambo and Kanjogu Dams along the Maara River in Tharaka-Nithi County.

The objective of this initiative was to develop water storage facilities to harvest floodwater for use during critical dry periods. This was expected to enhance water security and stimulate the growth of water-dependent enterprises in the region, thereby supporting local economic development.

The construction works of the projects commenced in 2020. The National Assembly appropriated adequate funding for the implementation and disbursed money to the Tana Water Works Development Agency. However, construction of both dams has stalled, resulting in dashed hopes for residents of Tharaka-Nithi County, particularly school-going children, persons with disabilities, and women who continue to face immense challenges in accessing clean and safe water.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. A report on the status of construction of Thambo and Kanjogu dams, including the amounts paid to each of the contractors procured to undertake the works and monies disbursed by the Ministry of Water, Irrigation and Sanitation to the Tana Water Works Development Agency for the project.
2. The reasons for the delay in the completion of the construction of Thambo and Kanjogu dams, and the expected timelines for their completion.

I thank you.

Hon. Speaker: Chairman of the Departmental Committee on Blue Economy, Water and Sanitation, when can we expect a response?

Hon. Kangogo Bowen (Marakwet East, UDA): Two weeks, Hon. Speaker.

Hon. Speaker: Hon. Members, before I call the next Member, we have learners from Sony Sugar Comprehensive School from Awendo Constituency, Migori in the Speaker's Gallery. In the Public Gallery, we have learners from:

1. Fathers Lelei and Toror School from Mosop, Nandi;
2. Matele Sunrise School from Kipkelion East, Kericho;
3. Ainamoi Primary School from Ainamoi, Kericho;
4. Lalagin Mixed Day School from Bureti, Kericho;
5. Kingwede Girls School from Msambweni, Kwale; and,
6. Wachoro Boys High School from Mbeere South, Embu.

On behalf of myself and the House, we welcome the students, their teachers, and those accompanying them to Parliament. Thank you.

Additionally, in the Speaker's Gallery, we have Milai School, although the county is not indicated, and Vidhu Ramji Secondary School from Kiharu, Murang'a. Similarly, I welcome them to Parliament.

Next is Hon. Mohammed, Member for Mandera East.

MANAGEMENT OF THE HAJJ PROGRAMME IN THE COUNTRY

Hon. Hussein Weytan (Mandera East, ODM): Hon. Speaker, I rise pursuant to the provisions of Standing Order 44(2)(c), to request a Statement from the Chairperson of the

Departmental Committee on Defence, Intelligence and Foreign Relations regarding the management of the Hajj Programme in the country.

The Hajj programme encompasses services, schedules, and logistical arrangements to facilitate the annual Hajj pilgrimage to Makkah, Saudi Arabia, during the Islamic month of Dhul-Hijjah. This programme is currently being informally managed by a non-governmental agency, the Supreme Council of Kenya Muslims (SUPKEM). In contrast, most countries administer Hajj programmes through dedicated Government ministries or commissions responsible for Hajj affairs, foreign missions or pilgrim welfare.

Kenyan pilgrims have recently raised concerns regarding the mismanagement of the programme under SUPKEM. These concerns arise from poor management and execution of the programme, ranging from lapses in accommodation standards, inflated costs, transport arrangements and general welfare of pilgrims during the pilgrimage. During the 2025 Hajj season, Kenyan pilgrims experienced significant logistical and welfare challenges. Notably, there were delays in space allocation at key pilgrimage sites such as Mina and Arafat, leading to poor accommodation of Kenyan pilgrims at Zone 6, which is more than 7 kilometres away from the Jamarat, the stone-throwing site, instead of Zone 4, where pilgrims from neighbouring countries like Tanzania and Uganda were reserved.

Of utmost concern was SUPKEM's failure to provide accessible emergency services, despite the high costs charged. This situation has caused distress among Kenyan pilgrims. It raises serious concerns about the safety and well-being of the pilgrims, as well as the need for Government intervention in the matter.

Hon. Speaker, 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 management of the Hajj programme in Kenya, including a detailed account of the 2025 Hajj season.
2. Measures being undertaken by the Ministry of Foreign and Diaspora Affairs to ensure that the welfare of Kenyan pilgrims is protected, particularly in the failure by SUPKEM to provide essential services to pilgrims while charging exorbitant facilitation fees.
3. Long-term strategies by the Government to manage the Hajj programme including:
 - (a) The establishment of a regulatory framework to anchor the programme within a government agency;
 - (b) Oversight mechanisms to ensure the welfare of Kenyan pilgrims, including cost-effectiveness in the administration of the programme; and
 - (c) Specific timelines for the implementation of these reforms.

I thank you.

(Hon. Julius Sunkuli spoke off the record)

Hon. Speaker: Yes, Hon. Julius Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Speaker, the Islamic religion is very important.

Hon. Speaker: Every religion is important!

Hon. Julius Sunkuli (Kilgoris, KANU): I was going to say so. We made a deliberate constitutional provision that no religion should receive special treatment. I ask, from a constitutional point of view, whether it is appropriate for our colleague, a devoted Muslim, to request the Government to anchor a religious activity within its programmes. I ask this with

respect, as a Catholic myself, and I would not request the Government to include my pilgrimage to Rome in its programmes. Is such a move constitutional, Hon. Speaker?

Hon. Speaker: I approved the Statement on the understanding that the issues raised by Hon. Weytan concern protocol matters, not religious elevation. The Member's concern was mismanagement by SUPKEM and related bodies in failing to facilitate Kenyan pilgrims who travel at their own cost properly. When these pilgrims arrive in Saudi Arabia, they are recognised as Kenyan citizens. The Government, through its embassy, funded by taxpayers, has a duty to ensure their safety, comfort, and ability to worship freely and with dignity. This is not about elevating one religion over another, but ensuring that all Kenyans, regardless of faith, receive State support when abroad. Whether Christian, Muslim, or non-believer, every Kenyan is entitled to Government protection, protocol, and facilitation when necessary.

Mama Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana Mhe. Spika kwa kunipa nafasi hii ili nami niweze pia *kum-support* ndugu yangu, Mohammed. Mahujaji ambao wametoka hapa ni Wakenya ambao wamekwenda kule Makkah kuhiji. Shida ni kuwa makazi yao kule, vile walivyokuwa wamepanga na vile walilipia, si mazuri. Walipata *very poor services*. Ni ajabu kuwa *oversight body*, ambayo ni SUPKEM, ndiyo ambayo tena imegeuka kuwa *agency*. Wale *agents* ambao wanafaa washugulikie sehemu ya kulala na kila kitu, kuna wale ambao walitoa sauti zao, na wamenyanganywa *licence* zao za kufanya kazi. Mahujaji wa Kenya wamelipa pesa nyingi sana kushinda mataifa mengine yote. Walifaa kuwekwa katika ngazi ya nne karibu na Mina, lakini walisukumwa wakapelekwa ngazi ya sita. Ilikuwa mbali kwa wazee na watu wenye ulemavu kutembea katika jua kali kutoka kule hadi Jamarat.

Katika hema ya Waislamu, ndugu zetu wa Tanzania wamelipa laki tatu, na wako arubaine tu. Wanapewa chakula na malazi mazuri. Pia, gari la wagonjwa liko pale. Lakini Wakenya ambao wamelipa pesa nyingi wamewekwa zaidi ya watu mia tatu kwenye hema moja. Hawana hata gari la wagonjwa. Wazee wamewekwa Pamoja, ilhali wamelipia pesa nyingi sana. Inafaa ifahamike kuwa Muislamu kuenda Hajj ni kiini cha nguzo kubwa sana katika dini ya Kiislamu. Muislamu lazima alipe deni yake yote, ahakikishe amekeza vizuri na kukusanya mali yake kihalali ili aeze kuenda Hajj. Hivyo basi, wanapolipa pesa hizo, nao, ni muhimu nao wapate huduma nzuri.

Supreme Council of Kenya Muslims (SUPKEM) haliwezi kuwa *oversight body* na pia kuwa *agent* wa kuamua watu wanaoenda. Hata katika vitabu vyetu vya dini, inaruhusu Muislamu kuenda Hajj bila kulazimika kutumia *agent*. Kama mama ninayesimamia Kaunti ya Mombasa, natetea vilio vya wale walioenda Hajj. Jinsi walivyoteseka, inafaa wapewe haki yao. Ikiwezekana, inafaa Serikali ifungue *Consulate* nyingine pale Jeddah itakayowashughulikia ili waweze kuhiji wakiwa sawa. Kuna *agency* Saudia inayojiita *Ithraa Al-Joud*, ambayo imekataliwa na mataifa mengi sana. Nashangaa kwa nini Kenya bado inawatumia. Wanachukua pesa nyingi, lakini huduma yao ni mbaya. Ni vyema Wakenya wapewe haki yao bila kupitia sehemu zingine. Hawafai kuzuiliwa au kulazimika kulipia huduma ambazo hawawezi kuzipata.

Asante sana, Mhe. Spika.

Mhe. Spika: Asante sana, *mama*.

Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Speaker. You have well guided that this is a matter of protocol and the welfare of the Kenyan pilgrims. For purposes of informing the Member for Mombasa, we already have a fully operational consulate in Jeddah, which has been of assistance. This is a very weighty matter, and we will have a response in two weeks.

Hon. Speaker: Bring a response in two weeks. Thank you.

Before I call on Hon. Kamene, allow me to acknowledge the following schools in the Speaker's Gallery: Kedowa Girls Secondary School, Kipkelion East Constituency, Kericho County; Ndunyu Njeru School, Kinangop Constituency, Nyandarua County; Olemeisi Primary School, Narok North Constituency, Narok County; and Kirigara Primary School, Meru Central Constituency, Meru County.

Mama Masito from Kwale had requested to welcome a school from her county. Are they still in the Gallery? They have probably left, but you can go on the *Hansard* record if you want to. Are they here?

Hon. Fatuma Masito (Kwale County, ODM): Hon. Speaker, I am not sure if they are here.

Hon. Speaker: Then, it seems not. If you are not sure, take your seat.

(Hon. Fatuma Masito spoke off the record)

Give her the microphone.

Hon. Fatuma Masito (Kwale County, ODM): There is another school called Mazeras, which is also coming. I will speak thereafter.

Hon. Speaker: Do you want to welcome them before they arrive?

Hon. Fatuma Masito (Kwale County, ODM): No, I cannot. I want them to be here. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Speaker, for giving me this chance to welcome Kirigara Primary and Junior School to Parliament. Kirigara Primary School is one of the oldest schools in Meru County and has been performing very well. From the Statement issued by the Cabinet Secretary, there was some fear that schools would not receive capitation. However, the President has made it clear that it is available. They should now be well settled and ready to learn, as the President has assured them of government support and capitation. There is no reason why they should not settle down and pursue their goals as per the school's motto.

Thank you, Hon. Speaker.

Hon. Speaker: *Mama Kericho.*

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker, for giving me this opportunity to welcome students who have come to Parliament, especially from Kedowa Girls Secondary School.

Girls, this is a very good place; you might be here in future. I encourage them to work very hard. Kedowa is a very good school. The girls are disciplined and hardworking. I ask them to remain focused, and one day, they will be in this House. As they continue with their studies and look forward to the exams, I wish them well. May the Lord bless them.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Beatrice. Next is the Member for Machakos County, Hon. Joyce Kamene.

AIR AND NOISE POLLUTION IN SYOKIMAU

Hon. Joyce Kamene (Machakos County, WDM): Hon. Speaker, I rise to request a statement from the Chairperson of the Departmental Committee on Environment, Forestry and Mining regarding air and noise pollution by Endmor Steel Millers Limited in Syokimau, Machakos County.

Hon. Speaker, the residents of Syokimau Estate have raised persistent concerns regarding pollution from Endmor Steel Millers Limited, a metal smelting factory operating for

over five years within the estate. The factory has been releasing toxic emissions such as nitrogen dioxide, sulphur dioxide, particulate matter and carbon monoxide. Further, the factory produces excessive noise that has been affecting residents.

Despite the National Environment Management Authority (NEMA) inspecting the factory and confirming the release of toxic gases into the atmosphere, causing air pollution, the factory has continued to operate with minimal accountability. In 2019, NEMA ordered the closure of the facility. However, implementation of this directive stalled after the factory appealed the decision at the National Environment Tribunal. Upon consideration, the Tribunal upheld the directive made by NEMA. Sadly, little has been done to enforce these orders, leaving residents exposed to ongoing air and noise pollution.

Hon. Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Environment, Forestry and Mining on the following:

1. A status report on the action taken by NEMA to enforce its orders on the closure of Endmor Steel Millers Limited and to review its licences to accord with the proper mechanisms of operations in residential areas.
2. A report on the analysis of the air quality and noise emission from the factory and the measures taken to ensure emissions of gas in environments neighbouring residential areas are free from toxins to protect the residents.
3. The plans put in place to ensure relocation of the factory from the residential area to safeguard the health of the public and the environment.

Thank you.

Hon. Speaker: Thank you, Hon. Kamene.

The Chair of the Departmental Committee on Environment, Forestry and Mining, Hon. Kawaya, have the Floor.

Hon. Vincent Musau (Mwala, UDA): Two weeks.

Hon. Speaker: Thank you. Two weeks.

Next Order.

(Loud consultation)

Order, Members! Members on your feet, take your seats.

MOTION

ADOPTION OF THE SECOND REPORT ON THE STATUS OF IMPLEMENTATION OF THE CONSTITUTION

THAT, this House adopts the Second Report of the Constitutional Implementation Oversight Committee, laid on the Table of the House on Tuesday, 24th June 2025, on the Status of Implementation of the Constitution by:

1. The Office of the Controller of Budget.
2. The Commission on Revenue Allocation.
3. The Office of the Auditor General.

(Moved by Hon. Muchangi Karembe on 24.7.2025)

(Debate concluded on 24.7.2025)

(Question put and agreed to)

Hon. Speaker: We will go back to Order 6.
Majority Party Whip.

NOTICE OF MOTION

RESCINDING A DECISION OF THE HOUSE

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order 49(2)(a), this House resolves to rescind its decision of Thursday, 24th July 2025, relating to the Second Reading of the Election Offences (Amendment) (No. 2) Bill, Senate Bill No. 28 of 2024.

Hon. Speaker: Order 9. The Chairperson, Committee on Selection.

MOTION

FURTHER CHANGES TO COMMITTEE MEMBERSHIP

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, further to the resolution of the House of Wednesday, 5th March 2025 and Thursday, 6th March 2025 on appointing Members to various Committees and pursuant to the provisions of Standing Order 175, this House further approves the appointment of the following Members to the respective Committees as specified hereunder—

In the Departmental Committee on Blue Economy, Water and Irrigation, the Hon. Muiruri Muthama Stanley to replace Hon. Chepkwony Charity Kathambi and Hon. (Dr.) Osogo, Bensuda Joyce Atieno, to fill the slot previously held by the late Hon. Were, Charles Ong'ondo.

In the Departmental Committee on Labour, Hon. Njoroge Mary Wamaua to replace Hon. Chelule Liza Chepkorir.

In the Departmental Committee on Regional Development, Hon. Chelule Liza Chepkorir to replace Hon. Oticho, Mary Emaase.

In the Departmental Committee on Tourism and Wildlife, Hon. Sankaire Leah Sopiato to replace Hon. (Dr) Gichuki Edwin Mugo.

In the Departmental Committee on Trade, Industry and Cooperatives, Hon. Bwire John Okano to fill the slot previously held by the Hon. Ruku Geoffrey Kiringa, who has since joined the Executive to serve as a Cabinet Secretary.

In the Constitutional Implementation Oversight Committee, Hon. Mbai Nimrod Mbithuka to replace Hon. Karembe, Eric Muchangi, CBS.

In the Public Petitions Committee, Hon. Karembe Eric Muchangi, CBS, to replace the Hon. Kagesi Kibai Ernest Ogesi and Hon. Ntwiga Patrick Munene to replace the Hon. Mbai, Nimrod Mbithuka.

In the Committee on Implementation, Hon. Chepkwony Charity Kathambi to replace the Hon. Muiruri, Muthama Stanley.

In the Diaspora Affairs and Migrant Workers Committee, the Hon. Ndindi Nyoro, CBS, is to replace the Hon. Sankaire Leah Sopiato.

In the Budget and Appropriations Committee, Hon. (Dr) Mugo Edwin Gichuki to replace the Hon. Ndindi Nyoro, CBS.

In the Committee on Powers and Privileges, Hon. Maina, Jane Njeri to replace the Hon. Bwire, John Okano and Hon. Ahmed Shakeel Shabbir, CBS to replace the Hon. Oyoo, James Onyango.

In the Committee on National Cohesion and Equal Opportunity, Hon. Muratha Anne Wanjiku Mugo to replace Hon. Maina Jane Njeri and Hon. Orero, Peter Ochieng' to fill the slot previously held by the late Hon. Were Charles Ong'ondo.

In the Decentralised Funds Accounts Committee, Hon. Oyoo James Onyango to replace Hon. (Dr) Osogo Bensuda Joyce Atieno.

In the Public Accounts Committee, Hon. Oticho Mary Emaase, to fill the slot previously held by Hon. Ruku Geoffrey Kariuki Kiringa.

As you are aware, several changes have occurred in the House. One of our colleagues passed away, which created a gap in the Committee he served. Another colleague, Hon. Ruku, proceeded to serve in the Executive as the Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes. That also created a gap in the committees he served on. From time to time, the Committee on Selection needs to review the allocation and reallocation of Members to several committees by considering several factors like regional balancing, gender and their expertise. No committee is superior to another. Members are encouraged to take advantage of opportunities to serve in various committees whenever positions become available, thereby gaining experience and acquiring expertise from different sectors.

The Committee on Selection held a sitting this morning and approved the following. In the spirit of the mid-term of the 13th Parliament, as we head towards the second half of our five-year term, we will allocate and re-allocate members to various committees, enabling them to serve and learn from different committees. However, this review is not the end. The Committee will sit after one or two weeks to review the composition of the committees again. We are aware of vacant Parliamentary seats that will be filled following the by-elections, which are yet to be announced. These positions and other factors would be considered to place Members to serve in various committees.

Hon. Speaker, we are aware that some Members are still serving on up to three Select Committees. This will be reviewed in two or three weeks. This is not a mean feat. Getting a Member to replace another in a Committee is no joke. You move a Member from a certain committee and realise you have interfered with the regional, gender, expertise, seniority and many other factors. Members are advised to serve in the committees they are placed in, to gain expertise as we move forward.

Hon. Speaker, I beg to move. I ask the Whip of the Minority Party, Hon. Millie Odhiambo, to second.

Hon. Speaker: Yes, Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker.

I stand to second the Motion. I wish to indicate my agreement with the Whip of the Majority Party. Indeed, when we have this movement from one Committee to another, sometimes, it is to ensure that we fill the spaces left by Members. As in our case, where Hon. Ong'ondo Were unfortunately passed away, and his position remains unfilled. The movements are also to ensure gender and regional balance.

We also have members with expertise that could be utilised in other committees. So, even when we move a person who we know is a law expert from the Departmental Committee on Justice and Legal Affairs to another committee, it is because we can use their expertise in another committee. Certain skills can be used virtually in any committee. If I am a lawyer, my skills can be applied to any committee. If a Member is an economist, their skill can be used in any Committee, including the Catering Committee, to inform people on catering issues.

This is fairly straightforward. With those few remarks, I beg to second.

(Several Members stood along the gangways)

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

(Hon. David Kiplagat consulted loudly)

Order, Hon. DK.

(Question proposed)

Do I put the Question?

Hon. Members: Yes.

(Several Members walked into the Chamber)

Hon. Speaker: Members at the back, take the nearest seats. I can now put the Question to Order 9.

(Question put and agreed to)

Next Order.

Hold on, Hon. Members. Before the next Order, I would like to acknowledge Mazeras High School from Kinango Constituency, Kwale County and Talai Academy from Ainabkoi Constituency, Uasin Gishu County, seated in the Public Gallery. In the Speaker's Gallery, we have Ukuu Primary School from South Imenti Constituency, Meru County and Moi Siongiroi Girls' High School from Chepalungu Constituency, Bomet County.

Hon. Fatuma Masito has asked me for the opportunity to welcome Mazeras High School.

Hon. Fatuma Masito (Kwale County, ODM): Ahsante sana, Mheshimiwa Spika, kwa kunipatia fursa hii ili niwakaribishe wanafunzi wa shule ya upili ya Mazeras Boys High School kutoka kata ndogo ya Kinango, Kaunti ya Kwale.

Nimefurahia sana kuwaona wanafunzi kutoka Kaunti ya Kwale. Kwa mara ya kwanza, wanafunzi kutoka Kaunti ya Kwale wametembelea Bunge la Kitaifa. Wabunge wenu huketi katika Bunge hili ili kutengeneza sheria. Ningependa kuwashimiza wanafunzi wote kutilia maanani masomo yao. Elimu pekee ndio inayoweza kutofautisha mtoto wa maskini na wa tajiri. Pia, elimu ndio chombo pekee kinachowezza kubadilisha maisha ya binadamu. Najua vijana mliopo hapa mnapitia wakati mgumu katika masomo yenu. Lakini hiki ni kipindi kifupi sana, na kitapita tu, na mtakuwa na maisha mazuri. Elimu pekee ndio akiba ya maisha ya binadamu ambayo haiozi. Wazazi wenu wanatumia pesa nyingi kuhakikisha kuwa mnapata elimu bora. Sio kwamba hawataki kujenga majumba mazuri, au kuzuru sehemu mbali mbali, bali ni kwa sababu kila mzazi anataka kuona mtoto wake amepata elimu bora.

Nimefurahia sana kuona wanafunzi kutoka Kaunti ya Kwale. Vijana wa Mazeras Boys High School, karibuni sana kwenye Bunge la Kitaifa. Nawausia waalimu wawe waangalifu sana, kwa maana Nairobi ni jiji la wajanja; mumakinike sana na watoto wetu.

Ahsante sana, Mheshimiwa Spika.

Hon. Speaker: Hon. Mandazi.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Speaker, for the opportunity to welcome all the students who have visited Parliament to appreciate what we do as Members of Parliament.

We have Moi Siongiroi Girls' High School in the Speaker's Gallery. I confirm that this school is from Chepalungu Constituency and is known for having the most disciplined girls in Bomet County. They have always posted good results. Today, we have the 2025 Form Four Class with us. I wish all the candidates from Chepalungu Constituency and across the country the best as they prepare to sit for their exams in the third term. I welcome them to Parliament. This is the place where we legislate, make rules and bridge societal gaps. I welcome them all and appreciate all the teachers accompanying them.

Hon. Speaker: Thank you, Hon. Mandazi. On my behalf and that of the House, we welcome the students, their teachers and those accompanying them to Parliament.

(Hon. Joseph Makilap consulted loudly)

Order, Hon. Makilap. Disband that illegal *Kamukunji*.

Hon. Members, on Order 9, I direct the Clerk to organise and facilitate the affected committees, that is, the Constitutional Implementation and Oversight Committee (CIOC), the Public Petitions Committee and the Regional Development Committee, to proceed and elect their leadership.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE KENYA ROADS (AMENDMENT) (NO.2) BILL
(National Assembly Bill No. 16 of 2025)

The Temporary Chairlady (Hon. Martha Wangari): Order, Hon. Members. We are now in the Committee of the whole House. We shall begin with the Kenya Roads (Amendment) (No. 2) (National Assembly Bill No. 16 of 2025).

(Clause 2 agreed to)

(Loud consultations)

Order, Hon. Members. The consultations are too loud. Order, Hon. Ngogoy and Hon. Betty.

(Clause 3 agreed to)

New Clause 3A

THAT the Bill be amended by inserting the following new clause immediately after Clause 3:

Consequential amendment.
Cap. 408A.

Provision s.12(4)	Amendment
	Delete the word “five” wherever it appears and substitute therefor the word “three”.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Leader of the Majority Party, move Second Reading.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that new clause 3A be now read a Second Time.

The purpose of this clause is to amend the Kenya Roads Board Act to align it with the Bill's objective of reducing the term of office for the Director-General of road agencies from five years to three years. This includes the Kenya Roads Board (KRB), which operates under the Ministry of Roads.

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

The Temporary Chairlady (Hon. Martha Wangari): Hon. TJ Kajwang’, the Member for Ruaraka.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairlady, I support this amendment as it aligns with the *Mwongozo* Code. This proposal ensures uniform application of the law across the road sector. I encourage the Leader of the Majority Party to bring amendments to Section 6 of the State Corporations Act (Cap. 446) so that it can be consistent with the legislation we are currently considering. In that legislation, the Board has the discretion to appoint a member of the Board for up to five years. A Director-General is a director and so, if he is appointed to serve for five years, there will be an internal conflict between that Act and the law that we are currently considering.

I would like to have the attention of the Leader of the Majority Party. If I could have the attention of the Leader of the Majority Party...

(Hon. Joseph Makilap and Hon. Julius Melly consulted loudly)

The Temporary Chairlady (Hon. Martha Wangari): Order, Members. Hon. Makilap, the Member on the Floor is trying to address the Leader of the Majority Party. The consultations are too loud. Hon. Melly, break up the *kamukunji*.

Hon. TJ Kajwang’ (Ruaraka, ODM): The Standing Orders stipulate that when the House is in session, no Member should stand between the Member contributing and the Speaker.

I want to encourage the Leader of the Majority Party to bring amendments to Section 6 of the State Corporations Act (Cap. 446), so that it is consistent with the law we are currently considering.

I support the amendment. Thank you.

The Temporary Chairlady (Hon. Martha Wangari): Very well. Hon. Elachi, do you want to contribute to this amendment?

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

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

*(Question, that the new clause be
added to the Bill, put and agreed to)*

(Title agreed to)

(Clause 1 agreed to)

We are done with that Bill. Mover to move reporting.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee reports to the House its consideration of the Kenya Roads (Amendment) (No.2) Bill (National Assembly Bill No.16 of 2025) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL
(Senate Bill No.39 of 2023)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, for the convenience of the House, we will move to the County Public Finance Laws (Amendment) Bill (Senate Bill No.39 of 2023).

(Clauses 2, 3, 4, 5, 6, 7, 8 and 9 agreed to)

(Title agreed to)

(Clause 1 agreed to)

I will now call the Mover to move reporting.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee reports to the House its consideration of the County Public Finance Laws (Amendment) Bill (Senate Bill No.39 of 2023) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON THE KENYA ROADS (AMENDMENT) (NO.2) BILL

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

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Kenya Roads (Amendment) (No.2) Bill (National Assembly Bill No.16 of 2025) and approved the same with amendments.

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Report of the Committee of the whole House on its consideration of the Kenya Roads (Amendment) (No.2) Bill (National Assembly Bill No.16 of 2025). I request Hon. Keynan to second the Motion.

Hon. Adan Keynan (Eldas, JP): I second.

The Temporary Speaker (Hon. Martha Wangari): Who was seconding? Hon. Keynan?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Keynan.

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

(Question proposed)

(Question put and agreed to)

BILL

Third Reading

THE KENYA ROADS (AMENDMENT) (NO.2) BILL (National Assembly Bill No.16 of 2025)

Mover to move Third Reading.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Kenya Roads (Amendment) (No.2) Bill (National Assembly Bill No.16 of 2025) be now read a Third Time.

Hon. Temporary Speaker, I would like to request that you indulge me in saying something in relation to what Hon. TJ said during the Committee of the whole House. We will table consequential amendments to the State Corporations Act to align it with the *Mwongozo* Code of Governance for State Corporations and ensure that it is well aligned with the provisions in this amendment Bill.

I request Hon. Caroli Omondi, the Member for Suba South, to second.

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

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, I have the pleasure to second. Thank you very much.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read

a Third Time and passed)

(Hon. Irene Kasalu walked towards the Chamber exit)

The Temporary Speaker (Hon. Martha Wangari): Hon. Kasalu, you do not walk out of the House when the Temporary Speaker is on her feet. You are totally out of order, but now you can move out.

MOTION

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (Senate Bill No. 39 of 2023)

Hon. Chairperson. I need the Hon. Chairperson to report on the County Public Finance Laws (Amendment) Bill.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the Whole House has considered the County Public Finance Laws (Amendment) Bill (Senate Bill No. 39 of 2023) and approved the same without amendments.

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

Hon. Kimani, you have become a nomad.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I had to consult with the Chairperson, Departmental Committee on Environment, Forestry and Mining, because of the business ahead.

I beg to move that the House do agree with the Committee with the said Report and request Hon. Toto Linet to second the Motion for agreement with the Report of the Committee of the Whole House.

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

Hon. Linet Chepkorir (Bomet County, UDA): Thank you, Hon. Temporary Speaker. I second.

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

(Question proposed)

(Question put and agreed to)

Mover to move Third Reading.

BILL

Third Reading

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (Senate Bill No. 39 of 2023)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the County Public Finance Laws (Amendment) Bill (Senate Bill No. 39 of 2023) be now read a Third Time.

I also request the Member for Murang'a County, Hon. Betty Njeri Maina, to second.

The Temporary Speaker (Hon. Martha Wangari): Member for Murang'a County.

Hon. Betty Maina (Murang'a County, UDA): Thank you so much, Hon. Temporary Speaker. I know the MP for Kikuyu has a strong admiration for me, and I beg to second.

The Temporary Speaker (Hon. Martha Wangari): I will not comment on the admiration, but allow me to propose the Question.

(Question proposed)

May I put the Question. I have confirmed that we have the numbers.

(Question put and agreed)

*(The Bill was accordingly read
a Third Time and passed)*

Next Order.

MOTION

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF SELECTED STATE CORPORATIONS

The Chairperson, Public Investments Committee on Commercial Affairs and Energy. Who is that? Hon. Pkosing.

Hon. David Pkosing (Pokot South, KUP): I thank you, Hon. Temporary Speaker, and yes, I am ready.

I beg to move the following Motion:

THAT, this House adopts the Report of the Public Investments Committee on Commercial Affairs and Energy on its examination of the Reports of the Auditor General on the Financial Statements of selected State corporations, laid on the Table of the House.

I thank you for giving me this opportunity to lay the foundation of this Report. This is the second Report, which has the following selected State Corporations. One, we have National Water Harvesting and Storage, an organisation whose books we examined between the 2018 and 2021 Financial years. These are three financial years, and it had 30 audit queries. Further, we also examined books for the Coast Water Works Development Agency, which is based in the Coast. You, of course, know it was split from the National Water Harvesting and Storage before it was changed to Water Harvesting. My Committee examined three financial years...

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Pkosing. Kindly take your seat for a minute. Since we have so many students coming in and out of the Gallery and I know many would like to be acknowledged when they are in here, allow me to interrupt you to welcome students from Kavutiri Secondary School from Runyenjes Constituency, Embu County and Father Joseph Ocho Girls' Nyaribari Masaba, Kisii County, seated in the Speaker's Gallery. In the Public Gallery, we have Kirimiga Primary School from Mathioya Constituency, Murang'a County and Longo Primary School from Narok West, Narok County. On behalf of the House, we welcome all the students in the House to observe the proceedings.

Hon. Pkosing, kindly proceed.

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Temporary Speaker, for also recognising our children. I am told you are a good mother.

(Laughter)

I was saying that the second State Agency we examined their books was the Coast Water Works Development Agency. We covered a total of three financial years, from 2018 to 2021, and had a total of 35 audit queries. We proceeded to the Geothermal Development Agency, which is GDC. We conducted audits for them over three financial years, resulting in a total of 26 audit queries. Additionally, we conducted an audit of the Kenya Pipeline Company for the two financial years 2020 to 2022, which yielded a total of 57 audit queries. It was one of the majority with a lot of audit queries. We also conducted audits for the Kenya Maritime Authority over three financial years, resulting in a total of 41 audit queries. After concluding that, we also went further to the Kenya Railways Corporation. We completed three Financial Years with a total of 27 audit queries. We have concluded this Report, which is before you and the House, with the Information and Communication Technology Authority (ICTA), formerly known as the ICT Board, so that Members can follow. We conducted audits for three financial years, resulting in a total of 26 audit queries.

In total, Hon. Temporary Speaker, the Report has seven State Agencies with a total of 20 financial years. You can imagine that, and the 242 audit queries that we went through.

What did we find out? I want to share with Members, and of course, it is in the Committee... I want to look at cross-cutting issues for the benefit of the House and the benefit of the Membership. Let me repeat that: this gives you a total of 20 financial years, with approximately 250 audit queries.

In summary, the major issues that we might consider important in those old queries, for example, with National Water Harvesting and Storage, are the undisclosed and long-standing loans. This relates to three loans obtained through subsidiary agreements with the Government of Kenya to finance specific water infrastructure. The Auditor-General identified a problem in the audit of the National Water Harvesting and Storage Authority (NWHSA).

Secondly, most audit queries in this organisation related to delays and escalating costs in construction, specifically of the Siyoi-Muruny Water Dam located in my constituency.

Hon. Temporary Speaker, in those cross-cutting audit queries, the Committee recommends that, on the escalation of costs and delays of the Siyoi-Muruny Water Dam, a special audit of this project be done so that the underlying issues can be established. Escalating costs and delays in the project mean that the people of Kenya in that part of the country are not enjoying this water. It is long overdue, and, therefore, there are serious questions that need to be answered. Therefore, the Committee recommends that the water project needs to be re-audited, and the Committee orders and recommends a special audit be conducted.

On the issue of undisclosed loans, the matter between NWHSA and Coast Water Works Development Agency (CWWDA) and formal escalation to the national and county governments, we have a proposal on these loans. Many loans were taken out by NWHSA and other agencies. The people of Kenya are paying for the loans, yet some people are drinking the water without paying for it. I will give that recommendation in the second agency we audited, which has the same related issues of loans, and that is CWWDA. The Committee identified two fundamental issues within this agency that we wish to present to the House for resolution. In that organisation, we discovered that property, plant, and equipment had no ownership. They have lost everything. They do not have documents for the land, particularly at the Coast. They have lost all their land, yet they are doing nothing.

Secondly, we also realised that the organisation took a loan, which I mentioned earlier, from NWHSA. They inherited that loan, but they are not paying it. The Auditor-General stated that Kenyans are losing money through CWWDA because they are not paying their share of the loan to the National Treasury, which in turn cannot pay the loan to the international community. Therefore, we have serious recommendations on that one.

First, we recommend that the Ethics and Anti-Corruption Commission (EACC) and the National Land Commission conclude an investigation into the ownership of the entire land of CWWDA at the Coast and bring the culprits to book so they can face the law and help the institution recover the land. This is because we found out that they have no capacity. The CWWDA has no capacity to recover its land. Their land has been taken, maybe, by big fish. The Ethics and Anti-Corruption Commission (EACC) and the National Land Commission (NLC) need to intervene, investigate and bring this matter to rest so that the Authority's land can be recovered. It used to have a lot of land. We visited them and realised that they have no land.

Regarding the loan from the NWHSA that they are not paying, we conducted an interview, interrogation, and consultation with the National Treasury. We realised that the National Treasury is paying the loan like a normal one. Something that caught the attention of the Committee is that the National Treasury is paying that loan using our taxes. The loan was not just taken by this country for nothing, but it was taken to build water dams and water projects.

We also realised that some Kenyans are enjoying this water. They are paying the water agencies for the water, but the water agencies do not submit the tariffs to the National Treasury. So, what happens? It means that Kenyans are paying for them, instead of them paying for the loan. We have a very serious recommendation on the matter. That is the second organisation where we found serious issues. The issues between NWHWA and CWWDA, which I have cited, require a serious legislative intervention, which I am going to provide according to the proposal from my Committee when I conclude moving this Report.

The third organisation in the Report of the Committee is the Geothermal Development Company (GDC). What caught the Auditor-General's attention in GDC and led to a serious interrogation within my Committee is the issue of long-standing corporate tax and related penalties imposed by the Kenya Revenue Authority (KRA) on GDC. It is almost crippling it. In fact, many Kenyans are asking themselves, what is GDC, where it is and why it still exists. This is an organisation that is almost on its deathbed. Why? Because some of the would-be tax obligations, which KRA is slapping, are almost bringing the organisation down. We spoke to the National Treasury and realised there is a problem. They are almost taking each other to Court. As a Committee, we wondered how a government can take itself to Court. It happens that the organisation got some special money to sink 59 wells, which gives it some revenue. They then sell the steam to the Kenya Electricity Generating Company (*KenGen*), which uses the steam to generate power, and then sells it to the Kenya Power and Lighting Company (KPLC).

Also, the GDC sells to independent power producers, who use it to produce electricity, which they sell to the KPLC. So they get money from the KPLC. That money was supposed to be ring-fenced to develop geothermal wells. We realised that it is the best for the country because it is the cleanest and cheapest energy compared with other sources of generating power. Steam is the cheapest, most sustainable, and cleanest option. The Government proposed using KPLC revenues to fund the development of additional wells, thereby generating cheaper power. What happened is that KRA, in their wisdom or lack thereof, taxed the revenue that was supposed to be ploughed back or used to sink other wells, thereby making GDC self-sustainable and eliminating the need to borrow money for additional wells to generate more power. There is a tug of war, and, of course, my Committee proposes that a legislative intervention be put in place to help GDC. That is the very fundamental matter that my Committee noted. The legislative intervention will resolve the sibling rivalry, quarrels, and delays stemming from KRA's requests for additional funds. As a Committee, we believe that the money should not be taxed; instead, it should be used.

We visited a geothermal plant in Nakuru County and Mount Paka in Tiaty Constituency. We realised that there is a big potential in this country, but where is the money? The KRA has taken most of the money. We are of the opinion that they should not go in that direction. That money should be ring-fenced to be used to sink more wells for the people of Kenya. I will give the House a recommendation much later after moving the Report.

Another serious issue that we found in GDC, while examining their books, is the cost of non-productive time. The Auditor-General found that when the rigs are not functioning, it is because the drilling staff do not take them for service on time. They are what GDC use to drill the ground to get the steam. They are gigantic machines. We saw one in Nakuru, which several members of staff operate. What happens when it goes for service? The members of staff continue to earn money, as revealed by the Auditor-General. She questioned why they earn money, yet the rig machine is not working. We asked them what causes the delays in the maintenance of machines. They told us that the procurement and shipping of spare parts takes ages. They blamed the Public Procurement and Asset Disposal Act.

We propose to the House that special agencies, such as GDC, sign service agreements for approximately 3-year service contracts to supply specific specialised equipment, thereby preventing idle time. This will enable the rigs to continue working. We ask the House to agree with us, so that we give GDC permission to have a service agreement for four years without flouting procurement rules. This will ensure that if a spare part is required in a rig, it should not take 45 days or four months to procure it. This will prevent the query raised by the Auditor-General regarding staff payments when the rig is not operational. According to her, they should pay the money back, but we realised that it was not their problem but our laws. A service agreement is a valid supply agreement that supports the immediate supply of needed spare parts, saving time. We thank the Auditor-General for flagging that out.

Hon. Temporary Speaker, we also proceeded to the KPC, where the Committee found out something interesting. The number of audit queries from the two financial years is 57. Out of these, what caught the attention of the Committee was the irregular disposal of company land. It was acquired by the company and sold at a throwaway price. Therefore, the Committee, in its wisdom, found that the accounting officer should take responsibility for disposing of the land. The EACC should investigate the disposal of that land, which was sold at a throwaway price, in my Committee's view and observation. It seems there was some understanding, and the buyers may have been insiders. We recommend that EACC take up that matter.

Further, there is the issue of land without titles in the same organisation.

The Temporary Speaker (Hon. Martha Wangari): Hon. Pkosing, you will pardon me, for reasons I had explained earlier.

(*Laughter*)

Kindly allow me to recognise students in the Chamber. There is quite a heavy traffic for our students today, given that it is a closing day and week. Allow me to welcome the students who have come to our Galleries. In the Speaker's Gallery, we have Doldol Boys Secondary School from Laikipia North Constituency, Laikipia County; St. Kizitos Junior Secondary School from Mbeere South Constituency, Embu County and Ngenia Comprehensive School, Laikipia North, Laikipia County.

In the Public Gallery, we have Bikeke Primary School, Kiminini Constituency, Trans Nzoia County; Isee Primary School, Mwingi Central Constituency, Kitui County and Sikirrar Primary School, Narok West Constituency, Narok County.

(*Applause*)

Hon. Pkosing, since you have 40 minutes left, which I know you can utilise, I would like to invite Hon. Sarah Paulata, Member for Laikipia North, to welcome the students on our behalf for one minute.

Hon. Sarah Korere (Laikipia North, JP): Thank you, Hon. Temporary Speaker. On behalf of all the Members, I take this opportunity to welcome their students who are visiting. I am proud to say I am an old student of Doldol Boys Secondary School. That is why one day, when the Leader of the Majority Party told me that he went to Alliance Boys' High School, I told him there are many similarities between us because I also went to Doldol Boys Secondary School.

Despite the fact that these students took a very long and bumpy or rough ride to arrive in Nairobi, I tell them that the hardships they have faced should not limit their potential. I am sure that when these students drove past Nanyuki, they wondered whether this was the same Kenya they came from, given the state of the roads. So, I urge this House and the leadership of this country to make Laikipia North Constituency look like the rest of Kenya. I wish them safe travel back home and urge them to work hard and not to let the challenges mismanage them. You can be anything you want to be, and even come from Doldol to the National Assembly.

The Temporary Speaker (Hon. Martha Wangari): Very well. You will tell us in another sitting how you are an old girl of Doldol Boys Secondary School. But for now, Hon. Pkosing, kindly take it up.

(*Laughter*)

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Temporary Speaker. I said you are a good mother. I have now been vindicated because evidence has been given. That is why you are recognising our children. Thank you for that.

I was highlighting issues that the Committee found in KPC. I have mentioned one, which is land. Another issue that caught the attention of the Committee is what we term the unprocedural implementation of the Mzima Springs Water Project. Two issues in that project caught the attention of the Committee. One, which was perplexing, was that they wanted to decommission or change. Mzima Springs Water Project deals with water, while the KPC supplies petrol. We discovered that they were tasked with transporting water from Mzima Springs to Mombasa via a petrol pipeline. It was weird that somebody could direct you to use petrol pipes to transport water for human consumption.

Secondly, they spent Ksh400 million on the construction of a pipeline from Mzima Springs in Taita Taveta County. Moving water from there and all the way to Mombasa is about 200 kilometers or less. Surveyors can give us that estimate. Those two issues caught the attention of the Committee. How can any normal thinking person expect that you can transport water using petrol pipes or pipes that carry oil? It is weird, health-wise, but it did not happen. Since it did not happen, we do not know where the Ksh400 million went. Was it used or squandered? The Committee asks the House to agree with us so that the officers who were involved can be investigated by the EACC. The EACC must investigate those involved that day so that, in the future, nobody can claim it was from powers above. Powers from above can endanger the health of people. The Mzima Springs water project is a good example.

It was weird that some people could do that and agree to use resources that way, even if it was direction from above. Of course, it failed. Maybe for the health of the people of Mombasa and Kenya, we say it is good that it failed. However, they “ate” the Ksh400 million. We need the Kshs400 million back. Of course, the pipes were not used. It would not have been healthy to use petrol pipes to supply the water.

I do not know why it was the Kenya Pipeline Company—not the National Water Harvesting and Storage Authority or the Coast Water Works Development Agency—that chose

to supply water from Mzima Springs. I am of the opinion that maybe the people of Mombasa still do not have water. That money should be recovered so that the project proceeds and the people of Mombasa get water. It is weird. Let it be an example. It is up to the EACC to pick from there. We have done our work and given the EACC the power to proceed. Hopefully, the House will agree with us.

As I said earlier, we also had the Kenya Maritime Authority (KMA). Everybody knows it is based in Mombasa. Those who did not know now know.

A number of issues caught our attention. We had 41 audit queries, but a cross-cutting one caught the attention of the Committee. That is the supply, review and installation of an Enterprise Resource Planning System (ERP) project that stalled. It was poorly done. Our recommendation is that those who worked on the project should face the law.

The investigative agencies should pick this up and bring those people to book. They squandered their time and should therefore face the law. The time for eaters is over. Now that taxes are a bit high for Kenyans, we recommend that they be investigated and brought to book.

Further, we had the KRC. It had two crosscutting issues. We had three financial years and 27 audit queries. I will touch on two out of the 27.

First is the non-disclosure of material uncertainty and related growing concerns. We realised that the KRC will die if it does not change, or if the government does not help it change. They are hearing us recommend that they should expand their thinking beyond relying solely on commuter trains. We also think they should heavily rely on cargo. They will not be profitable if they transport passengers only, unless they add prices. That becomes very expensive for Kenyans. The Standard Gauge Railway (SGR) will become expensive. To avoid death, they should think outside the box.

One recommendation is to invest in serious cargo transportation. That might help them survive. They are on their way to exit this country if they do not do that.

Secondly, we also noted that they defaulted on paying a China Exim Bank loan between themselves and the National Treasury. This is a serious issue. We recommend that the National Treasury and the KRC agree on how to deal with that. You know, Exim Bank came to help Kenyans build the SGR.

Finally, the Information and Communication Technology Authority (ICTA) is the seventh organisation. We also audited three financial years and noted 26 audit queries.

Pasha Loan caught our attention. The government of the time was trying to promote digitisation and content creators in the digital economy in 2018/2019 and 2020/2021. The current government is trying to do that by building ICT centres in all constituencies.

They helped many people at the time. However, there was no proper administration of the people taking these loans. It was like seed capital to help individuals establish digital hubs, more like a nursery. The government had nursery money that it gave to ICTA, which was not possible. Of course, these were small people, and the money had no security. It is almost like what we have, the Hustler Fund, which had no security. It was trying to promote people. Without security, we are helping the bourgeoisie. The poor people and students of the particular time were unable to pay the loan.

Therefore, we recommend that the National Treasury take responsibility and liaise with ICTA. We realised that many Kenyans are now on ICT platforms due to the actions taken by the ICTA board at that time. We propose that the National Treasury collaborate with the ICTA board to write off the obligation from ICTA, as it was a national government directive.

Having said that, I will make the following few concluding remarks.

First, where do we get our power? Our marking scheme guided my Committee, for which I thank my colleagues. Article 201 of the Constitution guided our Committee. It asserts that we should spend our money in a responsible way. That, financial management shall be responsible and fiscal reporting shall be clear. We are examining this matter to determine

whether the institutions we are auditing adhered to Article 201 of the Constitution, specifically the items I have mentioned.

Article 226 of the Constitution also guides us to mirror and do our work of examining these books. For the record, and to emphasise our point as a Committee, the Constitution says:

“If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not.”

Nobody will say that the recommendations I have just said are personal or that the Committee was very annoyed with some people. It is the law, Article 226.

Further, it says:

“The accounting officer of a national public entity is accountable to the National Assembly for its financial management, and the accounting officer of a county public entity is accountable to the county assembly for its financial management.”

We are presenting this Report so that they know this is not our imagination. They should not feel any pain when we make such recommendations. We are protected, and it is our constitutional responsibility. Nobody should see my face and say Mhe. Pkosing is doing this or that. It is not my work.

The Constitution of the Republic of Kenya gave us that work. I will not apologise for the responsibility of doing the work for Parliament and Kenyans. The Standing Orders and the Public Finance Management Act also give us the power.

Finally, we recommend legislative proposals to cure some of the problems we had. The war between the GDC and the KRA is an example. We recommend legislative or policy amendments to convert revenue from the 59 wells to something sustainable. That revenue should be treated as A-in-A, not as revenue. It should be ring-fenced for the purpose of investing in more wealth to create more clean energy. We are proposing that there should be legislative proposals. Sometimes, some of the cures of these audit queries are not necessarily what I am saying; the re-verification, or being taken to Court, or the Directorate of Criminal Investigations (DCI). The long-term and the bigger picture will be the amendment of the law. That is why we propose that the Committee in charge select this amendment, which, in my opinion, should be either the Departmental Committee on Finance and National Planning or the Departmental Committee on Energy. Our work is ‘morticians’. We now hand over to you as the Temporary Speaker and the Chairperson of the Liaison Committee. I hope that you will take this up from here as a good mother. Thank you.

We are also proposing to have an amendment in law for the water agencies and committees in charge of water. If the Government of Kenya uses a loan to develop a water project, a percentage of the water consumption fees should be allocated towards repaying the loan. There are Kenyans who are suffering in this country. I have given you an example of the NWHSA and the CWWDA. They took a loan, but they are not repaying it.

Is someone drinking the water? Yes. Some people are drinking water developed by CWWDA and paying for it. So, who is “eating” the money? It is either being “eaten” at the county level or by those small bodies down there called water service providers. Those are the guys who are “eating” the money in terms of salaries and buying cars. They are not paying the loan. The person paying the loan is you and I. For example, if somebody is drinking water in Mombasa, and somebody in Kisumu is paying for that water, the person in Kisumu is paying for water they are not drinking. The larger picture is therefore that individuals drinking that water on the coast should pay for the loan, so that it can also be used at some point to build water infrastructure in Kisumu, Mandera, Kapenguria, or Lodwar.

That issue should be taken seriously by this House. The House should amend the law to make it mandatory that if you are drinking water that the people of Kenya borrowed money for, you should pay for that loan. Nothing is happening at the moment. The National Treasury and Economic Planning is now the one paying with our money. My Committee found that to be unfair. That is why we are very strongly urging the House, through you, to consider this going forward.

With those many remarks, I thank my Committee. I have a very able Committee. I am saying that because this is my first-time chairing and even sitting in an audit committee. In the last Parliament, I was the Chairman of the Departmental Committee on Transport and Infrastructure. That was an easier one. Before that, during my first term in Parliament in 2011, I was in the Departmental Committee on Defence and Foreign Relations. In this Committee, we sit almost the whole day. I thank Hon Members who come and sit in this Committee; 'morticians.' Can you imagine that we are auditing the events of 2018, when you and I had just entered Parliament? No. I remember you were actually in the Senate, and I advised you to come to the National Assembly. I told you that the Senate was not your House; the National Assembly was your House. You heard me, and I was your consultant. I will therefore bring you an invoice next week so that you can pay your consultant properly, and the Auditor-General will audit you.

With those few remarks, I thank my Committee and the Clerk's Office for writing these Reports. We sit almost the whole day. When people are on recess, my Committee is working. I thank you, good mother of this country. I beg to move, and I ask my colleague, the Vice-Chairperson, Hon. Ariko, to second.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Pkosing. Those are definitely not a few words. Hon. Ariko.

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Temporary Speaker, for this opportunity to second this Motion. I also remind you that I have been an accounting officer for the County Government of Turkana, and I appeared before you at that time...

The Temporary Speaker (Hon. Martha Wangari): Then you have actually ruled out. It is not Hon. Pkosing. I was more powerful in the Senate.

(*Laughter*)

That is in jest. Continue, Hon. Ariko.

Hon. John Namoit (Turkana South, ODM): Hon. Temporary Speaker, I recall that you once scared my colleagues in the Senate's Public Accounts Committee. I remember what you did during that particular time.

I joined this Committee as the Vice-Chairman in this session. The purpose of the audit is to confirm the value for money in those respective government entities. Why are we auditing? First, we audit corporations just to study the accounting systems of that particular entity. Second, to assess the internal controls. We need to confirm and ensure that government corporations are adhering to proper internal controls. Third, for verification of assets and liabilities. The intention of an audit is to verify the existence of assets and particular liabilities. Finally, to check for legal compliance. Do entities conform or are they compliant with our laws, the Public Procurement and Asset Disposal Act, the Public Financial Management Act, and the Constitution of Kenya?

As a Committee, we established weak financial management by our corporations. The Code of Governance for State Corporations was established in 2013 to enhance the effectiveness and efficiency of these state corporations. State corporations must conform to that particular Code of Governance. As you review the audit reports of these corporations, you will find that the individuals managing them are not compliant with Mwongozo. Following the

Public Procurement and Disposal Act, many of these audit queries mainly lie in public procurement. This is because it appears that these entities have not undergone sensitisation to the laws that are intended to guide them in procuring goods and services within their respective entities.

The other observation made by the Committee was that many government entities have a problem with land issues. The accounting officers have allowed government land to be encroached on or taken away. A case in hand is the one of the Kenya Railways Corporation and a number of other institutions. I happened to engage an insurance corporation; the Insurance Regulatory Authority (IRA) has an asset that has been taken away by private developers. It is the responsibility of accounting officers to secure the assets of an entity. If that particular asset is not secured, action needs to be taken against that accounting officer.

Another thing is that when a circular that separates institutions of government is implemented, the assets are transferred, but the liabilities are not transferred. A case in hand is the Water Services Regulatory Board (WASREB) that the Chairman talked about. That asset was transferred, but unfortunately, the loan that was taken to secure that asset was never transferred to the entity that took over the asset.

The Committee has made its recommendations. The reason the Committee exists is to observe all the occurrences surrounding the particular entities, especially what has been highlighted by the Auditor-General. We have made recommendations that need to be observed. The Committee responsible for following up, the Committee on Implementation, must take action to ensure that necessary measures are taken by the responsible institutions, in line with what the Committee has recommended.

On the issue of disclosures in our financial statements, entities are failing to disclose material aspects concerning their operations. Yet international accounting standards require institutions to make such disclosures. Some of these entities are simply not doing so. Regarding GDC, it has acquired a significant number of assets, equipment, and rigs, as the Chair mentioned. Those rigs are not being utilised. Almost 60 per cent of the machines are idle. Therefore, necessary action must be taken against the officers responsible for acquiring assets that the government is not utilising.

Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): I am not sure the Members listed here want to speak to this. Hon. Mulanya? He is not present. Hon. Mulyungi, not on this. Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. This is a very critical Committee. As the former Chairperson, I recall that when the framers of the current Standing Orders, such as the late Hon. Anyona, Hon. James Aggrey Orento, and Governor Anyang' Nyong'o crafted them, they were among the first in the region to establish a specialised Committee called the Public Investments Committee. They had three main objectives.

First, to create a quasi-government entity that would operate like a business, though wholly owned and funded by the taxpayer, to ensure value for money in all transactions. Over time, we have amended the Standing Orders and split the Committee into three groups, the most prominent of which is the Public Investments Committee on Commercial Affairs and Energy. One of its key mandates is to examine, within the context of autonomy and efficiency, whether public investments are being managed according to sound financial or business principles and prudent financial practices.

All of us are students of the Constitution, its fight, its propagation, and its implementation. One reason the framers of the Constitution created an independent audit

office, free from executive interference, was to allow objective auditing of institutions. This is where the five Cs and seven Es of auditing become relevant. What are the five Cs? There must be a criterion for auditing; auditing is not random. That criterion is based on adherence to established, financially recognised systems. There must also be a condition for auditing, a cause for the audit, a consequence resulting from the audit, and finally, a corrective mechanism to address the findings.

What are the seven Es? There must be effectiveness, which ensures value for money. There is efficiency, so the processes are thorough. Economy, to minimise costs. Excellence refers to the quality of the audit process. Ethics, for moral integrity. Equity, ensuring fairness. And finally, ecology, to safeguard environmental concerns. These five Cs and seven Es form the backbone of credible audits. Given this, and in line with our own Standing Orders, the Motion before us today affirms Parliament's critical role in scrutinising public expenditure and corporate governance, ensuring that state corporations operate within the bounds of transparency, integrity, and efficiency.

This Report covers several issues, including financial irregularities and unsupported expenditures, which are at the heart of auditing. It also highlights the accumulation of pending bills, which has become alarmingly normal. Procurement is often handled casually, as if it were routine. Additionally, there are procurement breaches, as the Chairman noted. Any country that fails to adhere to clear procurement regulations, established and understood, is bound for wastage and blundering. Even in our rural areas, under county governments, state corporations, and other agencies, procurement violations are rampant. I do not know how we shall curb this, but it remains widespread. This is why we currently have hundreds of billions in pending bills.

Another concern is weak internal controls, which require urgent attention. That is why this Committee, on its own volition and under the guidance of our Chairperson, Vice Chairperson, and other Members, decided to review the reports of these five critical agencies to ensure value for money. We are dealing with GDC, which is an offshoot of the larger KPLC. The KP is among the country's key energy agencies. When you consider the taxpayer's stake, Kenya Pipeline and GDC alone play a central role in Kenya's economic competitiveness, energy security, and industrial development. The question is, are these institutions being run as the taxpayer expects? This is where the audit process comes in. It provides a platform for Members of Parliament to act as neutral arbiters. We have an independent entity governed by statute, the Office of the Auditor-General, and Parliament comes in to provide oversight and ensure accountability between the Auditor and the audited entity.

In our Report, we have observed that many of these organisations face structural and operational challenges. Unless those issues are resolved, we shall continue to complain, and these audit findings will simply gather dust in our archives, offering no value to the taxpayer. We must address the issues raised by this Committee, particularly those under the Kenya Pipeline Corporation and the Geothermal Development Corporation. The world is changing. These two organisations must be run transparently and efficiently if we desire to join the league of developed nations. They have existed on paper. These are the issues that fall under Parliament's oversight role. The audit process has uncovered serious concerns, particularly in reference to Articles 226 and 201 of the Constitution.

As a committee, what have we resolved to examine? We are looking at how these organisations are being managed. Are they conforming to the required financial guidelines? Are they operating efficiently? Are they meeting taxpayers' expectations? Are they safeguarding the public interest? We have also noted, within this organisation, and it is not limited to it, the need to critically examine their systems. How are they being run? Are they being run with a business-like culture? I thought I had ten minutes.

The Temporary Speaker (Hon. Martha Wangari): It is ten minutes. You only have a minute to go.

Hon. Adan Keynan (Eldas, JP): Can I have two more minutes?

The Temporary Speaker (Hon. Martha Wangari): Hon. Adan Keynan, you are negotiating before your time has even lapsed. Wind up in two minutes.

Hon. Adan Keynan (Eldas, JP): Some of the gaps that we found relate to the audit timeline. It takes too long before the Committee is seized of the audit report. This duration must be reduced. It takes several years before the Committee is seized of the audit report.

The other issue we found is the weak implementation of the recommendation. Those of us who have been in this House for a while, including you, purposely formed the Committee on Implementation. The Committee must be active. It must be seized of all recommendations of this House. That aspect is lacking. For the last three years, I have not seen a report generated by the Committee on Implementation. We will be challenging them. We will either wrap you up or you bring reports as expected by the framers of the current Standing Orders. There is also insufficient public involvement. Some of these organisations have been run in a very opaque manner. It is high time the provision for public participation is upheld. We need to know the activities and operations of Kenya Pipeline Corporation, and how the Geothermal Development Corporation and many other organisations are being run. This aspect is lacking.

There is also limited focus on outcomes. We need to see value for money. This country requires resources for development. These organisations must be tasked in a manner that will force them to contribute to national development.

Finally, there are persistent governance challenges. In the future, we aim for some of these organisations to receive clean audit reports. How do they do that? They should adhere to the procurement regulations, follow established standards and observe appropriation guidelines. Those guidelines must all contribute to the running of the organisations.

I support and commend the Committee Members, the Chairman and the leadership. In future, we must work hard to ensure that audit reports reach the Committee within the shortest time possible.

I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Marakwet West, Hon. Timothy Kipchumba.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker. I rise to support this very important Report on selected State corporations moved by my neighbour, Hon. David Posig. The Report is quite substantive and has raised weighty national matters that this House must take account of. There is much wastage in this country that we must address. As Parliament, as we pass budgets, we must be able to follow up and ensure that the money allocated to State agencies is utilised in a manner that complies with the Constitution.

Hon. (Dr) Ariko, who seconded the Motion, said that there must be value for money. That is provided for in the Constitution. Any State agency allocated money must ensure that it is used prudently as envisaged by the Public Finance Management Act and the Constitution. He also discussed the key issue in this country, specifically the procurement entities and related matters.

This weekend, I was in my constituency. I was shocked to see that vehicles are rotting at police stations and health centres. The Public Procurement and Asset Disposal Act provides a very clear framework for disposing of motor vehicles. The Act is not being followed. Why should vehicles rot in the Judiciary? Why should vehicles rot at our health centres, whereas there is a legal framework for the disposal of such motor vehicles and other government properties?

The mover of the Motion said we need a legal framework or institutions to be created. We have sufficient legal and institutional frameworks in this country. What we need in this

country is good manners. If people are given the responsibility of running a public office, why should they not follow the law that is already in place?

We have the Committee on Implementation, established under Standing Order 209. For the avoidance of doubt, the Standing Order states that the Committee shall scrutinise the resolutions of the House, including adopted Committee reports, and thereafter provide solutions or even issue sanctions to those concerned if such resolutions are not implemented. If a Committee of this House sits in accordance with Article 125, which gives it powers similar to those of the High Court to call witnesses and issue certain sanctions, then the Committee on Implementation should ensure that the reports of this House are implemented as envisaged in the resolutions. This will help to reduce wastage of public resources and ensure that there is value for money.

With those remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. I appreciate the Public Investments Committee on Commercial Affairs and Energy for this good Report. I have listened to the presentation by the mover and the seconder. Several issues arise from it. It is time this House began taking reports from our audit Committees seriously. It has reached a point where we treat them as just normal presentations. If we truly want to help this country, these reports should be discussed in detail and their recommendations implemented to the letter.

The Committee on Implementation is supposed to follow up on some of these recommendations. However, you realise that very little is done after the reports are discussed in this House. As a House, that is where we are not doing our work as expected. Let us consider the issue of timelines for the reports. The Chairman of this Committee has indicated that the reports under discussion date back to 2018. We are in 2025. How do we explain a gap of almost eight years? To make things even more complicated, most of the Accounting Officers responsible for this mess have retired, and others have passed away. In such cases, any recommendation made is a dead one. I agree with the Chairman when he says they are morticians.

On a serious note, we are coming up with recommendations which cannot be implemented. As a House, we need to ask ourselves what we should do to speed up the implementation of these recommendations. This will ensure that the office bearers are held accountable while they are still in office. Often, there has been an excuse that when you call an accounting officer, when the term of the one who was in charge has lapsed, they tell you that they are not the ones who were in charge at the time of the recommendation, and the matter ends there.

The second issue is that the Public Investments Committee on Commercial Affairs and Energy is in charge of the commercial entities. Anything commercial is supposed to make a profit for the government. This Committee oversees public investments. These investments should make money for the government. The government should either get profits or dividends. This is because we are using taxpayers' money in these investments, but how many of them are making a profit? They have become pit-holes into which public resources are pumped, but we never get anything in return. It is time to evaluate which commercial entities are in place. We need to identify which entities are profitable and which are not. We should wind up the ones making losses and push the business to the private sector. This is because the private sector can do better than government entities.

Another critical issue raised by the Committee is the consequences for non-compliance with the resolutions of this House. So many recommendations have been made here. I have listened to my Chairman and the seconder of the Motion. The question is whether there are any sanctions for those who do not adhere to the rules. This House passed the Public Finance

Management (PFM) Act and the Public Procurement and Asset Disposal Act. These Acts are just like the other procedures, for example, human resource management systems. What steps should we take to subject these parastatals to the laws we have passed? In a situation where somebody deliberately does not adhere to the law, should we not have sanctions? It is time we informed the culprits that they are not qualified to be in charge of these institutions because they cannot account for the resources we have given them. On that basis, they should either pave the way for suitable persons or we give them zero budget. If we implement such a resolution, we will be seen as a House which has teeth to bite. Currently, people treat our proceedings as talk shows.

Hon. Temporary Speaker, you do not want to waste your time sitting on that important Chair, and all that we resolve here becomes mere talk show. Personally, I would not want to participate in a talk show. I would like a situation where, after we agree on recommendations, we move to the next step where our Committee on Implementation, together with the leadership from the Majority Party in this House, act on them.

Another important question we should ask ourselves is what lessons we learn from all the reports that we discuss in this House. Do we ever learn any lessons? On the basis of lessons learnt, we can change our ways of looking at these reports. Having been a monitoring and evaluation specialist earlier in life, I can inform this House that you should act on any lessons learnt from any activity to improve your performance. Are we improving the performance of our commercial entities as a result of these reports? At times, I feel so bad. The Chairman has just mentioned that they sit from morning to evening every day.

Can you imagine spending two months of your life, from morning to evening, only to have your Report end up on the shelves at the end of the day? It is very discouraging. As I support this Report, I recommend that we be serious, as a House, and say that enough is enough. We should take these audit reports seriously, starting with the Public Accounts Committee, the three Public Investments Committees and reports of the special audit committees. I can see my friend, Hon. Mulyungi, who heads one of them. We need to take all these reports seriously and implement them. We need to be seen to have teeth to bite. Otherwise, we are just wasting our time and the taxpayers' money. We can have better things to do if we cannot implement these reports.

My final comment is that it is time we tied these audit reports to our planning and budgeting. People should face the music for failure to adhere to agreed-upon laws and regulations.

With those remarks, I support.

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

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. As I rise to contribute to this Motion, let me recognise the Chairman, who was once my student somewhere. In areas where he has missed some points, I would like to tell him that learning does not end. That is where I want to start from.

The first thing we need from the Committee is the total number of State corporations and the number selected for this Report. What criteria were used to select those selected, how many remained and who will examine those that have remained? I hope my student is listening. This is something that is missing. This is because we may realise and recognise that there are many State corporations whose operations this House may not be aware of by the end of the day. It is important that this issue is looked at. On that consideration, the Committee has looked at, for example, Kenya Railways. There are 26 audit queries, but the Committee has chosen to look at only two. Who else looks at the other 24? Again, my student needs to look at this afresh. As much as the Committee is doing a good job, we should be watchful in terms of what the State corporations are doing.

Other than that, there is the issue of implementation, which, in my opinion, is a procedural matter. There are these recommendations that the Committee has come up with, including that the Ethics and Anti-Corruption Commission (EACC) comes in to investigate. Between this Report and the Committee on Implementation action, there is supposed to be six months. That is what we have in our Standing Orders. Who tracks this to ensure that after six months, the Committee on Implementation procedurally gets these recommendations and follows up? If you recommend that the EACC should move in, it means that some office in this House must move the EACC within the six-month period. This will ensure that when the Committee on Implementation comes in, after six months, there is a very clear order in terms of how the recommendations and actions have been moved. In my opinion, this is what we are lacking. If we continue this way, we will have a big problem. Even the Committee on Implementation might have to do the same thing that some committees are doing – selecting specific areas to deal with. In the process, some important issues will not be addressed. An example is the recommendations that we have from this Committee.

We should keep in mind the time that goes in between the six months. It is not a short time. The chance that some of these things will not be looked at is often very high. That is something which is important. As a House, we need to look at that procedure again, even if it means reviewing the Standing Orders again. Where do we reposit these recommendations? Who moves these recommendations to the entities that are supposed to act on the recommendations? Then what happens? At what stage do those entities report back to Parliament whether they will have acted or not, so that the Committee on Implementation picks it up? If we make these matters clear, some of these things may work out. As Hon. Makali has mentioned, we are investing in these State corporations. Some are supposed to be making money. Where do they take the money that they make? Why is it that, at the budget level, we hardly see any income from our state corporations? This is a real problem.

I have a final submission, which the Chairman of the Committee should listen to. There is a general and bigger problem with the issue of public land. The Constitution states that the National Land Commission (NLC) is vested with the power to look at the issues of public land. Let us critically look at what State corporations are doing. The most serious one is Kenya Railways (KR) Corporation. As much as we are saying it is being run down, it has a lot of money to buy land. Although they are losing their land, sometimes in a manner we do not understand, they also spend a lot of money to purchase new land. When a state corporation buys land, it should immediately come under the jurisdiction of the NLC, which is what the Constitution recommends. However, currently, a state corporation can buy land without the knowledge of the Commission.

School land is public land, but where are the titles deposited? The title deeds of public schools are in the National Treasury. Why does the National Treasury hold the title deeds if it is not mandated to handle issues of public land? Why should the National Treasury hold title deeds of public land and not the NLC? Why is it that the NLC cannot have an inventory of all public land in this country? As long as title deeds are handled haphazardly, we will keep losing them and encountering all manner of complaints left, right and centre.

Those are some of the things that I wanted to mention. It is critical that when the Committee selects a few State corporations to examine, they inform us of the number remaining. We can then get to know who will examine them, so that Parliament can know exactly what is happening.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. It is my pleasure to also contribute to the debate on this Report. I support the

recommendations made by the Committee upon the examination of the financial statements of selected state corporations.

I heard Hon. Posing say good things about how we must run our state corporations, which are very important in managing the day-to-day lives of our people. For example, the CWWDA is mandated to provide water to the Coast Region. However, we always hear that they do not have funds. They cannot implement new projects or pay suppliers. They cannot pay their electricity bills, resulting in disconnection by the Kenya Power Company. Hon. Pkosing has said that they have done many uncouth things, and that is why they have very many audit queries. I want to assure Hon. Pkosing that we will not allow this audit report to just lie in Parliament. We must pursue it because it will serve justice to the people of the Coast Region. Somebody is misusing resources. They take out loans that they do not use, even as the loans accrue interest, and Kenyans pay them through their taxes. At the end of the day, that organisation is in the red. That is gross misuse of the opportunity to lead such an organisation.

The Board members who have been given the opportunity to serve do not do anything to rescue public organisations. They only sit on those Boards to draw per diems and allowances. They do not do anything in terms of governance to restructure organisations so that they can be above board. Why do we appoint them? Why do we keep them in those positions until the expiry of their terms? As a Government, we need to look at where our resources are going. A lot of resources are wasted. Who is overseeing or chaperoning the wastage of resources? That is what they are doing. They have been given an opportunity to lead, but instead of looking at how well they can manage an organisation to ensure that it is properly taken care of, they just sit there, waste resources and do nothing about it.

We do not need to wait for the Committee on Implementation to tell us that this Report has not been acted on. The EACC must be seized of this Report and the Clerks-at-the-Table...

Hon. Bernard Kitur (Nandi Hills, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Nandi Hills, what is out of order?

Hon. Owen Baya (Kilifi North, UDA): He wants to know the meaning of the word “chaperoning.”

(Laughter)

Hon. Bernard Kitur (Nandi Hills, UDA): Hon. Temporary Speaker, I seek your guidance because there is no quorum in the House. I would like you to confirm whether there is a quorum for us to proceed with this discussion.

Hon. Members: No!

The Temporary Speaker (Hon. Martha Wangari): I will let Hon. Owen finish his contribution, then I will give guidance on quorum.

Hon. Owen Baya (Kilifi North, UDA): Hon. Kitur, I will teach you a few things.

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen, any Member can rise to raise an issue of quorum. It is in the Standing Orders. You will finish your contribution, then I will deal with the issue raised by the Member for Nandi Hills.

Hon. Owen Baya (Kilifi North, UDA): Then you will allow me to teach him a few lessons.

Hon. Temporary Speaker, the KPC has also been mentioned. Before I go to that issue, I also heard Hon. Pkosing talk about the Mzizima Pipeline. The people of Mombasa County have waited for many years for the Mzizima Pipeline to reach them. There has been a delay because of one excuse after another, while the people of Mombasa continue to suffer without water. The water from the Mzizima Pipeline serves Kilifi County. The person it serves the most

is the Member for Kaloleni Constituency, who sits behind there. Construction of this pipeline will help ease water problems. We will probably not need Mwache Dam, which will consume billions of shillings. Water from the Mzizima Pipeline, which would come to Mombasa through natural gravity without incurring great costs, has been delayed. The Report reveals why it has been delayed. This Report must be flagged off so that everybody knows where the problem is. People suffer when a state corporation does not do its job. The people of Kaloleni and Rabai constituencies have been suffering a lot due to water issues just because the CWWDA Board members are not diligent in their work. They should be used as an example.

I agree with Hon (Dr) Ochanda that we do not have to wait for the Committee on Implementation. The six-month window is enough to arrest, charge and prosecute people who have been misusing the opportunities they have been given to serve Kenyans. The Committee on Implementation should just report that the recommendations were implemented, instead of saying they were not implemented, and then we start another process. The Committee on Implementation sometimes takes Parliament back. A report is adopted by the House, and we expect it to be implemented, but it is not. The Committee on Implementation then takes over the process and does nothing. They then wait for the next Parliament to look into the matter again. I sometimes feel that the Committee on Implementation is used to propagate the misuse of public funds.

A Member tables a report in the House and waits for the Committee on Implementation to act on it instead of implementing the recommendations. The Committee on Implementation then summons the concerned parties and starts interrogating them afresh. They then table another report recommending the prosecution of the guilty parties. Many times, those people are not prosecuted. We are not helping this country. The reports that are tabled in this House must help the country to streamline the governance of State corporations. A report should be tabled in the House on the dismissal of incompetent staff of State corporations. The Head of Public Service has de-gazetted committee members because of a report from the House. That is what we want to see. It will even boost the morale of Committees to table more reports.

Hon. Pkosing, do not just say that we should surcharge the staff of State corporations or that the EACC must investigate. The first recommendation I want to see is the de-gazettement of board members so that investigations can take place. That will be apt. Staff of those corporations will start working if they know that they might lose their jobs if Parliament goes after them. A gazette notice is a subsidiary legislation which Parliament must approve. Parliament can recall that subsidiary legislation. Instead of just saying that "the EACC should investigate," one of the recommendations should be that members of those Boards must be de-gazetted if they have contributed to a loss of funds within the State corporations. That would be an important recommendation by the Committee.

I heard about the KPC issue; it used to employ so many people in Mombasa. Many families lived, were educated and owned houses because they worked at the Kenya Pipeline Corporation. The death and collapse of the Kenya Pipeline led to the death and collapse of many families. This is due to misuse, mismanagement and lack of proper governance structures. This government spends a lot of money to train Board members on governance, audit and other issues.

Where do they implement that knowledge, yet the moment they sit on those boards, they make several mistakes and fleece State corporations. The State corporation goes to its knees, yet it continues to draw salaries and allowances, all while the people who need its services suffer. As Parliament, it is time we made drastic, very robust and radical recommendations. I ask our clerks in the Departmental Committee on Health to write... They are used to a certain type of language. The clerks will tell you, "This is how it is done. You know, this is how we have done it for many years." They write recommendations to appear politically correct.

We need to move away from that practice, Chairman. Do not just accept the recommendations that the clerks make. Make your own radical recommendations. Let us radicalise recommendations against rogue State corporations, so that we get results out of them.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, a member has risen in accordance with Standing Order 35. Therefore, I order that the bell be rung for 10 minutes.

(The Quorum Bell was rung)

*(Some Hon. Members walked towards
the door of the Chambers)*

Hon. Members, when the bell is ringing, nobody walks out.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, there being no quorum, the House stands adjourned until Wednesday, 30th July 2025 at 9.30 a.m.

The House rose at 5.37 p.m.

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