



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**11<sup>th</sup> November 2025**

**Vol. IV No. 101**

## THE HANSARD

Tuesday, 11<sup>th</sup> November 2025

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

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

*(The Quorum Bell was rung)*

**Hon. Speaker:** Hon. Members, we now have quorum. Let us start our business.

*(Several Members walked into the Chamber)*

Order, Members on your feet. Take your seats. Hon. Umulkher, take your seat. Is that Hon. Onchoke or Hon. Atandi? Take your seat.

### MESSAGES

#### APPOINTMENT OF SENATORS TO MEDIATION COMMITTEES

Hon. Members, I have a Message from the Senate on appointment of Senators to mediation committees on the Mung Beans Bill (Senate Bill No.13 of 2022), the Start-up Bill (National Assembly Bill No.14 of 2022) and the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023).

Pursuant to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from the Senate regarding appointment of Senators to three mediation committees. The Message conveys that pursuant to the provisions of Article 113 of the Constitution, the Speaker of the Senate has appointed Senators to mediation committees to consider the Mung Beans Bill (Senate Bill No.13 of 2022), the Start-up Bill (Senate Bill No.14 of 2022), and the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023).

To the Mediation Committee on the Mung Beans Bill (Senate Bill No.13 of 2022), the Senate has appointed the following Senators:

1. Sen. Mwenda Gataya
2. Sen. James Kamau Murango
3. Sen. Enoch Kiio Wambua
4. Sen. Catherine Mumma
5. Sen. Beatrice Ogola
6. Sen. Esther Okenyuri
7. Sen. Mariam Sheikh

With regard to the Start-up Bill (Senate Bill No.6 of 2022), the Senate has appointed the following Senators:

1. Sen. Julius Murgor
2. Sen. Miraj Abdullahi
3. Sen. Alexander Mundigi
4. Sen. Joseph Nyutu
5. Sen. Joseph Githuku
6. Sen. Consolata Wakwabubi
7. Sen. Mohamed Faki
8. Sen. Beth Syengo
9. Sen. Crystal Asige

With regard to the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023), the Senate has appointed the following Senators:

1. Sen. Mohamed Chute
2. Sen. Mwinyihaji Faki
3. Sen. David Wakoli
4. Sen. Veronica Maina
5. Sen. Raphael Chimera
6. Sen. Karen Nyamu
7. Sen. Joseph Githuku
8. Sen. Beth Syengo
9. Sen. Crystal Asige

As you recall, Hon. Members, having considered the three Bills, the House rejected the Second Reading of the Mung Beans Bill, 2022 and the Senate Amendments to the National Disaster Risk Management Bill, 2023 in September 2024 and July 2025 respectively. Subsequently, I appointed seven and nine Members of this House to the two mediation committees on Bills respectively.

In addition, in July 2025 the Senate rejected the National Assembly amendments to the Startup Bill (Senate Bill No.14 of 2022), thereby committing the Bill to mediation in accordance with the provisions of Article 112(2) of the Constitution. I then appointed nine Members to the Mediation Committee on that Bill.

Following the appointment of Senators, the three Mediation Committees are now fully constituted as contemplated under Article 113 of the Constitution. I therefore call upon the appointed Committees to expeditiously consider the respective Bills and submit versions of the Bills for consideration by the Houses of Parliament. In considering the Bills, I also remind the Committees to be alive to the timelines provided for under Article 113(4) of the Constitution, to ensure the bi-cameral process is concluded.

Thank you.

*(Several Members were standing by the Bar)*

Members by the bar, take the nearest seats.

*(Several Members walked to their seats)*

Taking the nearest seats excludes sprinting across the Floor. Hon. Kimani, you want me to take you to the Olympics?

*(Laughter)*

Mama Kilifi, take the nearest seat.

Hon. Members, I wish to introduce to you a delegation from the County Assembly of Bungoma, who are seated in the Speaker's Gallery. The delegation comprises nine Members of the Bungoma County Assembly's Implementation Committee. They are:

- |                           |   |  |
|---------------------------|---|--|
| 1. Hon. Timothy Chikati   | - | Chairperson and Head of the Delegation |
| 2. Hon. Jeremiah Kuloba   | - | Vice-Chairperson                       |
| 3. Hon. Frankline Simotwo | - | Member                                 |
| 4. Hon. Mildred Barasa    | - | Member                                 |
| 5. Hon. Aggrey Mulongo    | - | Member                                 |
| 6. Hon. Catherine Kituyi  | - | Member                                 |
| 7. Hon. Idd Chamawi       | - | Member                                 |
| 8. Hon. Alfred Mukhanya   | - | Member                                 |
| 9. Hon. Vitalis Wangila   | - | Member                                 |

*(Applause)*

The delegation, accompanied by two members of staff, is on a visit to the Centre for Parliamentary Studies and Training (CPST) to share experiences and best practices in executing their mandates.

On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements.

Thank you. Next.

## PAPERS

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

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

Reports of the Auditor-General and Financial Statement for the year ended 30<sup>th</sup> June 2025 and certificates therein respect of:

1. Legal Notice No.147 of 2025 relating to the Tax Procedures (Unassembled Motorcycles) (Amendment) Regulations, and the Explanatory Memorandum;
2. Legal Notice No.169 of 2025 relating the Public Finance Management (Public Prosecutions Fund) Regulations, 2025;
3. Intergovernmental Partnership agreement between National Government through the Ministry of Education and the County Government of Makeni;
4. Reports of the Auditor-General and the Financial Statements for the year ended 30<sup>th</sup> June 2025 and certificates therein with respect to —
  - (a) Africa Environmental Health and Pollution Management Project (AEHPMP) (Credit No. P167788/Grant No. TFOB3322) - National Environment Management Authority;
  - (b) Sound Chemicals and Waste Management Project (Grant No.2023/M99/M1-32CML) – State Department for Environment and Climate Change;
  - (c) Improvement of Drinking Water and Sanitation Systems in Mombasa: Mwache Project (CKE 1103) – Coast Water Works Development Agency;

- (d) Technical Assistance to Enhance the Capacity of The President's Delivery Unit (ADB Grant No.5500155012902) Project – State Department for Internal Security and National Administration;
- (e) Public Financial Management Reforms Program (Credit Nos. DANIDA/FY06, SIDA 51110081, IDA GESDEK-7438-KE, AFD/CKE 110, PASEDE CRIS No.041-658 and UNICEF CPD Kenya) – the National Treasury;
- (f) Global Fund to Contribute to Achieving Vision 2030 through Universal Access to Comprehensive HIV Prevention, Treatment, and Care – KEN-H-TNT-No.4147 – National AIDS and STI Control Program;
- (g) Rural Kenya Financial Inclusion Facility (RK FINFA) (IFAD Loan No. 2000004121 and IFAD Loan No.2000004122) – the National Treasury; and
- (h) Centre For Entrepreneurship (C4E) Project (Credit No. BMZ – REF: 2018 65 245) – State Department for Micro, Small and Medium Enterprises Development.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Naomi. Chairperson, Public Petitions Committee, Hon. Karemba.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to lay the following papers on the Table:

Reports of the Public Petitions Committee on its consideration of:

- (a) Public Petition No. 11 of 2023 by Mr Boniface Otieno Opere regarding illegal acquisition of private land by the defunct Awendo Town Council; and
- (b) Public Petition No. 69 of 2023 by Mr Joel Songol regarding delay in resettlement of squatters in Koibem village in Nandi County.

Thank you, Hon. Speaker. I lay.

**Hon. Speaker:** Thank you. Hon. Gikaria, I do not remember approving your Reports. Can we do it tomorrow?

**Hon. David Gikaria** (Nakuru Town East, UDA): May I approach you, Hon. Speaker?

**Hon. Speaker:** Yes. Go right ahead. Do you want to come and talk to the Speaker? Do so. In the meantime, the Chairperson of the Departmental Committee on Finance and National Planning, Hon. Kimani, may proceed.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House...

**Hon. Speaker:** Hon. Gikaria, you do not approach the Speaker by going back to your seat. You approach the Speaker by going to where he is.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Finance and National Planning on its consideration of the following:

- (a) The Provisional Collection of Taxes and Duties (Repeal) Bill (National Assembly Bill No.18 of 2025);
- (b) The Capital Markets (Amendment) Bill (National Assembly Bill No.30 of 2025); and,
- (c) The Government Owned Enterprises Bill (National Assembly Bill No.40 of 2025).

I beg to lay.

**Hon. Speaker:** Thank you, Hon. Kimani.  
Clerk-at-the-Table, go to Order 6. We shall come back to Hon. Gikaria's matter.

### NOTICE OF MOTION

**Hon. Speaker:** Chairperson of the Public Petitions Committee.

#### ADOPTION OF REPORT ON PUBLIC PETITION ON DELAY IN RESETTLEMENT OF SQUATTERS IN NANDI COUNTY

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.69 of 2023 regarding the delay in the resettlement of squatters in Koibem Village, Nandi County, laid on the Table of the House on Tuesday, 11<sup>th</sup> November 2025.

Thank you.

### PAPER

**Hon. Speaker:** Hon. Gikaria?

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

The Addendum Report of the Departmental Committee on Energy on its inquiry into the matter of the reduction of electricity costs in the country.

**Hon. Speaker:** Order 6, Gikaria?

### NOTICE OF MOTION

#### ADOPTION OF ADDENDUM REPORT ON INQUIRY INTO THE REDUCTION OF ELECTRICITY COSTS IN THE COUNTRY

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Addendum Report of the Departmental Committee on Energy on its inquiry into the matter of the reduction of electricity costs in the country, laid on the Table of the House on Tuesday, 11<sup>th</sup> November 2025.

Thank you.

**Hon. Speaker:** Next Order.

### QUESTIONS AND STATEMENTS

#### REQUESTS FOR STATEMENTS

**Hon. Speaker:** Hon. Omboko Milemba?

#### MURDER OF MR SIMON SHANGE

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, pursuant to Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the gruesome murder of Mr Simon Isiaho Shange, Principal of PAG Munyuki Secondary School in Lugari Sub-County, Kakamega County.

The late Mr Shange, a respected teacher and administrator, was last seen alive on the morning of 3<sup>rd</sup> November 2025 when he left his residence at Soweto Centre near Bishop Sulumeti Girls School while heading to Lumakanda Examination Centre to collect KCSE examination papers.

A Closed-Circuit Television (CCTV) footage shows him at about 5:05 a.m. fuelling his car at Turbo, after which he was reportedly involved in a minor accident near Lumakanda Junction. He was taken from the scene by a motorcycle rider and was never seen alive again.

On 8<sup>th</sup> November 2025, his body was recovered from Kipkaren River bearing signs of torture, suggesting that he was brutally assaulted before being killed. To date, there has been no official report or explanation from the police or any investigative agency on the circumstances surrounding his death or the identity of those involved.

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

1. The progress of investigations, including any suspects, and clarification on whether the motorcycle rider and the vehicle linked to the accident have been traced.
2. A report on whether police investigated the threats Mr Shange had reportedly received from individuals at his workplace.
3. The measures being taken by the Ministry of Interior and National Administration and the National Police Service to ensure a thorough, transparent and speedy investigation, and to support the bereaved family in recovering and interring the late Mr Shange, including any compensation due thereafter.
4. The security measures being implemented to guarantee the safety and protection of teachers and school administrators in Lugari, Lumakanda, and other parts of Kakamega County, particularly non-local teachers who are now reportedly living and working in fear during these examination periods.

I thank you.

**Hon. Speaker:** Hon. Tongoyo, is that for you?

**Hon. Gabriel Tongoyo**,o (Narok West, UDA): Yes, it is, Hon. Speaker.

**Hon. Speaker:** When can you bring a response?

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

**Hon. Speaker:** Did you say the body has not been found?

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, it has been found in Kipkaren River.

**Hon. Speaker:** Hon. Tongoyo, when can you bring a response?

**Hon. Gabriel Tongoyo** (Narok West, UDA): We can try to do so next week.

**Hon. Speaker:** Next week? Which day of the week?

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

**Hon. Speaker:** So be it.

*(Hon. Kuria Kimani and Hon. Millie Odhiambo-Mabona stood in the gangway)*

Hon. Kimani, take your seat. Bad Girl, take your seat. Hon. Members, allow me to recognise a delegation from the National Assembly of the Republic of South Korea. I wish to

introduce to you a delegation from the National Assembly of South Korea seated in the Speaker's Row. They are:

1. Hon. Ju-young Lee, MP – Chairman of the Korea-Africa Foundation and former Deputy Speaker of the National Assembly of South Korea.
2. Hon. Kang Hyung-Shik, Korean Ambassador to Kenya.

Hon. Members, the delegation, accompanied by officers from the Embassy of the Republic of Korea, is in the country on official duties and has also paid a courtesy call on the Chairperson of the Kenya-Korea Parliamentary Friendship Group.

On my behalf and that of the National Assembly, I welcome them to Parliament and wish them a fruitful engagement with us.

Member for Bumula, proceed.

#### LEADERSHIP AND MANAGEMENT OF JSS UNDER COMPETENCY-BASED CURRICULUM

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Education regarding the challenges surrounding the leadership and management of Junior Secondary Schools (JSS) under the Competency-Based Curriculum (CBC).

There are significant concerns within the education sector regarding the leadership and management of Junior Secondary Schools. If these concerns are not addressed urgently, they pose a serious threat to both the teaching profession and the future of learners within the CBC system.

Central to this challenge is the existence of two divergent structural models: the 2-6-6-3 model, which recognises Junior Secondary Schools as a distinct educational stage; and the 2-9-3-3 model as set forth in Sessional Paper No.2 of 2024. This inconsistency has created uncertainty. This inconsistency has created uncertainty, mistrust and tension between teachers at the primary level and those at the Junior Secondary School level. Junior Secondary School teachers have consistently expressed their dissatisfaction, citing a lack of professional autonomy, insufficient recognition and hindrances to their career progression under the current implementation of the Competency-Based Curriculum (CBC).

Numerous petitions have been presented to this House, emphasising the urgent need for decisive intervention to safeguard the quality of education and uphold the professional welfare of all teachers. If these concerns remain unaddressed, the resulting confusion will undermine the delivery of quality CBC education, weaken accountability structures, and impede career advancement within the teaching service.

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

1. Measures being taken by the Ministry of Education to address the leadership and management challenges affecting Junior Secondary Schools and to guarantee the autonomy and professional recognition of JSS teachers under the CBC system.
2. Plans being put in place by the Ministry of Education and the Teachers Service Commission (TSC) to confirm the existing JSS intern teachers whose contracts are coming to an end.
3. Strategies and guidelines in place to fast-track the employment of P1 teachers, some of whom have remained unemployed since as far back as 2006, and to ensure equitable recruitment across all regions, given the disparities witnessed in some areas.



Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have the Chairperson of the Departmental Committee on Education, Hon. Melly. Hon. Tonkei, are you a Member of that Committee? Can you bring a response in two weeks' time? Please, give Hon. Tonkei the microphone.

**Hon. Rebecca Tonkei** (Narok County, UDA): Thank you, Hon. Speaker. We will bring a response in two weeks' time.

**Hon. Speaker:** Hon. Umulkher Harun.

#### DELAYED PROMOTION OF PRIMARY SCHOOLS HEADS

**Hon. Umulkher Harun** (Nominated, ODM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education regarding unfair promotion of heads of primary schools in the country.

There have been widespread concerns raised by teachers across the country over the lack of transparency and fairness in the promotion of primary school heads by the Teachers Service Commission. Whereas promotions of secondary school head teachers have been effected in the recent past, primary school heads continue to be overlooked. Notably, heads of primary schools now have an expanded mandate following the introduction of Junior Secondary Schools hosted by primary schools, as they are responsible for managing both the primary and junior secondary schools within the same institutions. In addition, they also serve as secretaries to the Boards of Management of these comprehensive schools, thereby bearing a heavier administrative workload without corresponding remuneration.

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

1. The criteria being used by the Teachers Service Commission in promoting heads of primary schools across the country.
2. The reasons for the delay in the promotion of primary school heads across the country.
3. The plans in place to review and harmonise the promotion framework for primary and secondary school heads to ensure equity and fairness.
4. Measures being put in place to adequately compensate and motivate the school heads across the country who manage both primary and junior secondary school sections.

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson of the Departmental Committee on Education. Yes, Hon. Tonkei.

**Hon. Rebecca Tonkei** (Narok County, UDA): Thank you, Hon. Speaker. We will bring a response in two weeks' time.

**Hon. Speaker:** Hon. Hon. Yussuf Farah.

#### STATUS OF MODOGASHE-HABASWEIN ROAD IN NORTH EASTERN KENYA

**Hon. Yussuf Farah** (Wajir West, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the status of the Modogashe-Habaswein Road in North Eastern Kenya.

The Modogashe-Habaswein Road links Garissa, Wajir and Mandera Counties and is critical for national integration, trade and security in Northern Kenya. The road was earmarked

for upgrading to bitumen standards by the Kenya National Highways Authority (KeNHA) in 2020. Despite its critical significance, the road remains in a deplorable condition and becomes impassable during the rainy season, thereby isolating residents of Wajir West Constituency in Wajir County from economic opportunities and delaying timely emergency response and service delivery.

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

1. The status of implementation of the planned upgrade of Modogashe-Habaswein Road in north-eastern Kenya to bitumen standards.
2. The reason for the continued delay in completion of the road upgrade and the expected date of completion.
3. The short-term and long-term strategies to ensure that the roads in North-Eastern Kenya are upgraded, including consideration of alternative funding mechanisms.

Thank you, Hon. Speaker.

**Hon. Speaker:** Departmental Committee on Transport and Infrastructure. Yes, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. Before the Chairman responds...

*(Hon. Joseph Makilap consulted loudly)*

**Hon. Speaker:** Order, Hon. Makilap and your group. This is not a market. This is the National Assembly of Kenya. You are free to step out and laugh as loudly as you want and then come back.

Go on, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker, for that guidance. In your public life as a lawyer and a magistrate, I know you used this road.

**Hon. Speaker:** Yes.

**Hon. Adan Keynan** (Eldas, JP): I pray that before your Speakership ends; you lead the leadership and Members of this House to use the Isiolo-Modogashe-Habaswein-Wajir-El Wak-Mandera Road. This is not the first time we are raising a Question, requesting for a Statement or seeking commitment from the government regarding this road. There is a reason as to why Hon. Yussuf Farah referred to this particular section. I am aware that something is happening between Isiolo and Modogashe. The section from Modogashe to Habaswein is under the annuity programme. As a senior leader of this country, you also understand the politics surrounding this road.

I believe the Chairperson of this Committee and all those concerned with the implementation of this road will be truthful, accurate, fair and consistent so that the people of Northern Kenya can get what they truly deserve. You are aware that I often mention Sessional Paper No.10 of 1965, and I know that you have interacted with it. I am persuaded that there are still elements in the system who are hell bent on implementing that Sessional Paper.

I request the Chairperson to bring a truthful and consistent answer that will satisfy us, however bad it is, so that we can accept the realities surrounding the implementation of that road.

Thank you. Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Keynan. I am sure that you also appreciate that Sessional Paper No.10 of 1965 is no longer the blueprint for economic activities in Kenya.

Let us have the Vice-Chairman of the Departmental Committee on Transport and Infrastructure.

**Hon. Didmus Barasa** (Kimilili, UDA): Thank you, Hon. Speaker. I have listened to the Member and the seriousness of this matter. I confirm that I will respond with the same level of civility by Thursday next week because this is not the first time that this matter is being canvased here. I do not think the Cabinet Secretary requires more than seven days to come up with a concrete and truthful answer that shows a snapshot of the situation. Most importantly, we will ensure that this matter, which appears to be some sort of injustice to the people of Kenya, is sorted out.

I will come back with a response next week on Thursday.

**Hon. Speaker:** Thank you. We have a Response to Hon. Naomi Waqo's Request for Statement. Is Naomi in the House? Yes Hon. Tongoyo? Are you responding privately?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Kind of, Hon. Speaker, but for purposes of record, it was an issue of disappearance of one Gilo Guyo Boru. She has just confirmed that the matter could have been overtaken by events because the person has been found. He is healthy and strong.

**Hon. Speaker:** So, it was a matter of disappearance and reappearance?

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

**Hon. Speaker:** Alright, thank you. It rests there, Hon. Naomi. Your prayers are answered.

Let us have a Response to Hon. Caleb Amisi's Request for Statement. Is Caleb in the House? Hon. Tongoyo?

## STATEMENTS

### INSECURITY IN SABOTI CONSTITUENCY

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you once again, Hon. Speaker. I have a response to the Request made by the Member for Saboti, Hon. Caleb Amisi, who in particular wanted a report on the status of investigation into the development and subsequent murder of Pessy Nafula and Zippora Gorosia in Naikara Village, Chebukaka Area in Saboti Constituency.

The Member has sought to know the specific measures being implemented to address the rising cases of defilement and murder in Naikara Village; the reason for the apparent inadequacy of security agencies in the region, and in the particular Mission area; and a report on the status of the resource allocation to Saboti Police Station in terms of personnel and equipment as an accountability measure to ensure effective police response.

Hon. Speaker, upon perusal of the record of the cases reported within the command, it was established that there were no entries bearing the name Pessy Nafula or Zippora Gorosia. However, related cases involving minors Pressy Wafula and Deborah Ongasha of a similar nature have been reported and are currently under investigation as outlined below.

On 27<sup>th</sup> August 2025, the deceased, Pressy Wafula, a minor aged 7 years and a Grade 1 pupil at Holy Trinity Academy, was murdered after leaving home for school in the morning. The deceased had been living with her grandparents in Chebukaka area and by 5.30 p.m., the minor had not returned home from school, prompting their grandfather, Mr. Joseph Wafula Kitui, to search for her. He discovered the lifeless body of Pressy lying in a maize plantation a few metres from her gumboots and a jacket. The matter was reported at Saboti Police Station, vide OB No.142708/2025. The Officer Commanding Station (OCS), accompanied by officers from the Director of Criminal Investigations (DCI), Trans-Nzoia West, visited the scene, processed and documented it. The deceased's body was thereafter moved to Kijana Wamalwa Teaching and Referral Hospital for preservation.

On 1<sup>st</sup> September 2025, a post-mortem examination was conducted by Dr Soita, who established the cause of death to be head injury. Examination further revealed that the deceased had been defiled prior to the murder. Samples, including the fingernails and vaginal swabs, were extracted for DNA analysis and sent to the Government Chemist, Kisumu, on 11<sup>th</sup> September 2025 vide Court Order dated 8<sup>th</sup> September 2025

Hon. Speaker, on 2<sup>nd</sup> August at about 17:50 hours, the deceased, Dibora Ong'asha, a minor aged five years, was at home with her mother, Elsie Nafula, when she went to fetch water from a nearby stream using a five-litre jerry can. When the child failed to return, her mother proceeded to the stream to check on her. Unfortunately, she discovered the lifeless body of the minor lying nearby a maize plantation. The matter was reported at Saboti Police Station on the same day, vide OB No.100208/2025 and a team of police officers from the DCI, Trans Nzoia West, Kitale Police Station visited the scene, processed and documented it.

The deceased's body was thereafter moved to Kiminini Cottage Hospital Mortuary for preservation, pending the post-mortem. During the investigation, the deceased's mother stated that she had been with the child the entire afternoon and the minor had only left briefly to fetch water at a stream approximately 20 metres from the home. The father of the deceased was away at work and returned home later in the evening, where he found a crowd gathered at the scene and learned of her daughter's death.

On the 5<sup>th</sup> and 6<sup>th</sup> of September, three suspects, Brian Watila, Alexander Wanyonyi, and Rose Nasimiyu were arrested by officers from Saboti Police Station and escorted to Kitale Police Station after being adversely mentioned by the residents as suspects behind the killings. On 11<sup>th</sup> September, the two male suspects were escorted to the Government Chemist, Kisumu, for buccal swap collection for DNA comparison with the samples obtained from the deceased. The results are still pending by the time of writing of this statement.

A police case file was compiled and forwarded to the Office of the Director of Public Prosecutions (ODPP) on 17<sup>th</sup> September 2025 for perusal and advice. The ODPP directed that the female suspect be discharged unconditionally and the two male suspects be released on police bond, pending the outcome of the DNA analysis from the Government Chemist.

Hon. Speaker, on the issue of rising cases of defilement, the following measures have been implemented: Strengthening both foot and mobile patrol to deter the criminals, ensuring timely handling of all reported cases, and prompt legal action. Additionally, the Police Service has circulated the *Fichua kwa DCI* toll number, hotline 0800 722 203, among many other interventions, Hon. Speaker. The list is long.

Hon. Speaker, the security situation within the area has generally remained stable. However, incidents involving the defilement and killing of two minors have recently emerged as a serious security threat. Preliminary police investigation indicates that the perpetrators could either be an individual or a gang. Police have so far arrested and processed two main suspects, who were identified by members of the public. Sampling of DNA is currently underway to establish their complicity in the commission of the offence. Considering that no witnesses have come forward to assist the police with the critical information, the investigations are heavily reliant on forensic analysis to identify and apprehend those responsible.

On the issue of resource allocation, which has been sought by the Member as well, the Saboti Police Station serves as a primary security installation within the Saboti Sub-county. It is supported by one police force and seven patrol bases strategically located to enhance coverage and facilitate rapid response across the area. The service is currently facing challenges in equipping all these police stations across the country due to budgetary constraints. Saboti Police Station is among the ones identified to benefit from the leased vehicles program once additional resources become available. In the meantime, the Deputy County Commissioner has been assisting the station with his assigned motor vehicle whenever a critical need arises.

Hon. Speaker, to ensure effective policing response and maintain high standards at Saboti Police Station, several measures have been instituted to include the sub-county Security and Intelligence Committee in conducting periodic reviews and routine supervision, performance; and relating agency co-ordination, preparation and implementation.

**Hon. Speaker:** Hon. Tongoyo, you cannot take 12 minutes on one Statement.

**Hon. Gabriel Tongoyo** (Narok West, UDA): There were about three questions in one, Hon. Speaker. Two of them are about defilement of minors and one is on the issue of resource allocation.

**Hon. Speaker:** Finish up. Summarise

**Hon. Gabriel Tongoyo** (Narok West, UDA): That is why I am even trying to rush through. I can actually end there. The other one is the normal intervention and general strategies on ensuring that the issue of security has been addressed. The Response is, course, is signed by Hon. Kipchumba Murkomen.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Member for Saboti.

**Hon. Caleb Amisi** (Saboti, ODM): While I appreciate the response from the Chairperson of the Departmental Committee on Administration and Internal Security, who is my very good friend. It does not adequately respond to the situation on the ground. One case can be explained, but when you have several cases and incidents that are bizarre in the manner that, yes, murders have been committed, but the bodies are mutilated. Yet this is happening in the same area. There can only be three things involved. First, the security apparatus is complacent. Secondly, there are inadequate security agencies, or thirdly, they lack the necessary apparatus to carry out their duties.

These are the residents' concerns. Why are these cases recurring? Similar cases of small children. It has become fashionable in this country that people carry out murders, and they get away with them. It is more painful when it involves young kids, students, or pupils going to school. Hon. Speaker, you are a big stakeholder in Trans Nzoia, and I am sure you know these areas very well. It has become hard to ensure adequate security, especially in rural areas, perhaps because there are few reported cases of criminal activity, and the Government therefore does not see it necessary to deploy enough security officers there.

But it has now become apparent that many crimes are being committed in the interior areas of our constituencies, which need the attention of our security apparatus. The situation might be repeated if necessary measures have not been put in place.

**Hon. Speaker:** Hon. Umulkher.

**Hon. Umulkher Harun** (Nominated, ODM): Thank you, Hon. Speaker. I wish to follow up on a similar statement I raised a few months ago regarding missing persons. We still have five people who are missing. That is Abdirizak Alleh, Abdi Nasir Khalif, Abdisamed Ahmed Boruka, Rashid, and Maalim Hussein from Marsabit. All were abducted by unmarked vehicles. We do not know whether it is police officers. The statement that the Chairperson had brought did not really clarify, and the families are still looking for their loved ones.

My main concern is whether the police are using these unmarked vehicles or whether rogue individuals are impersonating the police. My request, through the Chairman, is to summon the Cabinet Secretary for the Ministry of Interior and Coordination of National Government, to let us know exactly what is happening in this area. This has become rampant, and we no longer feel safe. We do not know who is picking people up in unmarked vehicles. Thank you.

**Hon. Speaker:** Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I need your guidance because I do not know whether it is a statement or a question. This is because, according to our Standing Orders, she had better frame it as a statement.

**Hon. Speaker:** Start with Hon. Caleb Amisi.

**Hon. Gabriel Tongoyo** (Narok West, UDA): For Caleb, as a parent, I am equally concerned, disappointed and sad for what has happened. We should also commend the police, because the statement clearly states that the fight is with the Office of the Director of Public Prosecutions (ODPP). The issue of equipping police stations is a nationwide concern; it is a matter of budgetary allocation, which is appropriated in this House. I can promise my friend and my colleague that once the leased vehicles are available—which is also a major issue being highlighted—your place will also be among the prioritised areas.

**Hon. Speaker:** And the joyrider.

**Hon. Gabriel Tongoyo** (Narok West, UDA): For the joyrider, I need your guidance. She would be better off issuing a normal statement.

**Hon. Speaker:** Hon. Umi has a statement she requested here. Just go and brush up your files and bring her response, if you can, on Thursday. Hon. Umi, you go to the Table Office and apprise them of your statement so you can get a response on Thursday. Yes, Jared Okello.

**Hon. Jared Okello** (Nyando, ODM): Thank you for the opportunity, Hon. Speaker; it is part of joyriding. But I am taking a tangent from the efforts the Government employed, particularly last week. For over 30 days, we had our two Kenyans who were allegedly abducted in Uganda. But last week, the Cabinet Secretary in charge of the Ministry of Foreign and Diaspora Affairs, Hon. Musalia Mudavadi, who also doubles up as the Prime Cabinet Secretary, wrote a letter to his counterpart in Uganda, and the following day, thankfully to our Almighty God, they were released. Many times, very good things get lost in criticism.

**Hon. Speaker:** Were they released by God or the Government of Uganda?

**Hon. Jared Okello** (Nyando, ODM): Yes, the Government of Uganda heeded the call of the Government of Kenya, and particularly the letter that the Prime Cabinet Secretary wrote. I thank the Government for doing so, and the families and friends of these two gentlemen, who were in a state of total distress, can now breathe a sigh of relief. Therefore, we also need to thank the Government for the incredible job they did, as we witnessed. Thank you for the opportunity.

**Hon. Speaker:** Thank you. That must be music to the ears of Hon. Tongoyo. Response to Hon. Onesimus Ngogoyo, Chairperson of the Departmental Committee on Transport and Infrastructure. Hon. Didmus, are you responding to Ngogoyo's Statement?

#### DELAYED COMPENSATION FOR LAND ACQUIRED FOR THE CONSTRUCTION OF SGR

**Hon. Didmus Barasa** (Kimilili, UDA): Yes, Hon. Speaker. On Tuesday, 12<sup>th</sup> August 2025, the Member for Kajiado North, Hon. Onesmus Ngogoyo, requested a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding delayed compensation for land compulsorily acquired for the construction of SGR Lines from Nairobi to Suswa.

In the Statement, the Hon. Onesmus Ngogoyo sought to establish, among other things;

1. Reasons for the delay in processing the requisite compensation for affected residents of Embulbul location, Kajiado North Constituency by Kenya Railways;
2. Confirmation of whether budgetary allocation has been provided for the delayed compensation for SGR land in the current financial year; and
3. Measures the Ministry is taking to ensure those affected by compulsory acquisition of land for similar projects in future are compensated in time.

The Committee received a response from the Ministry of Roads and Transport through the Clerk of the National Assembly, which I now wish to make—

Regarding the delay by Kenya Railways in processing the requisite compensation for affected residents of the Embulbul location, Kajiado North Constituency, the Ministry submitted that the construction of the Nairobi-Naivasha SGR project necessitated the acquisition of supplementary land. This was primarily to realign key classified and access roads that were severed by the railway corridor, including the Kangawa Road in Bulbul sub-location, which required the construction of a Road-over-Rail Bridge.

The process was initiated when the National Land Commission published Gazette Notices No. 6995 and 6996 on 17<sup>th</sup> June 2022 for the acquisition of the affected properties. The Commission subsequently conducted inspections and inquiries as mandated by the Land Act.

However, during these inquiries, it was discovered that several parcels of land had undergone subdivision. This discrepancy required a legal amendment to the original Gazette Notices to reflect the new property details accurately. Kenya Railways formally notified the National Land Commission of this necessity on 13<sup>th</sup> February 2025.

The Commission has since published a new Gazette Notice to rectify the records, which includes the affected parcels: Ngong/Ngong 103271, 103272, 103273, 103274, 105603, and 105604. This procedural requirement to correct the land registry data is the primary reason for the delay in processing the compensation.

Regarding confirmation that budgetary allocation has been provided for the delayed compensation for SGR land in the current financial year, the Ministry confirms that the necessary budgetary allocation has been secured. Kenya Railways has obtained the requisite approval to release funds from the National Treasury through the Railway Development Levy Fund (RDLF). Currently, the Ministry of Roads and Transport is in the final process of releasing these funds to Kenya Railways to facilitate the immediate disbursement to all Project Affected Persons. The money will be deposited into the beneficiary's account within at least a week from today.

On the measures the Ministry is taking to ensure that the delays will never happen again, at the point of paying the compensation, the land had been subdivided. It is therefore very important that the new Gazette Notice be reissued to correct the details of the owners of the land before that is done. The Ministry will endeavour to expedite such a process in the future. I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Ngogoyo?

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Thank you, Hon. Speaker. I appreciate the response by the Chair. However, I have two issues that I seek his clarification on. One, not all parcels had a subdivision problem. I outlined about 30 of them, but the ones mentioned here are seven. You have not mentioned what is to happen to those who did not have a subdivision problem.

Two, I recorded 31 parcels. You have only read out seven. I would like to know at which stage the rest are and why they have not been mentioned in your response. I mentioned them in my question, for instance, 156304. Part of the rest are not in the statement.

**Hon. Speaker:** Yes, Hon. Didmus.

**Hon. Didmus Barasa** (Kimilili, UDA): Hon. Speaker, the Government is very organised. They felt they would not process the payments for a few individuals and would leave others out. That is why they embarked on a rigorous process of gazetting the subdivided land, realigning the data in the Ministry of Land, and then paying everyone at once. I am very sure that if the Government had paid a few and left out others, Hon. Ngogoyo would have asked why they discriminated against those who had not been paid.

The fact is that the process is now complete. In less than seven days, the beneficiaries will receive their money. I want Hon. Ngogoyo to appreciate, for the first time, that the Ministry has stretched a hand beyond the normal to ensure that the discrepancy that caused the delay in their payment has been addressed. I can assure you that your people will be happy.

I thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Ngogoyo, are we done?

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Yes, I am contented, Hon. Speaker.

**Hon. Speaker:** You are contented, thank you—next Order. Just hold on, Clerk-at-the-Table. Yes, Amb Sigei.

**Hon. Francis Sigei** (Sotik, UDA): Thank you, Hon. Speaker, for giving me this opportunity. I sought a response from the Chairman of the Departmental Committee on Education to my Statement regarding Junior Secondary Schools' classrooms. I asked the Question before recess. Up to now, I have not received that response.

**Hon. Speaker:** Amb Sigei, I received your note and passed it on to the Clerk's Office to check with the Line Committee. Hon. Tonkei, do you have a Statement from Hon. Sigei that is lying with your Committee? Are you in the know?

**Hon. Rebecca Tonkei** (Narok County, UDA): Hon. Speaker, regarding Hon. Sigei's Statement, it has been responded to. He should check for the response. Thank you.

**Hon. Speaker:** His Statement has not been responded to. He sent a message to my office. What you do, check with my office. They will tell you exactly which statement it was. Then look it up, and if you get the response, you can give it on Thursday. Thank you.

**Hon. Rebecca Tonkei** (Narok County, UDA): Well, noted, Hon. Speaker. Thank you.

**Hon. Speaker:** Next Order.

## BILL

### *Second Reading*

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

**Hon. Speaker:** Hon. Brighton Yegon is to reply to this Bill. Does anybody know his whereabouts? He is usually a regular attendant. Stay the Order. It can come up for him to respond tomorrow.

Next Order. Yes, Hon. Kaluma. Hold on. Take your seat.

*(The Speaker (Hon. Moses Wetang'ula) consulted the Clerks-at-the-Table)*

## MOTION

#### CONSIDERATION OF REPORT ON THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL

THAT, this House do agree with the report of the Committee of the Whole House on its consideration of the Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022).

*(Moved by Hon. Millie Odhiambo-Mabona on 5.11.2025 – Morning Sitting)*

*(Debate concluded on 5.11.2025 – Morning Sitting)*

**Hon. Speaker:** Hon. Members, a Question was proposed on this Order, but no Question was put. I have since received a written request from Hon. Kaluma seeking to move a Motion

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to recommit Clauses 2, 4, 7, 8, 14, 30, and 52. The right procedure is to allow him to move the Motion. We will recommit those clauses to the Committee of the whole House if the Motion is carried. I believe it will not take much time. If the Motion is negatived, then we proceed to put the Question.

Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I beg to move that the Motion for agreement with the report of the Committee of the whole House be amended by inserting the words “subject to recommitment of Clauses 2, 4, 7, 8, 14, 30, and 52” immediately after the phrase “61/2022”.

Since the Bill is not in the Order Paper, allow me just two or three minutes to explain the additional amendments. I am requesting that the House halt its process and reverse this matter as well. This Bill was transacted by the Committee of the whole House last Tuesday. In Clause 2, I would be seeking recommitment to clean up the definition of the words ‘father’ and ‘mother’. In the definition passed by the Committee, ‘father’ was defined to mean a male intended parent, and ‘mother’ a female intended parent. I will be removing ‘intended’ if a recommitment is allowed, so that it reads ‘male and female parent’.

I will be doing this because, for the definition of parent, we have said parent shall have the meaning under the Children's Act, which is a biological parent or parentage conferred by law. It is already clear that, whether through adoption or children born under this arrangement, under the Bill, their definition is there. So, the ‘intended’ is what I will be cleaning if we recommit under Clause 2 comes to consideration.

On Clause 30, which was a very material consideration, I agree with the Committee of the whole House in terms of what they passed. That is, when there is no genetic link between the intended parents and the child born, the intended parent must go to court—the amendment I will be bringing concerns a new sub-clause 10. We have said so, but we have not said when you are going to court, what rules of procedure one would follow. How do you approach the court, and how are those proceedings undertaken?

If the House agrees to the re-commitment, I will add that the Chief Justice shall make rules for court approaches in such instances. I have picked that provision from the Children's Act, which also empowers the Chief Justice to make rules for adoption procedures. We require such intended parents to go to court, but the procedure and rules are not prescribed.

In terms of amendments, I will be proposing, if recommitment is allowed, that Clause 52, which says matters such as eligibility of donors, storage of gametes and embryos, the number of embryos that can be planted in a woman, the rights and duties of parents, donors, surrogates and children, be in regulations. When we went for harmonisation, the Committee was persuaded and agreed that those are very substantive issues that need to be in the substantive Act, if passed. The Committee, during the Committee of the whole House, moved provisions touching on all these matters, and they were passed. If re-commitment is permitted, we will be deleting this from the remit of regulations.

Lastly, regarding Clause 8, I am only saying this because Members do not have the Bill. This is because it was initially indicated that it would be transacted tomorrow. I will not be seeking deletion of the entire Clause 8 as passed by the Committee during the Committee of the whole House, but I will be seeking deletion of Clause 8(e). Allow me to read it since it is a short one. It deals with the obligations of county governments. It says:

“8. Each county government shall—

(e) establish linkages and networks with local and international development partners to mobilise and secure funding to promote the delivery of quality and cost-effective assisted reproductive technology services in the county”.

I believe that this is something you cannot rely on a Government that is seeking funding.

It could be in proposals and other things, but it cannot be a mandatory obligation imposed on a Government.

Lastly, regarding Clause 7, I will not seek deletion if re-committal is permitted. I will seek deletion of 7(c), which states:

“7. The National Government shall—

(c) provide regulations to ensure assisted reproductive health services are covered by every health insurance provider including the National Health Insurance Fund.”

I will be seeking that deletion because the regulatory-making authority, including on insurance matters, is in Clause 52, and that amendment was passed in the Committee of the whole House. I am only moving so we can clean up terminology and make it clear under which laws one can go to court. The rule-making authority will be the Chief Justice, as is usually the case in all laws. These people cannot be hanging. They will go by chamber summons, and the proceedings will be before a judge of the High Court.

I beg that Hon. Members approve this Motion. I know there is anxiety about the Bill being delayed, and that it is going to the Senate. I am requesting that, if there are any items we can clean in this House, we do so. This is because if it goes to the Senate and they move amendments there, the Bill, in my view, will be delayed even further because it will be forced to go to the Mediation Committee. It may even be lost in the Mediation Committee, yet it is a very good Bill. We even agreed during harmonisation on the provisions which we have passed.

Without much ado, I request the Hon. Keynan to second.

**Hon. Didmus Barasa** (Kimilili, UDA): On a point of order, Hon. Speaker.

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

**Hon. Didmus Barasa** (Kimilili, UDA): Hon. Speaker, I did not want to interrupt my very good friend, Hon. Kaluma. He is on record, and for the very many years since I have known him, confirming that he has some children out of wedlock and that there were some encumbrances around that area.

**Hon. Speaker:** You are out of order. Take your seat.

**Hon. Didmus Barasa** (Kimilili, UDA): Will he be conflicted?

**Hon. Speaker:** Take your seat. You are out of order. Hon. Keynan. Hon. Kaluma is not in any Motion on the Floor of the House.

**Hon. Adan Keynan** (Eldas, JP): Hon. Speaker, the Mover and originator of the Bill is a seasoned lawyer and an experienced parliamentarian. The person seeking the re-committal of specific clauses of the Bill is a seasoned lawyer and an experienced parliamentarian. It is in the interest of this House to benefit from the expertise, experience and understanding of whether the issues being canvassed by Hon. Kaluma are just semantics, jurisdiction or legal misunderstanding. It will be of great interest to this House and the public to understand the issues.

Delaying the Bill for one or two weeks is not an issue. On the issues being raised, for those of us who have not followed its different stages, it is good for Hon. Kaluma to put his concerns in perspective so that we pass them before it is taken to the Senate and so that it clearly reflects and carries, not only the interest of the Members of Parliament, but also the interest of the public.

Hon. Speaker, I second it.

**Hon. Speaker:** Order, Hon. Members. Hon. Saney, why are you raising your hand?

**Hon. Ibrahim Saney** (Wajir North, UDA): Hon. Speaker, you are a great legal mind, and for me, it is basic reading of the law.

**Hon. Speaker:** You are out of order. Take your seat. I have not proposed the Question.

*(Question proposed)*

Yes, Hon. Millie. Hon. Saney, let us give the first bite to the proponent of the Bill.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you Hon. Speaker. I thank Hon. Kaluma for bringing that Motion. I wish to oppose it for the following reasons. The Bill was given priority under the rules of this House because it was passed in the last Parliament. Hon. Speaker, you realise that we are only about one and a half years away from general elections. The Bill has been here for an unduly long time. Part of the reason is that we went for harmonisation, which took unduly long.

The Bill was before the House last week when Hon. Kaluma was not around, but I was present. We sat before the Committee and agreed on some issues and disagreed on others. For those who were in the House last week, even my own amendments, or the ones I opposed before the committee passed against my wishes. But it is not a matter of life and death, even if the things I wanted did not pass.

Hon. Speaker, this is the Assisted Reproductive Technology Bill. It is not the Bill to be used to take people to heaven. If it were a Bill to take people to heaven, then we must make sure it is absolutely clean. But this is a Bill for us here on earth and there are processes. One of the processes is the Bill being taken to the Senate. Some of the issues being discussed here are not really major. Let it go to the Senate if we are not filibustering. Whether we like it or not, I can tell you that the Bill will come for mediation. Why? Because people have different views on different issues. There are some amendments that the Senate will bring that I and Hon. Kaluma will not agree with. So, it will definitely come again for mediation.

I want to encourage Hon. Kaluma to let the Bill go to the Senate once and for all. It has been here for too long, yet it is not controversial. For the record, this is the third Parliament that the Bill has come before. In the first Parliament, when I brought it, it was supported 100 per cent. *The Hansard* can bear me witness. There was no opposition to the Bill. Why? Because it is an innocent Bill helping men and women who cannot have children be able to have them. Hon. Speaker, those are men and women like me.

I am happy and I thank Hon. Kaluma for raising this matter so that I can congratulate my stepdaughter on the Floor of the House, as she will get married the day after tomorrow. That is why I requested that this Bill be brought up, as I will not be in the House. Hon. Kaluma, I do not have the privilege you have of having children. It is a fact.

**Hon. Speaker:** Order, Hon. Millie. It is nothing personal. Order. Take your seat.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): It is not personal but a reality.

**Hon. Speaker:** Take your seat, Hon. Millie. You are my very good friend. I know you very well. I know your situation. We are friends. We even talk and laugh about it. Let us not veer into what looks personal. Just address the issues he raised and convince the House. If they agree with him, we will recommit the clauses. If they disagree with him, we will dispose of the matter. Do not digress into what looks like something personal between the two of you; a matter of whether he has something which you do not have, or you have something which he does not have.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Ichung'wah has told me there are many other things I have that he does not. So, I withdraw that, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** Thank you.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Having withdrawn that, I urge the House that legislation has to end. We cannot do it forever. We need to conclude the debate on this Bill. Let it be read a Third Time and be taken to the Senate for consideration. They will either pass or keep it as they did in the last three Parliaments. I will still come back and push it

because my life's purpose is to be a voice for the voiceless in this House. I will not stop it. I urge the House to oppose the re-committal of the clauses by Hon. Kaluma.

Thank you.

**Hon. Speaker:** Hon. Saney, what do you want to say? I truncated you because you were out of order at the time.

**Hon. Ibrahim Saney** (Wajir North, UDA): Hon. Speaker, my senior has aptly put what I wanted to say. The procedure of the House is so clear. This Bill was published, and Hon. Kaluma has been around. It went to the Second Reading, and his views were welcome. It went full throttle as per our procedure. Maybe he did not participate. It is absolutely a matter of filibustering that we want to delay this particular piece of legislation. It will be taken to the Senate. Thereafter, any contentious issue will be subject to mediation. I entirely agree with Hon. Millie Odhiambo that this Bill be allowed to run its course. We do not have to waste time. We are filibustering about this Bill.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute. For sure, this Bill has been with us for far too long, but we must get it right. Any unresolved mistake or issue will lead to unnecessary litigation, delaying the intended objective of making it operational.

I am attracted to the issue Hon. Kaluma has raised. I say so with all intentions and as a Catholic. A mother is a mother, and a father is a father. You only become a father after the event. Any other person is just trying their luck. Hon. Kaluma has raised some fundamental issues. I ask the seasoned legislator, the originator of the Bill, to give those of us who probably have conservative views a chance.

I am on record telling her that I did not want to comment on this Bill because of my Catholic faith. I also have experience with assisted reproduction technology. I have a cousin who cannot have children. I believe that a one-hour delay for the Committee of the whole House to address what Hon. Kaluma has raised will be very short. With your guidance and wisdom, you can prioritise the same. We can dispense with this matter as early as tomorrow morning so that the Bill can proceed to the next stage.

Thank you, Hon. Speaker. I support Hon. Kaluma's proposal.

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

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker. I oppose the recommitment by Hon. Kaluma. This Parliament has a responsibility to complete this law. If we do not do it, we are then allowing illegalities to happen. Currently, people are using the backdoor to have assisted reproductive technology. We must legislate to establish guidelines. It is happening right now. People have surrogacy, and then after that, they adopt their children. They use backdoor methods. It happens every day. We will be seen as a Parliament that failed to pass a law, hence providing space for it to be done in a way that can be abused. Let us complete this Bill, and then we will take it to the Senate.

In any case, a law is not fixed. Once it is implemented in the future and we see gaps, we will simply amend a few clauses, rather than kill a good Bill that is needed in this country. This law is in place in other countries except Kenya. We are the ones being irresponsible.

I oppose Hon. Kaluma's proposal. Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Caroli. To be fair to Hon. Kaluma, he has not moved any Motion to kill the Bill.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Speaker. Hon. Kaluma can predict which direction I will go. This has been a long fight. We laugh about it. He says whenever this Bill is in the House, I must be present to support my sister and great friend, Hon. Millie.

(Applause)

I rise to oppose Hon. Kaluma's proposal for a simple reason. When we were at the Liaison Committee today, I wanted to raise an issue before the Bell suddenly rang. How long does it take to process Bills in this House? As a new Member of Parliament, I have been struggling with this issue. Our procedures and processes have to be reworked. In fact, I wanted to propose that the House put up a team of experts to guide us. This is one of the Bills I tried to use as an example. I have written and proposed eight bills. It has taken more than a year, but nothing has been published. We have less than 24 months to go. We are winding and going round. I see what happens in the House of Commons. I see how quickly the Bills move. Here, it takes us donkey years to process Bills.

Even if I did not consider the merits of Hon. Kaluma's proposal, I would oppose it simply because we cannot have a process in which legislation is unending. Members have so many Bills that we cannot process. Since we came to this House, this Bill has been on the Order Paper. Surely, something has to be done. For that reason, I oppose Hon. Kaluma's proposal.

Even if we want to define it, I will use an example of a male intended father. We have a maxim in law that you are deemed to have intended the consequences of your action. I do not think there will ever be a parent who does not intend to parent if you choose to do whatever it takes to make a baby. I do not want to go into that.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I am only intervening because the Bill is not on the Order Paper. What I said is that the definition of the father, which we passed as the Committee of the whole House, means a male intended parent. The definition of a mother, as passed by the Committee of the whole House, means a female intended parent, but it is not about the consequences of your action. These are not the definitions of mother and father. We are not delaying legislation.

Let me confirm that the Bill, as drawn now with all the amendments the Committee brought, has harmonised provisions. It is no longer the Bill we had. We are cleaning it up so that we do not look like we are doing things for the sake of it. We are not delaying legislation. We are ready to proceed now. We will be done after five minutes.

**Hon. Speaker:** Hon. Caroli, finish up.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Speaker. Let me wind up by saying Hon. Kaluma has a chance....

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

**Hon. Speaker:** Yes, Hon. Millie. There is another point of order.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Speaker, Hon. Kaluma has mentioned this Bill three times as not being on the Order Paper. My apologies for having to indulge. I am a Member of the House Business Committee. The issue came up there. It was agreed that it would be in the Supplementary Order Paper. I want us to be clear, so that it is not said in future that I snuck it in or worked with the Speaker to do so. I want to make it clear that it was not sneaked in.

**Hon. Speaker:** The Speaker will never conspire with any Member to sneak anything. It will not happen, Hon. Millie. The responsibility for anything on the Order Paper lies with only one person — the Speaker.

Hon. Caroli, proceed.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Kaluma, I think you can have your second bite at the cherry by getting a colleague Senator to pursue your amendments in the House. They are not lost. I believe that is the way forward so that we can close this matter.

Thank you.

Yes, Mwalimu Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. I spoke on this during the House Business Committee and had a different opinion. I have also been a consistent follower of this Bill, and I want to declare that I have also been whipped. But after listening to Hon. Kaluma and considering how we have operated under this law...

Hon. Speaker, you have been very patient with his involvement and have allowed everyone to be heard. I also want to thank Hon. (Dr) Nyikal because, at one point, when I was moderating, he came in to mediate in his own way. If we take a little time to listen to Hon. Kaluma and then decide, by the time the Bill goes to the Senate, the mediation committee is constituted and done—it takes a long time. I plead with Hon. Millie that, yes, Hon. Kaluma delayed or was unavailable last week, but we need to make a good law, listen to him, and conclude this thing well. After all, Hon. Speaker, we have taken long enough, and you have been magnanimous in ensuring that everyone is involved, especially the two, so that we end it well and resolve the matter.

Thank you.

**Hon. Speaker:** Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I rise to oppose Hon. Kaluma's proposal. Members here have complained that it takes a long time for our Bills to pass. This Bill has already gone through Second Reading, Members debated, it has gone to Committee of the whole House, Members sat and made serious decisions. Now it was only remaining for the question on the Report of the Committee of the whole House to be put, and then we would go to Third Reading.

I stand to oppose because if we allow this to be the way we conduct business, then every business that comes before the Floor of the House will wait until we reach this stage, and then we recommit the whole Bill again. We must allow this Bill to proceed, because we already know there is a way to cure any proposals the Hon. Member may have. He can go to the Senate because it is not the end.

For this House, let us do the fair thing and support it so that we can move to the next level.

Thank you.

**Hon. Speaker:** Mhe. Zamzam ndiye wa mwisho.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Asante sana Mhe. Spika kwa nafasi hii niweze kuchangia Mjadala huu. Nimekuwa hapa Bunge kwa muda mrefu sana. Kuna akina mama kule nje na hasa wale wako kwa ndoa wanahangaika sana. Ni vyema pia wapewe nafasi yao ya kuweza kupata vizazi. Mhe. Kaluma haukuwa hapa Bungeni wakati huu Mswada ulikuwa unajadiliwa. Usije ukawa ndio sababu ya kurudi nyuma tena na kuzuia mambo ili kuyafanya yachukue muda mrefu. Miswada inaweza kuletwa marekebisho baada ya miezi sita, na yatapokelewa.

Namuunga mkono dadangu Mhe. Millie. Mswada umepita, na wale ambao wamekuwa kwenye matatizo wapate nafuu kwa sababu tumeona hata kwenye mahospitali kwamba kuna wazazi ambao wamekuwa wakiibiwa watoto kwa sababu kuna mtu mahali ako na tamaa ya kupata mtoto ili aitwe mama. Kwa hivyo, kama kuna mwanja wa kisheria umetokea kumsaidia, ni vyema tupatie Mswada huu nafasi, ili upite na pia wapate faraja.

Ahsante sana.

**Hon. Speaker:** Hon. Members, on their feet, please take your seats. Hon. DK and Hon. Richard, take your seats. Yes, Dr Nyikal

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Speaker, thank you. I rise to oppose the recommitment.

*(Applause)*

This Bill was passed here. It went to the Senate, and it lapsed. I took a very active part. The Bill came back and went through harmonisation. We went on a retreat and came back. The report came here and there was disagreement again. We went back and we spent almost a month going through this Bill, nearly line by line, and we almost finished. Last week, when it came, the very areas we are discussing now are the ones that came up. Hon. Kaluma was not in the House and did not leave someone to prosecute the amendments on his behalf. Hon. Millie tried to see if she could be allowed...

Yes, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I thank you. Not on the substance, but comments are being made about my absence as if Hon. Nyikal, Hon. Millie and the House did not know why I was not here. On the day scheduled for the consideration of this Bill, which was last Wednesday, we were attending the memorial prayers for the late Prime Minister Raila Odinga at the Raila Odinga Stadium in Homa Bay, which is in my constituency. Indeed, we planned it with Hon. Millie, and I told them together with Hon. Nyikal. They knew I was tied there. I could not stop. You know I am a very hardworking member because I never fail to be in the House. That is the reason I was not there. Let it not be recorded as a dereliction of duty.

**Hon. Speaker:** I actually permitted you to be away.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you. I imagined a match was being stolen from me, but I am not into that. Let us conclude the process.

**Hon. Speaker:** Hon. Nyikal, finish up

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Speaker, I leave it to you because you know the rules of the House and the Standing Orders more than anyone. What happens when someone is not there is a decision for you to make. Even the issues being raised that sound odd, like intended parent, arise because we have surrogacy and assisted reproduction issues. Therefore, we will also require agreements to indicate who the parents are. That is where the intended parent comes in. The problem of court processes was addressed in the harmonisation, and we agreed to leave it to the courts. There will be processes that will come later.

With that, in my opinion, let this Bill be passed. Let us not recommit it. Bills always come back with amendments. Let it go into law and be tried out there. People are already practising assisted reproduction without any law.

Thank you.

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

*(Question put and negatived)*

We now go back to the Order Paper. Order! Hon. Members, on their feet, take your seats.

*(Hon. Charles Nguna stood up in his place)*

Order, Hon. CNN. Take your seat.

*(Question put and agreed to)*

**BILL***Third Reading***THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL**  
(National Assembly Bill No.61 of 2022)**Hon. Speaker:** Mover.**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Speaker, I beg to move that the Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022) be now read a Third Time.

I request Hon. Irene Mayaka to second.

**Hon. Irene Mayaka** (Nominated, ODM): Hon. Speaker, I second.**Hon. Speaker:** Thank you.*(Several Members stood along the gangways)*

Order! Members on their feet, take your seats. Thank you.

*(Question proposed)***Hon. Speaker:** Do I put the Question?**Hon. Members:** Yes.*(Hon. Fatuma Jehow stood up in her place)***Hon. Speaker:** Hon. Umulkher, what are you doing on your feet? Is that Hon. Umulkher or Hon. Jehow?**Hon. Members:** Hon. Jehow.**Hon. Speaker:** Apologies to Hon. Umulkher.*(Hon. Peter Kaluma spoke off the record)***Hon. Speaker:** After I put the question...*(The Speaker (Hon. Moses Wetang'ula) consulted with the Clerks-at-the-Table)*

Hon. Kaluma, you can say something before I put the Question.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Speaker. I thank the House for considering this Bill up to where we are. I now urge the House to unanimously pass the Bill.*(Laughter)**(Applause)*

Hon. Speaker, we had a Bill of 52 clauses. During harmonisation, we rewrote all those 52 clauses so that it is no longer the bad Bill we had. It is now a Bill which has been passed in terms of harmonised provisions.



We were worried about definitions of things like “couple” in the Bill. We have now clarified them. Assisted Reproductive Technology and surrogacy will now be available in this country only for Kenyans, especially those certified by medical experts as incapable of natural conception or of carrying a pregnancy to term.

People may take it lightly, but surrogacy, especially commercial surrogacy, which we have prohibited, has been a pathway for people to create children for organ harvesting, child pornography and other ills. When Russia raided Ukraine, there was a complaint that between 20,000 and 30,000 children disappeared into Russia. To date, we have not seen the parents of those children coming to claim them. This happened because in the entire Europe, Ukraine opened itself to commercial surrogacy and fertility tourism. We have cleaned it up in this Bill.

I thank Hon. Nyikal and Hon. Millie, with whom we have worked together on this Bill. In as much as we will be seeking a few clean-ups in the Senate, I request that they do not delay the Bill. This is now a good law that only permits altruistic surrogacy, not commercial surrogacy.

I now urge, with gratitude, that we pass the Bill subject to other legal processes.

I thank you, Hon. Speaker.

**Hon. Speaker:** I will now put the Question.

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

You have already moved. You cannot speak to it again unless on a point of order, which you have not raised.

*(Question put and agreed to)*

Thank you, Hon. Members. Go ahead, Clerk-at-the-Table.

*(Hon. Millie Odhiambo-Mabona stood up in her place)*

Order, Hon. Millie. The process is not over. Take your seat.

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

Hon. Members, I thank you for finally bringing to an end this long and protracted process.

*(Applause)*

Hon. Millie, you should also thank your colleague, Hon. Kaluma, for his tremendous industry in making your Bill have a moral colour and ensuring it is applicable to our country without giving a window to foreigners to come and do things that are unacceptable to us.

I also thank you, Hon. Millie. I have relatives and friends in your situation who will benefit from this. I salute you, Hon. Millie. Very few people own up their situation and do what you have done.

*(Applause)*

The majority of people live in denial of who they are. In the words of Gramps Morgan, “Heaven has a place for people like you”.

*(Applause)*

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

Hon. Nyikal, I also thank you for your peripheral industry in getting this Bill to where it has come.

RECOGNITION OF A DELEGATION FROM THE  
WORLD SCOUT PARLIAMENTARY UNION

**Hon. Speaker:** Hon. Members, allow me to recognise a delegation from the World Scout Parliamentary Union in the Speaker's Gallery.

I wish to introduce to you a delegation of scout-oriented parliamentarians from across the world, who are seated in the Speaker's Gallery. The delegation, led by the global President of the World Scout Parliamentary Union (WSPU), Hon. Gyu Back Ahn, comprises members of the WSPU International Executive Committee and WSPU national chapter representatives from Thailand, Morocco, Korea, Luxembourg, Somalia, Croatia, Portugal, Sudan and Tanzania, who are attending the 11<sup>th</sup> WSPU General Assembly, being hosted by the Parliament of Kenya, the State Department for Devolution and the WSPU-Kenya Secretariat, from 9<sup>th</sup> to 13<sup>th</sup> November 2025, at the Safari Park Hotel & Casino. The conference was opened this morning by my able deputy, representing the Speaker. As you know, I am the patron of the Scout Movement in Kenya.

The delegation is accompanied by officials from the World Organisation of the Scout Movement (WOSM) and representatives from the State Department for Devolution and WSPU-Kenya Secretariat. On my behalf and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful engagements for the duration of their visit.

*(Applause)*

For the record, I allowed Hon. Oundo to come here wearing a scarf, which is not part of designated attire, because of the special day. Do not come dressed like that after today.

Hon. KJ, you can take one minute.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Can I get a minute?

**Hon. Speaker:** Yes, after Hon. KJ.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Speaker. I join you in welcoming this very impressive delegation of parliamentarians in Scouting and Scouts who are visiting the National Assembly of Kenya.

We are coming straight from the opening ceremony of the 11<sup>th</sup> World Scout Parliamentary Union. Kenya makes history by hosting this General Assembly for the first time in Africa. We celebrate your leadership as the patron of the most active caucus in Parliament.

The deliberations that are going on are coming up after a very impressive and successful youth assembly held in Nyeri County, the scouting capital of the world. Over 1,000 youth were able to sit through panels, discussions and sessions on this year's theme. They have made resolutions that shall be coming up at the General Assembly, where we have an impressive number of visiting delegations as Kenya leads the drive to expand the World Scout Parliamentary Union (WSPU) in Africa. As stated, there are Members of Parliament and their secretariat. I also wish to add that we have the President Emeritus of the WSPU, himself a former Member of Parliament of Thailand, Hon. (Dr) Dasananjali Thamrong.

Kenya holds a special place in scouting history, as the founder member, Lord Baden-Powell, chose Kenya not only as his home in life, but also as his final resting place, together

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with Lady Olive Powell, in Nyeri. I welcome this delegation and inform Members that, after this sitting, the WSPU will host a special dinner. WSPU members, you are welcome to the cocktail and special dinner thereafter. Allow me to recognise, in a special way, Hon. (Dr) Wilberforce Oundo. He has been the Chairperson of the Planning Committee of this Assembly and has done an excellent job. Parliament was very well represented this morning. Hon. (Dr) Beatrice Adagala, Hon. Catherine Omanyoo and many other Members of Parliament were with us this morning, including Hon. CNN, a great member of WSPU and Hon. Basil. All of them did an impressive job of hosting these members.

Hon. Scouts, welcome to Nairobi, Kenya. This is the National Assembly and the Kenya caucus of the WSPU is the leading caucus in this Parliament and also globally. Hon. Speaker, the one addressing the House is now the first Vice President of the WSPU globally and the President of the Kenya caucus. Kenya shall be a candidate for the global presidency and this may happen during this General Assembly. Hon. Speaker, we thank you for all the support that we have received from Parliament, from protocol, hosting and programming. We remain grateful for the leadership you have extended to WSPU as our patron. I join in welcoming the Scouts to the House.

*(Hon. John Kiarie chanted a scout's slogan)*

*(Visitors in the Speaker's Gallery responded to the chant)*

**Hon. Speaker:** Order! I can send you out of the House. And the visitors, that is completely out of order. This is not a Scout arena. This is the National Assembly of the Republic of Kenya. Hon. KJ, can you apologise to the House for that misconduct?

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, Scouts are very orderly and I apologise and withdraw the chant. This was a chant that probably overflowed. I also apologise on behalf of my guests. We are coming out of the excitement of the opening ceremony. You would understand that excitement. I apologise and withdraw the chant.

**Hon. Speaker:** Thank you, Hon. Millie, one minute.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I also take this opportunity to welcome them to the House. I was a troop leader of the Brownies and I still remember my promise: I promise on my honour to do my duty to God and my country, to serve all people at all times and to obey the Brownies' law. That is why I can see you are obeying the law. As guides and Brownies, we obey the law. This is a very good movement with very strong Christian principles. I was raised a Christian, educated in Catholic schools and also have Pentecostal and Seventh-day Adventist persuasions. I am an all-around Christian.

*(Applause)*

**Hon. Speaker:** Thank you. I join all Members, including KJ, in welcoming the scouts, their leadership globally and nationally, to the House of Parliament. I am your patron in this country and will be with you in your discourse and meetings. My able deputy was present this morning to open the meeting on my behalf and we shall continue supporting the conference. For our visitors, when you are done with the conference, do not forget to visit our world-renowned national parks: the Maasai Mara, Amboseli, Nairobi, Nakuru and Meru, among others. Thank you.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, on a point of information.

**Hon. Speaker:** Order, Hon. Members, I will not give you another bite. You will start engaging in irrelevant information. What is your information? Give him the microphone.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, in appreciation of your invitation for our delegation to visit the national parks, I wish to inform the House that the Scouts woke up very early this morning. By 5 a.m., they were up and ready to visit the game park. They were able to see the wonder of a city with a game park within its precincts. They have already visited the Nairobi National Park. Thank you.

**Hon. Speaker:** Hon. Members, we will go back to Order No. 8 and dispose of the Tea (Amendment) Bill (Senate Bill 1 of 2023). Hon. Brighton Yegon, when we called out the order, you were not here. Wait for it to be called. You will have to tender an apology for coming in late before I give you an opportunity to respond.

## BILL

### *Second Reading*

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

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

*(Debate concluded on 6.11.2025)*

**Hon. Speaker:** Hon. Brighton.

**Hon. Brighton Yegon** (Konoin, UDA): Thank you very much, Hon. Speaker. I am sorry I was not around when you called, since we were planning a schedule for the enquiry into tea issues, for which you gave us a three-week deadline. I was with the Clerk of the National Assembly organising that schedule.

For the record, the Tea (Amendment) Bill (Senate Bill No.1 of 2023) aims to achieve direct sales. When we enacted the Tea Act of 2020, we required all our tea to be taken to the Mombasa auction. Little did we know that this would create chaos and lead to an accumulation of tea. This is why we want factories to negotiate directly with buyers and dispose of their tea through direct sales. Hon. Speaker, 95 per cent of our tea is sold outside the country. We consume only 5 per cent. That is the reason why we...

**Hon. Speaker:** Hon. Brighton Yegon, you are replying to the Bill. You are talking as if you are moving the Bill. When replying, you either acknowledge Members' contributions, clarify controversial issues raised, or concur with them. But you are now addressing the House as if you are moving the Bill.

**Hon. Brighton Yegon** (Konoin, UDA): Hon. Speaker, I want to appreciate Members for accepting the fact that this Bill is trying to create direct sales. This will give proper funding to the Tea Board for them to handle their functions, strengthen the Tea Research Institute and promote value addition. Thank you also for approving the enquiry, which will assist our tea industry in the coming days when we will finally do a report. Hon. Speaker, I beg to reply.

*(Hon. (Dr) Oundo Ojiambo and Hon. Robert Basil stood in their places)*

**Hon. Speaker:** Thank you, Order Professor and Hon. Basil. Take your seats.

*(Question put and agreed to)*

Go to Order 10.

**MOTION****RATIFICATION OF THE AMENDMENT TO ARTICLE 24(2)(A) OF  
THE PROTOCOL ON THE ESTABLISHMENT OF THE EAC CUSTOMS UNION**

**Hon. Speaker:** The Chairperson, Committee on Regional Integration.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Speaker. I beg to move that this House adopts the Report of the Select Committee on Regional Integration on its consideration of the amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union, laid on the table of the House on Wednesday 5<sup>th</sup> November, 2025 and pursuant to the provisions of Sections 3 and 8 of the Treaty Making and Ratification Act, Cap 4D, approves the ratification of the amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union.

Pursuant to Article 2(6) of the Constitution of Kenya which provides that the treaties and conventions ratified by Kenya shall form part of the laws of Kenya, and the Treaty Making and Ratification Act, Cap 4D which provides the procedure for the making and ratification of treaties, the Cabinet Secretary Ministry of East African Community, ASALs and Regional Development submitted to the National Assembly a memorandum on the ratification of the amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union Protocol. The amendment protocol and the accompanying memorandum were tabled in the House on 14<sup>th</sup> February 2017 and committed to the Committee pursuant to Standing Order 170A (1). The Committee could not conclude the consideration of the ratification of the Protocol as it was submitted towards the tail end of the 11<sup>th</sup> Parliament and, therefore, included the matter as pending business in its exit Report pursuant to Standing Order 200A(1)(b).

The objective of the memorandum was to do the following:

1. Inform the National Assembly of the approval of the Heads of State of the Partner States of the East African Community of the amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union;
2. Inform the National Assembly that the Cabinet at its 16<sup>th</sup> meeting held on 28<sup>th</sup> July 2016 approved the ratification of the amendment to Article 24(2)(a) of the Protocol; and
3. Seek the approval of the National Assembly for the Republic of Kenya to ratify the amendment of Article 24(2)(a) of the Protocol.

The Protocol commenced on 1<sup>st</sup> January 2005 upon ratification by the three-founding partner States. This was before the accession of the Treaty by the Republics of Rwanda and Burundi, who later acceded to the Treaty and by extension the Protocol in the year 2007. Article 24(1) of the Protocol establishes the East African Community (EAC) Trade Remedy Committee to among others, handle matters pertaining to rules of origin, anti-dumping measures, subsidies and counterfeit measures, safeguard measures, dispute settlements and any other matters referred to the Committee by the Council of Ministers established by Article 9 of the Treaty. Article 24(2) of the Protocol limits the members of the Trade Remedies Committee (TRC) to nine, with each partner State nominating three members competent in matters of trade, customs and law. It is worth noting that at the time the EAC Protocol on Customs Union came into force in 2005, the EAC was composed of three partner States, Kenya, Uganda and Tanzania. Given that more partner States have joined the Community since then, the capped members under Article 24(2)(a) would not allow additional partner States to nominate their members to the EAC Trade Remedies Committee. To remedy this anomaly, the 10<sup>th</sup> ordinary meeting of the Heads of States held on 29<sup>th</sup> April 2009 approved the amendment of Article

24(2)(a) of the Protocol to read as follows: “The Committee shall be composed of members qualified and competent in the matters of trade, customs and law” therefore removing the limitation of nine members.

Article 118(1)(b) of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees. Further, Section 8.3 of the Treaty Making and Ratification Act No.18 of 2012 provides that the relevant parliamentary committee shall, during its consideration of the Treaty, ensure public participation in the ratification process in accordance with the laid-down parliamentary procedure.

Pursuant to Article 118(1)(b) of the Constitution of Kenya and Section 8 of the Treaty Making and Ratification Act Cap 4D and Standing Order 170A(2), the Clerk of the National Assembly placed an advert in the print media on Wednesday, 8<sup>th</sup> October 2025 inviting the public to submit memoranda by Monday, 20<sup>th</sup> October 2025 at 5pm. By close of the submission deadline, the Committee had received one memorandum from the African Women Studies Centre (AWSC) of the University of Nairobi proposing the inclusion of a gender-balanced requirement in the nomination of members of the EAC Committee on Trade Remedies. In addition, the Committee held consultative meetings with officials from the Ministry of East African Community, Arid and Semi-Arid Lands (ASALs), and Regional Development, the Ministry for Foreign and Diaspora Affairs and the Ministry of Investment, Trade and Industry to deliberate on the ratification of the amendments of Article 24(2)(a) of the Protocol. If you may remember, during the KEPSA meeting that we had during the Speaker's Roundtable, some of the disadvantages and bottlenecks were discussed and Members of the Trade Committee persuaded us in the meeting to ensure that we pass this amendment on time because it affects them.

Having considered the ratification of the amended Article 24(2)(a) of the Protocol, the Committee recommends that, pursuant to Section 8 of the Treaty Making and Ratification Act, Cap 4D, this House approves the ratification of the amendment to operationalise the TRC and enhance Kenya's participation in the EAC Customs Union. Currently, it is only Burundi that has managed to ratify this Protocol. Kenya will be the second one. In December, we will be hosting the Summit in our country. Our President is the current Chair of EAC and we really desire that we ratify it before the President exits as the Chair.

I wish to most sincerely thank you and the Office of the Clerk of the National Assembly for the invaluable support you accorded to the Committee in discharging this mandate. As I have read in my submission, this proposal was presented in the previous Parliament and it did not pass it. So, I thank you and the Office of the Clerk for supporting us to generate this Report.

On behalf of the Committee on Regional Integration and pursuant to Standing Order 199(6), it is my pleasant duty to move this Motion that this House adopts the Report of the Select Committee on Regional Integration on its consideration of the amendment of Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union laid on the table of the House on Wednesday 5<sup>th</sup> November 2025 and pursuant to the provisions of Sections 3 and 8 of the Treaty Making and Ratification Act, Cap 4D, approves the ratification of the amendment to Article 242A of the Protocol on the Establishment of the East African Community Customs Union. I request the Hon. Naomi Wako, a Member of the Committee on Regional Integration to second the Motion.

I thank you.

**Hon. Speaker:** Hon. Naomi Wako.

**Hon. Naomi Wako** (Marsabit County, UDA): Thank you, Hon. Temporary. Our Chair has moved it very well and the entire Committee is in support of this. Without many words I want to I second and request that the Question be put so that we can make progress.

**Hon. Speaker:** Order.

*(Question proposed)*

Yes, Hon. Kimani?

*(Hon. Kuria Kimani spoke off the record)*

Pardon?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Which Kimani?

*(Laughter)*

**Hon. Speaker:** Hon. Kimani Ichung'wah. Hon. Kimani of Molo, you know your Standing Orders say that you yield space to your leaders.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. You know, I had to insist on which Kimani, because there is Kimani Ichung'wah and Kuria Kimani.

**Hon. Speaker:** And Hon. Kuria Kimani hijacked Hon. Kimani Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Now, Hon. Kuria Kimani, who happens to be my son, wanted to take my position.

I rise to support this Motion, and indeed, cognisant of what the Chair has said, we now have an expanded East African Community (EAC), beyond the traditional three countries of Kenya, Tanzania, and Uganda, with the Republic of Somalia, South Sudan, Rwanda, Burundi, and the Democratic Republic of Congo all now being part of the EAC. Therefore, it is important to amend this Protocol to ensure that they are also represented in the Trade Remedies Committee. But even as we accommodate these good neighbours, it is important that we speak to them, especially those who are still very restrictive. I say this because some time back, although it was in an election year, I saw one of our neighbouring states seek to determine what kind of businesses foreigners, including Kenyans, Ugandans, and others from the East African region, can or cannot participate in within that state. Therefore, we must, in the spirit of East African cooperation, maintain open borders. That is the essence of East African cooperation and the African Continental Free Trade Area: open borders. Numbers create a bigger market, and that helps in the growth of economies and trade. Intra-African and intra-East African trade benefits not just individual countries but the entire region and the continent.

Therefore, I support this amendment.

**Hon. Speaker:** Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. I also join my colleagues in thanking the Committee for bringing this important Motion but we must always tell the truth. The East African Community is going through serious challenges. Many states are not contributing. There are plenty of regional rivalries. This is the second time, after the collapse of the previous East African Community, that the bloc is facing serious challenges. We know the reasons that led to the earlier collapse.

Kenya, as the leading nation, an economic hub and regional anchor, must continue to lead from the front. As our Speaker and as a former Minister for Foreign Affairs who has witnessed these developments, I believe it is time that we occupy our rightful place and do not allow ourselves to be drawn into petty regional competition that undermines the very objectives of this regional bloc.

The Protocol establishing the East African Community Customs Union was ratified in 2005, almost 20 years ago, by Kenya, Uganda, and Tanzania. It laid the foundation for a common external tariff and the liberalisation of intra-regional trade. This milestone marked a defining step toward economic integration and collective prosperity for the East African

Community. What followed was the establishment of the Trade Remedies Committee, though it has taken far too long. We have been told that only Burundi has complied. Kenya should have led by example.

There are several issues we must face now: the rules of origin, anti-dumping measures, and safeguards for our commodities. These remain contentious. Dispute settlement mechanisms have also been weak. We have seen the impact of this. Kenyan businesspeople have faced unfair treatment in Tanzania, South Sudan, and the DRC. Regardless of what is happening in the region, Kenya must be prepared to provide leadership. I appeal to the Ministry of Foreign and Diaspora Affairs, the Ministry of East African Community and Regional Development, the Presidency, and Parliament, through parliamentary diplomacy, to ensure that Kenya is not equated with the struggling economies we have long supported.

Kenya is a leading nation, and as the President has often said, we should now be moving into the league of developed nations, not struggling ones. What we must do is look forward and benchmark ourselves with developed economies. Too often, we are inward-looking, comparing ourselves with our immediate neighbours. This mindset has slowed our progress.

I commend the Committee. But as an oversight body, it must ensure that Kenya meets its financial obligations. I am informed that some EAC representatives are not receiving their allowances because several member states have failed or delayed in remitting their contributions. It is time we assert leadership. Member states must contribute as required. Somalia has just joined, but all must play their part. If contributions are not made, how will our representatives in Arusha function? Madam Chair and the entire team, ensure that Kenya leads by example, contributes on time, and distinguishes itself as a regional leader. Right now, due to elections and other disputes, the region faces challenges. But Parliament can act to ensure that other member states see Kenya as a model nation worth emulating.

I support the Motion.

**Hon. Speaker:** Hon. Kimani Kuria.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Speaker, and thank you for reminding us of the importance of seniority. When I grow up, I want to be the Leader of the Majority Party of this House. And I will grow much older and hopefully serve as long as the longest-serving Member, Hon. Keynan.

I thank the Hon. Chairperson, CPA Mayaka, and the team for bringing forward this ratification. However, I have two additional comments. If we are to be part of the East African Community, we must truly operate as a community. The treatment we give goods and services from other countries, welcoming and hospitable, should be reciprocated. Our neighbours must also allow free trade for Kenyan goods. What we are experiencing now is that, even where we have a competitive advantage, our products face barriers in neighbouring countries. Excuses, non-tariff restrictions, and even illegal levies are designed to keep our goods out.

Secondly, on the issue of East African customs tariffs, taxation under our Constitution is the exclusive mandate of Parliament. National taxes under the National Assembly, and county levies under County Assemblies. However, through EAC mechanisms, this power has been partially delegated to Ministers of Finance across the region. When these customs tariffs are reviewed, there is often no active public participation in member states. I urge the Ministers of Finance across the EAC to be more consultative. Traders and citizens should not wake up to find that an import duty has been imposed on a crucial product affecting its price, the ease of doing business, and profitability, without their input.

I beg to support.

**Hon. Speaker:** Hon. Zamzam.

**Hon. Zamzam Mohamed** (Mombasa County, ODM): Asante sana Mhe. Spika kwa fursa nami pia nipigie upatu mjadala dada yangu Mhe. Irene Mayaka ameleta.



Jumuiya ya Afrika Mashariki inazidi kupanuka. Ni dhahiri kuwa mkataba uliowekwa tangu hapo awali uliwacha wengine nje. Kwa vile wengi sana wanajiunga na Jumuiya ya Afrika Mashariki, ni vyema wakipata mwanya wa kupata masuala kuhusu kufanya biashara kutoka mpaka mmoja hadi mwingine.

Hata hivyo, nakokoteza kuwa wakati mwingine wanabiashara wanapata wakati mgumu sana licha ya kuwepo uhuru wa kufanya biashara baina ya mataifa ya Jumuiya ya Afrika Mashariki. Kenya ni taifa linalopenda wageni na kukaribisha watu wengi. Wakenya ni watu wanaopenda wageni ambao wanapenda kuamiliiana na watu wa mataifa mengine kwa uzuri.

Vilevile, naomba mataifa mengine ambayo yameingia katika mkataba nayo yawape Wakenya uhuru wa kufanya biashara katika nchi zao. Yasiweke masharti magumu. Wengine wanatatizika na biashara zao kuchukuliwa ilhali tuna maelewano katika Jumuiya ya Afrika Mashariki kufanya biashara pamoja na kutembea kwa uhuru. Ni muhimu tuongeze hizi sheria kwa sababu Jumuiya ya Afrika Mashariki inazidi kupanuka. Hawa ni ndugu zetu tunaohitajiana.

Kama Rais anavyosema, tukitaka, inawezekana taifa la Kenya litoke *third world* mpaka *first world*. Utapata wengine katika upinzani wakicheka. Nilivyoona juzi, wanasema “inawezekanaje?” Kama hawana maono, Rais ana maono na taifa hili. Akiweka mikakati fulani, anajua Kenya itakuwa kwenye ramani ya dunia kama taifa lililoendelea na limejidhibiti.

Ni muhimu tubadilishe sheria hizi kidogo ili tukumbatie waliojiunga na Jumuiya ya Afrika Mashariki. Naunga mkono. Asante.

**Hon. Speaker:** Hon. Robert.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you for this opportunity. I also rise to support the Motion by the Committee on Regional Integration on its consideration of the amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union.

Ideally, the purpose behind the integration is to deepen and widen it so that as many countries as possible within the region join and ensure we trade appropriately. It is important to note that this is just the beginning of a long journey because the idea behind the integration is to end up with a political federation one day. This is the first step. However, what happens to the common market or the monetary union we have to develop and ultimately reach our goal of developing a political federation if we cannot get it right? I support the change so that we allow more countries to deal with us.

It is important to note that, once we finalise, the political federation will have such a big market that every citizen of all partner states will be better off. Our country fails because the market is sometimes not big enough. Business people will do better when we expand the market space. Let us strengthen the idea of open borders as we proceed because, unfortunately, there is still a requirement to produce passports or passes at border points. It is important.

Finally, we need to ask all partner states in our Community to respect human rights. What we have seen happening to Kenyans in Tanzania and Uganda, that are our partner states, is unfair. As partner states, it is important to do to us what they would do to their people. Do not be unfair to us. We do not abduct or kill citizens of these countries. It is important for us to respect each other so that this federation and community can grow in leaps and bounds.

With those few remarks, I support the Committee's Report.

**Hon. Wanjiru Mwangi** (Nominated, UDA): On a point of order.

**Hon. Speaker:** Yes, Hon. Wanjiru. What is your point of order?

**Hon. Wanjiru Mwangi** (Nominated, UDA): Thank you, Hon. Speaker.

I rise on a point of order pursuant to Standing Order 95. I beg that the Mover be called to reply now that we are all in agreement with the Report.

**Hon. Speaker:** Hon. Members, is it the mood that we call the Mover to reply?

**Hon. Members:** Yes.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Hon. Speaker:** Mover.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Speaker. Hon. Millie did not get opportunity to speak on this although I know she really wanted to. As observed, most Members are in agreement with the Report.

First, I take this opportunity to thank the Committee on Regional Integration for their dedication and burning the midnight oil for us to do this as fast as possible. I also thank the Office of the Speaker, the Office of the Clerk and the Members who have participated by supporting this Report. I agree with Hon. Zamzam that we as a country agree with the President's bid to move Kenya from the third world to the first world.

Hon. Speaker, one of the things that will ensure this country leads the East African Community (EAC) from the front is by taking lead on such things. Allow me to inform Hon. Keynan who had inquired whether Kenya is making its contributions. I confirm to him that we are actually up to date with our contributions in the EAC and are leading from the front.

With those few remarks, I reply.

**Hon. Speaker:** Thank you.

*(Question put and agreed to)*

Next Order.

## BILL

### *Second Reading*

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

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

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

I beg to move that the Government-Owned Enterprises Bill (National Assembly Bill No. 40 of 2025) be now read a Second Time.

Allow me first to thank the Chairperson of the Departmental Committee on Finance and National Planning and its members for the very diligent work they put in towards consideration of this Bill after its First Reading. More importantly, for conducting a very laudable public participation exercise and tabling reports timely.

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

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

I must commend this Committee because they have now set the standard for this House on what constitutes qualitative and quantitative public participation. They have moved around the country listening to Kenyans on many aspects, especially those that touch on running our economy. This Bill proposes the creation of a legal framework for enhanced corporate governance, greater accountability, and improved performance of state-owned enterprises. Essentially, our government-owned enterprises are state corporations created for commercial

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activities or to fulfil social obligations to our citizens. Some state corporations were established under the Companies Act, others through various acts of Parliament, some by legal notices, and others were established through regulations. This is the kind of framework that we have had over the years.

The principal objective of this Bill is to ensure that all government-owned enterprises, regardless of how they were established—whether through Acts of Parliament, gazette notices, legal notices, or other legal instruments—are governed under the Companies Act. If this legislation is adopted by the House, all our state-owned enterprises will be registered as limited liability companies. These changes are informed by policy decisions and are part of the reform package referenced earlier, for those who recall the Medium-Term Strategy Paper we introduced at the beginning of this year, specifically in February. These are some of the reforms we discussed that would be implemented throughout the course of this year. On 3<sup>rd</sup> November 2023, the Cabinet approved an ownership policy for government-owned enterprises in Kenya and also sanctioned the commencement of the necessary legal reforms to implement the provisions of this ownership policy.

Consequently, the Government Owned Enterprises Bill, 2025, is a translation into law of the ownership policy and forms part of the broader ongoing initiatives to deepen governance reforms within state corporations. The proposals in the Government Owned Enterprises Bill of 2025 are therefore informed by lessons from past experiences in Kenya and by established good corporate governance practices around the world. At any given moment, the government-owned enterprises reforms reflect the policy agenda of any government, taking into account the domestic and global dynamics at that time. This is why I stated, for our case, the reform plan aims to achieve a few key objectives in the Medium-Term Development Plan, which we passed as a House in February this year.

It is important to note that the legislative proposals presented to the House do not emerge out of nowhere. I have seen many people politicising the issue, claiming, “Oh, government enterprises are being sold and privatised.” Shockingly, those expressing such concerns are Members of Parliament who actively participated in the passage of the Medium-Term Development Plan, which informed this Bill. The time has arrived when, pursuant to the ownership policy enacted in November 2023, we are now legislating on government-owned enterprises.

I have mentioned that part of the reform package's objective is to build resilience within our economy to enable it to withstand any future shocks and to mobilise private sector resources to fund essential public infrastructure through innovative measures. Such innovative measures have allowed us to achieve what this nation has not been able to accomplish in over 40 years—the construction of a stadium of the standard of Kasarani or Nyayo National Stadium. We are currently building a new stadium, Talanta Stadium, on Ngong Road, which is nearly triple the size of Nyayo, with a capacity for 60,000, and double the size of Kasarani. We would not have been able to undertake this without employing innovative funding methods for these capital-intensive projects. Additionally, we are discussing the expansion of the Rironi-Mau-Summit-Malaba Road, a route where Kenyans, especially as Christmas approaches, often spend hours, even nights, travelling to the western part of Kenya. We must be inventive in how we finance these projects.

Therefore, I reiterate that the first objective is to build resilience within our economy, ensuring that we can undertake these capital-intensive projects without overburdening taxpayers. Therefore, when you see individuals opposing privatisation or some of the Bills we present in forums outside Parliament—particularly those who are Members of Parliament—please remind them that it was them who passed those laws. They were the ones who passed the Medium-Term Development Plan, the Privatisation Policy, and the Privatisation Act; all these actions are being taken pursuant to those decisions.

Hon. Deputy Speaker, another objective is to ensure the development of our capital markets. Privatisation provides a diversity of bankable investments by the private sector, thereby increasing capital market liquidity and strengthening the financial sector. This, in turn, mitigates capital flight and sustains the macro-economic and fiscal credibility of our economy. The third objective is to facilitate the development of our capital markets, ensuring that Kenyans invest in our own markets rather than in the London Stock Exchange or the New York Stock Exchange; we want them to invest through our capital markets authority in the Nairobi Stock Exchange (NSE), thereby ensuring liquidity within our economy and promoting its growth.

The other objective is to enhance equitable development across the country. The reforms being implemented, particularly in the agricultural sector—such as those affecting the sugar, cotton, coffee, and milk subsectors—are aimed at ensuring regional promotion of development throughout the nation. Those residing in the sugar belt of Western Kenya, Nyanza, and parts of our Coast region can attest that, before the reforms enacted in the sugar sector, it was one of the dying sectors within our agricultural framework. We have rescued this sector, and similar progress can be seen in the cotton industry, which has become vibrant in areas of the Coast, Nyanza, and Western Kenya due to the reform package that has been introduced.

As I mentioned, this Bill will greatly facilitate the transition of approximately 80 state corporations or government-owned enterprises. These entities were registered under various acts of Parliament, including those listed in the First and Second Schedule of the Bill. Among them are notable state corporations such as the National Housing Corporation (NHC), Kenya Literature Bureau (KLB), and the Kenya Pipeline Corporation (KPC), which operate under the Kenya Pipeline Act. Other examples include Simlaw Seeds, Kipchabo Tea Factory, and the Commodities Fund. Many of these corporations were established under various legislative frameworks. Additionally, we have major entities like the Kenya Ports Authority (KPA), many of which are included in the Second Schedule and may have been incorporated through legal notices. Therefore, we will transition all these companies and re-register them under the Companies Act. In a great way, this process will enhance accountability and propose governance by incorporating the expertise of private sector players into the management and running of these state corporations.

Hon. Deputy Speaker, we cannot discuss issues of building resilience in our economy without ensuring we leverage on resources in the private sector. One of the best ways to achieve this is by ensuring that some of these state-owned enterprises incorporate private sector expertise into their management and governance structures. Through the Privatisation Bill, we would be able to bring in private sector expertise and capital to run state-owned enterprises. This will enhance corporate governance, including the structure of boards and the management of these limited companies.

The Bill clearly outlines what it seeks to achieve. These are comprehensively listed in the Bill. Without going into the specific details, one of the primary objectives of this Bill is to establish an ownership regime and legal framework for better performance of government-owned enterprises and effective creation of value for members of the public who have invested in these companies through the government.

Secondly, it seeks to establish a government structure that facilitates the achievement of commercial objectives of government-owned enterprises. Some of them are created for commercial purposes but end up turning out losses every year. Additionally, some of those intended to pay dividends to the National Treasury hardly do that. It was just the other day that the Kenya Pipeline Company (KPC) started paying dividends. Last year, it paid Ksh5 billion to the National Treasury, something that happened after his Excellency, the President, made it compulsory for state corporations to pay dividends to the National Treasury. I believe that we can derive more value from them even without owning them fully.

Thirdly, the Bill seeks to enhance accountability and appropriate incentives for government-owned enterprises to operate on commercial principles. Most of these enterprises do not operate on commercial principles. Additionally, they are characterised by a lot of laxity in the management and governance structures simply because they are parastatals. The State Corporations Act outlines that state-owned enterprises are not appendages of ministries or state departments. However, there is over-interference from the Principal Secretaries and Cabinet Secretaries seeking to micromanage them; those who sit in both the Public Investments and the Public Accounts Committees can bear me witness.

With the passage of this Bill and the transition to register these companies as limited liability companies, governance structure will change. This way, neither the Cabinet Secretary nor the Principal Secretary would micromanage any state corporation. We have had instances where the structure included the Principal Secretaries and Cabinet Secretaries as representatives in boards; this will no longer happen. The governance structure will change to include independent directors. The best examples to borrow from are: Kenya Electricity Generating Company PLC (KENGEN) and Kenya Power. After being privatised, independent directors were incorporated. They also have very good engineers, finance, and legal experts who have enhanced the governance structures. The changes have led to the institutions becoming better than when they were government-owned.

Additionally, the Bill seeks to position the government as an informed and active owner that is neither too passive nor unduly interfering with government-owned enterprises. Government is just government; ownership becomes passive. Nobody really owns these state corporations. With the changes, the government ceases being a passive owner. It becomes an active participant in the day-to-day running of these enterprises without unduly interfering with their management, since there would be other players.

The other objective of this Bill is to establish a very transparent public service obligations accounting and funding structure that does not interfere with the commercial objectives of the government-owned enterprises. This is a very risky issue for any commercial enterprise. A classic example is Kenya Power. It is obligated to roll out and connect power to Kenyans. Some years back, the cost of connecting power to a single household was Ksh70,000. Today, through subsidies from the government, it is the same. It is almost free. One is allowed to pay for the connection through their bills. Such social and public obligations may, in a way, interfere with the commercial viability of companies.

Those who were in Mombasa last week, particularly the ones who engaged with the energy sector, will remember that the extensive engagement was about the cost of power in Kenya and its effect on the growth of the manufacturing and value additions industries. We need to connect homes to power, but if we made it Kenya Power's duty, we would interfere with the commercial viability of the company.

This Bill will make it easier for state corporations to provide for such public obligations without necessarily interfering with their commercial viability. That is why this Bill seeks to establish a public service obligation accounting and funding structure that does not interfere with the commercial objectives of the government-owned enterprises.

'Public service obligations' are obligations that the government may assign a government-owned enterprise to produce goods or provide services that are not financially viable to them and for which a subsidy or full funding by the National Treasury is necessary for sustained production. For instance, if the government wants to roll out the connection of power through Kenya Power or probably through the Kenya Electricity Transmission Company Limited (KETRACO), it should provide those resources within our budgets, or by having the National Treasury provide adequate funds to roll out such public obligations. This would ensure that they do not interfere in any way with the commercial viability of that particular enterprise.

I do not want to belabour too many points around this Bill. I just want to re-emphasise that this is a very important Bill. It will align the governance framework of commercial state-owned enterprises and position them to undertake off-balance sheet government projects, like Talanta, the proposed toll roads that we will construct, including the Rironi–Mau Summit Road. We also have the Kenyatta International Convention Centre (KICC), which was built at the birth of our country, just immediately after independence, in the late 1960s and 1970s. It is a convention centre that is out of pace with the rest of the world.

Many say Kenya is being overtaken in conference tourism by countries like Rwanda which have smaller economies than ours. The convention centre in Kigali, Rwanda is probably not fully owned by the Government of Rwanda, which is the norm everywhere around the world. Countries leverage on private capital to deliver goods and services to the public and grow their economies. After nearly 50 years, we are doing the new Bomas International Convention Centre through this innovative model of financing.

Hon. Deputy Speaker, this Bill opens up such opportunities for our country so that we get off the balance sheet. This means we get off the unaffordable credit that we took in the last 10 or so years, from 2013 to 2022. We borrowed heavily to finance the Standard Gauge Railway (SGR), for the construction of roads and to roll out electrification of our country under the rural electrification programmes. We will innovatively raise capital off balance sheet to fund capital-intensive projects such as the Bomas International Convention Centre, a new Kenya International Conference Centre or a new convention centre and even a new airport. This is how we will fund a new airport.

I was with a number of colleagues in Mombasa last week. We landed at Jomo Kenyatta International Airport (JKIA) including those who were opposing its modernisation some months back. We were dropped towards the end of the runway somewhere near Ruai. On the bus ride back to the domestic terminal, someone observed that the airport is full of tents. Fortunately, that person was one of the loudest people in opposing the modernisation of our airport. He had the audacity to say, in that bus, that they opposed the airport's modernisation because of politics. Honestly, we need a modern airport in this country.

Many other Kenyans who travel out of this country and see what is happening around our region appreciate the need to have a new airport; they appreciate the need to have a new international convention centre, like that one that is under construction at Bomas of Kenya and even appreciate the need to have a new international Federation of Association Football (FIFA) standard stadium like the Talanta Stadium. They also appreciate not overtaxing Kenyans to achieve these development programmes and the need to ensure there is regional balance in the rollout of development programmes around the country. That is why today, we plan to have a new superhighway connecting the western part of Kenya that has been marginalised for many years. When I go to see my in-laws in Nyeri over Christmas, it takes me less than an hour because there is a dual carriage way from Kikuyu. I hit the southern bypass, join the expressway to Thika superhighway and on to Kenol-Sagana-Marua Road all the way to Karatina.

**Hon. Deputy Speaker:** Sometimes, it takes us two days to get to Nakuru or Eldoret.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): However, for Hon. Caroli Omondi to go to his village in Suba or the Chairman of the Departmental Committee on Finance and National Planning, who bakes the cake, to get to Sachangwan in Molo between the 12<sup>th</sup> December and 24<sup>th</sup> December, they will be lucky if they make it in a day. That is the injustice and disparities that we must address. At least, the Member for Mbooni can get to Machakos Junction in less than 40 minutes using the expressway but for Hon. Caroli Omondi and Hon. Millie Odhiambo, it will take them three days to get to Suba. We must speak to those Kenyans in others part of the country. We must be sensitive to the fact that development in this country has not been fair. For us to roll out development programmes; for example, stadiums in Kisumu and Marsabit; or affordable housing in Lodwar and Makueni so that we equalise Kenyans. We must think

beyond the balance sheet and taxes. We must think innovatively and that is what this Bill is speaking to in summary.

We will transition our state-owned enterprises into limited liability companies, enhance accountability and enhance corporate governance of these organisations for them to become more profitable, for those that we keep. Those that we will eventually sell or privatise, we will raise more capital from their sale to roll out development programmes.

However, there are about 260 state corporations that were established to roll out development projects that will not be affected by this Bill. An example is the National Irrigation Authority (NIA) that was established to roll out development projects. It is not a commercial entity and therefore, will not be affected by this Bill. This Bill is specific to entities that are engaged in commercial activities so that we enhance their commercial viability, accountability, governance structure and ensure that we deliver greater value to the people of Kenya.

Hon. Deputy Speaker, let me not belabour because the Bill is lengthy with very many clauses. I am sure the Hon. Members have gone through all the 40 clauses. There are a number of amendments that we would be proposing in line with what the Committee has done through public participation to incorporate views they got from members of the public and other stakeholders. When we come to the Committee of the whole House, we will propose a few amendments. Therefore, I would not want to speak about them at this moment.

Hon. Deputy Speaker, I therefore beg to move. I request the indomitable Chairman of the Departmental Committee on Finance and National Planning, the very progressive, promising legislator, articulate and focused Member for Molo to second. This is a man who has withstood negativity in this country. However, he stood for what is right at the right time, and for the love of the people of Molo and the entire country. May I request the Member for Molo, Hon. Kuria Kimani, my namesake and my son, to second.

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, my leader. Hon. Deputy Speaker, I told the Leader of the Majority Party to be very careful when he refers to me as his son. I may start asking for my right share of his estate.

*(Laughter)*

In form, he is rich enough, so I am safe. Thank you very much for your kind remarks, Hon. Leader of the Majority Party and for your guidance. When I joined this Parliament, I admired Hon. Ichung'wah for getting re-elected unopposed. He did a very good job in the Budget and Appropriations Committee. Every time we are here in the House, despite his many other roles, he always sits through the House Sittings and never tires to guide us. So, I thank him for his leadership and mentorship.

Hon. Deputy Speaker, before I delve into seconding the Government Owned Enterprises Bill, the Leader of the Majority Party spoke to a very sensitive issue about skewness of development. I would like to inform the Hon. Leader of the Majority Party that, even though he is called Kimani, like me and comes from Kikuyu, us from the Rift Valley have made a resolution to cease to be one of them. We have decided we are going to create our own mountain, because when you talk about matters of your mountain you forget about us completely. You speak about coffee yet the people of Molo, Maji Mazuri in Baringo, Uasin Gishu and Kitale do not know matters coffee. You speak about Mau Mau Roads yet we only know of our rural roads. We have, therefore, resolved to have our own mountain as the people of diaspora.

I want to take a short time to explain what this Bill is about, for the comfort of Members and the people of this country. Every government-owned enterprise (SOE) is formed through several laws, whether under the State Corporations Act or regulations. But there are things that remain constant for all the SOEs. One, they must follow all the rules of public finance

management and the Public Procurement and Asset Disposal Act. It therefore means that the Kenya National Trading Corporation (KNTC), for example, that is supposed to buy commodities and sell back to the market, has to go through the tedious and long tendering process as per the PPAD Act. Whereas the same time it is supposed to be a commercial entity, another business entity doing exactly the same thing just needs to make a decision on what they need to do. Therefore, the wisdom in this Bill is how to bring together, commercially viable enterprises, so that they can be operated commercially. One of the points I will be dwelling on, is the management of such particular entities.

I attended a meeting the other day of Chairpersons and CEOs of government parastatals at State House and one thing was clear. The number of vehicles that were parked because of the meeting were more than the number of people who were actually at that particular meeting. This speaks to the leadership of the entities. And this is not only in this administration. It is what has been happening over the years and continues to happen. Once someone is appointed a chairman of a parastatal, there are privileges they are entitled to. So, we are saying let us place all commercially viable enterprises under a different statute—the Government Owned Enterprises Act—if this House agrees with us.

The principal object of the Bill is to provide a comprehensive framework for establishment, governance and performance of government-owned enterprises to ensure that they create value for citizens while upholding accountability and fiscal discipline. The Bill seeks to translate the Government-Owned Enterprises Policy, approved by the Cabinet on 3<sup>rd</sup> Nov 2023, into law. This is a very decisive step in strengthening our public finance architecture, enhancing efficiency and reducing fiscal risks associated with poorly performing entities. We anchor this on best practices, which I will demonstrate in a few minutes.

This Bill aligns with the best international practices as articulated in the Organisation for Economic Cooperation and Development (OECD) Guidelines on corporate governance of State-owned enterprises of 2015. The Guidelines urge governments to act as informed and active owners, ensuring that enterprises operate efficiently, transparently and in the public interest. It institutionalises performance-based governance, where boards and management are evaluated on clear and measurable targets, echoing one of my favourite author, Peter Drucker's Timeless Insight that what gets measured gets managed. Globally, countries like New Zealand, Malaysia and South Africa that we keep quoting, have implemented similar reforms with great success. This has transformed their state enterprises into models of profitability and accountability.

I tried to find out research and management and economic theories that support this particular action. My search brought me to three relevant economic and management theories. The principle agent theory that recognises separating ownership, the State as the owner from management, demands that we have clear oversight mechanism to prevent inefficiency and self-interest. We now have a theory called the new public management that emphasises professionalism, performance contracting and private sector efficiency in public service delivery. The third one is the stewardship theory that calls for board and management to act as custodians of public value, not merely as controllers of public assets. These frameworks underpin the Bill's performance contracting, transparency and incentive systems, creating a culture of results and accountability.

Good governance is the lifeblood of public enterprise performance. It reminds us that management is about coping with complexities while leadership is about coping with change. The Bill emphasises that GOEs must have both: management systems that ensure compliance and leadership that drives innovation and public value. This proves that the Bill provides for independent boards, professional diversity, gender balance and mandatory audit committees. These measures will strengthen institutional integrity and build public trust.



One of the amendments the Committee will propose, and which came from my members of ICPAK during public participation, is the need to have professional and independent boards. One of the ways of making sure that boards are professional and independent is by having private sector-led professional vetting agency. It is important that politicians listen to this. Most boards off parastatals are led by politicians. Although I have always held the view that being a politician does not make you stupid, it has been demonstrated that appointing politicians to executive roles in these entities leads to protectionism. This has led to the collapse and rent-seeking of the entities. This Bill will ensure there is no political interference particularly in the boards of management.

For too long, performance of public enterprises has been compromised when their leadership is determined by politics rather than professionalism. It is about which political inclination one is aligned to and not which profession one belongs to. The Bill introduces an independent selection panel to appoint directors. That will ensure merit, integrity and competence, not connections, guide appointments.

This approach is very consistent with the OECD Guidelines on corporate governance on SOEs, which caution that States should allow SOEs full operational autonomy to achieve their objectives and refrain from interfering in their day-to-day management. This also aligns with the World Bank principles of corporate governance that ensure that States should act as informed, not an intrusive, owner.

From a theoretical perspective, agency theory warns us that maligned incentives between political principals and enterprise managers lead to inefficiency, rent seeking and loss of public trust. By professionalising appointments and performance evaluation, this Bill minimises risks and safeguards public interest. We shall ensure that the State remains the strategic owner. However, the State shall not become an operator, referee nor a player.

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

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

What would be the impact of this change on citizens? When these entities perform, citizens benefit, electricity becomes affordable, water flows reliably into our homesteads and infrastructure projects would be delivered on time, for value and within budgets. Out of the 25 State corporations, only a handful consistently generate returns to the Exchequer while many depend on budgetary support. This Bill seeks to reverse this imbalance by transforming GOEs from fiscal customers to fiscal contributors.

Hon. Temporary Speaker, the spirit also transcends institutional reform. It speaks directly to the soul of fiscal discipline and the heart of responsible debt management. For far too long, inefficiencies in our public enterprises have quietly translated into hidden fiscal risks and liabilities that end up in our national debt register. This Bill confronts this challenge head on and demands that there be transparency, efficiency, and accountability in every shilling managed under public ownership. By aligning these entities with international standards, we shift from reactive bailouts to proactive management, and from fiscal leakage to fiscal prudence.

We cannot continue allocating resources, in every budget cycle, to entities that are supposed to be commercially viable. We allocate them resources every year, knowing very well that they are not going to be economically viable. The money that is invested in these entities should fund our education, healthcare and infrastructure, but not inefficiencies that are clearly planned, procured, and budgeted. This Bill will end all that.

Therefore, this House has the solemn duty to secure Kenya's financial future. This is not only legislative housekeeping, but also a declaration of intent that we, as representatives of

the people, choose prudence over populism, performance over patronage, and discipline over debt dependency. As management scholar, Jim Collins, wrote in the book, *Good to Great*: greatness is not a function of circumstance; it is largely a matter of conscious choice and discipline.

Through this Bill, we choose that discipline in policy, governance, and public finance. It is our covenant with the taxpayer that never again shall inefficiency be rewarded or public resources squandered in silence. Let this House rise to the occasion and secure Kenya's sovereignty for generations to come.

With those many remarks, I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Member for Yatta.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. I rise to support the Government Owned Enterprises Bill (National Assembly Bill No. 40 of 2025). I have a number of reasons which are very critical and back my argument.

First, the Bill will improve governance and professionalism. Through it, we shall have merit-based selection of chairpersons and board members which, in principle, will eliminate conflict of interest. When board members are given room to elect or select their chairpersons, it fosters more accountability and reduces conflict of interest and poor governance which we have witnessed over the years.

Another reason which I find very salient and justifies why I support this particular Bill is that it will increase efficiency and financial sustainability. Through this particular Bill, Government Owned Enterprises will be profit-orientated and also self-finance their activities. This will reduce the fiscal burden on the national budget which, as we have witnessed over the years, contributes to a heavy burden on taxpayers. This Bill will contribute to increased efficiency and financial sustainability.

Through the Bill, transparency and strengthened oversight will be actualised. It proposes the creation of an oversight body which strengthens the role of the National Treasury and eventually contributes to enhanced transparency and strengthened oversight. Government will get financial records which, in principle, will give more room for auditing of performance of state-owned enterprises. Through this, we will realise enhanced oversight, value for money and foster accountability.

The Bill also proposes the proper use of public assets and improved service delivery. Other countries around us are doing quite well. I was in Ethiopia the other day. I was shocked to see how Addis Ababa is moving very fast, in terms of growth. Its streets are well lit, organised and planned. Their airport has reached the level of international airports like the ones in Dubai and Singapore. You admire having similar level of growth like improved airports. Kenya is still lagging behind. It is important to put aside politics and do what is good for the current and future generations.

Through the Bill, state-owned enterprises will meaningfully contribute to the economic growth of this country, leading to an enhanced Gross Domestic Product (GDP). This will put Kenya on the path of economic progression and the lead on economic growth within the region. This will enable us to enjoy the glory we have enjoyed as the East African economic power house.

Additionally, this Bill encourages strategic focus and alliance within the private sector. This will be realised when state-owned enterprises become more commercially viable, eventually contributing to a favourable environment for private sector partnership. This is a serious ingredient and recipe for economic growth because it will engage the private sector.

In a nutshell, this particular Bill provides the legal framework to promote better performance of State-owned enterprises. That is why I strongly and vehemently support it. With those few remarks, I rest and support the Bill.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): The Member for Karachuonyo, Hon. Andrew Adipo Okuome will be followed by Hon. David Mbui and Hon. (Dr) Wilberforce Oundo in that order. Proceed, Hon. Andrew Adipo Okuome.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this important Bill. I support the Bill with varied reasons. One of the reasons is that GOEs, to a large extent, have an inherent management problem. A lot of corruption is going on. In fact, it is almost a practice that if you are appointed to a key position within an enterprise, the one thing people know is that you have been given an opportunity to loot. As you loot, the country goes down the drain. Development and employment are affected by that system of corruption. If the enterprises are privatised, we will automatically create efficiency.

If they are privately owned, their major objective will be to make wealth and profit. As they make a profit, they develop the nation. They will pay taxes to the government from their profit and the government will get money for development purposes. Privatisation of SOEs is fundamental in the development of our nation.

I am on the Departmental Committee on Finance and National Planning, and we went out for public participation. In fact, people are happy with the Bill. The other reason they are happy with is that privatisation would put the companies in the hands of the public. The public will feel ownership of the property of their nation. They will feel they belong to the nation because key production factors are in their hands. The nation will have a lot of advantages if we do this. Again, when the companies are in private hands, there will be accountability. Accountability is the mother of productivity as it creates confidence. The country will feel that it has done what is useful to the people of Kenya. I support the Bill. It should be supported by everyone for the good provisions that it contains.

Thank you, Hon. Temporary Speaker, for the opportunity to mention those issues in relation to the Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. David Mboni, Member for Kitui Rural.

**Hon. David Mwalika** (Kitui Rural, WDM): Hon. Mbui is called Robert. I am David.

**The Temporary Speaker** (Hon. Peter Kaluma): He is Hon. David Mboni. He is a very serious member of the Departmental Committee on Finance and National Planning, which is transacting this Bill.

**Hon. David Mwalika** (Kitui Rural, WDM): Yes, and Members should listen to what I am saying. I support the Bill. There are over 200 State corporations in this country and they are divided into two. There are commercial State corporations, which were created to make profits and bridge gaps where the private sector could not reach. There are also social enterprises. This Bill only speaks to about 66 commercial enterprises. It does not speak about any other. The annex includes about 66 commercial enterprises which were created to make profit and bridge the gap in what the private sector could not do. After 1992, after the liberalisation of the economy, some of the enterprises became irrelevant. For instance, KNTC had shops in most big towns. It was selling sugar, building materials, and such kinds of commodities. Now, it is not in business. The Government still funds such State corporations that do not do anything.

Our recurrent expenditure is around Ksh1.7 trillion. Sixty per cent of that recurrent expenditure, which is around Ksh1 trillion, goes into supporting State corporations. This is part

of the problem we have with the public debt. Most of the parastatals we send money to have enormous corruption.

I like what we are doing in this Bill. This is what could have done a long time ago. The Bill on privatisation, which is a framework for selling State corporations, is well done. We also have the Capital Markets Authority (Amendment) Bill, which speaks to ownership of companies from 40 per cent foreign share to 100 per cent. If we want to buy all the shares, we can do so.

The Bill seeks to move the 66 State corporations from the State Corporations Act to the Government-Owned Enterprise Act. The companies will be able to be sued and to sue. They will be able to look for money and to borrow, without relying on the Government for support. Of course, they will not be audited by the Auditor-General, apart from the time they are being sold. That is when the Auditor-General is supposed to come in.

The Bill addresses governance issues that have persisted in Government enterprises. It proposes that board members be selected competitively by a panel. This is a very good proposal. Some of these parastatals are full of politically connected individuals, some of whom may not even have the requisite qualifications to be on those boards. One time a politician from my place was made Chairman of Kenya Power, but he could not read or write. These are the things we are trying to address. I have not mentioned names. The practice persists even now. Some chairpersons of State corporations are not qualified. Therefore, the proposal in this Bill is to have the board members being selected by a select panel is very good. The board members will then choose their own chairperson. The chairperson will not be chosen by a Cabinet Secretary; rather, the board members will sit down and choose their own chairperson.

The most interesting thing in this proposal is that a politician will not be eligible to join the board immediately after they leave politics. They must take five years to cool down and be washed from politics, so that they can think like a private sector person. To me, this is a very good thing. With this, we will make the parastatals have accountability and they will be in a position to make profit. During the privatisation process, these parastatals will be evaluated. With these proposals, the Government Owned Enterprises will be managed efficiently. They will make profits. Even when the time comes to sell them, we will sell them as profit-making enterprises. That way, they can fetch good money as opposed to the way they are now.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Wilberforce Oundo, Member for Funyula, is now recognised to make his contribution.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. When I finish, I will join my colleagues from the World Scout Parliamentary Unit (WSPU), in a cocktail hosted by the Right Hon. Speaker of the mighty National Assembly of Kenya.

Allow me to also make comments on the National Assembly Bill No. 40, the Government Owned Enterprises Bill, 2025. From the outset, I go on record that Government has got no business being in business. Government only ought to be a regulator and a manager of the economy. On the flip side, this beaten argument that the private sector always succeeds has got no empirical evidence and there is no proof to that. There are so many other big corporations owned and operated by private members or individuals, that have collapsed.

I have heard the Leader of the Majority Party move the Bill. I have heard the Chairperson of the Departmental Committee on Finance and National Planning move the Bill. I have also listened to the members of the Departmental Committee on Finance and National Planning. They seem to present the argument that this Bill will wean the National Treasury off the need to support or finance these public-owned enterprises. They might need to seek further clarification. This is because their verbal statements contradict Clause 37 of the Bill. Clause 37 of the Bill, without giving a distinction between public-owned enterprises for commercial basis and those offering public service obligations, says as follows:

The funds of a Government Owned Enterprise shall include-

- (a) such monies as may be appropriated to the Government Owned Enterprise by the National Assembly.

Therefore, the argument they are presenting is contradictory to the letters written in this Bill. That is a starting point. They must be very clear and clarify that funding from the National Assembly shall only accrue for what they are referring to as public service obligations. That is one point that needs to be resolved.

They have very positive and progressive provisions, which have been long overdue. We would have brought this Bill much earlier. This is because the truth of the matter is that many of these corporations or State-owned enterprises are merely employment bureaus. They have no significant impact on the economy of this country.

One of the objectives of this Bill is to establish those ones where there is a market gap. In an economy where there is a gap that the Government has to intervene, it means the Government has not established the economy very well to encourage the private sector to basically step in and solve all the issues.

I just want to pick up a few issues. They say Government-owned enterprises ought to be operated for profit, be self-financing, self-sustainable, and accountable to the public through the National Treasury. This will bring about a constitutional issue. If the national Government is not funding these organisations, for example, if they own 100 per cent, they are merely shareholders! To what extent then, shall the National Treasury or the Executive require these State-owned enterprises to report and account? Why? The framers of the Bill should put it in a way that all that the Government should expect to get from there is dividends unless they are accounting for the funds given for public service obligation. That is another area that we need to continue to improve in the Bill.

As my colleague, Member of Parliament for Mbooni Constituency, has alluded, I stand to oppose and I will make amendments on this at the Committee of the whole House.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, why would you argue that Government-owned enterprises should be financed and not be self-financing?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): That is why I said it is the contradiction that is...

**The Temporary Speaker** (Hon. Peter Kaluma): I find it to be a contradiction. Hon. Members, I am sorry for debating. However, we have Government-owned enterprises which cannot generate any profits. We are instead budgeting for them here daily.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Precisely.

**The Temporary Speaker** (Hon. Peter Kaluma): You only get to know about them when somebody is being appointed, and not on merit but because they are related to somebody. Why would you be against an argument that Government-owned enterprises should, in fact, be making profits to resource our budget instead of being budgeted for?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Precisely, Hon. Temporary Speaker. That is why I said the Bill has contradictions. It talks about funding through money appropriated by the National Assembly. They are saying that they are self-financing and profit-making, and therefore, they intend to put some money in the Exchequer. On that account, Hon. Temporary Speaker, therefore, we need to clean it up so that we are very focused in our minds. We need to draw a distinction between public service obligations...

**Hon. Kuria Kimani** (Molo, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Oundo. What is out of order, Chairman of the Departmental Committee on Finance?

**Hon. Kuria Kimani** (Molo, UDA): There is nothing out of order.

**The Temporary Speaker** (Hon. Peter Kaluma): Are you standing on a point of order or a point of information?

**Hon. Kuria Kimani** (Molo, UDA): It is a point of information, Hon. Temporary Speaker. There is nothing out of order. I am enjoying the debate by Hon. Professor Oundo but I would like to inform him on a matter that he has raised.

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Chairman. Hon. Oundo, would you like to be informed?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): It is okay, Hon. Temporary Speaker. As a teacher, when a brilliant student in class stands up and says he wants to assist you, you listen,

**The Temporary Speaker** (Hon. Peter Kaluma): Yes. Hon. Chairman of the Departmental Committee on Finance and National Planning, you can now inform Hon. Oundo.

**Hon. Kuria Kimani** (Molo, UDA): I see what you did there, Hon. Professor Oundo. It is okay because you are my senior in the profession. The purpose of Clause 37 of the Bill, which Professor Oundo is alluding to, states thus: “The funds of a Government-owned enterprise shall include such monies as may be appropriated to the Government-owned enterprise by the National Assembly.”

If you check the First Schedule of the list of these Government-owned enterprises, you will see East African Portland Cement Company (EAPCC), Kipchabo Tea Factory Limited, and so on. The fact is, even if we converted them to the concept that is envisioned in the Bill, they might not be able to get into profitability immediately.

Therefore, this is one of the things we deliberated at length in the Committee. That, maybe, we need to have a transition period where we determine how long we can support them until they become profitable. Otherwise, even if you convert them from what they are to Government-owned enterprises, without some transitional budgetary support, you will be killing them completely. You would have thrown the child out with the bathwater.

Thank you.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, the Bill, as it is, is well intentioned but has many gaps. I hope that when it went for public participation, the experts and the lay leaders pointed out these gaps.

I also want to refer to the point raised by the Member for Mbooni on Clause 11.

*(Loud consultations)*

Sorry. It is the Member for Kitui Rural. I know you want to become Governor and that might be a problem. Clause 11 says...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, when did Hon. Mboni say he is running for Governor on the Floor?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I occasionally go to Kitui. I hear it is in future, not in 2027 but in 2052.

*(Laughter)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, be careful because these proceedings are being broadcast live. His constituents may say that he has left them for another seat.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. On Clause 11, Hon. Mboni mentioned an issue that a member shall not be appointed to a board of directors if he has been a politician who served an elective post in the past five years. When did becoming a Member of Parliament or a Member of the County Assembly become a criminal offence? When did it stop you from being an advocate, a valuer, an accountant, or a lecturer? This is open discrimination.

We will have to review that because it simply means that if you chose, by your own volition, to serve the people of Homa Bay, probably in 2052, and then decide not to continue, you have no right at all to serve in any position in the public service. What does that mean? That is extremely discriminatory. We must review that and ensure that we do not punish good people. It also includes any member who has been affiliated with a political party in the preceding five years. The Constitution allows any person to belong to a political party and everyone is allowed to participate politically.

Hon. Temporary Speaker, since there were too many interruptions, you will have to add me more time. I would urge the Committee...

**The Temporary Speaker** (Hon. Peter Kaluma): How many more minutes do you need?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Two or so.

**The Temporary Speaker** (Hon. Peter Kaluma): Please, add Hon. Oundo three minutes.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I would like the Committee to apply its mind so that when we move those amendments, we are in a position to deal with that matter.

Another contradiction arises under Clause 20, which states that the remuneration of directors of a Government-owned enterprise shall be governed by the remuneration structure and guidelines issued by the Cabinet Secretary for the National Treasury from time to time. This will include directors' fees, sitting allowances, and bonus-type annual pay.

Clause 20(3) states that the directors' fees and sitting allowances under sub-sections 2(a) and (b) shall not be performance-based. What are we talking about here? Why should you appoint directors to do nothing? Why should you pay them sitting allowances and directors' fees for doing nothing? If we truly have the spirit of reforming how Government-owned entities operate, then every penny that a director gets must be accounted for. The director sets strategic policies, performs oversight and ensures that the organisation's strategic goals are met, and therefore, their pay must be hinged on performance. You cannot simply follow the norm, as we see in most school boards, where members say, "I concur", receive allowances, have tea, *mandazis* and boiled eggs, and then go home with brown envelopes. We must be serious about reforming our Government institutions. We cannot be floppy as we do this. We must be serious in what we do.

I have a lot here that we need to look at, but I applaud the drafters of the Bill. When you go to Clause 30, they say these public service obligations will have to be costed and accounted for separately. That is why I draw the attention of the Chairman to Clause 37 which must be tied to Clause 30. Take the example of the last-mile connectivity: if the Government gives Kenya Power money to extend a power line, then it must cost it adequately and not exaggerate the costs. When the job is complete, we must audit and account for it. When we account, we must show how the money was used, what time the money was used, and whether there was value for money.

Otherwise, I would urge them not to have intransigent views that any proposals coming from my end are always bad hence should be opposed. Let us have a bipartisan approach so that we improve this Bill, just like we did on the Privatisation Bill. With those many remarks, I support, but with reservations.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much, Hon. (Dr) Wilberforce Oundo. Hon. Caroli Omondi is now recognised to make his contributions.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I rise to support the Government Owned Enterprises Bill (National Assembly Bill No. 40 of 2025). It is a very progressive Bill that seeks to differentiate the various categories of State-owned enterprises. Until now, we have had the State Corporations Act as the anchor Act for Government-owned agencies that are in the commercial space, which also included even

independent regulatory authorities. For the first time, we are trying to create separation between those that we think can commercially operate, those that discharge regulatory functions, and those that are intended to deliver on development activities.

What this Bill seeks to do is actually the commercialisation of State enterprises. That is the correct terminology for what we are trying to do. In other words, we would like to make those enterprises flexible in their operations, agile, nimble, and give them the ability to attract high-calibre staff. As we do so, it is important that we ask ourselves a few questions.

When I look at Section 8(3) of this Bill, those are the documents that should be presented to the Cabinet Secretary for the National Treasury when one is proposing the establishment of a State-owned, Government-owned enterprise. I do not see the articles and memoranda that should accompany the establishment of a company. What this Bill is basically proposing is that enterprises that shall operate commercially and are owned by the Government will be registered under the Companies Act and not any other statute.

A lot comes with being registered under the Companies Act, which again may not necessarily be in harmony with the objectives of what some of these State corporations do. I will come to that in a moment. If you look at Section 8(3), you have a list of documents there to be presented to the National Treasury for consideration when one proposes to establish a Government owned enterprise. But the articles and memoranda of association are not there! Yet we all know, under company law, that will be the constituent instrument of that institution. That is what will regulate the activities and the relationships between the shareholders as well as between the various office holders in that particular organisation. There is a big gap missing there.

Second, if you have a Government owned enterprise solely registered under the Companies Act and solely regulated by this particular Bill, or Act when it becomes an Act, you are most likely to face certain challenges, especially with respect to those unique State corporations, such as the Postal Corporation, whose functions are not necessarily commercial, but are also social, and State corporations that do not fit squarely within the remit of the Companies Act. The Kenya Pipeline Company, Kenya Airports Authority and Kenya Ports Authority, for instance, are not just state corporations, but strategic state corporations that have within themselves security and diplomatic elements and all sorts of issues. So, there are certain unique state corporations that we need to re-examine whether this Bill, when it becomes law, will help them function optimally or could undermine them.

There is also another question here, one of accountability. When you commercialise state corporations, in other words, give them the freedom to operate as other commercial entities, how do you ensure that they remain accountable to the public? Experience elsewhere shows that in some instances, that independence has been abused, for example, the 1Malaysia Development Berhad (1MDB) scandal, where the National Wealth Fund invested over US\$1 billion without accountability. Remember the big movie, *The Wolf of Wall Street*, and all sorts of other things that brought down the Prime Minister of Malaysia. In that scandal, Goldman Sachs, I think, was fined about US\$900 million and Standard Chartered had just been sued in Singapore for laundering about US\$3.4 billion.

The reason the public could not get a hold of what was going on is that the Company was fully commercialised. For about two years, they stole over US\$1 billion and nobody got to know. We need to really investigate whether this Bill has mechanisms that will enhance that accountability. We also need to ask ourselves the question of whether we should fully commercialise strategic parastatals like the Kenya Postal Corporation, Kenya Pipeline Company, Kenya Airports Authority and the National Oil Corporation, where I have some issues. If you fully commercialise the ones I have mentioned, do you think you will have given them the ability to undertake their core mandate?



How will the Kenya Airports Authority float a new airport project? It cannot borrow off its balance sheet. It has to be funded from the Exchequer. If you look at the definition of what public service is under this Act, I am not so sure that it is included. We need to be very clear that, probably, we create a further distinction that there are certain corporations that, even though they are commercialised, with certain activities that will still be funded by the Exchequer.

If the Kenya Airports Authority would like to put up new berths and cranes, I am not sure they can finance such activities off their balance sheet. If the Kenya Pipeline Company wants to do a gas pipeline from Mombasa to Nairobi and reticulations in Nairobi, I do not think they can do that off their balance sheet. This is quite a good Bill, but we need to look at the old State Corporations Act. There were some special clauses there that gave the power of exemptions. We should be alive to the fact that we may need some exemptions under this particular statute. Otherwise, when we get to the stage of making amendments, we will support with amendments.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Robert Mbui, the Deputy Leader of the Minority Party.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Temporary Speaker, for this opportunity to also contribute to this very important Motion. I want to confirm that I am normally very suspicious of the Bills presented by this regime. Having listened to the mover and the seconder, they have said very wonderful and logical things, but sometimes it is important to figure out what the real purpose is. I believe the Government is basically supposed to provide a conducive environment where the business enterprises can thrive. This includes a favourable tax regime that is understandable, clear, and does not change every few months. It should have proper infrastructure for people to conduct businesses. Basically, I think it is important we realise that the Government is really not supposed to generate its income from doing business, but from creating an environment where people can do business, and then the Government can tax the people. Out of the taxation, they can have enough money to continue developing the country. I just wanted to make that clear.

I have read the Bill and I have been looking for loopholes. Recently we had the Privatization Bill passed hastily. We had the sale of the Kenya Pipeline Company done in a record 24 minutes. I was very suspicious. I have been looking for loopholes in the Bill to see where the trick is.

I looked at Part II that deals with procedure and criteria for establishing a government-owned enterprise. They have talked about the procedure where you seek Cabinet approval then the guiding principles on establishing them. It talks about the role of a Government owned enterprise in filling gap left by market forces. You talked about attributes where they must operate for profit and be self-sustaining. In my opinion, this puts the Government in direct competition with the private sector. Basically, it goes against the ideals of what Government is really meant to do.

I also looked at Part III that deals with management of government-owned enterprises. Clause 13 talks of an independent selection panel. We are going to professionalise this thing because the independent selection panel is going to conduct structured and transparent recruitment of board members. However, the Cabinet Secretary appoints this independent selection panel. How much independence does it have when the Cabinet Secretary appoints it? I am looking for these lines so that I can cross them.

Then, it says board members will choose their chair. Let me tell you that there is influence. If I am a Cabinet Secretary today and I appoint a board of so many people, I can influence who will be the chair of that committee without being involved. Some of these things

sound very good on paper. Practically, you know how it is. They always say he who pays the piper calls the tune.

Hon. Oundo raised one important thing that maybe you need to relook. It is the matter of demonising Members and people who have been elected to serve. You have made it look like there is something wrong with appointing them yet they are professionals. I know there are some crooked people. Even the President said that there are crooks in this House. Maybe that is what you have used to make this decision.

However, honestly, we have right-thinking and serious members of the public elected to serve both in the National Assembly and the Senate, and even in County Assemblies. You cannot demonise and say we cannot appoint anyone who has been elected or been in a political party in the last five years as if being in a political party by itself is a mistake. People enjoy these rights and you cannot trample on our rights. I think that would not be the correct thing to do.

Part IV deals with the performance of Government owned enterprises and things to do with performance contracts and evaluation. I do not see anything new all the way up to the end. I started looking for what the catch could be.

I went back to check what the Bill is about. It says that it is an Act of Parliament to provide for the establishment, control, governance, performance and ownership of government-owned enterprises. It is no longer just government when you talk about ownership. You do not need to talk about ownership if it is a government-owned enterprise. It means you are introducing a third party. That is where the catch is.

You proceed to say the Bill is to facilitate reconstitution of existing Government owned enterprises into public limited liability companies for the transfer of assets, liabilities and the business of Government owned enterprises to companies, and for connected purposes. That is where the catch is.

The Bill will help whoever cares to use it to transfer assets, sell shares and give these Government owned enterprises an opportunity to fall into private hands. Therefore, we are again still talking privatisation. I have a problem. I am opposed to selling a percentage of Government owned enterprises. I talked about the Kenya Pipeline Company. I said it is a critical piece of infrastructure that should never be in private hands. What will happen if the owners of Kenya Pipeline Company decided to close it for one week? We will not be able to transport our fuel. If we decide to do it by road, the prices will skyrocket and the economy is dependent on fuel. So, what will happen? There are certain enterprises that must remain in the hands of Government and we should not allow them to be in the hands of private individuals.

I like the rosy language that the Chairman and his team have been using and they are very good at it. They use words like securitisation. Securitisation is borrowing. Kenyans hear this language used on television every day. These people speak very good language, very good English, but securitisation basically is taking money that is going to be collected as tax in future and then borrow against it. That is just borrowing more than we should. We know the manner in which we should be borrowing. Currently, we have created a new word, reconstitution. The geniuses are coming up with good words, but basically what they are saying is not exactly what they mean.

This regime needs to be careful. We cannot borrow beyond our means. We cannot sell strategic assets. Since we are working very hard to unseat the current regime in 2027, if they would have sold all Government assets and borrowed beyond our means, what will we do for the next five years? That is why I am standing here to oppose. As a country, we cannot allow this to continue.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Hon. Mary Emaase will be followed by Hon. Timothy Toroitich and then Hon. Wamuchomba. If you could

try to squeeze your contribution so that the Mover replies before the end of business, it would be very good. Proceed.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this very important Bill. At the outset, I stand to support the Bill.

Let me start from the benefits that we, as a country, shall realise from converting Government owned enterprises to private companies. We all agree that most of government-owned entities draw money from the Exchequer. For some of us who audit these special funds and audit monies of state agencies, and for those of us who are Members of the Public Accounts Committee, in most cases when we look at the audited accounts, we ask questions about value for money.

Hon. Temporary Speaker, I support this Bill because we are basically talking about privatising State owned agencies and institutions that are not self-sustaining and which continuously draw from the Exchequer instead of generating their own resources. First of all, these entities will become more efficient in terms of management and in terms of management of resources. By so doing, we will save the Exchequer.

Secondly, these entities, once privatised, will access capital. They can float their own shares, generate their own money and operate independently without drawing more money from the Exchequer. Also, there will be improved governance. Private limited companies are subject to stricter corporate management standards. Once they are privatised, they will be run like private entities, whereby results and profit are key aspects that they look at.

Hon. Temporary Speaker, there will also be enhanced innovation because they will have to think outside the box, therefore, there will be greater autonomy. These companies will innovate and respond quickly to the market changes. I am a Member of the Budget and Appropriations Committee. Sometimes, we look at the available resources and competing needs across Ministries, Departments and Agencies (MDAs), and we wonder how much we will allocate. The more we give, the more we need to borrow, and it becomes a burden to the nation. Once we privatise these Government owned enterprises, I can assure you that they will innovate, think outside the box, generate their resources and manage them properly. It will be a relief to the Exchequer.

I know the enactment of this Bill will have some drawbacks. For example, there is fear of loss of jobs, but these are challenges that can be mitigated. The staff or employees in those institutions can either be absorbed within the larger Government or can be interviewed, and those who are competent retained within these companies. This is a good initiative. This is a Bill that we must support if we want to move this country forward. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Is Hon. Mulanya still in the House? Sorry, it was Hon. Toroitich. I can no longer see the counsel and the Member on the list of requests. So, Hon. Toroitich will proceed.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker. I rise to support the letter, intent and purpose of the Government Owned Enterprises Bill (National Assembly Bill No. 40 of 2025). At the outset, it seeks to provide a clear mode of governance, management and ownership of government owned enterprises in this country.

I have done my little research. Few companies like Kenya Railways Corporation made a loss of Ksh50.37 billion in the Financial Year 2023/2024. Kenya Power made a loss of Ksh3.4 billion in the Financial Year 2023/2024. National Oil Corporation of Kenya made a loss of Ksh2.24 billion in the Financial Year 2023/2024. According to the Auditor-General's Report, Postal Corporation of Kenya is technically insolvent. For that reason, we, as a country, have no choice but to have Government owned enterprises operate as commercial entities so that

they can make profits. At this time and age, we trust private entities like G4S more than Postal Corporation of Kenya. Why? This is because the private entity is more profit-oriented, unlike our Government owned enterprises. They are run as personal property. Nobody cares whether they make money, profit or are a going concern.

As a country, sometimes, we get money from the Exchequer to fund Government owned enterprises. Since joining this Parliament, this is the most progressive Bill that I have seen. I have read Clause 9(1) of the Bill, which gives the purpose and intent of this Bill. It states that:

A Government owned enterprise shall operate as a commercial entity and shall—

- (a) operate for profit;
- (b) be self-financing;
- (c) be self-sustaining; and
- (d) be accountable to the public through the National Treasury.

That captures the very intent of the Bill, so that these institutions can make profit.

We also depend on the enterprises to create employment. The private sector is creating more employment and is run more efficiently than GOEs. The biggest challenge we face as a country is unemployment. If these entities are run commercially, they will open up more opportunities to employ our people. There will also be transparency.

The only area I intend to propose an amendment to during Committee of the whole House is Part II of the Bill on the procedure and criteria for establishing a GOE. Clause 8(2) of the Bill states that a GOE may be established only with the approval of the Cabinet. My proposal would be to have the National Assembly approve the same. The Cabinet may initiate the process but let the National Assembly approve.

Thank you, Hon. Temporary Speaker. I submit.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Muthoni Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Speaker, my name is Gathoni, not Muthoni.

**The Temporary Speaker** (Hon. Peter Kaluma): I am very sorry. I do not want problems this evening.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you. Muthoni is a big one; Gathoni is a small one. I think I have a small face and a big heart.

Hon. Temporary Speaker, I rise to contribute to this wonderful Bill. For a long time, I have not supported any Bill in this House. I will give this one about 80 per cent of my support, with 20 per cent reservations. As we all know, most GOEs have a laid-back attitude towards work. We should ask ourselves why some of them have been making very serious losses. It is because of the attitudes of the workers, their expectations and those of stakeholders on the Exchequer that whether they work or not, money would still be pumped into those enterprises. We should ask ourselves whether if we go this direction, inasmuch as we want these enterprises to make money and be self-reliant, we will be able to change the holistic attitude of the workers. Some of these entities are well funded by the Government, but the workers' attitude towards production is negative. Look at how people speak to customers at the Jomo Kenyatta International Airport (JKIA), for example. Look at how we treat visitors who bring income to this country. Are we going to change the attitudes by taking this direction? Those are some of the questions I am asking.

I wish to draw your attention to Part II of the Bill, which provides that a GOE shall operate as a commercial entity and may perform public service obligations. That is where my bone of contention comes in. How will these enterprises make profit yet they will still carry the burden of public service obligations? How are we going to deal with issues of the citizenry that want to be dealt with by these enterprises for public obligations? For example, how will that widow who requires assistance to get her title deed be treated when we send her to these

enterprises? How will we manage some of these sensitive issues like the Kenya Veterinary Vaccine Production Institute (KEVEVAPI), which produces subsidised services for farmers? How will subsidies be handled? When we talk about National Cereals and Produce Board issues, what will happen when the Government of Kenya requires food support, and you have already put this enterprise into a commercial mode? They will sell their cereals whenever there is demand, whether locally or internationally. What happens when the government requires the reserves, and these enterprises are already operating commercially? How will we manage Kenya Seeds Company, for example? Are we going to continue entrusting the nation's seeds to people who are fully commercialising seed production units? These are some of the things we need to ask. The critical services that form the foundation, such as food production, veterinary support, and strategic reserves, how do we balance the need for profit, economic sustainability, and protection of the public interest?

As I conclude due to time, I am worried about national housing. We know we have had affordable housing function under the National Housing Corporation. If we make it 100 per cent profitable and push these entities to sell houses, how will social housing be addressed? Social housing is supposed to take care of the very vulnerable in our communities — those who cannot raise money to buy houses. If the Kenya National Housing Corporation is turned into a profit-making enterprise, how will we protect vulnerable Kenyans? I pose this question.

I support this Bill with reservations regarding critical services and enterprises that need to take care of what I am calling public service obligations.

I submit. Thank you.

**Hon. Jematiah Sergon** (Baringo County, UDA): On a point of order, Hon. Temporary Speaker.

**Temporary Speaker** (Hon. Peter Kaluma): What is out of order, Hon. Jematiah.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you, Hon. Temporary Speaker. I want to call for the closure of this debate. I request that the mover be called upon to reply, given the time. I look forward to debating this in the Committee of the whole House.

**The Temporary Speaker** (Hon. Peter Kaluma): I seek the decision of the House that the Mover be called upon to reply.

*(Question, that the Mover be called upon to reply, put and agreed to)*

Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Allow me to also thank all Members who contributed to this debate and for the immense support for this Bill as exhibited by all the contributors, including those with a few reservations, like my sister Hon. Gathoni, Hon. Oundo and Hon. Mbui, the Deputy Leader of the Minority Party. I wish to assure them that all the issues they have raised have been addressed, except for the concern raised by Hon. Oundo regarding the participation of the political class in proper governance of companies, as recommended by the Committee in its report. Hon. Oundo indicated that it is a matter subject to debate. Being a politician is not a crime as he puts it. There might be a point in allowing those who have a political standing to be enlisted as part of the governance of some of these government-owned organisations.

Hon. Mbui spoke to a very sensitive issue that has unfortunately been turned very political; the issue on securitisation. There is a world of difference between securitisation and borrowing. When I was moving this Bill, I was very particular that we are moving towards innovative ways of funding our budget and development projects off-balance sheet. Being off-balance sheet means no new borrowing is created, and no additional debtors or creditors appear in the books. Securitisation is a method of converting an asset you hold. For instance, money that is being securitised is the one that comes from funds like the Road Maintenance Levy Fund

(RMLF), which we were talking about in the House Business Committee this afternoon, Hon. Mbui.

You convert an asset that you hold, like future cash flow that will come from the Road Maintenance Levy Fund (RMLF), into an asset or a marketable security that you can trade off in the market with investors who have come to invest. They can give you money today because you will be having an asset that you are selling. Your cash flow now and in the future in any Fund will be the assets that you hold. When you convert that into a marketable security, it has nothing to do with borrowing. I know there are Members who may want to persuade Kenyans that that is equivalent to borrowing. Any economist will tell you that that is not borrowing. A good accountant like me will tell Hon. Robert Mbui that there is a world of a difference between borrowing and securitising. What we are speaking about is securitisation and not borrowing.

Lastly, Hon. Gathoni Wamuchomba raised an issue. I know that she was not there when I was moving the Bill. I had explained that on the public service obligations, this Bill is creating an accounting and funding structure that will not interfere with the commercial objectives of the government-owned enterprises in the provision of public service obligations. What are these public service obligations? These are obligations that the Government may assign to government-owned enterprise to produce goods or to provide services that are not financially viable. That is why I gave the example of the Kenya Power and Lighting Company (KPLC) when I was moving. You may ask the KPLC to roll out a rural electrification programme to the people of Komothai or Kibichoi but it may not be commercially viable for them to roll it out at the cost that they are doing it today which is almost free. Previously, they were doing it at Ksh70,000. That is why the Bill is mandating the National Treasury to ensure that they either offer a subsidy or provide full funding from the Treasury to ensure that public service obligations are sustained without injuring the commercial viability of an enterprise.

The Member for Marakwet West, Hon. Kipchumba, said that the Postal Corporation of Kenya, the Kenya Railways and many other organisations are reporting losses. Some of them offer very critical services that if they were to offer them below the market value their business will not be viable. For instance, if you were to send all Government correspondents through Postal Corporation or disburse national examination papers through the Postal Corporation of Kenya, you can imagine how much that would cost. Today, the Government is using helicopters to airlift examinations to far-flung corners of the country where there are floods and the roads are inaccessible. Assuming that that task was left to the Postal Corporation of Kenya, would they have done it without running into losses? That is why the Bill is proposing that the Government has to step in. If, for example, it obligates the Postal Corporation of Kenya to deliver national examinations to all schools across the country, then it has to offer a subsidy to the Postal Corporation of Kenya to do that or fully fund it so that it can remain as a viable commercial enterprise as it was intended when it was created.

I can tell now that Hon. Wamuchomba seems to be satisfied. I thank all the Members who have supported the Bill. For the few reservations that have been expressed that warrant changes in the Committee of the Whole House, we will consider them together with the reservations from the Committee of Finance and National Planning. With that, I beg to reply.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you for the reply, Leader of the Majority Party. You know, I was asking myself why for instance, as a Member of Parliament you oversee all these Government-owned enterprises and interrogate them to ensure that they are operate properly but Parliament proposes a law that states when you are not a Member of Parliament you have no knowledge at all of how these enterprises should run. I think such matters ought to be taken into account.

The Leader of the Majority Party, as you proceed to the Committee of the Whole House, consider the matter under Clause 30. If indeed these are public officers, why should the Salaries and Remuneration Commission (SRC) not be advising on their pay? Or should we just leave it

to the Cabinet Secretary? Otherwise, I want to thank all the Members for sitting through the afternoon proceedings up to this late and I wish you a good evening.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Wednesday, 12<sup>th</sup> November 2025, at 9.30 a.m.

The House rose at 7.00 p.m.

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