

At. Hon. Speaker
Recommended for
approval for tabling-
8/09/2026

REPUBLIC OF KENYA



THE SENATE

13TH PARLIAMENT | 5TH SESSION

DC
Forwarded and recommended
for approval for tabling
W. King
09/04/2026

DIRECTORATE OF SOCIO-ECONOMIC COMMITTEES

STANDING COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING

REPORT ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 15 OF 2025)

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AMASON J. KINGI

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

APRIL, 2026

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LIST OF ABBREVIATIONS/ACRONYMS

BORAQS	Board of Registration of Architects and Quantity Surveyors
ICS	Institute of Certified Secretaries
KEBS	Kenya Bureau of Standards
KeNHA	Kenya National Highways Authority
KPDA	Kenya Property Developers Association
KURA	Kenya Urban Roads Authority
MP	Member of Parliament
NCA	National Construction Authority
SAGA	Semi-Autonomous Government Agencies

PRELIMINARIES

A. Establishment and Mandate of the Committee

Article 124 (1) of the Constitution of Kenya provides that each House of Parliament may establish committees and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

The Senate Standing Committee on Roads, Transportation, and Housing is established under the Standing Order 228 (3) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to consider all matters relating to Transport, Roads, Public Works, Housing, Construction and Maintenance of Roads, Rails and buildings, Air, Seaports and Communications¹.

B. Membership of the Committee

The Committee comprises the following members-

1	Sen. Eddy Oketch, M.P.	Chairperson
2	Sen. Dr. Lelegwe Steve Ltumbesi, CBS, M.P.	Vice-Chairperson
3	Sen. Nderitu John Kinyua, M.P.	Member
4	Sen. Crystal Asige, M.P.	Member
5	Sen. Wambua Enoch Kiio, CBS, M.P.	Member
6	Sen. Peris Pesi Tobiko, CBS, M.P.	Member
7	Sen. Chute Mohamed Said, CBS, M.P.	Member
8	Sen. Kajwang' Moses Otieno, CBS, M.P.	Member
9	Sen. Miraj Abdillahi, M.P.	Member

C. Functions of the Committee

Pursuant to Standing Order 228 (4), the Committee is mandated to –

¹ Senate Standing Order, (2023). The Government of Kenya

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, and operations of its assigned ministries and departments;
- b) Study the programme and policy objectives of its assigned ministries and departments, and the effectiveness of the implementation thereof;
- c) Study and review all legislation referred to it;
- d) Study, assess, and analyse the success of the ministries and departments assigned to it as measured by the results obtained as compared with their stated objectives;
- e) Consider the Budget Policy Statement in line with the Committee's mandate;
- f) Report on all appointments where the Constitution or any law requires the Senate to approve;
- g) Make reports and recommendations to the Senate as often as possible, including recommendations of proposed legislation;
- h) Consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
- i) Examine any statements raised by Senators on a matter within its mandate; and
- j) Follow up and report on the status of implementation of the resolution within their mandate.

D. Government Agencies and Departments under the purview of the Committee

In exercising its mandate, the the Committee oversees the County Governments, Ministries, departments, and various Semi-Autonomous Government Agencies (SAGAs), namely: Ministry of Roads and Transport, Ministry of Mining, Blue Economy, and Maritime Affairs, Ministry of Lands, Public Works, Housing and Urban Development, State Departments of Housing and Urban Development, State Departments of Public Works, State Department for Roads, Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURA).

CHAIRPERSON'S FOREWORD

The National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) was read a First Time in the Senate on Tuesday, 28th October, 2025 and referred to the Standing Committee on Roads, Transportation & Housing. The Committee was mandated to facilitate public participation and take into account the views and recommendations of the public in the preparation and submission of its report to the Senate.

Hon. Speaker,

The principal object of the National Construction Authority (Amendment) Bill, 2025, is to amend the National Construction Authority Act, Cap 118, to include provisions related to environmentally sustainable construction practices and resilience to mitigate against climate change risks within the construction industry.

The Bill aligns with Kenya's broader development goals and international climate commitments, aiming to transform the construction sector into a driver of green innovation. It mandates the integration of solar energy systems in new developments and empowers the National Construction Authority to designate zones where such systems are compulsory. By reinforcing oversight and promoting eco-friendly standards, the Bill marks a pivotal shift toward a more resilient and future-ready built environment.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and the Standard Newspapers on Wednesday, 12th November, 2025 inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms.

Hon. Speaker

The Committee received submissions from various stakeholders, including, the Ministry of Lands, Public Works, Housing and Urban Development; the Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya; the Institute of Certified Secretaries (ICS); the Kenya Property Developers Association. (KPDA); Acorn Holdings (Acorn); Habitat for Humanity Kenya (Habitat); and Ashitiva Advocates LLP.

The Committee thereafter proceeded to consider the Bill extensively and observed as follows, THAT -

- a) The Bill seeks to establish enforceable obligations to enhance accountability, regulatory coherence, and adoption within the construction industry;
- b) The Act will ensure the uniform application of climate-responsive standards, thereby prioritising public interest and the benefits of environmental protection, safe living spaces, and energy conservation over cost considerations; and
- c) The proposed Section 23B on solar installation zones encroaches on the mandates of County governments and the Energy and Petroleum Regulatory Authority (EPRA), thereby exceeding the scope of the National Construction Authority Act.

The Committee, having reviewed the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025), recommends that the House approves the Bill with the proposed amendments attached in this report as Appendix 1.

The Committee held three (3) Sittings on the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025). The Minutes are annexed as Appendix 2 to this Report.

Hon. Speaker,

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on the Roads, Transportation & Housing on the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025).

Signed:



Date: 31st March, 2026

**SEN. EDDY GICHERU OKETCH, MP
CHAIRPERSON, STANDING COMMITTEE ON ROADS,
TRANSPORTATION & HOUSING**

CHAPTER ONE: INTRODUCTION

1. The National Construction Authority (Amendment) Bill, 2025 (Senate Bill No.15 of 2025) sponsored by Sen. Eddy Gicheru Oketch, MP, was read a First Time in the Senate on Tuesday, 28th October, 2025, and thereafter stood committed to the Standing Committee on Roads, Transportation and Housing for consideration pursuant to Standing Order 145.
2. In compliance with the provisions of Article 118(1) (b) of the Constitution and Senate Standing Order 140 (5), the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Daily Nation and Standard newspapers on Wednesday, 12th November, 2025, inviting members of the public to appear and submit any representations they may have on the Bill by way of written memoranda by 27th November, 2025. *A copy of the advertisement is attached to this report as Appendix 4.*
3. Following the call for submissions, the Committee received submissions from the Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya, the Institute of Certified Secretaries (ICS), the Ministry of Lands, Public Works, Housing and Urban Development, Kenya Property Developers Association. (KPDA), Acorn Holdings (Acorn), Habitat for Humanity Kenya (Habitat) and Ashitiva Advocates LLP. The Committee thereafter proceeded to consider the matrix on the proposed amendments of the Bill and all the submissions received.

1.1 BACKGROUND

4. The National Construction Authority (NCA) was established under the National Construction Authority Act, 2011, as a State body mandated to regulate, develop, and streamline Kenya's construction industry. Under Section 5(2) of the Act, the Authority is responsible for promoting and regulating the construction industry through policy advisory, research, enforcement of the Building Code, and

promotion of quality assurance and standardized construction practices. It also oversees the registration and accreditation of contractors, skilled construction workers, and site supervisors, facilitates training and information systems for the sector, and undertakes measures necessary for the effective regulation and advancement of the construction industry.²

1.2 JUSTIFICATION OF THE BILL

5. Kenya's construction sector has expanded rapidly due to urbanization and increasing demand for infrastructure, resulting in heightened construction activities and safety risks that require stronger regulatory oversight to safeguard human life and property.³ However, the growing impacts of climate change, including floods, droughts, and extreme temperatures, have exposed gaps in the current legal framework.
6. The Bill therefore seeks to strengthen regulation of the sector by promoting environmentally sustainable construction standards, enhancing climate resilience, and supporting green innovation, including the integration of solar energy systems in new developments. Further, it empowers the National Construction Authority to designate zones where such systems are compulsory. Therefore, by reinforcing oversight and promoting eco-friendly standards, the Bill marks a pivotal shift toward a more resilient and future-ready built environment.

1.3 OBJECT OF THE BILL

7. The National Construction Authority (Amendment) Bill, 2025 seeks to amend the National Construction Authority Act, Cap 118 to include provisions related to environmentally sustainable construction practices and resilience against climate change risks within the construction industry.

² <https://new.kenyalaw.org/akn/ke/act/2011/41/eng@2020-03-18>

³ <https://timely.co.ke/national-construction-authority/>

8. **Clause 2** of the Bill proposes to amend Section 5 to empower the National Construction Authority to promote and enforce the use of environmentally sustainable construction materials, designs, standards, and practices. By doing so, the construction industry will be encouraged to adopt practices that reduce environmental impact and enhance resilience against climate change effects.
9. Further, **Clause 3** of the Bill aims to amend Section 42 of the Act by inserting specific requirements related to climate change responsiveness. This amendment ensures that standards, guidelines, and regulations developed by the National Construction Authority for the construction industry include mechanisms that address climate change risks. Such mechanisms will enable the industry to adapt to changing environmental conditions and contribute to national efforts aimed at mitigating climate change impacts.

1.4 OVERVIEW OF THE BILL

10. The Bill proposes to amend various sections of the National Construction Authority Act, Cap 118 to obligate the National Construction Authority to promote and enforce the use of environmentally sustainable construction materials, designs, standards, and practices that enhance resilience against climate change risks.
11. The Bill identifies designated zones within which new buildings and houses constructed shall be required to install solar energy systems. The designated areas shall include areas that receive an average of sufficient sunshine hours per day to support the effective generation of solar energy.
12. The Bill proposes an amendment of **Section 5** of the National Construction Authority Act, in this Act referred to as the "principal Act", in subsection (2) by inserting the following new paragraph immediately after paragraph (h)-
 - (ha) promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.

13. Additionally, the Bill proposes an amendment of the principal Act by inserting the following new section immediately after section 23A –

23B.

(1) The Authority shall, in System Installation zones. consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems.

(2) The zones designated under subsection (1) shall include areas that receive an average of sufficient sunshine hours per day to support the effective generation of solar energy.

(3) The Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section.

14. Further, the Bill proposes an amendment to **Section 42** of the Principal Act in subsection 2 by –

(a) inserting in paragraph (aa) the words "that include climate change responsive mechanisms" immediately after the word "industry";

(b) inserting the following new paragraph immediately after paragraph (ab)-(ac), the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule.

15. The Bill also proposes that the Principal Act is amended by inserting the **new Schedule after the Third Schedule** that sets out climate change responsive mechanisms to be considered while undertaking construction activities, including -

A. Climate Resilience:

(a) Designs that withstand extreme weather conditions.

(b) Incorporation of green spaces and natural buffers

B. Energy Efficiency: -

(a) Implementation of energy-saving technologies and designs.

- (b) Utilization of renewable energy sources.
- C. Water Conservation:
 - (a) Adoption of water-efficient appliances and systems.
 - (b) Rainwater harvesting and greywater recycling.
- D. Sustainable Materials:
 - (a) Use of recycled, renewable, and locally sourced materials.
 - (b) Minimizing waste through efficient design and construction practices.
- E. Pollution Control:
 - (a) Measures to reduce air, water, and soil pollution during construction.
 - (b) Safe disposal and management of construction waste.
- F. Biodiversity Protection:
 - (a) Preservation of existing natural habitats and ecosystems.
 - (b) Integration of green roofs and walls to support urban biodiversity.
- G. Health and Safety:
 - (a) Ensuring indoor air quality and natural lighting.
 - (b) Use of non-toxic and low-emission materials.

1.5 CONSEQUENCES OF THE BILL

16. If enacted, the Bill will ensure the integration of climate change responsive mechanisms into construction activities, positively impacting the environment and enhancing the quality of life.

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

2.1 COMMITTEE UNDERTAKINGS

17. The Committee held a total of three (3) meetings on the Bill and considered the submissions. The Minutes of the meeting are annexed to this Report as Appendix 2, while a copy of the Bill is annexed as Appendix 3 to his report.
18. The Committee published an advertisement in the daily newspapers on 12th November, 2025, inviting members of the public to submit written memoranda on the Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is annexed to this Report as Appendix 4.
19. Following the call for submissions, the Committee received submissions from -
 - (a) The Ministry of Lands, Public Works, Housing, and Urban Development;
 - (b) The Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya;
 - (c) The Institute of Certified Secretaries (ICS);
 - (d) Kenya Property Developers Association. (KPDA);
 - (e) Acorn Holdings (Acorn);
 - (f) Habitat for Humanity Kenya (Habitat); and
 - (g) Ashitiva Advocates LLP.
20. Additionally, copies of stakeholder submissions on the Bill are attached collectively in Appendix 6.
21. The Committee thereafter proceeded to consider the matrix on the proposed amendments of the Bill and all the submissions received. The detailed submissions by stakeholders, organized clause-by-clause, are set out in a matrix attached as Appendix 5.

2.2 STAKEHOLDERS' SUBMISSIONS AND COMMITTEE RESOLUTIONS

2.2.1 Clause 2

22. Clause 2 of the proposed Bill seeks to promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks. The Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya proposed the amendment of **Section 5** of the National Construction Authority Act, to obligate the National Construction Authority (NCA) to promote and enforce designs, standards and practices of architects & quantity surveyors, based on the following reasons -

- (a) Architectural designs are the mainstay of architects, currently regulated by the Board of Registration of Architects & Quantity Surveyors of Kenya under the Architects & Quantity Surveyors Act (Cap. 525) and the By-laws made thereunder.
- (b) By attempting to control designs, this will occasion a functional overlap between the two (2) Bodies when ipso facto, the National Construction Authority (Amendment) Bill, 2025 is not an omnibus Bill, thus deviating from the threshold set out in the law and the prevailing public policy in Kenya.
- (c) The clause irregularly expands the National Construction Authority's functions from quality assurance to direct enforcement of environmental and design standards, whereas-
 - i. Environmental conservation is the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental Management and Coordination Act (Cap. 387);
 - ii. Building design approvals, water and sanitation services are County functions as enumerated in paragraphs 8 and 11 of Part 2 in the Fourth Schedule of the Constitution of Kenya, 2010.

- iii. The Board of Registration of Architects and Quantity Surveyors (BORAQS) regulates the architecture and quantity surveying professions, ensuring that the practitioners meet professional standards.
- iv. On designing construction projects, BORAQS is a key stakeholder as it regulates the architects who carry the vision of the projects from design to completion, and quantity surveyors, who do the cost control. The contractors execute the project while consultants offer technical supervision.
- v. BORAQS also assists in the development of university curriculum and inspects standards.

The Committee declined this proposal based on the fact that –

- (a) Section 5(2) (ga) gives the Board powers to enforce the prescribed Building Code in the construction industry;*
- (b) NCA is mandated to regulate the construction industry, not architectural designs and while the designs are developed by architects, the standard of those designs are set by NCA;*
- (c) The scope of the building Code is to provide— (a) standards for the design, construction, inspection and maintenance of building Standards for construction materials and safety of building users.*

23. Further, while justifying that there are no enforcement mechanisms for the use of environmentally sustainable construction materials, designs, standards and practices, Habitat/Kenya Property Developers Association were of the view that the word “enforce” in Clause 2 be deleted.

This proposal was declined by the Committee based on the fact that –

- (a) Section 5(2) (ga) gives the Board powers to enforce the prescribed Building Code in the construction industry;*
- (b) The use of environmentally sustainable construction materials is already provided for under the Building Code.*

(c) Section 23 and 23A of the Act also provide for the manner of enforcement of the provisions of the Act.

24. Acorn Holding and KPDA suggested that the proposed new section would require the Authority to develop not only a schedule of items that are considered sustainable, but also develop standards by which the sustainable items may be regarded and classified under the KEBS. They thought otherwise that **a new clause** be introduced to mandate the Authority to develop standards for sustainable construction materials and a schedule be introduced in the Act to list the sustainable materials whose use the Amendments seeks to enforce.

The Committee declined the proposal because the specific standards will be provided for under the regulation and some of those standards are currently provided for under the Building Code. Further, the proposed amendment in clause 4 provides that the Cabinet Secretary shall prescribe the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule.

25. **Clause 2 Section 5(2)** lists NCA functions, including to promote & stimulate development of the construction industry, advise the Cabinet Secretary, undertake research, prescribe qualifications, enforce the Building Code, promote standardization, accredit contractors, etc. Under this Clause, Ashitiva Advocates, LLP proposed the introduction of a new paragraph (ha) which mandates NCA to “promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.”

26. The reason for this idea is that it places statutory duties on a regulator whose mandate already includes the Building Code and quality assurance, thereby enabling enforceable standards and inspections for sustainability attributes.

27. They also recommended the addition of transitional language, for example, “phased implementation over X years for certain classes of project” to mitigate immediate cost shock for small developers. Further, they also requested that NCA publish clear, measurable performance thresholds and categories that advocate for an explicit requirement to coordinate with other regulators. This is because it does not define thresholds, scope, or timelines, which rely on subsequent regulations.

The proposal was declined by the Committee based on the provisions that give NCA powers to promote the use of environmentally sustainable construction materials. The provision is not mandatory. Further, the specific standards will be provided for in the Regulations, Building Code and Guidelines.

2.2.2 Clause 3

28. **Clause 3** of the Bill proposes an amendment of the principal Act by inserting a new Section 23B. However, BORAQS and Habitat/KPDA suggested that the proposed new Section 23B to the NCA Act be deleted based on the fact that –

- (a) It imposes mandatory Solar System Installation Zones without first determining the stratum of the investors’ funding model, given the harsh economic climes and market volatility in Kenya, and not in synchrony with the Energy Act, 2019, and the express provisions of section 23A of the National Construction Act, thereby undermining the basic structure of the National Construction Authority Act and is therefore, unconstitutional;
- (b) Renewable energy adoption, zoning and designation of areas for solar installations are county planning and energy functions of County Governments and not construction coordination as envisaged in the National Construction Authority Act;
- (c) County Governments retain constitutional authority over land-use zoning and development control, and issues construction permits, ensuring compliance with Zoning Regulations;

- (d) National Construction Authority operates primarily as a coordination, regulatory and capacity building agency for construction quality and not a planning, environmental, water or renewable energy Authority;
- (e) Energy efficiency standards fall under the jurisdiction of the Energy and Petroleum Regulatory Authority (EPRA) under the Energy Act, 2019. EPRA regulates energy generation, licensing and renewable energy integration under the Energy Act, 2019.

The Committee accepted the proposal because the proposal in the Clause is the mandate of bodies established under the Energy Act which provides for use of renewable energy and the mandate of County governments on physical and land planning.

29. **On** the other hand, under **Clause 3** on the insertion of **Section 23B** which specifies mandatory solar system installation zones, Ashitiva LLP recommends the use of an explicit regulatory language that limits NCA's role to zoning or mandatory allocation and leaves technical standards, certification, licensing and safety to EPRA or joint technical committee. It also stated the need to insert requirement that regulations include a list of acceptable technical standards or a reference to EPRA standards to avoid conflicting specifications. Moreover, phased 3. Phased roll-out and exemptions where small footprint buildings, social housing, or low-income housing should have tailored timelines or subsidy options were suggested.

The Committee accepted this proposal based on the understanding that Zoning is a mandate of the National Government, while the development, production and enforcement of the use of renewable energy is the mandate of EPRA.

2.2.3 Clause 4

30. Environmentally sustainable construction practices include climate change adaptation and mitigation mechanisms and enhance resilience against climate change risks. Under **Clause 4(a) and (a)**, Habitat/KPDA proposed the revision of this Clause to read “(aa) the Building Code in the construction industry that

include environmentally sustainable and climate resilience construction practices”

The Committee accepted the proposal.

31. Further, under Clause 4 of the Bill which proposes an amendment of Section 42, highlighting the power to make regulation, Ashitiva LLP were of the view that the regulations to include clear compliance metrics, require an impact assessment for example cost and capacity before final Building Code amendment and include a review clause like review after 3 years. The call for mandatory stakeholder consultation from counties, EPRA, NEMA, and the private sector would also be considerable, before regulations are finalized.

The proposal was declined by the Committee as the law already provides for a framework which will be implemented through regulations, guidelines and codes. This has been catered for by giving the Cabinet Secretary powers to prescribe the manner in which the standards will be incorporated in the construction industry.

2.2.4 Clause 5

32. While justifying that the principal role and functions of the National Construction Authority under the basic structure of the National Construction Authority Act is to accredit and register eligible contractors and regulate their professional undertakings in the construction industry, BORAQS proposed that the Fourth Schedule which is **Clause 5**, immediately after the Third Schedule, to the Act be deleted.

33. They further added that the proposed new Schedule is therefore ultra vires the Environmental Management and Coordination Act, 2019, Energy Act, 2019, Water Act, the Architects and Quantity Surveyors Act and the express mandate of County Governments, the Constitution of Kenya, 2010 and other applicable laws.

The Committee declined this proposal based on the following –

- (a) The Act empowers the CS to make regulations which include a building code that provides for standards of incorporating climate change responsive mechanisms.*
- (b) NCA is mandated to promote standardization in construction industry and to improve construction techniques and materials and ensure quality assurance.*
- (c) The schedule regulates construction performance and does not approve or reject developments, license environmental impact or regulate architectural practice. It merely sets minimum technical standards for construction works therefore it does not encroach on the mandates of planning authorities, NEMA or architectural regulators but instead compliments NCA lawful jurisdiction.*

34. Further, under **Clause 5 Part D**, Habitat recommended that adoption of Appropriate Building Technologies (ABTs) be included, as this will contribute to reducing the cost construction and embracing green construction technologies that do not have carbon footprints.

The Committee declined this proposal because this is already provided for in Part D, and having appropriate building technologies means constructions methods, materials and techniques that are suitable for local environment, economy and available resources.

35. Habitat added that Biodiversity should not be limited to urban areas but encompasses the whole habitats of ecosystems which are interconnected. For this reason, they proposed that Clause 5 Part F (b) be deleted.

The Proposal was declined by the Committee based on the emphasis that biodiversity in urban areas is justified because of the limited space; and most housing schemes lack open spaces for planting trees unlike in rural areas where there is plenty of space.

2.2.5 Fourth Schedule

36. Ashitiva LLP was of the view that the Schedule is comprehensive but largely descriptive rather than prescriptive. It provides regulators with a checklist for incorporation into the Building Code and inspection regimes, but does not prescribe quantitative standards. The Schedule will acquire legal force only to

the extent that it is adopted through regulations and also interfaces with numerous laws. As such, they made the following recommendations: that the Schedule –

- (a) Translates items into measurable criteria in the regulations and Building Code, for example, minimum groundwater recharge per plot, minimum % of roof area reserved for solar in designated zones, minimum recycled content in structural materials for Class A projects;
- (b) Mandates inter-agency technical standards NCA, EPRA, NEMA, and county planning to be published jointly;
- (c) Includes special provisions for low-income housing and small contractors. lower thresholds, subsidies and;
- (d) Require a monitoring & reporting regime, annual NCA report on compliance metrics.

The Committee partially declined the proposal because these details will be prescribed in the regulations. Further, the schedule is to be amended to provide for the mandate of NCA as setting standards to avoid the provisions of the schedule being in conflict with the mandates of other bodies.

2.2.6 New Clauses

37. Under the interpretation of terms section, Habitat/KPDA suggested that “environmentally sustainable construction practices, resilience and climate change risks” be included. The justification for this was for easier interpretation and enforcement of the Act.

This proposal was declined by the Committee because the words are used in their ordinary sense. The EMCA Act does not define climate change.

38. To facilitate recognition for appointment to the Board and management committees, the Institute of Certified Secretaries (ICS) proposed amendments to the Act through a **new Clause** that includes the definition of Public Certified Secretary. Further, ICS proposed other new Clauses through amendments to Sections 7, 12, 14, and 25 of the Act.

The Committee declined the proposals as the proposed amendments were outside the scope of the Bill and may be introduced in a separate legislative proposal.

2.2.7 General Comments

39. While noting that the promotion of sustainable materials, designs and standards, and practices that enhance climate resilience in the construction industry is already addressed through regulations and the National Building Code rather than legislation, the Ministry of Lands, Public Works, Housing and Urban Development was of the opinion that the Act does not require amendment.

The Committee noted the comment but observed that there is need to anchor the guiding principles in to law.

CHAPTER THREE: OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE OBSERVATIONS

40. The Committee made the following observations –

- (a) The enactment of the Bill is important because it provides clear, enforceable obligations which will enhance accountability, regulatory coherence and ensure adoption in the construction industry;
- (b) The Act will ensure that standards of incorporating climate change responsive mechanisms in the construction industry are uniformly applied thereby correcting marketing tendencies of prioritising cost over public interest and benefits such as environment protection, clean and safe living spaces, and energy conservation;
- (c) The mandate of the National Construction Authority (NCA) to enforce standards of building practices is not a new addition to the Act and therefore does not irregularly expand the Authority's functions from quality assurance to direct enforcement of environmental and design standards. Section 5(2) (ga) of the Act expressly empowers the Board to enforce the prescribed Building Code within the construction industry; and
- (d) The proposed Section 23B, which specifies mandatory solar system installation zones, encroaches on the mandates of other bodies. Zoning and designation of areas for solar installations are responsibilities of county governments through their planning functions, while energy efficiency standards fall under the jurisdiction of the Energy and Petroleum Regulatory Authority (EPRA). These provisions clearly extend beyond the mandates envisaged in the National Construction Authority Act.

3.2 COMMITTEE RECOMMENDATIONS

41. The Committee recommends that the House approves the Bill with the proposed amendments attached as Appendix 1 to this report.

LIST OF APPENDICES

- Appendix 1: Committee Stage Amendments on the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025)
- Appendix 2: Minutes of the Committee sittings
- Appendix 3: Copy the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025)
- Appendix 4: Advertisement as published in the Daily Nation and Star Newspapers
- Appendix 5: Public Participation Matrix
- Appendix 6: Copies of the Stakeholders' Submissions

Appendix 1: Committee Stage Amendments on the National Construction Authority
(Amendment) Bill, 2025 (Senate Bills No. 15 of 2025)

30th March, 2026.

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE NATIONAL CONSTRUCTION
AUTHORITY (AMENDMENT) BILL, 2025, (SENATE BILLS NO. 15 OF 2025).**

NOTICE is given that Sen. Eddy Gicheru Oketch, Chairperson, Committee on Roads, Transportation and Housing intends to move the following amendments to the National Construction (Amendment) Bill, Senate Bills No. 15 of 2025, at the Committee Stage—

CLAUSE 3

THAT the Bill be amended by deleting clause 3.

CLAUSE 4

THAT the Bill be amended by deleting clause 4 and substituting therefor the following new clause –

4. Section 42 of the principal Act is amended in subsection (2) by –

- (a) inserting in paragraph(aa) the words “that include standards on sustainable and climate resilience construction practices” immediately after the word “industry”;
and
- (b) inserting the following new paragraph immediately after paragraph (ab)–
 - (ac) the manner of incorporating the standards on sustainable and climate resilience construction practices as set out in the Fourth Schedule.

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting the heading to the proposed new Fourth Schedule and substituting therefor the following new heading -

**SUSTAINABLE AND CLIMATE RESILIENCE PRACTICES
TO BE CONSIDERED IN CONSTRUCTION ACTIVITIES**

Signature:

**Sen. Eddy Gicheru Oketch,
Chairperson,
Committee on Roads, Transportation and Housing.**

Dated: 31st March, 2026

Appendix 2: Minutes of the Committee sittings



MINUTES OF THE 151ST SITTING OF THE STANDING COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING HELD ON TUESDAY 24TH FEBRUARY, 2026 IN COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER BUILDING AT 11.00 A.M.

PRESENT

1. Sen. Mohamed Said Chute, CBS, MP - Member (Ag. Chair)
2. Sen. Eddy Oketch, MP - Chairperson (Member) - Virtual
3. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP - Vice-Chairperson - Virtual
4. Sen. Enoch Wambua CBS, MP - Member
5. Sen. Moses Otieno Kajwang', CBS, MP - Member - Virtual
6. Sen. Miraj Abdillahi, MP - Member - Virtual
7. Sen. John Kinyua Nderitu, MP - Member - Virtual
8. Sen. Crystal Asige, MP - Member - Virtual

ABSENT WITH APOLOGIES

1. Sen. Peris Tobiko, CBS, MP - Member

COMMITTEE SECRETARIAT

1. Ms. Mwanate Shaban - Principal Clerk Assistant II
2. Ms. Peris Mukuria - Clerk Assistant III
3. Ms. Regina Munyao - Legal Counsel I
4. Mr. Washington Otiato - Media Relations Officer II
5. Ms. Christine Isemeck - Research Officer III
6. Mr. Elijah Ichwara - Audio Recording Officer
7. Mr. Patrick Murindo - Sergeant at Arms

MIN/SEN/RTH/827/2026

PRELIMINARIES

The meeting was called to order at 11.25 am with a prayer by Sen. Miraj Abdillahi, MP.

MIN/SEN/RTH/828 /2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted after being proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. Crystal Asige, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Introductions;
4. Consideration of the legislative Proposal on the National Transport and Safety Authority (Amendment) Bill, 2025 (*Committee Paper No.106*);
5. Consideration of the stake holders Matrix on the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) (*Committee Paper No.109*);
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN/SEN/RTH/829/2026

CONSIDERATION OF THE LEGISLATIVE PROPOSAL ON THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (AMENDMENT) BILL, 2025

Members considered the legislative Proposal on the National Transport and Safety Authority (Amendment) Bill, 2025 and approved its publication with amendments to -

- a) align with the definitions in the Bill;
- b) Re-arrange the Bill for proper flow;
- c) correct typographical errors;
- d) delete the provisions of the proposed new clause 26A (2) (a); and
- e) delete the provisions of the proposed new clause 34A(b) and substitute it with a new paragraph.

MIN/SEN/RTH/830/2026

CONSIDERATION OF THE STAKEHOLDERS MATRIX ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025

Members considered the stakeholders Matrix on the National Construction Authority (Amendment) Bill and made the following resolutions based on the submissions received-

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS	COMMITTEE RESOLUTION
1.	(2) promote and enforce the use of environmentally sustainable construction materials, standards and practices that enhance resilience against climate change risks.	Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya	<p>Proposal</p> <p>Clause 2 of the Proposed Bill seeks to amend section 5 of the National Construction Authority Act, to now obligate the National Construction Authority to promote and enforce designs, standards and practices of architects & quantity surveyors.</p> <p>Justifications</p> <p>(a) Architectural designs are the mainstay of architects currently regulated by the Board of Registration of Architects & Quantity Surveyors of Kenya under the Architects & Quantity Surveyors Act (Cap. 525) and the By-laws made thereunder.</p> <p>(b) By attempting to control designs, this will occasion a functional overlap between the two (2) Bodies when ipso facto, the National Construction Authority (Amendment) Bill, 2025 is not an omnibus Bill thus deviating from the threshold set out in the law and the prevailing public policy in Kenya.</p> <p>(c) The clause irregularly expands the National Construction Authority's functions from quality assurance to direct enforcement of environmental and design standards whereas-</p> <p>(i) Environmental conservation is the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental Management and Coordination Act (Cap. 387);</p> <p>(ii) Building design approvals, water and sanitation services are County functions as enumerated in</p>	Section 5(2) (ga) board gives the powers to enforce the prescribed Building Code in the construction industry;	Declined

		<p>paragraphs 8 and 11 of Part 2 in the Fourth Schedule of the Constitution of Kenya, 2010.</p> <p>(iii) The Board of Registration of Architects and Quantity Surveyors (BORAQS) regulates architecture and quantity surveying professions, ensuring that the practitioners meet professional standards.</p> <p>(iv) On designs in construction projects, BORAQS is a key stakeholder as it regulates the architects who carry the vision of the projects from design to completion, and quantity surveyors, who do the cost control. The contractors execute the project while consultants offer technical supervision.</p> <p>(v) BORAQS also assists in development of university curriculum and inspects standards.</p>		
<p>2. New 23B. (1) The Authority shall, in consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems. (2) The zones designated under subsection (1) shall include areas that receive an average of sufficient sunshine hours per day to support the effective generation of solar energy. (3) The Cabinet Secretary</p>	<p>BORAQS</p>	<p>Proposal</p> <p>Delete the proposed new section 23B to the NCA Act.</p> <p>Justifications</p> <p>(a) The proposed new section 23B of the Act as contained in Clause 3 of the proposed Bill, imposes mandatory Solar System Installation Zones without first determining the stratum of the investors' funding model, given the harsh economic climes and market volatility in Kenya and not in synchrony with the Energy Act, 2019 and the express provisions of section 23A of the National Construction Act, thereby undermining the basic structure of the National Construction Authority Act and is therefore, unconstitutional.</p> <p>(b) While the new section 23B in Clause 3 of the Proposed Bill, aims to advance renewable energy adoption, zoning and designation of areas for solar installations are county planning and energy functions of County Governments and not</p>		<p>Accepted</p>

	<p>shall prescribe regulations as may be necessary for the effective implementation of this section</p>		<p>construction coordination as envisaged in the National Construction Authority Act.</p> <p>(c) County Governments retain constitutional authority over land-use zoning and development control, and issues construction permits, ensuring compliance with Zoning Regulations.</p> <p>(d) The National Construction Authority operates primarily as a coordination, regulatory and capacity building agency for construction quality and not a planning, environmental, water or renewable energy Authority.</p> <p>(e) Energy efficiency standards fall under the jurisdiction of the Energy and Petroleum Regulatory Authority (EPRA) under the Energy Act, 2019. EPRA regulates energy generation, licensing and renewable energy integration under the Energy Act, 2019.</p>		
<p>3.</p>	<p>Clause 4 (a) and (b). Section 42(2) gives powers to the CS to make regulations on-</p> <p>(aa) the Building Code in the construction industry; inserting in paragraph (aa) the words "that include climate change responsive mechanisms" immediately after the word "industry"; (ac) the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule;</p>	<p>BORAQS</p>	<p>Proposal Delete the amendments in paragraphs (aa) & (ac) in section 42 (2) to the Act.</p> <p>Justification Climate change, Environmental conservation and green technology are the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental Management and Coordination Act (Cap. 387).</p>		<p>Declined</p>

4.	Clause 5 – Fourth Schedule.	BORAQS	<p><u>Proposal</u> Delete the new Fourth Schedule immediately after the Third Schedule to the Act.</p> <p><u>Justification</u></p> <p>(a) The principal role and functions of the National Construction Authority under the basic structure of the National Construction Authority Act is to accredit and register eligible contractors and regulate their professional undertakings in the construction industry, within the meaning of sections 5, 15 & 18, 19 of the Act.</p> <p>(b) Clause 5 in the proposed Bill intends to insert a new Fourth Schedule in the National Construction Authority Act to deal with climate resilience, designs that withstand extreme weather conditions, among others. The proposed new Schedule is therefore ultra vires the Environmental Management and Coordination Act, 2019, Energy Act, 2019, Water Act, the Architects and Quantity Surveyors Act and the express mandate of County Governments, the Constitution of Kenya, 2010 and other applicable laws.</p>	Declined
5.	New Clauses	Institute Certified Secretaries (ICS) of	<p><u>Proposal</u> Amend the Act to include the definition of Public Certified Secretary. To recognise certified secretaries as governance professional eligible for appointment in the Board and management committees</p> <p><u>Justification</u> The principles Act and the amendment Bill do not reference public secretaries, inclusion will ensure recognition of</p>	Declined

			profession governance expertise within the Authority structure.			
6.	New clauses	ICS	<p><u>Proposal</u> Amend section 7 of the Act on the membership of the Board.</p> <p><u>Justification</u> To enhance, compliance, governance, ethical oversight within the Authority.</p>			Declined
7.	New Clauses	ICS	<p><u>Proposal</u> Amend section 12 of the Act by Deleting the position of executive director as secretary to the Board and registrar to contractors.</p> <p><u>Justification</u> Having CEO and CPS role under one person leads to concentration of power and undermines checks and balances, separation of power ensures that the Board is independently advised and governance mechanism are not compromised. CPS is to be tasked with administration and record keeping and ensure the entity is legally compliant which should be separate with director's role.</p>			Declined
8.	New Clauses	ICS	<p><u>Proposal</u> Amend section 14 of the Act to mandate the establishment of Audit committee, risk committee and governance committee.</p> <p><u>Justification</u> Functional committees enhance Board effectiveness and provide oversight on critical areas and ensure accountability mechanism are institutionalized.</p>			Declined
9.	New Clauses	ICS	<p><u>Proposal</u></p>			Declined

			<p>Amend section 25 on offenses expand offenses to include governance breaches including conflict of interest, falsification of governance reports or failure to implement governance audit recommendations.</p> <p><u>Justification.</u></p> <p>Governance lapses undermine accountability recognising them as offenses enhances compliance and personal responsibilities of officers.</p>		
10.	General Comments.	Ministry of Lands , Public Works, Housing and Urban Development.	<p><u>Proposal</u></p> <p>The Act Needs not be amended.</p> <p><u>Justification.</u></p> <p>Promoting of sustainable materials, designs and standards, and practices that improve resilience against climate change in construction industry has already been addressed through regulations and the National Building Code, not Legislation.</p>	Declined	

MIN/SEN/RTH/831/2026

ANY OTHER BUSINESS

1. Members resolved to hold a Report Writing Retreat in either Nakuru or Mombasa County, on the Bills and Petitions before the Committee from Thursday, 12th to Sunday, 15th March, 2026; and
2. Members were reminded of the next meetings to be held on Thursday, 26th February, 2026 where the Committee will be meeting the Cabinet Secretary in charge of Housing and Public Works at 9.00 am and then meet stakeholders to consider the Jamii Bora Petition at 11.00 am.

MIN/SEN/RTH/832/2026

**DATE OF THE NEXT MEETING AND
ADJOURNMENT**

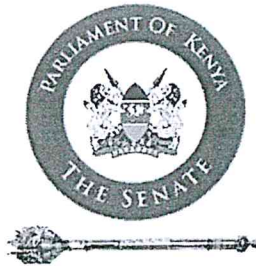
The meeting was adjourned at 12.17 pm, with the next meeting being on notice.

SIGNED:



DATE: Tuesday, 31st March, 2026

**CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP
STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING**



**MINUTES OF THE 155TH SITTING OF THE STANDING COMMITTEE ON ROADS,
TRANSPORTATION AND HOUSING HELD ON FRIDAY, 13TH MARCH, 2026 AT
FOUR POINTS HOTEL BY SHERATON, MACHAKOS COUNTY AT 9.00 A.M.**

PRESENT

1. **Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP - Vice-Chairperson (Ag. Chair)**
2. Sen. Mohamed Said Chute, CBS, MP - Member
3. Sen. Peris Tobiko, CBS, MP - Member
4. **Sen. Eddy Oketch, MP - Chairperson (Virtual)**
5. Sen. Enoch Wambua CBS, MP - Member (Virtual)
6. Sen. John Kinyua Nderitu, MP - Member (Virtual)
7. Sen. Miraj Abdillahi, MP - Member (Virtual)

ABSENT WITH APOLOGIES

1. Sen. Moses Otieno Kajwang', CBS, MP - Member
2. Sen. Crystal Asige, MP - Member

COMMITTEE SECRETARIAT

1. Ms. Veronica Kibati - Deputy Director /HoD
2. Ms. Mwanate Shaban - Principal Clerk Assistant II
3. Ms. Peris Mukuria - Clerk Assistant III
4. Ms. Regina Munyao - Legal Counsel I
5. Mr. Washington Otiato - Media Relations Officer II
6. Ms. Christine Isemeck - Research Officer III
7. Mr. Elijah Ichwara - Audio Recording Officer
8. Mr. Patrick Murindo - Sergeant At Arms
9. Ms. Valentine Muronji - Attache

MIN/SEN/RTH/848/2026

PRELIMINARIES

The meeting was called to order at 9.30 am with a prayer by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP.

MIN/SEN/RTH/849 /2026

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Eddy Oketch, MP, and seconded by Sen. Mohamed Said Chute, CBS, as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of the stakeholder views on the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025);
4. Consideration of the Legislative Proposal on the Traffic (Amendment) Bill, 2026;
5. Any Other Business; and
6. Date of the Next Meeting and Adjournment.

MIN/SEN/RTH/850/2026

CONSIDERATION OF THE COMMITTEE AMENDMENTS TO THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 15 OF 2025)

1. The Committee considered submissions from Habitat – Kenya Property Developers Association and Ashitiva LLP, that had been previously overlooked, together with the other Committee Amendments arising from consideration of the stakeholders’ submissions on the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025).
2. The Secretariat was directed the Secretariat to clean the Amendments up in readiness for adoption, together with the Report on the Bill.

MIN/SEN/RTH/851/2026

CONSIDERATION OF THE LEGISLATIVE PROPOSAL ON THE TRAFFIC (AMENDMENT) BILL, 2026.

The Committee considered the Legislative Proposal on the Traffic (Amendment) Bill, 2026 by Sen. Joe Nyutu, MP, and recommended that it be published incorporating the following -

1. That the Bill provide for the use of body cameras not only by police officers undertaking traffic-related duties but by the entire police service;
2. That the Bill provide for the issuance of warnings to offenders and prescribe sanctions for repeat offenders, including cancellation of their driving licenses;
3. That the Bill create an offence where a police officer intentionally switches off body cameras to conceal evidence; and
4. That the definition of motion cameras be expanded to include body cameras and other motion recording devices.

MIN/SEN/RTH/852/2025: ANY OTHER BUSINESS

There was no other business

MIN/SEN/RTH/853/2025 ADJOURNMENT & DATE OF THE NEXT MEETING

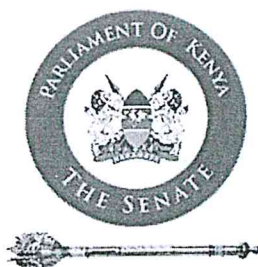
The meeting was adjourned at 10.30 am, for a health break.

SIGNED.....



DATE.....Tuesday 31st March, 2026.....

**CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP
STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING**



**MINUTES OF THE 158TH SITTING OF THE STANDING COMMITTEE ON ROADS,
TRANSPORTATION AND HOUSING HELD ON TUESDAY 24TH MARCH, 2026 IN
COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER, AT 11.00 A.M.**

PRESENT

1. Sen. John Kinyua Nderitu, MP - Member (Ag. Chair)
2. Sen. Enoch Wambua CBS, MP - Member
3. Sen. Mohamed Said Chute, CBS, MP - Member
4. Sen. Peris Tobiko, CBS, MP - Member
5. Sen. Miraj Abdillahi, MP - Member

ABSENT WITH APOLOGIES

1. Sen. Eddy Oketch, MP - Chairperson
2. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP - Vice-Chairperson
3. Sen. Moses Otieno Kajwang', CBS, MP - Member
4. Sen. Crystal Asige, MP - Member

COMMITTEE SECRETARIAT

1. Ms. Mwanate Shaban - Principal Clerk Assistant II
2. Ms. Peris Mukuria - Clerk Assistant III
3. Ms. Regina Munyao - Legal Counsel I
4. Ms. Christine Isemeck - Research Officer III
5. Mr. Elijah Ichwara - Audio Recording Officer
6. Mr. Patrick Murindo - Sergeant At Arms
7. Mr. Hillary Kibet - Intern

MIN/SEN/RTH/869/2026

PRELIMINARIES

The meeting was called to order at 11.30 a.m. with a prayer by Sen. Miraj Abdillahi, MP.

MIN/SEN/RTH/870 /2026

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Enoch Wambua, MP, and seconded by Sen. Miraj Abdillahi, MP, as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of Committee Amendments to the National Construction Authority(Amendment) Bill, (Senate Bill No. 15 of 2025);
4. Consideration and adoption of the Report on the National Construction Authority(Amendment) Bill, (Senate Bill No. 15 of 2025);
5. Briefing on the construction of the Bomas International Convection Complex;
6. Briefing on the status of Wilson Airport;
7. Any Other Business; and
8. Date of the Next Meeting and Adjournment. Adoption of the Agenda.

MIN/SEN/RTH/871/2026

CONSIDERATION OF COMMITTEE
AMENDMENTS TO THE NATIONAL
CONSTRUCTION AUTHORITY(AMENDMENT)
BILL, (SENATE BILL NO. 15 OF 2025)

The Committee considered the Committee Amendments to the National Construction Authority (Amendment) Bill, 2025, (Senate Bills No. 15 of 2025) and unanimously adopted them as follows -

1. **CLAUSE 3 - THAT** the Bill be amended by deleting clause 3.
2. **CLAUSE 4 - THAT** the Bill be amended by deleting clause 4 and substituting therefor the following new clause –
 4. Section 42 of the principal Act is amended in subsection (2) by –
 - (a) inserting in paragraph(aa) the words “that include standards on sustainable and climate resilience construction practices” immediately after the word “industry”; and
 - (b) inserting the following new paragraph immediately after paragraph (ab)–
 - (ac) the manner of incorporating the standards on sustainable and climate resilience construction practices as set out in the Fourth Schedule.
3. **CLAUSE 5 - THAT** clause 5 of the Bill be amended by deleting the heading to the proposed new Fourth Schedule and substituting therefor the following new heading -

**SUSTAINABLE AND CLIMATE RESILIENCE PRACTICES TO
BE CONSIDERED IN CONSTRUCTION ACTIVITIES**

MIN/SEN/RTH/872/2026

CONSIDERATION OF THE REPORT ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, (SENATE BILLS NO. 15 OF 2025)

The Committee considered and unanimously adopted the Report on the National Construction Authority (Amendment) Bill, 2025, (Senate Bills No. 15 of 2025).

MIN/SEN/RTH/873/2026

BRIEFING ON THE BOMAS INTERNATIONAL CONVENTION CENTER

The Committee considered the brief on construction of the Bomas International Convection Complex and noted the following -

1. The procurement of the BICC project contravened the Public Procurement and Asset Disposal Act, 2015, including commitment of funds without parliamentary approval and use of direct procurement despite an ongoing tender process;
2. There were inconsistencies in the financing arrangements, including initiation of procurement without a confirmed budget and conflicting repayment terms between the contract (24 months) and the National Treasury approval (10-year deferred plan);
3. The transfer of the project to the Ministry of Defense in 2023 led to the award of a Kshs. 41 billion contracts, which was later terminated due to funding constraints and scope changes; only 12% of works had been completed as at July 2025;
4. There was no evidence of public participation prior to commencement of the project, raising concerns on transparency and fiscal risk; and
5. There was no sufficient justification for engaging the Kenya Defense Forces, as this did not result in reduced construction costs.

Consequently, Members resolved to undertake a visit the Bomas International Convection Complex on Thursday, 2nd April, 2026 to assess the status of the project.

MIN/SEN/RTH/874/2026

BRIEFING ON THE WILSON AIRPORT

This agenda item was deferred to the next sitting.

MIN/SEN/RTH/875/2026

ANY OTHER BUSINESS

The Committee resolved to hold a retreat with the State Departments under the Ministry of Roads and Transport, as well as the Ministry of Lands, Public Works, Housing and Urban Development, in April and May to consider the sector budgetary allocations and legislative business within the Committee's mandate.

MIN/SEN/RTH/876/2026

ADJOURNMENT & DATE OF THE
NEXT MEETING

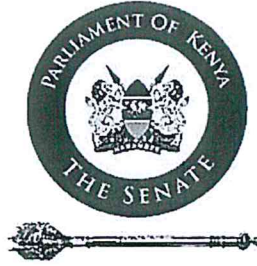
The meeting was adjourned at 13.25 p.m, with the next meeting being on notice.

SIGNED:



DATE: Tuesday, 31st March, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP
STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 161ST SITTING OF THE STANDING COMMITTEE ON ROADS,
TRANSPORTATION AND HOUSING HELD ON TUESDAY, 31ST MARCH, 2026 IN
COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER AT 11.00 A.M.**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Eddy Oketch, MP | - Chairperson |
| 2. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice-Chairperson |
| 3. Sen. John Kinyua Nderitu, MP | - Member |
| 4. Sen. Mohamed Said Chute, CBS, MP | - Member |
| 5. Sen. Peris Tobiko, CBS, MP | - Member |
| 6. Sen. Miraj Abdillahi, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. Moses Otieno Kajwang', CBS, MP | - Member |
| 2. Sen. Enoch Wambua CBS, MP | - Member |
| 3. Sen. Crystal Asige, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|--------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Peris Mukuria | - Clerk Assistant III |
| 3. Ms. Regina Munyao | - Legal Counsel I |
| 4. Mr. Elijah Ichwara | - Audio Officer |
| 5. Mr. Washington Otiato | - Media Relations Officer II |
| 6. Mr. Patrick Murindo | - Sergeant At Arms |
| 7. Mr. Hillary Kibet | - Intern |

MIN/SEN/RTH/887/2026

PRELIMINARIES

The meeting was called to order at 11.28 p.m. with a prayer. This was followed by introductions from all present.

MIN/SEN/RTH/888 /2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted after being proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. Peris Tobiko, CBS, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Confirmation of the Minutes of the 148th – 160th Sitzings of the Committee;**
4. **Consideration of Committee Amendments to the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025 (Committee Paper No. 108);**
5. **AOB; and**
6. Adjournment & Date of the Next Meeting.

MIN/SEN/RTH/889/2026

CONFIRMATION OF MINUTES

1. Minutes of the 148th Sitting held on Tuesday, 2nd December, 2025 were confirmed as a true record of the deliberations, having been proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. Peris Tobiko, CBS, MP;
2. Minutes of the 149th Sitting held on Tuesday, 17th February, 2026 were confirmed as a true record of the deliberations, having been proposed by Sen. Mohamed Said Chute, CBS, MP and seconded by Sen. Miraj Abdillahi, MP;
3. Minutes of the 150th Sitting held on Thursday, 19th February, 2026 were confirmed as a true record of the deliberations, having been proposed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Miraj Abdillahi, MP;
4. Minutes of the 151st Sitting held on Tuesday, 24th February, 2026 were confirmed as a true record of the deliberations, having been proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP;
5. Minutes of the 152nd Sitting held on Thursday, 26th February, 2026 were confirmed as a true record of the deliberations, having been proposed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Peris Tobiko, CBS, MP;
6. Minutes of the 153rd Sitting held on Tuesday, 3rd March, 2026 were confirmed as a true record of the deliberations, having been proposed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Peris Tobiko, CBS, MP;
7. Minutes of the 154th Sitting held on Thursday, 5th March, 2026 were confirmed as a true record of the deliberations, having been proposed by Sen. Peris Tobiko, CBS, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP;
8. Minutes of the 155th Sitting held on Friday, 13th March, 2026 at 9.00 am were confirmed as a true record of the deliberations, having been proposed by Sen. Peris Tobiko, CBS, MP and seconded by Sen. Mohamed Said Chute, CBS, MP;

9. Minutes of the 156th Sitting held on Friday, 13th March, 2026 at 11.00 am were confirmed as a true record of the deliberations, having been proposed by Sen. Mohamed Said Chute, CBS, MP and seconded by Sen. Miraj Abdillahi, MP;
10. Minutes of the 157th Sitting held on Friday, 13th March, 2026 at 2.00 pm were confirmed as a true record of the deliberations, having been proposed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Mohamed Said Chute, CBS, MP;
11. Minutes of the 158th Sitting held on Tuesday, 24th March, 2026 were confirmed as a true record of the deliberations, having been proposed by Sen. Mohamed Said Chute, CBS, MP and seconded by Sen. Peris Tobiko, CBS, MP;
12. Minutes of the 159th Sitting held on Thursday, 26th March, 2026 at 8.00 am were confirmed as a true record of the deliberations, having been proposed by Sen. Mohamed Said Chute, CBS, MP and seconded by Sen. Miraj Abdillahi, MP; and
13. Minutes of the 160th Sitting held on Thursday, 26th March, 2026 at 1.00 pm were confirmed as a true record of the deliberations, having been proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. Mohamed Said Chute, CBS, MP.

MIN/SEN/RTH/890/2026

MATTERS ARISING

The following matters arose from the Minutes –

a. Ex-Min/SEN/RTH/824/2026- Consideration of the 2026 Budget Policy Statement

The Committee confirmed their participation in the upcoming retreat on the budget sector areas scheduled for 13th to 17th March, 2026, and Thursday 23rd - Sunday, 26th April, 2026 with the CS Roads and Transport.

b. Ex-Min/SEN/RTH/835/2026- Meeting with Jamii bora and Kingdom Bank in regards to a Petition by residents of Jamii Bora concerning access to title deeds for properties bought at Jamii Bora Estate, Kisaju, Kajiado County.

The Secretariat was directed to prepare a status brief, incorporating the new documentation from the stakeholders, to assist the Committee make resolutions on the matter.

c. Ex-Min/SEN/RTH/845/2026-Meeting with the Cabinet Secretary Ministry of Roads and Transport on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No. 34 of 2025)

The Committee resolved to consider the matter during its upcoming retreat with the Ministry.

d. Ex-Min/SEN/RTH/856/2026-Briefing on the Construction of the Talanta Stadium

The Committee resolved to hold a meeting of all stakeholders on Monday, 13th April, 2026.

e. Ex-Min/SEN/RTH/858/2026-Consideration of the Petition concerning compensation of residents affected by the construction of the Kamwasor – Nyaru Road

The Committee noted that a meeting of the stakeholders had been scheduled for Tuesday, 28th April, 2026.

f. Ex-Min/SEN/RTH/873/2026-Briefing on the Bomas International Convention Complex

The Committee resolved to visit the Complex during the month of April, 2026.

g. Ex-Min/SEN/RTH/879/2026-Meeting with officials from the Kenya Civil Aviation Authority

The Committee noted the follow-up meeting with stakeholders scheduled for Wednesday, 8th April, 2026.

MIN/SEN/RTH/891/2026 **CONSIDERATION OF COMMITTEE AMENDMENTS TO THE ON THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2025 (COMMITTEE PAPER NO. 108);**

This Agenda item was deferred.

MIN/SEN/RTH/892/2026 **ANY OTHER BUSINESS**

Members made the following resolutions that briefs on the status of all pending Petitions be prepared for consideration.

MIN/SEN/RTH/893/2026 **DATE OF THE NEXT MEETING AND ADJOURNMENT**

The meeting was adjourned at 12.15 pm, with the next meeting scheduled for Wednesday, 8th April, 2026.

SIGNED.....DATE.....
CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP
STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING

Appendix 3: Copy the National Construction Authority (Amendment) Bill, 2025
(Senate Bills No. 15 of 2025)

SPECIAL ISSUE

Kenya Gazette Supplement No. 134 (Senate Bills No. 15)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2025

NAIROBI, 5th August, 2025

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THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL, 2025

A Bill for

AN ACT of Parliament to amend the National Construction Authority Act; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Construction Authority (Amendment) Act, 2025.

Short title.

2. Section 5 of the National Construction Authority Act, in this Act referred to as the "principal Act", is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (h)—

Amendment to section 5 of Cap 118.

(ha) promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.

3. The principal Act is amended by inserting the following new section immediately after section 23A—

Insertion of a new section 23B in Cap. 118.

Mandatory Solar System Installation zones.

23B. (1) The Authority shall, in consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems.

(2) The zones designated under subsection (1) shall include areas that receive an average of sufficient sunshine hours per day to support the effective generation of solar energy.

(3) The Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section.

4. Section 42 of the principal Act is amended in subsection 2 by—

Amendment of section 42 of Cap 118.

(a) inserting in paragraph (aa) the words "that include climate change responsive mechanisms" immediately after the word "industry";

- (b) inserting the following new paragraph immediately after paragraph (ab)—
- (ac) the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule;
5. The principal Act is amended by inserting the following new Schedule immediately after the Third Schedule—

Insertion of a new
schedule of Cap.
118.

FOURTH SCHEDULE (s.42)

CLIMATE CHANGE RESPONSIVE MECHANISMS TO BE CONSIDERED IN CONSTRUCTION ACTIVITIES

- A — Climate Resilience:
- (a) Designs that withstand extreme weather conditions.
- (b) Incorporation of green spaces and natural buffers.
- B — Energy Efficiency:
- (a) Implementation of energy-saving technologies and designs.
- (b) Utilization of renewable energy sources.
- C — Water Conservation:
- (a) Adoption of water-efficient appliances and systems.
- (b) Rainwater harvesting and greywater recycling.
- D — Sustainable Materials:
- (a) Use of recycled, renewable, and locally sourced materials.
- (b) Minimizing waste through efficient design and construction practices.
- E — Pollution Control:
- (a) Measures to reduce air, water, and soil pollution during construction.
- (b) Safe disposal and management of construction waste.

F— Biodiversity Protection:

- (a) Preservation of existing natural habitats and ecosystems.
- (b) Integration of green roofs and walls to support urban biodiversity.

H— Health and Safety:

- (a) Ensuring indoor air quality and natural lighting.
- (b) Use of non-toxic and low-emission materials.

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The National Construction Authority (Amendment) Bill, 2025 seeks to amend the National Construction Authority Act, Cap 118 to include provisions related to environmentally sustainable construction practices and resilience against climate change risks within the construction industry.

The construction sector plays a crucial role in the development of Kenya's infrastructure and economy. However, it also significantly impacts the environment and is vulnerable to climate change risks. Therefore, there is a pressing need to integrate environmental sustainability and climate resilience into construction activities.

Clause 2 of the Bill proposes to amend Section 5 to empower the National Construction Authority to promote and enforce the use of environmentally sustainable construction materials, designs, standards, and practices. By doing so, the construction industry will be encouraged to adopt practices that reduce environmental impact and enhance resilience against climate change effects.

Further, clause 3 of the Bill aims to amend Section 42 of the Act by inserting specific requirements related to climate change responsiveness. This amendment ensures that standards, guidelines, and regulations developed by the National Construction Authority for the construction industry include mechanisms that address climate change risks. Such mechanisms will enable the industry to adapt to changing environmental conditions and contribute to national efforts aimed at mitigating climate change impacts.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill delegates power to the Cabinet Secretary to make regulations but does not limit fundamental rights and freedoms. The proposed amendments aim to enhance the regulatory framework of the National Construction Authority by promoting environmentally sustainable construction practices and incorporating climate change resilience measures within the construction industry.

Statement of how the Bill concerns County Governments

Under Paragraph 8 of Part 2 of the Fourth Schedule of the Constitution, counties have explicit responsibilities in planning and development, including housing. The amendments introduced by this Bill, which emphasize the integration of climate change responsive

mechanisms into building codes and standards, directly impact counties' abilities to enforce environmentally conscious construction practices and ensure climate change resilience of local infrastructure.

Therefore, the proposed amendments align closely with the constitutional mandate of counties in overseeing land-use planning and infrastructure development, as articulated in Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution. It primarily seeks to amend regulatory and operational provisions related to the National Construction Authority Act, focusing on matters concerning construction standards, practices, and climate change responsiveness. The amendments proposed in this Bill do not involve the appropriation, imposition, or alteration of taxes, levies, duties, or public expenditure. Therefore, the Bill does not fall within the definition of a money Bill as specified under Article 114 of the Constitution.

Dated the 20th March, 2025.

EDDY GICHERU OKETCH,
Senator.

Section 5 of Cap 118 which it is proposed to amend:

5. Functions of the Authority.

(1) The object for which the Authority is established is to oversee the construction industry and coordinate its development.

(2) Without prejudice to the generality of subsection (1), the Authority shall—

- (a) promote and stimulate the development, improvement and expansion of the construction industry;
- (b) advise and make recommendations to the Cabinet Secretary on matters affecting or connected with the construction industry;
- (c) undertake or commission research into any matter relating to the construction industry;
- (d) prescribe the qualifications or other attributes required for registration as a contractor under this Act;
- (e) assist in the exportation of construction services connected to the construction industry;
- (f) provide consultancy and advisory services with respect to the construction industry;
- (g) promote and ensure quality assurance in the construction industry;
 - (ga) enforce the prescribed Building Code in the construction industry;
- (h) encourage the standardisation and improvement of construction techniques and materials;
- (i) initiate and maintain a construction industry information system;
- (j) provide, promote, review and co-ordinate training programmes organized by public and private accredited training centers for skilled construction workers and construction site supervisors;
- (k) accredit and register contractors and regulate their professional undertakings;
- (l) accredit and certify skilled construction workers and construction site supervisors;
- (m) develop and publish a code of conduct for the construction industry; and

- (n) do all other things that may be necessary for the better carrying out of its functions under the Act.

Section 42 of Cap 118 which it is proposed to amend:

42. Power to make Regulations.

(1) The Cabinet Secretary may in consultation with the Board, make regulations generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, regulation made under this section may provide for—

(a) the manner of payment of the levy imposed under section 31;

(aa) the Building Code in the construction industry;

(ab) the manner of conducting mandatory inspections by the Authority;

(b) the manner of service of any notice required under Act;

(c) the fees and charges to be paid in respect of any matter required for purposes of this Act;

(d) the manner and forms of accreditation and certification of contractors, skilled construction workers and construction site supervisors;

(e) the responsibilities and control of the officers and servants of the Authority;

(f) the performance of the functions, the exercise of the powers and discharge of the duties of the Authority under this Act; and

(g) any other matter to give effect to the provisions of this Act.

(3) Regulations made under this section shall be tabled in Parliament for approval before taking effect.

Appendix 4: Advertisement as published in the Daily Nation and Star Newspapers

NEWS

Cancer patients want SHA cover raised to Sh1 million

Kenco claims the current Sh550k gets depleted within months

LUKE AWICH
@AchiaAwich



Kenco national chairperson Philip Odiyo /IHANDOUT

CANCER patients, survivors and caregivers have petitioned Parliament, demanding adjustment of the annual limit in the SHA cover.

They claim the medical scheme gets depleted within months.

Currently, cancer patients are covered to the tune of Sh550,000 per household per year down from the Sh600,000 which was offered under the defunct National Hospital Insurance Fund.

Appearing before the National Assembly's Health Committee, Kenya work of Cancer Organisations (nco) said most families are forced to shoulder heavy burdens or abandon treatment midway.

The network represents 70 civil society groups and thousands of cancer patients including survivors and caregivers across the country.

National chairperson Philip Odiyo said most of their members exhaust their benefits in less than six months.

A survey conducted by the organisation on 118 patients and caregivers says 60 per cent had exhausted their

SHA cover before the end of the year. The study also revealed that 35.8 per cent exhaust their benefits in less than three months while another 34.3 per cent within three to six months.

"These findings confirm that the current oncology cover is grossly inadequate for the financial realities of cancer treatment and that SHA has not protected households from catastrophic health expenditure," Odiyo told MPs.

"This policy shift has left many cancer patients with no option but to pay out of pocket, seek communal contributions through harambees or abandon treatment altogether - with catastrophic health and financial consequences."

According to Kenco's study tabled before the committee, among those whose cover ran out, 38.5 per cent were able to pay out of pocket, 27.9 per cent could only pay partially. "A record 20.2 per cent could not pay

for treatment at all and 13.5 per cent were forced to abandon treatment completely," executive director Phoebe Ongidi said.

They are now calling on the government to raise the package to at least Sh1.2 million per year under SHA. "We urge the ministry of Health and SHA to increase the oncology benefit to at least Sh1.2 million per individual per year," Odiyo said.

The financial burden of treating cancer in Kenya has reached alarming levels, with Kenco estimating that families spend an average of Sh3.8 million a year to keep their loved ones alive.

The patients and caregivers umbrella body says the cost of chemotherapy, radiotherapy, surgery and follow-up medication has turned cancer into a medical and financial nightmare.

It said a woman diagnosed with triple-positive breast cancer and accessing services from a public health centre ends up paying in excess of Sh3.8 million. Kenco says a standard chemotherapy session costs Sh21,000 amounting to Sh168,000 for the recommended eight sessions while blood works cost Sh4,500 totaling to Sh36,000 for the eight cycles.

Imaging and diagnostic monitoring further raise the cost, including a CT scan (Sh20,000) echocardiograms every three months (Sh3,000) and a PET scan at Sh53,400.

The patient will also undergo targeted therapy. Herceptin alone costs Sh33,800 per cycle for 18 cycles (or more for some patients) amounting to Sh608,400.

"Kadcyla, often prescribed for maintenance or resistance cases, costs Sh180,000 per cycle for 114 cycles - a staggering Sh2.52 million," vice chairperson Prisca Githuka said.

According to Kenco's breakdown, hormonal therapy including Zoladex (Sh19,615 every three months indefinitely) and Letrozole (Sh5,000 for a three-month dose more than 10 years), all totaling to Sh100,000 in one year alone. The patient will also undergo Radiotherapy at an average of Sh3,600 per session for the recommended 30 sessions totaling to Sh108,000.

These, added to Sh120,000 for surgery and another CT scans of the chest and pelvis costing Sh8,000 and Sh12,000 would see a patient spending Sh3.8 million in a year.

(+) INSTANT ANALYSIS

Cancer is the third leading cause of death and a major public health concern. Many cases (70-80%) are diagnosed at late stages, often due to factors like late diagnosis, high costs, and inadequate diagnostic and treatment facilities, according to Countdown to 20340 Initiative.

COUNTY ASSEMBLY OF KITUI

TEL: 0716571084
Email: info@kituiassembly.go.ke
Website: www.kituiassembly.go.ke



Clerk's Office,
Kitui County, Assembly,
P.O. Box 694-90200,
Kitui, Kenya.

OFFICE OF THE CLERK

INVITATION TO TENDER

The County Assembly of Kitui invites sealed bids from eligible bidders for the advertised tenders for the financial years 2025/2026, 2026/2027 & 2027/2028.

Interested bidders may examine and obtain detailed tender list/documents free of charge from the Assembly website www.kituiassembly.go.ke or public procurement information portal <https://tenders.go.ke/tenders> or IFMIS platform <https://supplier.treasury.go.ke/>

All tenders must fill, scan and submit duly serialized tender documents in PDF format electronically through the IFMIS supplier portal so as to be received on or before 28th November 2025 at 12.00 Noon.

The system will automatically LOCK OUT at the time and date of the tender closing as indicated in the IFMIS PORTAL and the tenders shall be opened electronically immediately after, in the presence of all bidders or their designated representatives who choose to attend, at the tent within the County Assembly Precincts.

Ag. CLERK OF ASSEMBLY
COUNTY ASSEMBLY OF KITUI.

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 15 OF 2025)

The National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) and the Kenya Roads (Amendment) (No. 3) Bill, 2025 (National Assembly Bills No. 34 of 2025) were read a First Time in the Senate on Tuesday, 28th October, 2025, and Wednesday, 29th October, 2025, respectively. The Bills were committed to the Standing Committee on Roads, Transportation and Housing for consideration.

The National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) seeks to amend the National Construction Authority Act, Cap 118 of the Laws of Kenya in order to obligate the National Construction Authority to promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.

The Kenya Roads (Amendment) (No. 3) Bill, 2025 (National Assembly Bills No. 34 of 2025) seeks to amend the Kenya Roads Act, Cap 408 of the Laws of Kenya in order to re-classify roads in Kenya and to provide for the responsibilities of county governments with regard to county roads. The Bill also seeks to amend the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, Cap 408 A of the Laws of Kenya.

The Committee is required, under standing order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bills and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

In accordance with the provisions of Article 118(1)(b) of the Constitution and standing order 145(5) of the Senate Standing Orders, the Standing Committee on Roads, Transportation and Housing now invites interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to readstranshousingcommittee@parliament.go.ke to be received on or before Thursday, 27th November, 2025 at 5.00 p.m.

The Bills and Digests that summarize the contents and context of the Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Court to rule on Rex Masai registers

BY RICHARD MUNGUTI

A magistrate will, on January 29, 2026, determine whether to allow the police to keep two arms movement registers or if they will remain in the court's custody pending the outcome of an inquest into the killing of protester Rex Masai on June 20 2024. Milimani Senior Principal Magistrate Geoffrey Onarigo set the date after receiving submissions from the Law Society of Kenya (LSK) in support of the directive by the court for the registers be kept at the judiciary. This followed an admission by the Central Police Station chief armorer Corporal Fredrick Okapesi that he made alterations in the two registers. However, in a dramatic turn of events, the National Police Service filed an application seeking orders to permit the police to continue keeping the registers

to avoid interference with them. However, the application elicited a clash between the office of the Director of Public Prosecution (DPP), the National Police Service, the LSK and the Independent Policing Oversight Authority. The registers were handed over to the court on September 3 for safe custody at the Milimani Law Courts. In his testimony, Mr Okapesi admitted that he made alterations on the record of the firearms issued to the police officers who were deployed to cover the June 18, 2024 and June 20, 2024 protests. As a result of the admission, the DPP applied to have the two registers kept by the Judiciary, pending the determination of the inquest which is aimed at establishing the cause of death of Rex Masai — the first casualty of the protests which later claimed more lives.

Endorsement: Infrastructure projects pricing framework ratified

New embassy to be set up in Vatican City

Cabinet also approves new embassies in Denmark and Vietnam

BY STEVE OTIENO

Kenya is set to establish a new embassy in Vatican City following a Cabinet approval yesterday evening. This marks a major step in strengthening the country's engagement with the Holy See, and advancing what the Cabinet described as "global, moral, and development diplomacy." In a meeting at State House in Nairobi, the Cabinet said the new embassy will deepen Kenya's bilateral relations with the Vatican, enhance cooperation on peace-building, climate action, and humanitarian work, and expand engagement with the Vatican's vast network of faith-based institutions worldwide. The Vatican City is the seat of the Roman Catholic Church. It plays a central role in international dialogue and development through its diplomatic, humanitarian, and interfaith influence. The Cabinet noted that a resident mission in Vatican City will provide a vital platform for Kenya to leverage the Church's extensive social and development infrastructure, particularly in education, health, and poverty alleviation.



President William Ruto. DENNIS ONSONGO / INATION

AT A GLANCE

Church central partner globally

The Vatican City, home to the Holy See and the seat of the Roman Catholic Church, plays a central role in international dialogue and development through its diplomatic, humanitarian, and interfaith influence. The Cabinet noted that a resident mission will provide a vital platform for Kenya to leverage the Church's extensive social and development infrastructure, particularly in education and health.

lic Church has been an important partner in national development. Alongside the Vatican mission, the Cabinet also approved the opening of two new embassies in Copenhagen, Denmark, and Hanoi, Vietnam. The move is part of a broader strategy to expand Kenya's diplomatic footprint and deepen trade, cultural, and development ties with key global partners. The embassy in Copenhagen will strengthen Kenya's relationship with Denmark, one of its long-standing development allies, and open opportunities for increased cooperation in renewable energy, climate resilience, and technology transfer. In Hanoi, the new embassy is expected to boost trade and investment links between Kenya and Vietnam, a rapidly growing Asian economy with significant experience in manufacturing, agriculture, and export diversification.

The Cabinet said the three new diplomatic missions form part of Kenya's continuing foreign policy realignment to ensure a stronger presence in regions critical to the country's economic and strategic interests. At the same time, the Cabinet also approved a number of major domestic policy and development measures. Among the key decisions was the endorsement of a Comprehensive Framework for Infrastructure Projects Pricing, designed to curb inflated costs, ensure transparency, and guarantee better value for money in public investments.

sof@kdnationmedia.com

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION
THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)

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The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk_senate@parliament.go.ke and copied to roads.transportation.house@parliament.go.ke to be received on or before Thursday, 27th November, 2025 at 5.00 p.m.

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J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

REPUBLIC OF KENYA



PARLIAMENT
THIRTEENTH PARLIAMENT - (FOURTH SESSION)

SPECIAL SITTING OF PARLIAMENT (ADDRESS BY HIS EXCELLENCY THE PRESIDENT)

WHEREAS, Article 132 (1) (b) of the Constitution requires the President to address a Special Sitting of Parliament once every year;

AND WHEREAS, following a notification by His Excellency Hon. William Samoei Ruto, PhD., C.G.H., President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, the Speaker of the National Assembly, and the Speaker of the Senate have convened a special sitting of the Houses of Parliament to be held on **Thursday, 20th November, 2025 commencing at 2.30 p.m.** for purposes of the President's address;

FURTHER WHEREAS, Standing Order 22(2) of the National Assembly Standing Orders and Standing Order 25(2) of the Senate Standing Orders require the Speakers of the Houses of Parliament to, respectively, notify Members of Parliament of the place, date, and time of a special sitting of the Houses of Parliament convened under Article 132(1) (b) of the Constitution;

NOW THEREFORE, Members of Parliament and the general public are hereby notified that a **Special Sitting of Parliament shall be held in the National Assembly Chamber, Main Parliament Building, Nairobi, on Thursday, 20th November, 2025 at 2.30 p.m.**

Hon. (Dr.) Moses Wetangula, EGH, MP
Speaker of the National Assembly

Hon. Amason Kingi, EGH, MP
Speaker of the Senate

11th November 2025

Appendix 5: Public Participation Matrix

STAKEHOLDER VIEWS THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025
(SENATE BILLS NO. 15 OF 2025).

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
1.	<p>(2) promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.</p>	<p>Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya</p>	<p><u>Proposal</u> Clause 2 of the Proposed Bill seeks to amend section 5 of the National Construction Authority Act, to now obligate the National Construction Authority to promote and enforce designs, standards and practices of architects & quantity surveyors.</p> <p><u>Justifications</u></p> <p>(a) Architectural designs are the mainstay of architects currently regulated by the Board of Registration of Architects & Quantity Surveyors of Kenya under the Architects & Quantity Surveyors Act (Cap. 525) and the By-laws made thereunder.</p> <p>(b) By attempting to control designs, this will occasion a functional overlap between the two</p> <p>(2) Bodies when ipso facto, the National Construction Authority (Amendment) Bill, 2025 is not an omnibus Bill thus deviating from the threshold set out in the law and the prevailing public policy in Kenya.</p> <p>(c) The clause irregularly expands the National Construction Authority's functions from quality assurance to direct enforcement of environmental and design standards whereas-</p> <p>(i) Environmental conservation is the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental</p>	<p>The Committee declined the proposal based on-</p> <ul style="list-style-type: none"> Section 5(2) (ga) gives the Board powers to enforce the prescribed Building Code in the construction industry; NCA regulates the construction industry not architectural designs While designs are developed by architects. The standard of those designs are set by NCA. The scope of the building Code is to provide— (a) standards for the design, construction,

2.	Clause 2- see above	Habitat/Kenya Property Developers Association.	<p>Management and Coordination Act (Cap. 387);</p> <p>(ii) Building design approvals, water and sanitation services are County functions as enumerated in paragraphs 8 and 11 of Part 2 in the Fourth Schedule of the Constitution of Kenya, 2010.</p> <p>(iii) The Board of Registration of Architects and Quantity Surveyors (BORAQS) regulates architecture and quantity surveying professions, ensuring that the practitioners meet professional standards.</p> <p>(iv) On designs in construction projects, BORAQS is a key stakeholder as it regulates the architects who carry the vision of the projects from design to completion, and quantity surveyors, who do the cost control. The contractors execute the project while consultants offer technical supervision.</p> <p>(v) BORAQS also assists in development of university curriculum and inspects standards.</p>	<p>operation, inspection and maintenance of a building Standards for construction materials and safety of building users.</p>
<p>Delete the word "enforce"</p> <p><u>Justification</u></p> <p>There are no clear enforcement mechanisms for the use of environmentally sustainable construction materials, designs, standards and practices.</p>			<p>The Committee declined the proposal based on-</p> <ul style="list-style-type: none"> Section 5(2) (ga) gives the board powers to enforce the prescribed Building Code in the construction industry; 	

				<ul style="list-style-type: none"> • The use of environmentally sustainable construction materials is already provided for under the building code. • Section 23 and 23A of the Act also provides for the manner of enforcement of the provisions of the Act.
3.	Clause 2- See above.	Acorn Holdings/KPDA	<p><u>Proposal</u> The new section, although positive, would require that the Authority develop not only a schedule of items that are considered sustainable, but also develop standards by which the sustainable items may be regarded and classified under the KEBS. Otherwise, the law may put the cart before the horse and cause the authority to enforce against a nonexistent standard.</p> <p><u>Justifications</u> Introduce a new clause that mandates the Authority to develop standards for sustainable construction materials. Introduce a schedule in the Act that lists the sustainable materials whose use the Amendments seeks to enforce.</p>	<p>The Committee declined the proposal based on-</p> <ul style="list-style-type: none"> • The specific standards will be provided for under regulation. Currently the Building code provides some of those standards. • The proposed amendment in clause 4 provides that the cs shall prescribe the manner of incorporating

<p>climate change responsive mechanisms into construction activities as set out in the Fourth Schedule.</p>			
<p>The Committee declined the proposal based on- The provisions give NCA powers to promote use of environmentally sustainable construction materials. The provision is not mandatory. Further, the specific standards will be provided for in the regulation, building code and guidelines.</p>	<p>Proposal. The new paragraph (ha) mandates NCA to- “promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.”</p> <ol style="list-style-type: none"> 1. Recommend adding transitional language for example “phased implementation over X years for certain classes of project” to mitigate immediate cost shock for small developers. 2. Request NCA to publish clear, measurable performance thresholds and categories. Advocate for an explicit requirement to coordinate with other regulators like <p>Policy and Legal Analysis This Elevates sustainability or resilience from policy guidance to a statutory <i>function</i> of NCA. That places statutory duties on a regulator whose mandate already includes the Building Code and quality assurance, thereby enabling enforceable standards and inspections for sustainability attributes. It creates prima facie authority to require green measures via regulations and enforcement actions. However, it does not define</p>	<p>Ashitiva Advocates, LLP.</p>	<p>Clause 2 (Section 5(2)) lists NCA functions: promote & stimulate development of construction industry, advise Cabinet Secretary, undertake research, prescribe qualifications, enforce Building Code, promote standardization, accredit contractors, etc.</p>

			<p>thresholds, scope, or timelines, those rely on subsequent regulations.</p> <p><u>Impact.</u></p> <p>Developers, contractors, designers will face legally enforceable sustainability criteria in procurement, design and inspections. Early project stage design choices like materials, orientation, drainage, and energy systems must reflect NCA expectations. Upfront costs may rise. NCA will require technical capacity, for instance inspectors, auditors and processes to operationalize the function.</p>	
<p>5. New 23B. (1) The Authority shall, in consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems.</p> <p>(2) The zones designated under subsection (1) shall include areas that receive an average of sufficient sunshine hours per day to support the effective</p>	<p>BORAQS</p>		<p><u>Proposal</u></p> <p>Delete the proposed new section 23B to the NCA Act.</p> <p><u>Justifications</u></p> <p>(a) The proposed new section 23B of the Act as contained in Clause 3 of the proposed Bill, imposes mandatory Solar System Installation Zones without first determining the stratum of the investors' funding model, given the harsh economic climes and market volatility in Kenya and not in synchrony with the Energy Act, 2019 and the express provisions of section 23A of the National Construction Act, thereby undermining the basic structure of the National Construction Authority Act and is therefore, unconstitutional.</p> <p>(b) While the new section 23B in Clause 3 of the Proposed Bill, aims to advance renewable</p>	<p>The Committee accepted the proposal based on-</p> <ul style="list-style-type: none"> The proposals in the clause are encroaching on the mandates of bodies established under the energy act which provides for use of renewable energy and the mandate of County government on physical and land planning.

<p>generation of solar energy. (3) The Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section</p>	<p>energy adoption, zoning and designation of areas for solar installations are county planning and energy functions of County Governments and not construction coordination as envisaged in the National Construction Authority Act. (c) County Governments retain constitutional authority over land-use zoning and development control, and issues construction permits, ensuring compliance with Zoning Regulations. (d) The National Construction Authority operates primarily as a coordination, regulatory and capacity building agency for construction quality and not a planning, environmental, water or renewable energy Authority. (e) Energy efficiency standards fall under the jurisdiction of the Energy and Petroleum Regulatory Authority (EPRA) under the Energy Act, 2019. EPRA regulates energy generation, licensing and renewable energy integration under the Energy Act, 2019.</p>	<p>Habitat/KPDA</p>	<p>As above.</p>
<p>6.</p>	<p>23B- as</p>	<p>Proposal. Delete. Justification The vulnerable groups may not afford to install solar energy systems. It will be a burden on the progressive realization of affordable housing. This should not be mandatory.</p>	<p>As above.</p>

<p>Clause 3 inserts new section 23B: Mandatory Solar System Installation in zones</p>	<p>Ashitva LLP.</p>	<ol style="list-style-type: none"> 1. Recommend explicit regulatory language that limits NCA's role to zoning or mandatory allocation and leaves technical standards, certification, licensing and safety to EPRA or joint technical committees. 2. Insert requirement that regulations include a list of acceptable technical standards or reference to EPRA standards to avoid conflicting specifications. 3. Phased roll-out and exemptions where small footprint buildings, social housing, or low-income housing should have tailored timelines or subsidy options. 4. Add clause requiring NCA to publish zone maps and transition periods at least 12 months before enforcement <p><u>Legal policy/ Analysis</u></p> <p>This is a novel zoning based, technology specific mandate within the construction statute. It overlaps with the Energy Act's technical regulation and EPRA's licensing and standards for solar installations.</p> <p>The Bill delegates operational details to the Cabinet Secretary (regulations) but vests NCA with zone designation and compliance enforcement. Without delineation, there is risk of jurisdictional conflict (NCA vs EPRA) over technical standards, certification, safety and licensing.</p> <p>The Bill contemplates consultation but does not specify dispute resolution or role split.</p>	<p>The Committee accepted that Zoning is a mandate of the national government. Development and enforcement of use of renewable energy is the mandate of EPRA.</p>
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	<p><u>Practical Impact</u></p> <p>Where zones are designated, all new buildings must include solar systems that affect design like rooftop allocation, structural loading, procurement (panels, inverters), and construction sequencing.</p> <p>County permit processes must be adjusted.</p> <p>Potential benefits:</p> <p>Greater rooftop solar uptake, distributed generation.</p> <p>Risks include cost escalation for marginal projects, lack of qualified technicians, potential duplicate approvals if EPR requires separate permits or standards.</p>		
8.	<p><u>Proposal</u></p> <p>Delete the amendments in paragraphs (aa) & (ac) in section 42 (2) to the Act.</p> <p><u>Justification</u></p> <p>Climate change, Environmental conservation and green technology are the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental Management and Coordination Act (Cap. 387).</p>	BORAQS	standards
9.	<p><u>Proposal</u></p> <p>Revise to read (aa) the Building Code in the construction industry that include environmentally sustainable and climate resilience construction practices.</p> <p><u>Justification</u></p> <p>Environmentally sustainable construction practices include climate change adaptation and mitigation mechanisms and enhance resilience against climate</p>	Habitat/KPDA	The Committee may consider.

10.	<p>Clause 4 (amends Section 42 – power to make regulations)</p>	<p>Ashitiva LLP.</p>	<p>change risks.</p> <ol style="list-style-type: none"> 1. Recommend that regulations include clear compliance metrics 2. Require an impact assessment for example cost and capacity before final Building Code amendment and include a review clause like review after 3 years. 3. Call for mandatory stakeholder consultation from counties, EPRA, NEMA, private sector before regulations are finalized_ <p><u>Justification</u></p> <p>The clause requires that regulations including the Building Code explicitly incorporate climate-responsive mechanisms. This creates a binding regulatory hook to implement the Fourth Schedule measures. It also creates legal basis for mandatory inspections and penalties tied to climate features. However, delegation to the Cabinet Secretary means implementation will depend heavily on the content and quality of the regulations and on parliamentary scrutiny. Therefore, Building Code updates required such as inspectors must be trained to assess climate mechanisms like rainwater systems, and green walls. Project approvals may include climate compliance checks, adding steps to permitting and project compliance signoffs.</p>	<p>The Committee declined the proposal based on-</p> <p>The law provides for a framework which will be implemented through regulations, guidelines and codes. This has been catered for by giving the Cabinet secretary powers to prescribe manner in which the standards will be in cooperated in the construction industry.</p>
11.	<p>Clause 5 – Fourth Schedule.</p>	<p>BORAQS</p>	<p><u>Proposal</u></p> <p>Delete the new Fourth Schedule immediately after the Third Schedule to the Act.</p> <p><u>Justification</u></p>	<p>The Committee declined the proposal based on-</p> <ul style="list-style-type: none"> • The Act empowers the CS

			<p>(a) The principal role and functions of the National Construction Authority under the basic structure of the National Construction Authority Act is to accredit and register eligible contractors and regulate their professional undertakings in the construction industry, within the meaning of sections 5, 15 & 18, 19 of the Act.</p> <p>(b) Clause 5 in the proposed Bill intends to insert a new Fourth Schedule in the National Construction Authority Act to deal with climate resilience, designs that withstand extreme weather conditions, among others. The proposed new Schedule is therefore ultra vires the Environmental Management and Coordination Act, 2019, Energy Act, 2019, Water Act, the Architects and Quantity Surveyors Act and the express mandate of County Governments, the Constitution of Kenya, 2010 and other applicable laws.</p>	<p>to make regulation which include a building code that provides for standards of incorporating climate change responsive mechanisms.</p> <ul style="list-style-type: none"> • NCA is mandated to promote standardization in construction industry and to improve construction techniques and materials and ensure quality assurance. • The schedule regulates construction performance and does not approve or reject developments, licence environmental impact or regulate architectural practice. It merely sets minimum
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				<p>technical standards for construction works therefore it does not encroach on the mandates of planning authorities, Nema, or architectural regulators but instead compliments NCA lawful jurisdiction.</p>
<p>12.</p>	<p>Clause 5 Fourth Schedule. D— Sustainable Materials: (a) Use of recycled, renewable, and locally sourced materials. (b) Minimizing waste through efficient design and construction practices.</p>	<p>Habitat.</p>	<p>Proposal Under D - Include Adoption of Appropriate Building Technologies (ABTs) Justification. Lowering the cost of construction and embracing green construction technologies that do not have carbon footprints.</p>	<p>The Committee declined the proposal based on- Appropriate building technologies means constructions methods , materials, and techniques that are suitable for local environment, economy and available resources. This is provided for under Part D</p>
<p>13.</p>	<p>F— Biodiversity Protection: (a) Preservation of</p>	<p>Habitat/KPDA</p>	<p>Delete urban under F(b) Biodiversity should not be limited to urban areas but encompasses the whole habitats of ecosystems which</p>	<p>The Committee declined the proposal based on-</p>

<p>existing natural habitats and ecosystems. (b) Integration of green roofs and walls to support urban biodiversity.</p> <p>H-Health and Safety: (a) Ensuring indoor air quality and natural lighting. (b) Use of non-toxic and low-emission materials.</p> <p>14. 4TH schedule.</p>	<p>are interconnected.</p>	<ul style="list-style-type: none"> the emphasis on biodiversity in urban areas is because of the limited space, most housing schemes lack green spaces for planting trees because of limited space unlike in rural areas where there is plenty of space. <p>Accepted to correct the error in numbering.</p>	
<p>Ashitava LLP.</p>	<p><u>Revise the numbering H— Health and Safety to G</u> To maintain consistency in numbering.</p> <ol style="list-style-type: none"> Translate Schedule items into measurable criteria in the regulations and Building Code for example minimum groundwater recharge per plot, minimum % of roof area reserved for solar in designated zones, minimum recycled content in structural materials for Class A projects. Mandate inter-agency technical standards NCA, EPRA, NEMA, county planning to be published jointly. Include special provisions for low-income housing and small contractors. lower thresholds, subsidies. Require a monitoring & reporting regime annual 	<p>The Committee partially declined the proposal based on-</p> <ul style="list-style-type: none"> These details will be prescribed in the regulations. The schedule to be amended to provide for the mandate of NCA as setting standards to avoid 	

		<p>NCA report on compliance metrics.</p> <p>Justification.</p> <p>The Schedule is comprehensive but largely descriptive rather than prescriptive. It gives regulators a checklist to incorporate into Building Code and inspection regimes but lacks quantitative standards.</p> <p>The Schedule will have legal force to the extent the regulations adopt it.</p> <p>It also interfaces with numerous laws: Kenya Climate Change Act (objectives on adaptation/mitigation), Environmental Management & Coordination Act (EMCA) on pollution control, Energy Act/EPRA on renewables, County planning laws on land use, and building specific</p> <p>Practical Impact.</p> <p>Provides a broad checklist for designers and contractors and a framework for regulators. But absence of quantifiable benchmarks will generate uncertainty in enforcement as what qualifies as “sufficient” green space or “energy-saving technologies”: stockpiled enforcement could create inconsistent application across counties and projects.</p>	<p>the provisions of the schedule being in conflict with the mandates of other bodies.</p>
15.	New clause- Interpretation	<p>Habitat/KPDA</p> <p>Include in the interpretation of terms -</p> <ol style="list-style-type: none"> (1) environmentally sustainable construction practices (2) resilience (3) climate change risks 	<p>The Committee declined the proposal because the words are used in their ordinary sense. The EMCA Act does</p>

			<p><u>Justification.</u> There is need to define these terms for easier interpretation and enforcement of the Act. Refer the definition of climate change to that in the Climate Change (Amendment) Act, 2023 (Act No. 9 of 2023)</p>	not define climate change.
16.	New Clauses	Institute of Certified Secretaries (ICS)	<p><u>Proposal</u> Amend the Act to include the definition of Public certified Secretary. To recognise certified secretaries as governance professional eligible for appointment in the Board and management committees</p> <p><u>Justification</u> The principles Act and the amendment Bill do not reference public secretaries, inclusion will ensure recognition of profession governance expertise within the Authority structure.</p>	<p>The Committee declined the proposals based on- The amendments proposed are outside the scope of the Bill. The proposal may be introduced in a separate legislative proposal.</p>
17.	New clauses	ICS	<p><u>Proposal</u> Amend section 7 of the Act on the membership of the Board.</p> <p><u>Justification</u> To enhance, compliance, governance, ethical oversight within the Authority.</p>	See above
18.	New Clauses	ICS	<p><u>Proposal</u> Amend section 12 of the Act by Deleting the position of executive director as secretary to the Board and registrar to contractors.</p> <p><u>Justification</u> Having CEO and CPS role under one person leads to concentration of power and undermines checks and</p>	See above

19.	New Clauses	ICS	<p>balances, separation of power ensures that the Board is independently advised and governance mechanism are not compromised.</p> <p>CPS is to be tasked with administration and record keeping and ensure the entity is legally compliant which should be separate with director's role.</p> <p><u>Proposal</u> Amend section 14 of the Act to mandate the establishment of Audit committee, risk committee and governance committee.</p> <p><u>Justification</u> Functional committees enhance Board effectiveness and provide oversight on critical areas and ensure accountability mechanism are institutionalised.</p>	See above
20.	New Clauses	ICS	<p><u>Proposal</u> Amend section 25 on offenses expand offenses to include governance breaches including conflict of interest, falsification of governance reports or failure to implement governance audit recommendations.</p> <p><u>Justification.</u> Governance lapses undermine accountability recognising them as offenses enhances compliance and personal responsibilities of officers.</p>	
21.	General Comments.	Ministry of Lands , Public Works, Housing and Urban Development.	<p><u>Proposal</u> The Act Needs not be amended.</p> <p><u>Justification.</u> Promoting of sustainable materials, designs and standards, and practices that improve resilience against climate change in construction industry has already been addressed through regulations and the National</p>	Thus the need to anchor the provision in a Legislation.

			Building Code, not Legislation.	
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STAKEHOLDERS.

1. Board of Registration of Architects and Quantity Surveyors (BORAQS) Kenya.
2. Institute of Certified Secretaries (ICS).
3. Ministry of Lands, Public Works, Housing and Urban Development.
4. Kenya Property Developers Association. (KPDA).
5. Acorn Holdings (Acorn).
6. Habitat for Humanity Kenya (Habitat).
7. Ashitva Advocates LLP.

Appendix 6: Copies of the Stakeholders' Submissions



**Board of Registration of Architects and Quantity Surveyors
(BORAQS) Kenya**

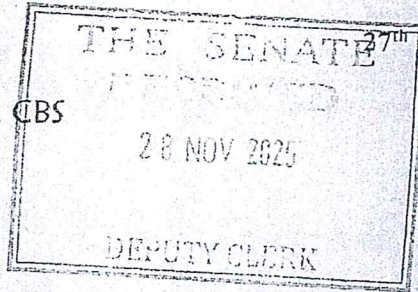
Ngong Road
Transcom House Annexe
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P. O. Box 40866 – 00100
Nairobi, Kenya
Tel: 0726243005
info@boraqs.or.ke

MJ Munyao
Kindly note & deal.
11/12/25

BORAQS/NCA/MEM/(02)/2025

Mr. Jeremiah Nyegenye, CBS
The Clerk of the Senate,
P.O. Box 41842-00100,
NAIROBI.



27th November, 2025

27 NOV 2025

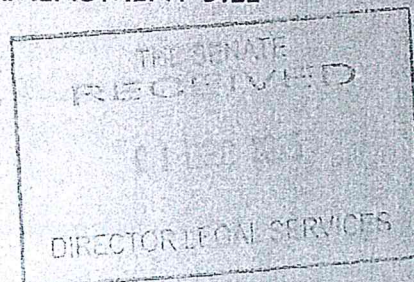
RE: BORAQS MEMORANDUM ON THE NATIONAL
CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025
(SENATE BILLS NO. 15 OF 2025) HON. EDDY GICHERU
OKETCH, SENATOR.

D&C
D&G

kindly deal
[Signature]
28/11/2025

We, the undersigned, the Board of the Registration of Architects & Quantity Surveyors of Kenya established under section 4 of the Architects and Quantity Surveyors Act (Cap. 525) of the laws of Kenya, presents to the Senate the following memorandum, in response to the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) Sponsored by Hon. Eddy Gicheru Oketch, Senator, that is now before the Standing Committee on Roads, Transportation and Housing:

A. CONTENTIOUS PROVISIONS IN THE AMENDMENT BILL-



1. The Board of the Registration of Architects & Quantity Surveyors of Kenya (BORAQS) being the body that statutorily regulates the registration and practice of architects and quantity surveyors in Kenya, and also guides Universities in Kenya to develop their curriculum in architecture and quantity surveying to meet the requisite qualifications and standards, is opposed to the Amendments to the National Construction Authority Act, as specified in the National Construction Authority (Amendment) Bill, 2025 in the following provisions-

(a) Clause 2 of the Bill, seeks to amend section 5 of the National Construction Authority Act, to now obligate the National Construction Authority to promote and enforce designs, standards and practices of architects & quantity surveyors.

Architectural designs are the mainstay of architects and currently regulated by the Board of Registration of Architects & Quantity Surveyors of Kenya under the Architects & Quantity Surveyors Act (Cap. 525) and the By-laws made thereunder.

By attempting to control designs, this will occasion a functional overlap between the two (2) Bodies when *ipso facto*, the National Construction Authority (Amendment) Bill, 2025 is not an omnibus Bill and curiously has not been subjected to sufficient stakeholders' public participation, thus deviating from the threshold set out in the law and the prevailing public policy in Kenya.

(b) Clause 4 & 5 of the Bill intends to amend subsection (2) of section 42 of the National Construction Authority Act by inserting a new Schedule to the National Construction Authority Act to deal with construction activities that from

the onset, encroach on the express mandate of the Board of Registration of Architects & Quantity Surveyors in enforcing among its registered persons, the drawing of efficient designs that can withstand extreme weather conditions and minimize waste, a primary responsibility of architects under the Architects & Quantity Surveyors Act (Cap. 525) and the Architects and Quantity Surveyors (Amendment) By-laws, 2023 (L.N. 188 of 2023).

B. FACTUAL BACKGROUND AND THE LAW

2. The principal role and functions of the National Construction Authority under the basic structure of the National Construction Authority Act is to accredit and register eligible contractors and regulate their professional undertakings in the construction industry, within the meaning of sections 5, 15 & 18, 19 of the Act.

3. Whereas section 5 (2) (h) of the National Construction Authority Act provides that the Authority shall encourage the standardization and improvement of construction techniques and material, the proposed new amendments contained in Clause 2 of the proposed Bill, to amend subsection (2) (h) of section 5 to the Act by inserting a new paragraph (ha) to promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks, contradicts the wording, spirit and intention of Parliament while enacting section 5 (2) (h) of the Act rendering the mandatory nature of the new proposal, a legislative overreach and ultra vires.

4. Clause 2 of the proposed Bill, irregularly expands the National Construction Authority's functions from quality assurance to direct enforcement of environmental and design standards whereas-

(a) Environmental conservation is the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental Management and Coordination Act (Cap. 387) of the laws of Kenya;

(b) Building design approvals, water and sanitation services are County functions as enumerated in paragraphs 8 and 11 of Part 2 in the Fourth Schedule of the Constitution of Kenya, 2010. County Governments retain constitutional authority over land-use zoning and development control, and issues construction permits, ensuring compliance with Zoning Regulations.

(c) The Board of Registration of Architects and Quantity Surveyors (BORAQ5) regulates architecture and quantity surveying professions, ensuring that the practitioners meet professional standards. On designs in construction projects, BORAQ5 is a key stakeholder as it regulates the architects who carry the vision of the projects from design to completion; and quantity surveyors, who do the cost control. The contractors execute the project while consultants offer technical supervision. The Design team in a project includes an architect as the lead consultant with structural engineers, quantity surveyors and landscape

architects, among others, playing a key role in the scope of works in a construction project. NCA is the final approval on construction projects by issuing construction permits but not designs.

(d) BORAQS helps universities in Kenya to develop their curriculum and inspects standards to ensure the right conditions are met. For instance, the School of Architecture and Building Sciences in Jomo Kenyatta University Agriculture & Technology, offers the Bachelor of Architectural Studies/ Bachelor of Architecture, which-

- (i) In 1st year, contains the Unit Code & name ABA 2104 Architectural Communication I, 4 units consume 300 hours; ABA 2108 Architectural Communication II, 4 units consume 300 hours;
- (ii) In 2nd year, contains the Unit Code & name ABA 2205 Architectural Design I, 4 Units consume 300 hours; ABA 2210 Architectural Design II, 4 units consume 300 hours;
- (iii) In 3rd year, contains the Unit Code & name 2301 Sustainable Design 1 unit

(e) BORAQ5 conducts professional exams under section 8 of the Architects and Quantity Surveyors Act (Cap. 525) and the By-laws made thereunder, to ensure that the students have met the requisite qualifications and standards for practice.

(vi) In 6th year, contains the Unit Code & name ABA 2603 Design Thesis Project, 8 units take 600 hours.

(v) In 5th year, contains the Unit Code and name ABA 2505 Advanced Architectural Design I, 4 units take 300 hours; ABA 2509 Advanced Architectural Design II, 5 units take 375 hours; and

(iv) In 4th year, contains the Unit Code & name ABA 2405 Architectural Design V, 4 units take 300 hours;

takes 45 hours: ABA 2302 Interior Design & Detailing 1 unit consumes 45 hours; ABA 2305 Architectural Design III, 4 units takes 300 hours; and ABA Architectural Design IV, 4 units take 300 hours.

(f) The work of an architect is to advise his clients, study their needs, to prepare, direct and coordinate design and to supervise works executed under a building contract and may nominate specialist sub-contractors for the design and execution of any part of the work and is responsible for the direction and integration of their design and for the supervision of their work and to conduct technical audit as provided in the Fourth Schedule to the Architects and Quantity Surveyors (Amendment) By-Laws, 2023 (L.N. 188 of 2023).

(g) Article 186 of the Constitution of Kenya, 2010 and the Fourth Schedule in the Constitution assign planning, housing and building control to County Governments while the State Department for Housing in the National Government develops and updates the Building Code.

(h) NCA oversees the construction industry, ensuring compliance with the Building Code's standards for safety, sustainability and accessibility.

Expanding NCA powers as espoused in the proposed Bill risks new regulatory conflicts, administrative burden and unnecessary higher compliance costs; and

(i) Energy efficiency standards fall under the jurisdiction of the Energy and Petroleum Regulatory Authority (EPRA) under the Energy Act, 2019. EPRA regulates energy

generation, licensing and renewable energy integration under the Energy Act, 2019.

5. The proposed new section 23B of the Act as contained in Clause 3 of the proposed Bill, imposes mandatory solar system installation Zones without first determining the stratum of the investors' funding model, given the harsh economic climes and market volatility in Kenya and not in synchrony with the Energy Act, 2019 and the express provisions of section 23A of the National Construction Act, thereby undermining the basic structure of the National Construction Authority Act and is therefore, unconstitutional.

6. While the new section 23B in Clause 3 of the Proposed Bill, aims to advance renewable energy adoption, zoning and designation of areas for solar installations are county planning and energy functions of County Governments and not construction coordination as envisaged in the National Construction Authority Act.

7. The National Construction Authority operates primarily as a coordination, regulatory and capacity building agency for construction quality and not a planning, environmental, water or renewable energy Authority.

8. The following therefore is a matrix format that indicates our proposals for consideration by the Committee indicating the section of the Act, specific clause, proposed amendment and justification, as provided in Appendix A hereunder.

BOARD OF REGISTRATION OF ARCHITECTS
AND QUANTITY SURVEYORS (BORQS) KENYA

MEMORANDUM BY BORQS ON THE NATIONAL
CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025
(SENATE BILLS NO. 15 OF 2025) SPONSORED BY HON.
SENATOR EDDY GICHERU OKETCH, TO THE STANDING
COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING

APPENDIX A



Justification	Proposed Amendment	Clause	Section	The National Construction Authority Act Cap.118
	(a) Clause 2 of the Proposed Bill, seeks to amend section 5 of the National Construction Authority Act, to now obligate the National Construction Authority to promote and enforce designs, standards and practices of architects &	Delete the Clause 2	in the proposed new proposed Bill.	s. 5 1.

			<p>quantity surveyors.</p> <p>Architectural designs are the mainstay of architects currently regulated by the Board of Registration of Architects & Quantity Surveyors of Kenya under the Architects & Quantity Surveyors Act (Cap. 525) and the By-laws made thereunder.</p> <p>By attempting to control designs, this will occasion a functional overlap between the two (2) Bodies when <i>ipso facto</i>, the National Construction Authority (Amendment) Bill, 2025 is not an omnibus Bill thus deviating from the threshold set out in the law and the prevailing public policy in Kenya.</p> <p>Clause 2 of the proposed Bill, irregularly expands the National Construction Authority's functions from quality assurance to direct</p>
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<p>enforcement of environmental and design standards whereas-</p> <p>(a) Environmental conservation is the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental Management and Coordination Act (Cap. 387);</p> <p>(b) Building design approvals, water and sanitation services are County functions as enumerated in paragraphs 8 and 11 of Part 2 in the Fourth Schedule of the Constitution of Kenya, 2010.</p> <p>(c) The Board of Registration of Architects and Quantity Surveyors (BORAQS) regulates architecture and quantity surveying professions, ensuring that the practitioners meet professional standards.</p>				
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			<p>On designs in construction projects, BORAQS is a key stakeholder as it regulates the architects who carry the vision of the projects from design to completion, and quantity surveyors, who do the cost control. The contractors execute the project while consultants offer technical supervision.</p> <p>The Design team in a project includes an architect as the lead consultant with structural engineers, quantity surveyors and landscape architects, among others, playing a key role in the scope of works in a construction project. NCA is the final approval on construction projects by issuing construction permits but not designs.</p> <p>(d) BORAQS helps universities in Kenya to develop their curriculum and inspects standards to ensure</p>
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<p>the right conditions are met.</p> <p>For instance, the School of Architecture and Building Sciences in Jomo Kenyatta University Agriculture & Technology, offers the Bachelor of Architectural Studies, which-</p> <p>(i) In 1st year, contains the Unit Code & name ABA 2104 Architectural Communication I, 4 units consume 300 hours; ABA 2108 Architectural Communication II, 4 units consume 300 hours;</p> <p>(ii) In 2nd year, contains the Unit Code & name ABA 2205 Architectural Design I, 4 Units consume 300 hours; ABA 2210 Architectural Design II, 4 units consume 300 hours;</p> <p>(iii) In 3rd year, contains the Unit Code &</p>				
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			<p>name 2301 Sustainable Design 1 unit takes 45 hours; ABA 2302 Interior Design & Detailing 1 unit consumes 45 hours; ABA 2305 Architectural Design III, 4 units takes 300 hours; and ABA Architectural Design IV, 4 units take 300 hours.</p> <p>(iv) In 4th year, contains the Unit Code & name ABA 2405 Architectural Design V, 4 units take 300 hours;</p> <p>(v) In 5th year, contains the Unit Code and name ABA 2505 Advanced Architectural Design I, 4 units take 300 hours; ABA 2509 Advanced Architectural Design II, 5 units take 375 hours; and</p> <p>(vi) In 6th year, contains the Unit Code & name ABA 2603 Design Thesis Project, 8 units take</p>
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<p>600 hours.</p> <p>(e) BORAQS conducts professional exams under section 8 of the Architects and Quantity Surveyors Act (Cap. 525) and the By-laws made thereunder, to ensure that the students have met the requisite qualifications and standards for practice.</p> <p>(f) The work of an architect is to advise his clients, study their needs, to prepare, direct and coordinate design and to supervise works executed under a building contract and may nominate specialist sub-contractors for the design and execution of any part of the work and is responsible for the direction and integration of their design and for the supervision of their work and to conduct technical audit as provided in the Fourth Schedule to the Architects and Quantity Surveyors</p>				
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				(Amendment) By-Laws, 2023 (L.N. 188 of 2023).
2.	S. 23A	Clause 3 in the proposed Bill.	Delete the proposed new section 23B to the NCA Act.	<p>(a) The proposed new section 23B of the Act as contained in Clause 3 of the proposed Bill, imposes mandatory Solar System Installation Zones without first determining the stratum of the investors' funding model, given the harsh economic climes and market volatility in Kenya and not in synchrony with the Energy Act, 2019 and the express provisions of section 23A of the National Construction Act, thereby undermining the basic structure of the National Construction Authority Act and is therefore, unconstitutional.</p> <p>(b) While the new section 23B in Clause 3 of the Proposed Bill, aims to advance</p>

<p>renewable energy adoption, zoning and designation of areas for solar installations are county planning and energy functions of County Governments and not construction coordination as envisaged in the National Construction Authority Act.</p> <p>(c) County Governments retain constitutional authority over land-use zoning and development control, and issues construction permits, ensuring compliance with Zoning Regulations.</p> <p>(d) The National Construction Authority operates primarily as a coordination, regulatory and capacity building agency for construction quality and not a planning, environmental, water or renewable energy Authority.</p>				
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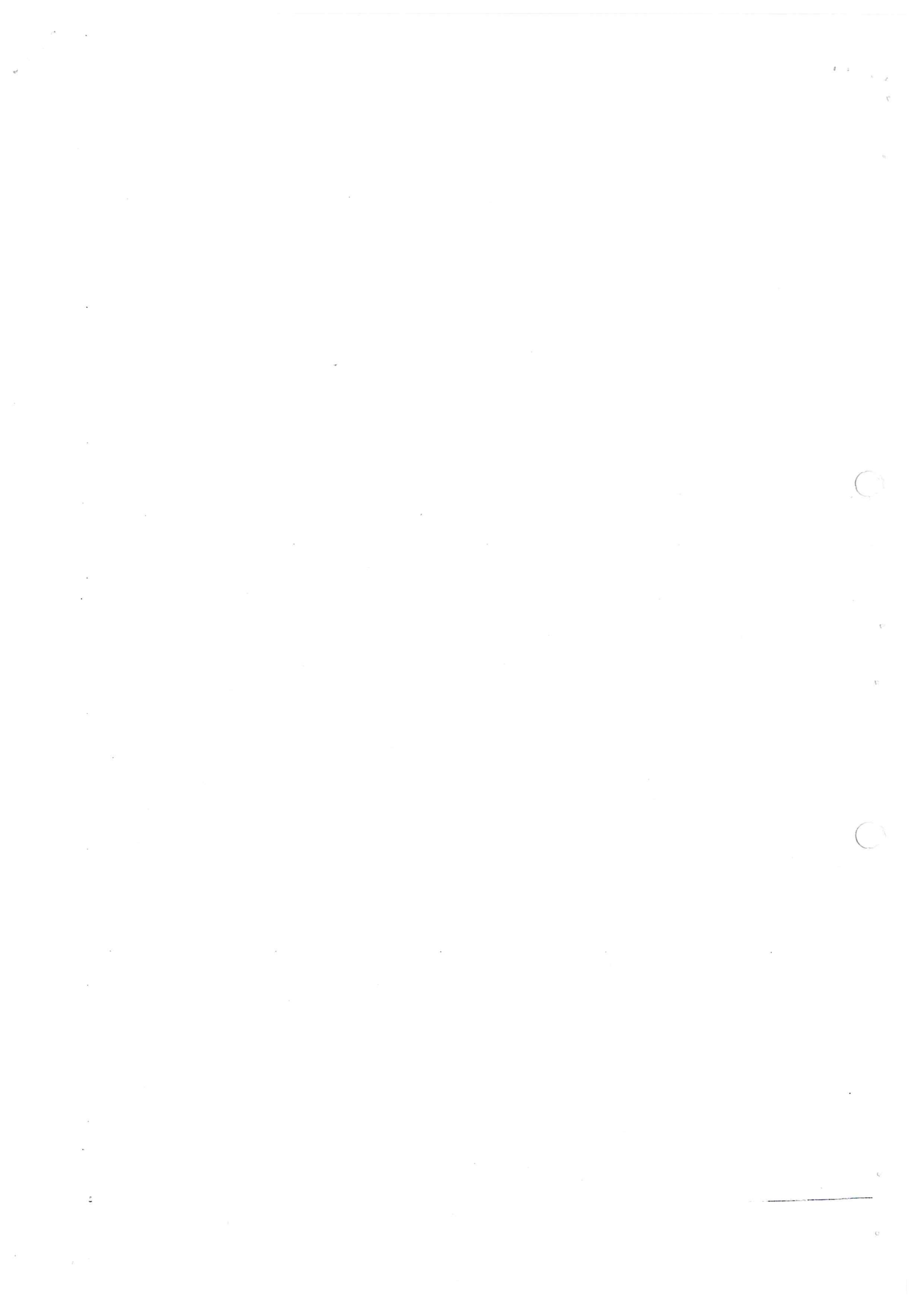
				<p>(e) Energy efficiency standards fall under the jurisdiction of the Energy and Petroleum Regulatory Authority (EPRA) under the Energy Act, 2019.</p> <p>EPRA regulates energy generation, licensing and renewable energy integration under the Energy Act, 2019.</p>
3.	Section 42 (2) of the Act.	Clause 4 (a) & (b) in the proposed Bill.	Delete The amendments in paragraphs (aa) & (ac) in section 42 (2) to the Act.	Climate change, Environmental conservation and green technology are the preserve of the National Environment Management Authority (NEMA) as underpinned in the Environmental Management and Coordination Act (Cap. 387).
4.	Third Schedule to the Act.	Clause 5 in the Proposed Bill	Delete the new Fourth Schedule immediately	(a) The principal role and functions of the National Construction Authority under the basic structure of the National Construction

<p>Authority Act is to accredit and register eligible contractors and regulate their professional undertakings in the construction industry, within the meaning of sections 5, 15 & 18, 19 of the Act.</p> <p>(b) Clause 5 in the proposed Bill intends to insert a new Fourth Schedule in the National Construction Authority Act to deal with climate resilience, designs that withstand extreme weather conditions, incorporation of green spaces and natural buffers, energy efficiency, water conservation, pollution control, sustainable materials, biodiversity protection, utilization of construction, health and safety among others.</p> <p>The proposed new</p>	<p>Third Schedule to the Act.</p>		
--	-----------------------------------	--	--

				Schedule is therefore <i>ultra vires</i> the Environmental Management and Coordination Act, 2019, Energy Act, 2019, Water Act, the Architects and Quantity Surveyors Act and the express mandate of County Governments, the Constitution of Kenya, 2010 and other applicable laws.
--	--	--	--	--

Dated the 27th November, 2025.


QS. George C. Omondi,
REGISTRAR.



CPS Governance Centre
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P.O. Box 46935 - 00100
Nairobi, Kenya

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Institute of
Certified Secretaries
The Governance Profession



Date: 12th November, 2025

Jeremiah M. Nyegenye,
The Clerk, Senate
P.O BOX 41842-00100
Nairobi

12 NOV 2025

Ms Manyasi
You are dealing
13/11/2025
DKC
DK

Dear Sir,

Kindly deal
12/11/2025

RE: MEMORANDUM ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025

The Institute of Certified Secretaries (ICS) is a statutory professional membership organization under the National Treasury and Economic Planning, established under the Certified Public Secretaries of Kenya (CPSK) Act, Cap. 534 Laws of Kenya. The core mandate of the Institute is to promote the practice of good governance in both the public and private sectors.

The Institute has reviewed the National Construction Authority (Amendment) Bill, 2025, which seeks to amend the National Construction Authority Act, No. 41 of 2011.

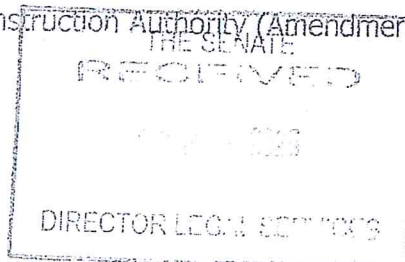
In line with its statutory mandate ICS submits the following proposals to strengthen institutional governance, accountability, and ethical oversight within the Authority's operations and the broader construction Industry.

Yours sincerely,

12 NOV 2025

FCS Jeremiah N. Karanja, MBS.,
CHIEF EXECUTIVE OFFICER

Encl: Memorandum on The National Construction Authority (Amendment) Bill, 2025



PROVISIONS OF THE BILL	RECOMMENDATION	JUSTIFICATION
Section 2, Interpretation	Amend by Inserting a definition of " <i>Certified Public Secretary</i> " under the interpretation section of the Act, and explicitly recognize Certified Secretaries as governance professionals eligible for appointment to boards and management committees of the National Construction Authority.	The principal Act and Amendment Bill do not reference Certified Secretaries. Inclusion ensures recognition of professional governance expertise within the Authority's structures and aligns with national governance standards.
Section 7 - Membership of the Board	(a) Include a Certified Secretary as a mandatory member of the Board.	Including Certified Secretaries enhances compliance, governance and ethical oversight within the authority.
Section 12- Executive director	12 (3) should be amended to delete the position of the executive director as secretary to the board and registrar of contractors. The Bill should explicitly provide for the competitive recruitment of a qualified Corporation secretary.	Having the CEO and CPS roles under one person leads to concentration of power and undermines checks and balances. Separation of their roles ensures that the board is independently advised and that governance mechanisms are not compromised by management. The CPS is to be tasked with administration and record keeping, and ensure the entity is legally compliant which should be separate from the Directors role.
Section 14 - Committees of the Board	Amend to mandate establishment of an Audit and Risk Committee, and a Governance and Ethics Committee.	Functional committees enhance board effectiveness, provide oversight in critical areas, and ensure accountability mechanisms are institutionalized.

PROVISIONS OF THE BILL	RECOMMENDATION	JUSTIFICATION
Section 25 – Offences and Penalties	Expand offences to include governance-related breaches such as concealment of conflicts of interest, falsification of governance reports, or failure to implement governance audit recommendations.	Governance lapses undermine accountability. Recognizing them as offences strengthens compliance and personal responsibility of officers.



04 DEC 2025

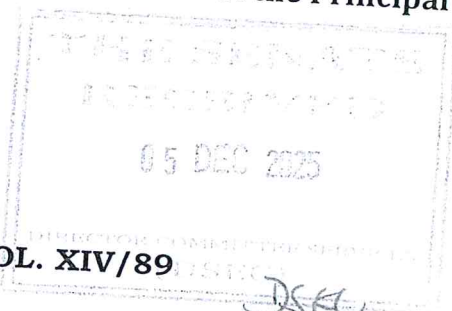


**MINISTRY OF LANDS, PUBLIC WORKS
HOUSING & URBAN DEVELOPMENT**
State Department for Public Works

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PW/A/100/135/VOL. XIV/89

27th November 2025

Mr. J. M. Nyegenye, CBS.
Clerk of the Senate
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

DKK
DLS

Kindly deal

Eg 04/12/2025

*Mr. Gikonyo
Kindly deal
1/12/2025*

Dear *desk,*

**MEMORANDUM ON THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL 2025**

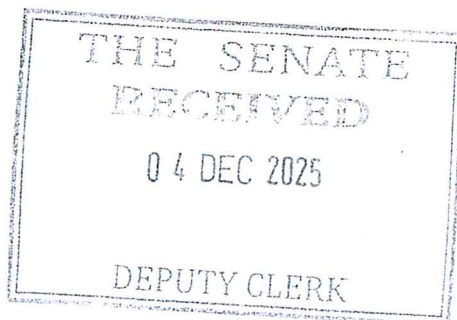
Reference is made to the above matter.

The State Department for Public Works has reviewed the National Construction Authority (Amendment) Bill 2025 in line with the National Construction Authority Act No. 41 of 2011 and have noted substantive issues of law that need to be addressed.

The purpose of this letter is to kindly forward the Memorandum on the National Construction Authority (Amendment) Bill 2025 for your consideration.

Yours *Sincerely,*

JAP
Joel P. L. Arumonyang, CBS
PRINCIPAL SECRETARY





REPUBLIC OF KENYA

04 DEC 2025

**MINISTRY OF LANDS, PUBLIC WORKS, HOUSING &
URBAN DEVELOPMENT**

STATE DEPARTMENT FOR PUBLIC WORKS

**MEMORANDUM ON THE NATIONAL CONSTRUCTION
AUTHORITY (AMENDMENT) BILL 2025**

NOVEMBER, 2025

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MEMORANDUM ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL 2025

1.0 BACKGROUND

The National Construction Authority (NCA) is established by the National Construction Authority Act No. 41 of 2011 (hereinafter referred to as the 'Act') (*attached as Annex 1*), which came into effect on the 8th of June 2012. In exercise of the Cabinet Secretary's powers conferred under Section 42 of the Act, the National Construction Authority Regulations were adopted by the National Assembly and took effect on the 6th June 2014 by Notice in the Kenya Gazette.

The Authority is geared towards streamlining, overhauling, and regulating an industry that has, for many years, suffered from a poor legislative framework and has been dominated by unqualified persons. The core functions of the Authority are summarized as: Regulatory, Advisory, and Capacity Building.

Pursuant to its mandate, the Authority has reviewed the National Construction Authority (Amendment) Bill 2025 (*attached as Annex 2*), and our written submissions on the same are as outlined below.

2.0 MANDATE

As provided under Section 5 of the Act, the object for which the Authority is established is to oversee the construction industry and coordinate its development. Pursuant to Section 5(2) of the National Construction Authority's Act No. 41 of 2011 (hereinafter referred to as the Act), the Authority's functions are as follows;

- (a) promote and stimulate the development, improvement and expansion of the construction industry;
- (b) advise and make recommendations to the Minister on matters affecting or connected with the construction industry;
- (c) undertake or commission research into any matter relating to the construction industry;
- (d) prescribe the qualifications or other attributes required for registration as a contractor under this Act;
- (e) assist in the exportation of construction services connected to the construction industry;
- (f) provide consultancy and advisory services with respect to the construction industry;
- (g) promote and ensure quality assurance in the construction industry;
- (ga) enforce the prescribed Building Code in the construction industry;
- (h) encourage the standardisation and improvement of construction techniques and materials;
- (i) initiate and maintain a construction industry information system;

- (j) provide, promote, review and co-ordinate training programmes organized by public and private accredited training centers for skilled construction workers and construction site supervisors;
- (k) accredit and register contractors and regulate their professional undertakings;
- (l) accredit and certify skilled construction workers and construction site supervisors;
- (m) develop and publish a code of conduct for the construction industry and
- (n) do all other things that may be necessary for the better carrying out of its functions under the Act.

3.0 THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL 2025

3.1 Introduction

The National Construction Authority (Amendment) Bill 2025 (herein referred to as 'Bill') is an Act of Parliament that seeks to amend the National Construction Act No. 41 of 2011.

The main purpose of the Bill is to amend the National Construction Authority Act, No. 41 of 2011, to incorporate provisions on environmentally sustainable construction practices and resilience to climate change risks within the construction industry. Since the construction sector affects the environment and is vulnerable to climate change, the amendments aim to embed environmental sustainability and climate resilience into construction activities.

3.2 Amendments

The Bill aims to propose the following amendments to the National Construction Authority Act, No. 41 of 2011.

1. *Section 5 of the National Construction Authority Act, in this Act referred to as the "principal Act", is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (h) (ha) promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.*
2. *The principal Act is amended by inserting the following new section immediately after section 23A –*

Solar 23B. (1) The Authority shall, in System Installation zones, consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems.

(2) The zones designated under subsection (1) shall include areas that receive an average of sufficient sunshine hours per day to support the effective generation of solar energy.

(3) The Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section.

3. *Section 42 of the principal Act is amended in subsection 2 by (a) inserting in paragraph (aa) the words "that include climate change responsive mechanisms" immediately after the word "industry";*

(b) inserting the following new paragraph immediately after paragraph (ab)— (ac) the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule;

4. *The principal Act is amended by inserting the following new Schedule immediately after the Third Schedule—*

FOURTH SCHEDULE (s.42) CLIMATE CHANGE RESPONSIVE MECHANISMS TO BE CONSIDERED IN CONSTRUCTION ACTIVITIES

4.0 ANALYSIS OF THE PROPOSED AMENDMENTS IN THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL 2025, VIS A VIS THE NATIONAL CONSTRUCTION AUTHORITY ACT NO. 41 OF 2011

4.1 The National Building Code, 2024

Under Section 42 (2) (aa) of the NCA Act, the Cabinet Secretary overseeing Public Works, in consultation with the National Construction Authority's Board, has the authority to establish regulations concerning the Building Code within the construction sector.

Thus, the Building Code has been anchored under Section 5(2) (ga) of the NCA Act.

5 (2) (ga) Enforce the prescribed Building Code in the construction industry.

Prior to the National Building Code 2024, the previous 1968 Building Code (The Local Government (Adoptive By-Laws) (Building) Order and the Local Government (Adoptive By-Laws) (Grade II Building) had been applied in Kenya for over 50 years.

Given the dynamic nature of the construction industry, some of its provisions were obsolete and needed to be replaced with market-oriented and research-based technical provisions.

Following the repeal of the Local Government Act CAP 265 by the County Governments Act No. 17 of 2012, the 1968 Building Code became subsidiary legislation without a parent Act. Therefore, a legal framework to anchor the 1968 Building Code was needed for it to be revised and gazetted.

Accordingly, the National Building Code 2024 (*attached as Annex 3*), was developed through a stakeholder-driven process in accordance with Article 10 of the Constitution of Kenya and Sections 5(3) and 6 of the Statutory

Instruments Act 2013. It was published on 1st March 2024 vide Kenya Gazette Legal Notice No. 47 of the Kenya Gazette Supplement No. 36 dated 29th February 2024.

The Code provided for a transition period of one (1) year from the date of publication; thus, it became effective on 1st March 2025.

The National Building Code is a set of regulations that govern building construction in Kenya. It prescribes improved standards in building design, construction, and maintenance that reflect best practices in the built environment, promoting quality, safety, health, and acceptable environmental norms in the sector. It also creates a regulatory platform that fosters collaboration and compliance among all stakeholders in the construction industry.

The Code provides for:

- a) Standards for the design, construction, operation, inspection, and maintenance of a building;
- b) Standards for design, building materials, products, elements, systems, and building services;
- c) Standards for infrastructure services;
- d) Standards for the operations and works at a construction site;
- e) Standards for disaster management at a construction site; and
- f) Standards for the safety and security of the users and occupants of a building.

The Code ushers in a new era of construction standards that provide for environmentally sustainable construction practices and resilience against climate change risks, including multi-hazard designs, sustainable green construction practices, and disaster risk management on construction sites.

The Table below highlights how the National Building Code 2024 promotes sustainable materials, designs, standards, and practices that improve resilience against climate change.

NO.	FEATURE	NATIONAL BUILDING CODE	SECTION OF THE NATIONAL BUILDING CODE
1.	Multi-hazard resilient designs	The code requires buildings to be designed to withstand multiple hazards, making them more resilient to climate-related events like floods and storms.	Part VI – Structural Design, outlines the structural standards and requirements for the safe construction of buildings and related structures. All structures must adhere to recognized engineering standards, using reliable design methods and materials.

			Further, buildings should be designed to resist environmental loads such as wind, seismic and thermal effects.
2.	Sustainable Materials and Practices	The code promotes the use of environmentally friendly materials, with a focus on reducing construction environmental impact.	<p>Part V – Building Materials, outlines the use of approved construction materials, as per the Standards Act CAP 496, ensuring quality, durability and performance.</p> <p>Further, used material shall only be used on construction works if the material meets the performance requirements of the Standards Act.</p> <p>Part XVI- Landscaping, landscape design considerations are provided. Construction on an environmental reserve is restricted to approval. Setbacks for trees and shrubs are provided.</p>
3.	Energy efficiency and renewable energy	The code promotes renewable energy, such as solar adoption and electric vehicle charging stations.	<p>Part XV - Electrical Installations, electrical installation work shall include electrical engineering services that shall be installed in a building to make it habitable.</p> <p>Specifically, the code provides for standards for installation of solar energy systems under paragraph 328 (2). Further, other sources of energy, more so renewable green energy sources, are encouraged to mitigate climate change.</p>
4.	Water Conservation and Management	The code incorporates measures for efficient water management, including rainwater harvesting and comprehensive guidelines for stormwater drainage and septic systems, aimed at promoting water conservation and reducing flood risk.	<p>Part XIV-Water services, Drainage, Waste Disposal and Storm Water Drainage, makes provision for Rainwater harvesting is as well as plumbing that separates grey water from black water.</p> <p>Design and construction of conservancy tanks, septic tanks and soak pits are provided for.</p>

5.	Waste management	The code addresses waste and emissions.	<p>Part XVIII – Non- water borne waste disposal, provides standards for design, building materials, products and systems for non-water borne waste disposal.</p> <p>Part XIX – Refuse Disposal, provides guidelines for the proper disposal of solid and liquid waste, addressing sanitation and waste management issues.</p>
6.	Disaster Risk Management	The code requires disaster risk management to be considered in construction.	<p>Part XXIII- Disaster Risk Management, a person undertaking a design, planning, preparation, or construction phase, in the use or demolition of a project shall take account of general principles of disaster prevention in the performance of those duties during all the stages of the project.</p> <p>Part XXI-Fire Safety and Fire installations, a building shall be designed and constructed to ensure that in case of fire, safe evacuation is possible, there is a limit to the spread of fire, and it remains stable not to endanger other buildings.</p> <p>Equipment for detecting, fighting, controlling and extinguishing the fire is available when required.</p>
7.	Climate risk adaptation	The Code addresses risks like extreme heat through requirements for adequate ventilation and flooding through mandates for proper storm water management.	<p>Part X- Lighting and Ventilation, sufficient natural lighting shall be provided in a building. Artificial lighting is also provided to supplement.</p> <p>Energy efficiency, environmental design considerations and renewable energy based on the Energy Act 2019 are recommended.</p>

5.0 WAY FORWARD

The State Department for Public Works recognizes that regulation is a means to a critical end and therefore essential to the proper functioning of the construction industry. So often, Regulations are written to implement the specifics of particular legislation.

According to Section 42 of the National Construction Authority Act No. 41 of 2011 –

Power to make Regulations.

42. (1) The Minister may, in consultation with the Board, make regulations generally for the better carrying out of the purposes of this Act.

2) Without prejudice to the generality of the preceding, regulation made under this section may provide for—

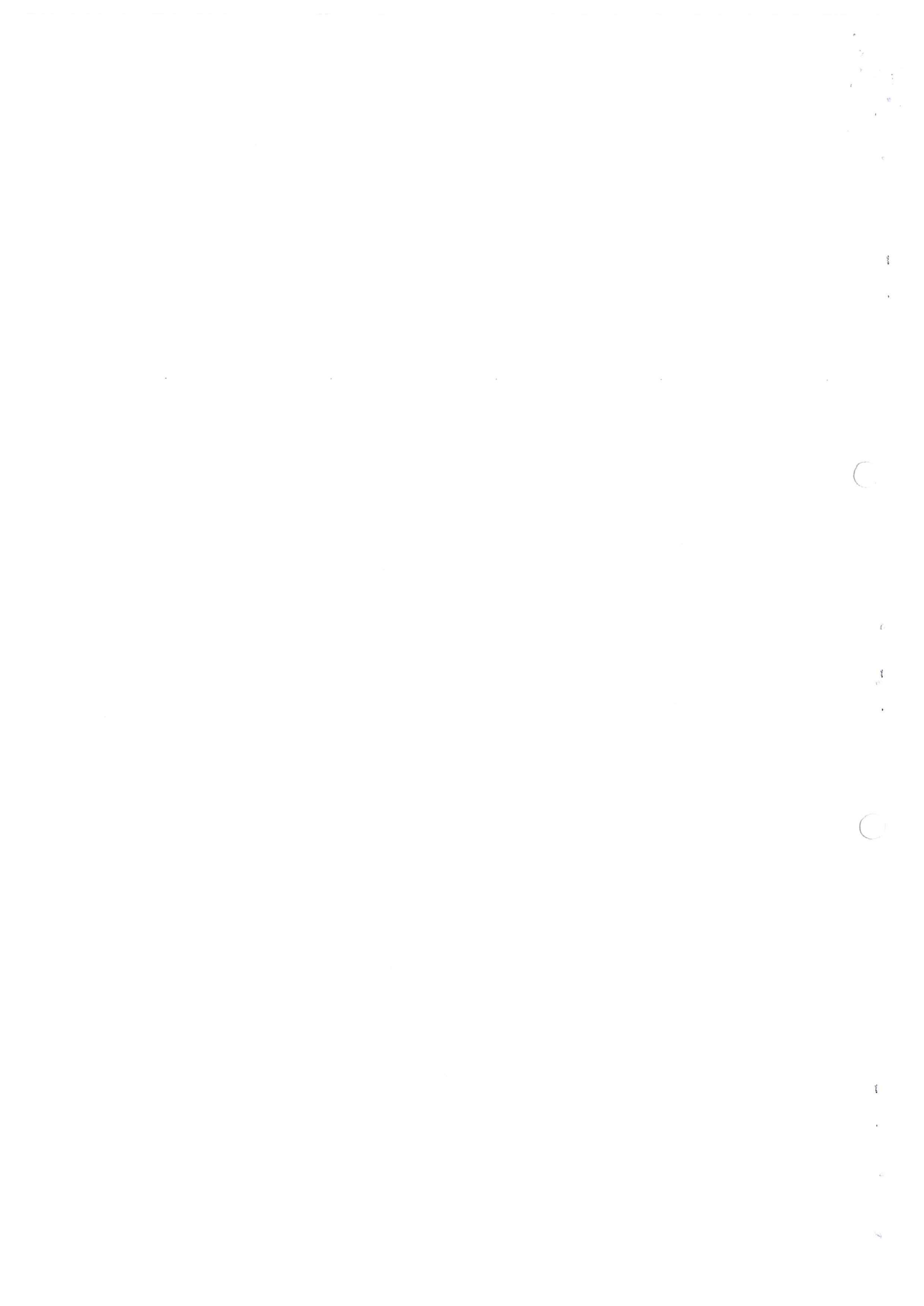
(aa) the Building Code in the construction industry;

In view of the foregoing, the issue of promoting sustainable materials, designs, standards, and practices that improve resilience against climate change in the construction industry has already been addressed through Regulations and the National Building Code, not Legislation. Hence, the National Construction Authority Act need not be amended.

The Ministry therefore recommends that the proposed amendments in the National Construction Authority (Amendment) Bill 2025 be reconsidered before full adoption of the Bill.



.....
Joel Arumonyang, CBS
PRINCIPAL SECRETARY



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SPECIAL ISSUE

Kenya Gazette Supplement No. 134 (Senate Bills No. 15)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2025

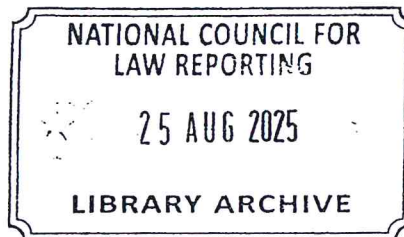
NAIROBI, 5th August, 2025

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**THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL, 2025**

A Bill for

AN ACT of Parliament to amend the National Construction Authority Act; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Construction Authority (Amendment) Act, 2025.

Short title.

2. Section 5 of the National Construction Authority Act, in this Act referred to as the “principal Act”, is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (h)—

Amendment to section 5 of Cap 118.

(ha) promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.

3. The principal Act is amended by inserting the following new section immediately after section 23A—

Insertion of a new section 23B in Cap. 118.

Mandatory Solar System Installation zones.

23B. (1) The Authority shall, in consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems.

(2) The zones designated under subsection (1) shall include areas that receive an average of sufficient sunshine hours per day to support the effective generation of solar energy.

(3) The Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section.

4. Section 42 of the principal Act is amended in subsection 2 by—

Amendment of section 42 of Cap 118.

(a) inserting in paragraph (aa) the words “that include climate change responsive mechanisms” immediately after the word “industry”;

(b) inserting the following new paragraph immediately after paragraph (ab)—

(ac) the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule;

5. The principal Act is amended by inserting the following new Schedule immediately after the Third Schedule—

Insertion of a new
schedule of Cap.
118.

FOURTH SCHEDULE (s.42)

CLIMATE CHANGE RESPONSIVE MECHANISMS TO BE CONSIDERED IN CONSTRUCTION ACTIVITIES

A — Climate Resilience:

- (a) Designs that withstand extreme weather conditions.
- (b) Incorporation of green spaces and natural buffers.

B — Energy Efficiency:

- (a) Implementation of energy-saving technologies and designs.
- (b) Utilization of renewable energy sources.

C — Water Conservation:

- (a) Adoption of water-efficient appliances and systems.
- (b) Rainwater harvesting and greywater recycling.

D — Sustainable Materials:

- (a) Use of recycled, renewable, and locally sourced materials.
- (b) Minimizing waste through efficient design and construction practices.

E— Pollution Control:

- (a) Measures to reduce air, water, and soil pollution during construction.
- (b) Safe disposal and management of construction waste.

F— Biodiversity Protection:

- (a) Preservation of existing natural habitats and ecosystems.
- (b) Integration of green roofs and walls to support urban biodiversity.

H— Health and Safety:

- (a) Ensuring indoor air quality and natural lighting.
- (b) Use of non-toxic and low-emission materials.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The National Construction Authority (Amendment) Bill, 2025 seeks to amend the National Construction Authority Act, Cap 118 to include provisions related to environmentally sustainable construction practices and resilience against climate change risks within the construction industry.

The construction sector plays a crucial role in the development of Kenya's infrastructure and economy. However, it also significantly impacts the environment and is vulnerable to climate change risks. Therefore, there is a pressing need to integrate environmental sustainability and climate resilience into construction activities.

Clause 2 of the Bill proposes to amend Section 5 to empower the National Construction Authority to promote and enforce the use of environmentally sustainable construction materials, designs, standards, and practices. By doing so, the construction industry will be encouraged to adopt practices that reduce environmental impact and enhance resilience against climate change effects.

Further, clause 3 of the Bill aims to amend Section 42 of the Act by inserting specific requirements related to climate change responsiveness. This amendment ensures that standards, guidelines, and regulations developed by the National Construction Authority for the construction industry include mechanisms that address climate change risks. Such mechanisms will enable the industry to adapt to changing environmental conditions and contribute to national efforts aimed at mitigating climate change impacts.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill delegates power to the Cabinet Secretary to make regulations but does not limit fundamental rights and freedoms. The proposed amendments aim to enhance the regulatory framework of the National Construction Authority by promoting environmentally sustainable construction practices and incorporating climate change resilience measures within the construction industry.

Statement of how the Bill concerns County Governments

Under Paragraph 8 of Part 2 of the Fourth Schedule of the Constitution, counties have explicit responsibilities in planning and development, including housing. The amendments introduced by this Bill, which emphasize the integration of climate change responsive

mechanisms into building codes and standards, directly impact counties' abilities to enforce environmentally conscious construction practices and ensure climate change resilience of local infrastructure.

Therefore, the proposed amendments align closely with the constitutional mandate of counties in overseeing land-use planning and infrastructure development, as articulated in Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution. It primarily seeks to amend regulatory and operational provisions related to the National Construction Authority Act, focusing on matters concerning construction standards, practices, and climate change responsiveness. The amendments proposed in this Bill do not involve the appropriation, imposition, or alteration of taxes, levies, duties, or public expenditure. Therefore, the Bill does not fall within the definition of a money Bill as specified under Article 114 of the Constitution.

Dated the 20th March, 2025.

EDDY GICHERU OKETCH,
Senator.

Section 5 of Cap 118 which it is proposed to amend:

5. Functions of the Authority.

(1) The object for which the Authority is established is to oversee the construction industry and coordinate its development.

(2) Without prejudice to the generality of subsection (1), the Authority shall—

- (a) promote and stimulate the development, improvement and expansion of the construction industry;
- (b) advise and make recommendations to the Cabinet Secretary on matters affecting or connected with the construction industry;
- (c) undertake or commission research into any matter relating to the construction industry;
- (d) prescribe the qualifications or other attributes required for registration as a contractor under this Act;
- (e) assist in the exportation of construction services connected to the construction industry;
- (f) provide consultancy and advisory services with respect to the construction industry;
- (g) promote and ensure quality assurance in the construction industry;
 - (ga) enforce the prescribed Building Code in the construction industry;
- (h) encourage the standardisation and improvement of construction techniques and materials;
- (i) initiate and maintain a construction industry information system;
- (j) provide, promote, review and co-ordinate training programmes organized by public and private accredited training centers for skilled construction workers and construction site supervisors;
- (k) accredit and register contractors and regulate their professional undertakings;
- (l) accredit and certify skilled construction workers and construction site supervisors;
- (m) develop and publish a code of conduct for the construction industry; and

- (n) do all other things that may be necessary for the better carrying out of its functions under the Act.

Section 42 of Cap 118 which it is proposed to amend:

42. Power to make Regulations.

(1) The Cabinet Secretary may in consultation with the Board, make regulations generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, regulation made under this section may provide for—

(a) the manner of payment of the levy imposed under section 31;

(aa) the Building Code in the construction industry;

(ab) the manner of conducting mandatory inspections by the Authority;

(b) the manner of service of any notice required under Act;

(c) the fees and charges to be paid in respect of any matter required for purposes of this Act;

(d) the manner and forms of accreditation and certification of contractors, skilled construction workers and construction site supervisors;

(e) the responsibilities and control of the officers and servants of the Authority;

(f) the performance of the functions, the exercise of the powers and discharge of the duties of the Authority under this Act; and

(g) any other matter to give effect to the provisions of this Act.

(3) Regulations made under this section shall be tabled in Parliament for approval before taking effect.



	habitats; green roofs/walls). H-Health & Safety (indoor air quality; natural lighting; non-toxic materials).	regulations the National Building Code. Cross-referencing and avoiding duplication is essential.		
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3. Conclusion

The National Construction Authority (Amendment) Bill advances Kenya's construction sector toward sustainability and climate resilience. To achieve these goals without negative effects, the Bill needs careful modifications. Clear definitions, respect for local authorities, phased implementation, and coordination among agencies are essential. These changes ensure the Bill improves environmental standards while respecting constitutional requirements and industry conditions.

ASHITIVA ADVOCATES LLP
NOVEMBER 2025



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Kilimanjaro Avenue, Upper Hill,
P.O Box 21372--00100,
Nairobi, Kenya.
www.ashitivaadvocates.com

<p>regulations this includes levy payment. Building Code, manner of mandatory inspections, fees, accreditation, responsibilities of officers, etc. Regulations must be tabled in Parliament.</p>	<p>(b) insert new paragraph (ac): "the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule."</p>	<p>implement the Fourth Schedule measures. It also creates legal basis for mandatory inspections and penalties tied to climate features. However, delegation to the Cabinet Secretary means implementation will depend heavily on the content and quality of the regulations and on parliamentary scrutiny.</p>	<p>Project approvals may include climate compliance checks, adding steps to permitting and project compliance signoffs.</p> <p>amendment and include a review clause like review after 3 years. 3. Call for mandatory stakeholder consultation from counties, EPPA, NEMA, private sector before regulations are finalized.</p>
<p>Clause 5 inserts Fourth Schedule: "Climate change responsive mechanisms to be considered in construction activities"</p>	<p>No Fourth Schedule currently. Existing Schedules in the Act do not list climate mechanisms. National Building Code exists as an NCA instrument other sectoral policies Energy and Environment set complementary standards.</p>	<p>Fourth Schedule (s.42) lists: A- Climate resilience (designs to withstand extreme weather, green spaces/natural buffers). B-Energy efficiency (energy-saving technologies; renewables). C-Water conservation (efficient appliances; rainwater harvesting; greywater recycling). D-Sustainable materials (recycled, renewable, locally sourced; waste-minimizing design), E-Pollution control (reduce air/water/soil pollution; safe disposal). F-Biodiversity protection (preserve</p>	<p>The Schedule is comprehensive but largely descriptive rather than prescriptive. It gives regulators a checklist to incorporate into Building Code and inspection regimes but lacks quantitative standards. The Schedule will have legal force to the extent the regulations adopt it. It also interfaces with numerous laws: Kenya Climate Change Act (objectives on adaptation/mitigation), Environmental Management & Coordination Act (EMCA) on pollution control, Energy Act/EPPA on renewables, County planning laws on land use, and building specific</p>
		<p>Provides a broad checklist for designers and contractors and a framework for regulators. But absence of quantifiable benchmarks will generate uncertainty in enforcement as what qualifies as "sufficient" green space or "energy-saving technologies". stockpiled enforcement could create inconsistent application across counties and projects.</p>	<p>1. Translate Schedule items into measurable criteria in the regulations and Building Code for example minimum groundwater recharge per plot, minimum % of roof area reserved for solar in designated zones, minimum recycled content in structural materials for Class A projects. 2. Mandate inter-agency technical standards NCA, EPPA, NEMA, county planning to be published jointly. 3. Include special provisions for low-income housing and small contractors, lower thresholds, subsidies. 4. Require a monitoring & reporting regime annual NCA report on compliance metrics.</p>

<p>Clause 3 inserts new section 23B: Mandatory Solar System Installation in zones</p>	<p>No equivalent provision in current Act. Energy and solar matters currently fall under Energy Act and EPRA technical regulations. Building Code may refer to energy measures but contains no NCA power to designate solar mandatory zones.</p>	<p>Section 23B (1-3): (1) "The Authority shall, in consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems." (2) Zones shall include areas that "receive an average of sufficient sunshine hours per day to support the effective generation of solar energy." (3) "The Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section."</p>	<p>measures via regulations and enforcement actions. However, it does not define thresholds, scope, or timelines, those rely on subsequent regulations. This is a novel zoning based, technology specific mandate within the construction statute. It overlaps with the Energy Acts technical regulation and EPRA's licensing and standards for solar installations. The Bill delegates operational details to the Cabinet Secretary (regulations) but vests NCA with zone designation and compliance enforcement. Without delineation, there is risk of jurisdictional conflict (NCA vs EPRA) over technical standards, certification, safety and licensing. The Bill contemplates consultation but does not specify dispute resolution or role split.</p>	<p>capacity, for instance inspectors, auditors and processes to operationalize the function. Where zones are designated, all new buildings must include solar systems that affect design like rooftop allocation, structural loading, procurement (panels, inverters), and construction sequencing. County permit processes must be adjusted. Potential benefits: greater rooftop solar uptake, distributed generation. Risks include cost escalation for marginal projects, lack of qualified technicians, potential duplicate approvals if EPRA requires separate permits or standards.</p>	<p>EPRA, environment agencies, counties in the regulations. 1. Recommend explicit regulatory language that limits NCAs role to zoning or mandatory allocation and leaves technical standards, certification, licensing and safety to EPRA or joint technical committees. 2. Insert requirement that regulations include a list of acceptable technical standards or reference to EPRA standards to avoid conflicting specifications. 3. Phased roll-out and exemptions where small footprint buildings, social housing, or low-income housing should have tailored timelines or subsidy options. 4. Add clause requiring NCA to publish zone maps and transition periods at least 12 months before enforcement.</p>
<p>Clause 4 amends Section 42 (power to make regulations)</p>	<p>Section 42(1-3) Cabinet Secretary may make regulations after consultation with NCA Board. Section 42(2) lists matters for</p>	<p>Amendment: (a) in paragraph (aa) insert words "that include climate change responsive mechanisms" after "industry".</p>	<p>Requires that regulations including the Building Code explicitly incorporate climate-responsive mechanisms. This creates a binding regulatory hook to</p>	<p>Building Code updates required such as inspectors must be trained to assess climate mechanisms like rainwater systems, and green walls.</p>	<p>1. Recommend that regulations include clear compliance metrics 2. Require an impact assessment for example cost and capacity before final Building Code</p>

MEMORANDUM TO THE SENATE OF THE REPUBLIC OF KENYA

The Clerk of the Senate
Parliament Buildings
Parliament Road
NAIROBI.

RE: PUBLIC PARTICIPATION MEMORANDUM ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 15 OF 2025).

1. Executive Summary

This memorandum reviews the National Construction Authority (Amendment) Bill, 2025 ("the Bill"). This important legislative effort aims to include sustainable and climate-resilient principles in the main functions of the National Construction Authority (NCA). The Bill's goals fit well with Kenya's commitment under the Constitution of Kenya, 2010, as well as broader national and global environmental goals. However, the current version needs important revisions. Without these revisions, it could lead to confusion, overlapping regulations, and challenges in enforcement.

2. Comparative Analysis

Clause No.	Current Act	Proposed Amendment	Legal / Policy Analysis	Practical impact	Recommendation
Clause 2 amends Section 5 (functions)	Section 5(a) lists NCA functions: promote & stimulate development of construction industry, advise Cabinet Secretary, undertake research, prescribe qualifications, enforce Building Code, promote standardization, accredit contractors, etc.	New paragraph (ha) inserted after (h): "promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks."	This Elevates sustainability or resilience from policy guidance to a statutory <i>function</i> of NCA. This places express statutory duties on a regulator whose mandate already includes the Building Code and quality assurance, thereby enabling enforceable standards and inspections for sustainability attributes. It creates <i>prima facie</i> authority to require green	Developers, contractors, designers will face legally enforceable sustainability criteria in procurement, design and inspections. Early project stage design choices like materials, orientation, drainage, and energy systems must reflect NCA expectations. Upfront costs may rise. NCA will require technical	1. Recommend adding transitional language for example "phased implementation over X years for certain classes of project" to mitigate immediate cost shock for small developers. 2. Request NCA to publish clear, measurable performance thresholds and categories. 3. Advocate for an explicit requirement to coordinate with other regulators like

HABITAT FOR HUMANITY KENYA

MEMORANDUM ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL 2025

SUBMITTED ON 24-11-2025

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Introduction

This memorandum is prepared by Habitat for Humanity Kenya in response to the invitation by the Senate Standing Committee on Roads, Transportation and Housing to the public to submit any representations that they may have on the National Construction Authority (Amendment) Bill 2025 (Senate Bills No. 15 of 2025) by way of memorandum.

Habitat for Humanity Kenya seeks to be part of the solution to the dire housing situation in Kenya and one of the central players in providing adequate and affordable housing solutions. Since starting operations in 1982, Habitat for Humanity Kenya has worked in 19 counties across the country, enabling low-income families to access decent housing and water, sanitation, and hygiene services. Our approach has evolved from direct provision of homes to poor and vulnerable families, to providing support and capacity building for affordable and habitable households and community level structures as a catalyst for transformation. We are committed to eliminating inadequate housing and homelessness by supporting access to safe, decent, and affordable housing for low-income and vulnerable populations.

We acknowledge the critical role played by the National Construction Authority (NCA) in overseeing the construction industry and coordinating its development. Therefore, we welcome this opportunity to provide our input in the proposed National Construction Authority (Amendment) Bill, 2025 that seeks to amend the National Construction Authority Act, Cap 118 to include provisions related to environmentally sustainable construction practices and resilience against climate change risks within the construction industry. This section of this memorandum contains our General comments followed by specific comments on the sections in the Amendment Bill as they relate to the principal Act.

General Comments

1. **Definition of terms** – The Amendment Bill, 2025 seeks to amend the National Construction Authority Act, Cap 118 to include provisions related to environmentally sustainable construction practices and resilience against climate change risks within the construction industry. There is a need to define these terms (1) environmentally sustainable construction practices; (2) resilience; (3) climate change risks. This will help to remove ambiguity in interpretation. The definition of climate change should be referred to as the one in the Climate Change (Amendment) Act, 2023 (Act No. 9 of 2023).
2. **Enforcement** – The Bill proposes to amend Section 5(2) by inserting (ha) promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.

Enforcement provisions for this clause are not clearly defined, leave alone the scope of these materials, designs, standards and practices. This should be detailed in the the Regulations to enable enforcement.

3. **Implications on the vulnerable groups** – the proposed amendment under 23B to designate zones within which all new buildings constructed shall be required to install solar energy systems, is not feasible and may raise the cost of housing especially for the vulnerable and low-income groups. This will hinder the realization of affordable housing for these groups. Although the Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section, we suggest that it should be deleted.

Title and section in the Principal Act	Current provision in the Amendment Bill	Proposed recommendation	Justification and Rationale
<p>Title - The National Construction Authority Act Cap. 118</p> <p>Section 2. Interpretation.</p>	<p>This Act may be cited as the National Construction Authority (Amendment) Act, 2025.</p> <p>No proposed amendments</p>	<p>No recommendation</p>	
<p>Section 5 (2) Without prejudice to the generality of subsection (1), the Authority shall— (h) encourage the standardisation and improvement of construction techniques and materials;</p>	<p>2. Section 5 of the National Construction Authority Act, in this Act referred to as the "principal Act", is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (h) - (ha) promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.</p>	<p>Include in the interpretation of terms the following (1) environmentally sustainable construction practices (2) resilience (3) climate change risks</p>	<p>The Amendment Bill seeks to include provisions related to environmentally sustainable construction practices and resilience against climate change risks within the construction industry. Therefore, there is need to define these terms for easier interpretation and enforcement of the Act. Refer the definition of climate change to that in the Climate Change (Amendment) Act, 2023 (Act No. 9 of 2023)</p>
<p>23A. Mandatory inspections. The Authority shall undertake mandatory inspections at any time</p>	<p>3. The principal Act is amended by inserting the following new section immediately after section 23A-23B. (1) The Authority shall, in</p>	<p>Delete the word "enforce"</p>	<p>There are no clear enforcement mechanisms for the use of environmentally sustainable construction materials, designs, standards and practices.</p>
		<p>Delete this sub-section</p>	<p>The vulnerable groups may not afford to install solar energy systems. It will be a burden on the progressive realization of affordable housing. This should not be mandatory.</p>



Title and section in the Principal Act	Current provision in the Amendment Bill	Proposed recommendation	Justification and Rationale
<p>on sites under constructions in accordance with section 5(2)(g).</p>	<p>consultation with relevant agencies, designate zones within which all new buildings constructed shall be required to install solar energy systems. (2) The zones designated under subsection (1) shall include areas that receive an average of sufficient sunshine hours per day to support the effective generation of solar energy. (3) The Cabinet Secretary shall prescribe regulations as may be necessary for the effective implementation of this section.</p>		
<p>42. Power to make Regulations.</p>	<p>4. Section 42 of the principal Act is amended in subsection 2 by-</p> <p>(a) inserting in paragraph (aa) the words "that include climate change responsive mechanisms" immediately after the word "industry";</p> <p>(b) inserting the following new paragraph immediately after paragraph (ab)—</p> <p>(ac) the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule;</p>	<p>Revise to read (aa) the Building Code in the construction industry that include environmentally sustainable and climate resilience construction practices</p>	<p>Environmentally sustainable construction practices include climate change adaptation and mitigation mechanisms and enhance resilience against climate change risks</p>
	<p>5. The principal Act is amended by inserting the following new Schedule immediately after the Third Schedule—</p>		

Title and section in the Principal Act	Current provision in the Amendment Bill	Proposed recommendation	Justification and Rationale
	<p>A— Climate Resilience: (a) Designs that withstand extreme weather conditions. (b) Incorporation of green spaces and natural buffers.</p> <p>B— Energy Efficiency: (a) Implementation of energy-saving technologies and designs. (b) Utilization of renewable energy sources.</p> <p>C— Water Conservation: (a) Adoption of water-efficient appliances and systems. (b) Rainwater harvesting and greywater recycling.</p> <p>D— Sustainable Materials: (a) Use of recycled, renewable, and locally sourced materials. (b) Minimizing waste through efficient design and construction practices.</p> <p>E— Pollution Control: (a) Measures to reduce air, water, and soil pollution during construction. (b) Safe disposal and management of construction waste.</p> <p>F— Biodiversity Protection:</p>	<p>Under D - Include Adoption of Appropriate Building Technologies (ABTs)</p>	<p>Lowering the cost of construction and embracing green construction technologies that do not have carbon footprints.</p>



Title and section in the Principal Act	Current provision in the Amendment Bill	Proposed recommendation	Justification and Rationale
	<p>(a) Preservation of existing natural habitats and ecosystems.</p> <p>(b) Integration of green roofs and walls to support urban biodiversity.</p> <p>H-Health and Safety:</p> <p>(a) Ensuring indoor air quality and natural lighting.</p> <p>(b) Use of non-toxic and low-emission materials.</p>	<p>Delete urban under F(b)</p> <p>Revise the numbering H— Health and Safety to G</p>	<p>Biodiversity should not be limited to urban areas but encompasses the whole habitats of ecosystems which are interconnected.</p> <p>To maintain consistency in numbering.</p>

		Ensuring indoor air quality and natural lighting. (b) Use of non-toxic and low-emission materials.		to G To maintain consistency in numbering.
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	<p>Minimizing waste through efficient design and construction practices. E— Pollution Control: (a) Measures to reduce air, water, and soil pollution during construction. (b) Safe disposal and management of construction waste.</p> <p>F— Biodiversity Protection: (a) Preservation of existing natural habitats and ecosystems. (b) Integration of green roofs and walls to support urban biodiversity. H-Health and Safety: (a)</p>	<p>Delete urban under F(b) Revise the numbering H— Health and Safety to G</p>	<p>Biodiversity should not be limited to urban areas but encompasses the whole habitats of ecosystems which are interconnected. Delete urban under F(b) Revise the numbering H— Health and Safety</p>
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	<p>conditions. (b)</p> <p>Incorporation of green spaces and natural buffers.</p> <p>B – Energy Efficiency: (a) Implementation of energy-saving technologies and designs. (b) Utilization of renewable energy sources.</p> <p>C – Water Conservation: (a) Adoption of water-efficient appliances and systems. (b) Rainwater harvesting and greywater recycling.</p> <p>Justification and Rationale</p> <p>D – Sustainable Materials:</p> <p>(a) Use of recycled, renewable, and locally sourced materials. (b)</p>	<p>Under D - Include Adoption of Appropriate Building Technologies (ABTs)</p>	<p>Lowering the cost of construction and embracing green construction technologies that do not have carbon footprints.</p>
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	<p>change risks (b) inserting the following new paragraph immediately after paragraph (ab) – (ac) the manner of incorporating climate change responsive mechanisms into construction activities as set out in the Fourth Schedule;</p> <p>The principal Act is amended by inserting the following new Schedule immediately after the Third Schedule–</p> <p>A – Climate Resilience: (a) Designs that withstand extreme weather</p>		
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	<p>sites under constructions in accordance with section 5(2)(g).</p> <p>Section 42 of the principal Act is amended in subsection 2 by- (a) inserting in paragraph (aa) the words "that include climate change responsive mechanisms" immediately after the word "industry"; Environmentally sustainable construction practices include climate change adaptation and mitigation mechanisms and enhance resilience against climate</p>	<p>Revise to read (aa) the Building Code in the construction industry that include environmentally sustainable and climate resilience construction practices</p>	<p>affordable housing. This should not be mandatory.</p> <p>Environmentally sustainable construction practices include climate change adaptation and mitigation mechanisms and enhance resilience against climate change risks.</p>
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	<p>Section 5 (2) Without prejudice to the generality of subsection (1), the Authority shall— (h) encourage the standardization and improvement of construction techniques and materials;</p> <p>23A. Mandatory inspections. The Authority shall undertake mandatory inspections at any time on</p>	<p>Delete the word “enforce”</p> <p>Delete this sub section</p>	<p>Climate Change (Amendment) Act, 2023 (Act No. 9 of 2023)</p> <p>There are no clear enforcement mechanisms for the use of environmentally sustainable construction materials, designs, standards and practices.</p> <p>Vulnerable groups may not afford to install solar energy systems. It will be a burden on the progressive realization of</p>
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		<p>environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.</p>		
2.	Habitat For Humanity Kenya	Section 2. Interpretation.	<p>Include in the interpretation of terms the following (1) environmentally sustainable construction practices (2) resilience (3) climate change risks.</p>	<p>The Amendment Bill seeks to include provisions related to environmentally sustainable construction practices and resilience against climate change risks within the construction industry. Therefore, there is need to define these terms for easier interpretation and enforcement of the Act. Refer the definition of climate change to that in the</p>

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NAIROBI.

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025

Submitted by the Kenya Property Developers Association on 25th November 2025

S/No	Organization/Institution	Clause in the Bill.	Comments and/or Issue with the Clauses	Reason for Amendment Recommendation
1.	Acorn Holdings	Section 5 of the National Construction Authority Act, in this Act referred to as the "principal Act", is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (h)- (ha) promote and enforce the use of	The new section, although positive, would require that the Authority develop not only a schedule of items that are considered sustainable, but also develop standards by which the sustainable items may be regarded and classified under the KEBS. Otherwise, the law may put the cart before the horse and cause the authority to enforce against a nonexistent standard.	Introduce a new clause that mandates the Authority to develop standards for sustainable construction materials. Introduce a schedule in the Act that lists the sustainable materials whose use the Amendments seeks to enforce.