

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

12th November 2026

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THE HANSARD

Thursday, 12th November 2026

(The House met at 2.30 p.m.)

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

PRAYERS

QUORUM

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

(The Quorum Bell was rung)

Hon. Speaker: Hon. Members, we can now transact business. Take your seats. Members, take your seats.

(Hon. Musa Sirma consulted with other Members)

Hon. Sirma, disband that *Kamukunji*.

COMMUNICATION FROM THE CHAIR

(Several Members entered the Chamber)

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

CHANGE OF DATE OF THE 14TH STATE OF THE NATION ADDRESS

Hon. Speaker: Hon. Members, I have a Communication on the change of date of the 14th State of the Nation Address and an update on the Third Global Parliamentary Summit against Hunger and Malnutrition.

Hon. Members, you will recall that during yesterday's afternoon Sitting, I conveyed a message from His Excellency the President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, Hon. William Samoei Ruto, PhD, CGH, notifying the House of his intention to deliver the 14th State of the Nation Address on Thursday, 19th November 2026, at 2.30 p.m. Subsequently, I received a further Communication from His Excellency the President, indicating that he now intends to deliver the 14th State of the Nation Address on Wednesday, 18th November 2026 at 2.30 p.m. So, we have moved it back by a day. This has been necessitated by the need to accommodate emerging obligations requiring the President's attention on Thursday, 19th November 2026.

In view of the foregoing, Hon. Members, the Speaker of the Senate has already gazetted Wednesday, 18th November 2026 at 2.30 p.m. as the date for the Joint Sitting of the Houses of Parliament in the National Assembly Chamber, Parliament Buildings, Nairobi. Consequently, the Joint Sitting of Parliament, previously gazetted to take place on Thursday, 19th November 2026, at 2.30 p.m., stands revoked.

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Hon. Members, in order to facilitate the hosting of the Joint Sitting of Parliament for the 14th State of the Nation Address on the new date, I have approved the publication of a Supplementary Order Paper this afternoon to incorporate, under Order 12, a Motion by the Leader of the Majority Party, seeking a resolution of the House not to hold its morning and afternoon sittings on Wednesday, 18th November 2026. The Sitting of Thursday, 19th November 2026 will, therefore, proceed as per the Calendar of the House.

Hon. Members, with regard to the hosting of the Third Global Parliamentary Summit against Hunger and Malnutrition, I wish to remind all Hon. Members that the official opening of the Summit by His Excellency the President will take place on Monday, 16th November 2026, at 10.00 a.m., in the National Assembly Chamber, Main Parliament Buildings. The Summit deliberations thereafter and on Tuesday, 17th November 2026, will involve invited delegates and parliamentarians from across the world.

In this regard, the Parliament of Kenya's Delegation to the Summit will comprise Members drawn from committees of both Houses of Parliament under whose purview the subject matter of the Summit falls. These are the National Assembly Departmental Committees on Agriculture, Livestock and Health, and the Senate Standing Committees on Agriculture, Livestock and Fisheries and Health.

Finally, Hon. Members, I urge you to take note of the revised date for the 14th State of the Nation Address. I also encourage Members of the respective committees designated to represent the House at the Summit to attend and actively participate in the deliberations.

The House is accordingly informed.

Hon. Members, you are going to have about 170 colleagues from the rest of the world—Africa, Asia, Europe, the Americas and everywhere. Set a good example by actively participating in the conference because all of you, even those of you who were born with a golden spoon in your mouths, must have felt hunger at some point. It is something that we must all remember that to discuss is to enlighten the public and the whole world that if any single person is hungry, everybody else is hungry, and we must eliminate hunger and malnutrition.

Nobody can do it better than parliamentarians who appropriate resources, define and approve policies, legislate and whose portfolio includes, but is not limited to, the betterment of the lives of citizens of the world. The world is coming to Kenya, led by the Food and Agriculture Organisation (FAO) of the United Nations (UN) and all the parliaments that I told you about yesterday. Our team leader from this House, for obvious reasons, is the Chairperson of the Departmental Committee on Agriculture and Livestock, Hon. (Dr) Mutunga, and his team. There is also a team from the Senate. They will take an active role.

You should also network. You never know which good friends you may get, who will be your benefactors tomorrow or to whom you will be benefactors tomorrow. So, do not waste the day. Do not think it is a free day for you to stay away and do things that you plan to do that have nothing to do with Parliament. Be in Parliament on those two days and engage fully. Demonstrate and show what this Parliament is made of. Your ability, your capacity, your intellectual industry and your broad knowledge of the affairs of the world. You need to demonstrate these qualities so that when people leave here, they know that Kenya has a Parliament to behold. Thank you.

(Several Members entered the Chamber)

Members at the back, take the nearest seats. As you do so, allow me to recognise students from Alliance Boys High School…

(Hon. (Dr) John Mutunga Kanyuithia entered the Chamber)

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Dr Mutunga, I have just mentioned you. You will be the man of the moment on Monday with your team. I want you and your team to organise and meet me on Sunday afternoon. The Clerk will brief you and apprise your colleagues in the Senate so that we have seamless engagement on Monday and Tuesday. You are the first among equals for now.

Hon. Members, allow me to acknowledge the students from Alliance Boys High School who are seated in the Speaker's Gallery. The students are in Parliament for a period of two weeks on a voluntary service scheme. This gives them an opportunity to give back to the community by providing voluntary service to various organisations during the school holidays and to learn the ethos of public service.

On my own behalf and on behalf of the National Assembly, I welcome these students to Parliament and wish them a positive experience in their service to the nation.

(Applause)

Next Order.

MESSAGE

(Several Members entered the Chamber)

Members who are on their feet, take your seats. Dr Mutunga, I have just given you responsibility and now you are not being responsible. Take your seats.

Thank you.

NOMINATION OF A PERSON FOR APPOINTMENT AS THE DATA COMMISSIONER

I have a Message from the President on the nomination of a person for appointment to the position of Data Commissioner. Pursuant to the provisions of Standing Order 42, I wish to report to the House that I have received a Message from His Excellency the President, seeking approval of a person nominated for appointment to the position of Data Commissioner. In the Message, the President conveys that, in exercise of the powers conferred by the provisions of section 6(4) of the Data Protection Act (Cap. 411C) and section 5 of the Public Appointments (Parliamentary Approval) Act (Cap 7F), he has nominated Ms Lydia Sitienei Chelagat for appointment to the position of Data Commissioner. The President now seeks the approval of the nominee by the House.

Standing Order 45 provides that, upon receipt of a notification of a nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration. In this regard, I hereby refer the Message from His Excellency the President, together with the Curriculum Vitae, and other testimonials of the nominee, to the Departmental Committee on Communication, Information and Innovation for consideration.

The Data Protection Act (Cap. 411C) does not prescribe the period for the approval of a nominee to the position of Data Commissioner by the National Assembly. In such instances, the House is guided by the provisions of the Public Appointments (Parliamentary Approval) Act, Cap 7F. Section 8 of the Act provides that unless otherwise provided for in law, a Committee to which such nomination is referred shall consider the matter and table a report in the House for debate and decision within 28 days. In this regard, the twenty-eight days will lapse on 10th December 2026. However, conscious of the fact that the House will be proceeding on a long recess on 4th December 2026, I urge the Committee to immediately commence the approval process. The Committee should notify the nominee and the general public of the time

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and place for holding the approval hearing and, thereafter, table its report by Tuesday, 1st December 2026 to enable the House to consider the matter within the stated statutory timelines.

The House is accordingly guided. I thank you.

Next Order.

PAPERS

The Deputy Whip of the Majority Party, hold your horses. When we finish with the Papers and Notices of Motions, if any, we will skip Questions and Statements and dispose of Orders No. 8, 9, 10, 11, 12, 13, 14 and then come back to Order No. 7, for Questions and Statements.

The Deputy Whip of the Majority Party.

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

1. The following Legal Notices from the Water Resources Authority:
    (a) Legal Notice No.219 of 2026 relating to Wei Wei Wetland Protection Area Order, 2026;
    (b) Legal Notice No.220 of 2026 relating to Ondiri Wetland Protection Area Order, 2026; and,
    (c) Legal Notice No.221 of 2026 relating to Nyanturago Wetland Protection Area, Order 2026.
2. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2026, and the certificates therein in respect of the following—
    (a) Unclaimed Assets Trust Fund;
    (b) Kenya Trade Remedies Agency;
    (c) Co-operative Societies Liquidation Account;
    (d) Reducing the Burden, Ensuring Sustainability and Accelerating Progress Towards Malaria Elimination in Kenya – The National Treasury;
    (e) Consolidated Fund Services (CFS) – Salaries, Allowances, Miscellaneous Services – The National Treasury;
    (f) East Africa Tourist Visa Fee Collection Account – The National Treasury;
    (g) Petroleum Development Levy Fund – Holding Account – The National Treasury;
    (h) Asian Officers Family Pension Fund – The National Treasury and Economic Planning – State Department for Public Investments and Assets Management;
    (i) New Partnership for Africa Development/Africa Peer Review Mechanism Kenya Secretariat;
    (j) Staff House Mortgage and Car Loan Scheme – Unclaimed Financial Assets Authority;
    (k) Revenue Statements of the Pensions Department – The National Treasury;
    (l) To Ensure Provision of Quality Care and Prevention Services for all People in Kenya with TB, Leprosy and Lung Diseases (Grant Agreement No. KEN-T-TNT-4148) – The National Treasury;
    (m) Kenya Jobs and Economic Transformation Project (IDA CREDIT NO. 7450-KE) – Micro and Small Enterprises Authority; and,

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(n) Kenya Jobs and Economic Transformation Project (IDA CREDIT NO. 7450-KE) – State Department for Investment Promotion.

Thank you, Hon. Speaker. I beg to lay.

Hon. Speaker: Thank you. Chairperson of the Departmental Committee on Social Protection.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you. Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Social Protection on its consideration of Sessional Paper No. 6 of 2026 on the National Policy on Women Economic Empowerment.

Thank you.

Hon. Speaker: Are you done? Chairperson, Regional Integration Committee. Hon. Lochakapong, is that you? Sorry! Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you. Hon. Speaker, I beg to lay the following Paper on the Table:

Reports of the Committee on Regional Integration on its inspection visits to:

1. Busia and Malaba One-Stop Border Posts from 21st to 22nd August 2026; and,
2. The Port of Lamu from 16th to 20th March 2026.

Thank you.

Hon. Speaker: Thank you, Hon. Irene. Next Order.

NOTICES OF MOTIONS

Hon. Speaker: Chairperson, Departmental Committee on Social Protection, Hon. Alice.

ADOPTION OF REPORT ON SESSIONAL PAPER NO. 6 OF 2026 ON THE NATIONAL POLICY ON WOMEN ECONOMIC EMPOWERMENT

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you. Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Social Protection on its consideration of Sessional Paper No.6 of 2026 on the National Policy on Women Economic Empowerment, laid on the Table of the House on Thursday, 12th November, 2026, and approves Sessional Paper No. 6 of 2026 on the National Policy on Women's Economic Empowerment.

Thank you.

Hon. Speaker: Thank you. Chairperson, Committee on Regional Integration.

ADOPTION OF REPORT ON THE INSPECTION VISITS TO BUSIA AND MALABA ONE-STOP BORDER POSTS

Hon. Irene Mayaka (Nominated, ODM): Thank you. Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Regional Integration on its inspection visit to the Busia and Malaba One-Stop Border Posts

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from 21st to 22nd August, 2026, laid on the Table of the House on Thursday, 12th November, 2026.

Can I proceed with the other one?
Hon. Speaker: Proceed.

ADOPTION OF REPORT ON THE INSPECTION VISIT TO THE PORT OF LAMU

Hon. Irene Mayaka (Nominated, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Regional Integration on its inspection visit to the Port of Lamu from 16th to 20th March, 2026, laid on the Table of the House on Thursday, 12th November 2026.

Thank you.
Hon. Speaker: Thank you. We will skip Order No.7. Clerk-at-the- Table, go to the next Order.

MOTIONS

ADOPTION OF THE 19TH REPORT ON AUDITED ACCOUNTS OF NG-CDF FOR CONSTITUENCIES IN NAIROBI CITY AND KAJIADO COUNTIES FOR FYS 2013/2014 TO 2024/2025

THAT, this House adopts the Nineteenth Report of the Decentralized Funds Accounts Committee on its consideration of the audited financial statements of the National Government Constituencies Development Fund (NG-CDF) for constituencies in Nairobi and Kajiado counties for the Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025, laid on the Table of the House on Tuesday, 6th October 2026.

(Moved by Hon. Gideon Mulyungi on 10.11.2026)

(Debate concluded on 11.11.2026 – Afternoon Sitting)

(Several Members stood up in their places)

Hon. Speaker: Hon. Members, on your feet. Take your seats.

(Question put and agreed to)

Hon. Speaker: Next Order.

APPROVAL OF BILATERAL AIR SERVICES AGREEMENTS

THAT, this House adopts the Report of the Departmental Committee on Transport and Infrastructure on its consideration of the Bilateral Air Service Agreements with various countries, laid on the Table of the House on Thursday, 5th

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November 2026, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, Cap 4D, approves the Ratification of Bilateral Air Service Agreements between the Government of the Republic of Kenya and the following countries–

1. the Republic of Cabo Verde;
2. the Sultanate of Oman;
3. the Republic of Algeria;
4. the Federative Republic of Brazil;
5. the Republic of Zimbabwe;
6. the Grand Duchy of Luxembourg;
7. the Federal Republic of Somalia;
8. the Republic of Iceland;
9. the Dominican Republic;
10. the Russian Federation;
11. the Republic of Guinea;
12. the United Kingdom;
13. the Republic of South Korea;
14. the Kingdom of Morocco;
15. the Republic of Poland;
16. the Republic of Haiti; and,
17. the Kingdom of Eswatini.

(Moved by Hon. Kibet Komingoi 11.11.2026)

(Debate concluded on 11.11.2026 – Afternoon Sitting)

(Several Members stood up in their places)

Hon. Speaker: Hon. Members, on your feet. Take your seats.

(Question put and agreed to)

Hon. Speaker: Next Order.

ADOPTION OF REPORT ON INSPECTION VISITS TO CONSTITUENCY OFFICES IN NAKURU COUNTY

THAT, this House adopts the Report of the Committee on Members' Services and Facilities on inspection visits to constituency offices in Nakuru County, laid on the Table of the House on Thursday, 11th June 2026.

(Moved by Hon. Wachira Karani on 11.11.2026 – Afternoon Sitting)

(Debate concluded on 11.11.2026 – Afternoon Sitting)

(Several Members stood up in their places)

Hon. Speaker: Hon. Members, on your feet. Take your seats. Member for Nyando, take your seat.

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(Question put and agreed to)

Hon. Speaker: Next Order.

ADOPTION OF REPORT ON PEACE AND SECURITY ENGAGEMENT IN ISIOLO COUNTY

THAT, this House adopts the Report of the Committee on National Cohesion and Equal Opportunity on the peace and security engagement in Isiolo County, laid on the Table of the House on Wednesday, 1st July 2026.

(Moved by Hon. Yusuf Adan on 11.11.2026 – Afternoon Sitting)

(Debate concluded on 11.11.2026 – Afternoon Sitting)

(Question put and agreed to)

Hon. Speaker: Next Order. Hon. Naomi. This is a very simple Motion. Move, get a seconder, and then we put the question.

RESOLUTION TO SUSPEND SPECIFIED SITTINGS OF THE HOUSE

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the Resolution of the House of 11th February 2026 and pursuant to the provisions of Standing Orders 28(4) (Calendar of the Assembly) and 30(3) (Hours of meeting), this House resolves to alter its Calendar so as not to hold sittings on the morning and afternoon of Wednesday, 18th November 2026.

This is because of what the Hon. Speaker has already communicated. I request Prof. Guyo to second.

Hon. Speaker: Professor.

Hon. Prof. Guyo Jaldesa (Moyale, UPIA): I second.

Hon. Speaker: Thank you.

(Question proposed)

Do I put the Question?

(Question put and agreed to)

Next Order.

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BILL

First Reading

THE ONLINE SAFETY BILL
(National Assembly Bill No.69 of 2026)

(The Bill was read a First Time and referred to the relevant Committee)

Hon. Speaker: Thank you. Next.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE TOURISM (AMENDMENT) BILL
(National Assembly Bill No. 41 of 2026)

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, we shall be in the Committee of the whole House for two Bills. That is the Tourism (Amendment) Bill, (National Assembly Bill No. 41 of 2026), and the Pest Control Products Bill, (National Assembly Bill No. 48 of 2025). I hope the Movers are here. I can see Hon. Mutunga who will be moving the Pest Control Products Bill. Who is moving the Tourism (Amendment) Bill? Chairperson, Departmental Committee on Tourism and Wildlife? I cannot see Hon. Mbiuki. Who is standing in for the Committee?

(Hon. Kareke Mbiuki walked to his seat)

I can see Hon. Mbiuki is here. Let him take his seat.

(Loud consultations)

Order. Hon. Members. Seated in the Speaker's Gallery this afternoon is the esteemed delegation of Kenya National Under-18 Athletics Team which participated in the 2026 Youth Olympic Games from the 9th to 10th November 2026 in Dakar, Senegal. The team delivered a very impressive performance, winning a total of five medals comprising of three gold medals and two silver medals. The outstanding performance is a testament to the talent, determination, a potential of Kenya's young athletes. We applaud them and welcome them to the House of Parliament this afternoon. Well done all of you. All the best in your future endeavours.

Thank you. Hon. Members, you may applaud them as we allow them to follow our proceedings this afternoon.

(Applause)

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Hon. Cherorot, do you want to say something to them?

Hon. Joseph Cherorot (Kipkelion East, UDA): Thank you, Hon. Temporary Chairman. The team that is here comes from my constituency. As you have mentioned, we have Faith Cherotich who won gold, Abigael who won silver, and another athlete who came yesterday from Chagaik also called Abigael. She won the 3,000 meters steeplechase. Athletics has given us a lot of mileage as Kenya. It is one of the sports that is the cornerstone in our country. It is a global sport where winners are rewarded accordingly and honoured. We honour and congratulate the team and the Lemotit Athletics Camp led by Coach Kemei in Londiani for doing us proud.

Thank you.

The Temporary Chairman (Hon. David Ochieng'): Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Chairman. I join my colleague Hon. Cherorot to welcome and appreciate the athletes from Londiani in Kipkelion East. I thank them for the hard work, resilience and making us proud. I confirm to you that whatever these athletes get goes back to their families. Last year, we were invited to a house warming by one of the athletes. She built a very beautiful house for her family. This is Faith. She has also assisted her parents and her siblings in education. Once more, I congratulate them.

I request that they are not manipulated, especially the girls. Sometimes, these athletes are manipulated by those people who are around them. To the athletes, as you work hard, support yourselves, your families and be people of integrity. Make us proud always. You have our support 100 per cent.

Thank you very much.

The Temporary Chairman (Hon. David Ochieng'): Hon. Member for Nyando.

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Chairman. I join my colleagues in congratulating our young ones who have done us proud. The sky is the limit for them. When our sister Lupita Nyong'o was receiving the Oscar Award, she said: "Every dream is valid."

I encourage the young people that this is their time. Let them seize the moment. Let them be disciplined because without it, both track and field events cannot bear fruits. I encourage these young people who will be representing Kenya in the international fora not only now, but also in future. They are our future Faith Kipyegon, David Rudisha, Catherine Ndereba, Eliud Lagat and many others who have made this country proud.

Hon. Temporary Chairman, we know that athletics has a very short lifespan. No one can run past 40 years. So, they have to compete with the little time that is available to them in the intervening period. Therefore, they have to take full advantage of this opportunity. Even if they receive rebates, royalties and funds, they must have absolute discipline. Let them have financial discipline. Let them invest in this country like the way athletes in Ethiopia do huge things in the real estate and transport sector. It is incumbent upon these young people here and those who are outside there to take full advantage of this opportunity. They should always carry our flag and banner high. We will support this talent that God has given them.

I thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): Thank you. Members, our young people are inspired. They also inspire us with their spirit of competition. We wish you the best. Do not stop yet. You have just started. We hope to see you in future, not in under 18 games but in the adult games. May God be with you, as you pursue your dreams in sports.

Thank you.

We will go back to Order No.14, Committee of the whole House. We will start with the Tourism (Amendment) Bill, (National Assembly Bill No.41 of 2026). It is being moved by

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Leader of the Majority Party, the Member for Kikuyu, Hon. Kimani Anthony wa Ichung'wah. Is he in the House?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): Good. Proceed.

(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 agreed to)

(Clauses 11, 12, 13, 14, 15 and 16 agreed to)

Clause 17

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairperson of the Departmental Committee on Tourism and Wildlife, you have an amendment.

(Hon. Kareke Mbiuki spoke off the record)

Go ahead. Be a bit patient. You will get a microphone now.

Hon. Kareke Mbiuki (Maara, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new Clause—

17. Section 65 of the principal Act is amended by deleting sub-section (3) and substituting therefor the following new sub-section—

(3) The Cabinet Secretary shall submit an annual monitoring report to the National Assembly and avail the report to the public.

The amendment proposed by the Committee seeks to reinstate the oversight role of the National Assembly. The Bill had proposed to delete it as a consequential effect of the proposed repeal of the provisions of the principal Act, which provide for the establishment of the Tourism Research Institute. The proposed amendment also seeks to tighten the reporting obligation that is imposed on the Cabinet Secretary. They shall submit a monitoring report to the National Assembly, at least, once a year and not once every five years, as stipulated previously.

Article 95 of the Constitution provides that the National Assembly exercises oversight over national revenue and its expenditure. It also oversees State organs. Thus, the imperative need to reinstate the oversight role of this honourable House. Further, Article 153 of the Constitution mandates the Cabinet Secretary to provide Parliament with full and regular reports concerning matters under their control.

Additionally, Standing Order 216 provides that the functions of a departmental committee shall be to investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments.

Lastly, if the Bill is enacted, with the proposed amendment, it will expand the role of the National Assembly to oversee reports relating to the monitoring mechanism within the tourism sector. Pursuant to the provisions of Articles 95 and 153 of the Constitution, as read together with Standing Order 216, it is necessary to reinstate the oversight role of the National Assembly in order to guard against the possible erosion of the constitutional mandate that is imposed on the National Assembly.

Thank you, Hon. Temporary Chairman.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Leader of the Majority Party.

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Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, let me support that amendment by the Committee through the Committee's Chairman. As he has clearly stated, Section 17 of the principal Act is being repealed because we are repealing Sections that touch on the Tourism Research Institute. Therefore, part of the clauses that are being repealed touch on the oversight role of the National Assembly. It is good that the Committee is very diligent in ensuring that the oversight role of Parliament is not abrogated by repealing that particular provision.

The proposed amendment will improve the Bill because the principal Act that created the Tourism Research Institute required the Cabinet Secretary to report to Parliament and the members of public every five years. As you know, cabinet secretaries have a term of five years.

The Temporary Chairman (Hon. David Ochieng'): They do not have a term of five years. It can be three months.

(Laughter)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Well, any administration has a term of five years. A cabinet secretary may never report to Parliament. Therefore, for proper and meaningful oversight, annual reporting to the National Assembly and giving the same information that is being sought in that report to the members of the public annually is the right thing to do.

Let me thank the Chairman for that amendment. I support it.

The Temporary Chairman (Hon. David Ochieng'): Members, if there is no other intervention, I will put the Question.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 17 as amended agreed to)

(Clauses 18, 19, 20, 21, 22, 23, 24 and 25 agreed to)

(Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, that marks the end of the Committee of the whole House on the Tourism (Amendment) Bill, (National Assembly Bill No. 41 of 2026). I would, therefore, request the Mover to move reporting. Leader of Majority Party, go ahead.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Tourism (Amendment) Bill, (National Assembly Bill No. 41 of 2026), and its approval thereof with amendments.

(Question proposed)

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(Question put and agreed to)

THE PEST CONTROL PRODUCTS BILL
(National Assembly Bill No. 48 of 2025)

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, we will now consider the Pest Control Products Bill, (National Assembly Bill No. 48 of 2025).

Hon. (Dr) Kanyuithia is in the House. Without much ado, we dive into it.

(Clause 3 agreed to)

Clause 4

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairperson.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 4 of the Bill be amended—

(a) in paragraph (a) by inserting the words ", animal health," immediately after the words "human health"; and,

(b) by inserting the following new paragraph immediately after paragraph (d)—

"(e) promote co-operation between the national, county government and other relevant agencies in the regulation, monitoring and safe use of pest control products".

The reason is that we need to expand the purpose of the Act to cover animal health because it is talking about human health. We also need to ensure co-operation between the authority, county government and the relevant agencies.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 4 as amended agreed to)

(Clause 5 agreed to)

Clause 6

Hon. Temporary Chairman (Hon. David Ochieng'): Hon. Chairperson, Departmental Committee on Agriculture and Livestock.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new subclause immediately after subclause (2)—

"(3) The Authority shall be the designated national authority on matters relating to pest control products."

The reason for this is that we need to designate the authority as the national authority on matters pest control and represent Kenya in various multilateral environmental agreements on pesticides, in technical committees and conferences of parties on multilateral environmental agreements. We are anchoring this institution as the competent agency.

(Question of the amendment proposed)

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(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 6 as amended agreed to)

(Clause 7 agreed to)

Clause 8

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairperson, you have an amendment.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 8 of the Bill be amended—

(a) in paragraph (b) by deleting the word "register" and substituting therefor the words "registration of";

(b) in paragraph (c)—

(i) by inserting the words ", animal health," immediately after the words "human health" in the opening statement;

(ii) by deleting subparagraph (i) and substituting therefor the following new subparagraph—

"(i) evaluating pest control products before registration in collaboration with relevant research institutions;" and,

(iii) by inserting the words "and feed" after "food" in subparagraph (iii).

(c) by inserting the following new paragraphs immediately after paragraph (h)—

"(ha) to conduct audits of the traceability mechanisms established by a person who deals in pest control products;

(hb) to implement the multi-annual control plan in the performance of its functions."

(d) by numbering the existing provision as (1); and,

(e) by inserting the following new Clause immediately after Clause (1)—

(2) Where the Board determines that there is an overlap in its functions and the functions of any public institution in relation to food safety or feed safety, the Board may request the Controller to advise.

The reason for this is that we need to incorporate provisions for Food and Feed Safety Control and Coordination Act, which designates the current Pest Control Products Board as the competent agency. We also need to ensure that animal health is protected as well as involve relevant research institutions in the evaluation of pests and pest control products.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 8 as amended agreed to)

(Clause 9 agreed to)

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Clause 10

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairperson, you have an amendment to Clause 10.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended in paragraph (b) by inserting the word "by the Authority" immediately after the word "issued".

The justification is that we need to clarify that the authority can suspend or cancel certificate or permit issued by the same authority.

(Question of the amendment proposed)

(*Question, that the word to be inserted be inserted, put and agreed to)*

(Clause 10 as amended agreed to)

Clause 11

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairperson, you have an amendment to this.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended—

(a) in paragraph (b) by inserting the words "or public administration" immediately after the word "field"; and

(b) by inserting the following new paragraphs immediately after paragraph (b)—

"(ba) has at least five years relevant experience in a senior management position;

(bc) has at least ten years' experience in a relevant scientific field; and"

This is because we need to expand the qualifications for the Chairperson to include public administration, and not just scientific fields. This is because the position is administrative and not technical.

(Question of the amendment proposed)

(*Question, that the words to be inserted be inserted, put and agreed to)*

(Clause 11 as amended agreed to)

(Clauses 12, 13, 14, 15, 16, 17 and 18 agreed to)

Clause 19

The Temporary Chairman (Hon. David Ochieng'): Hon. (Dr) Mutunga.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 19 of the Bill be amended in subclause (1) by deleting the words "county executive committee member' and substituting therefor the words "county government".

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We want to make reference to the county government and not county executive committee member because the Bill is a national legislation.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Hon. Oundo of Nyalenya Girls.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Chairman. Now that you are on the Chair's seat, I will not call you the name we normally call each other when we meet at the border. The Chairman needs to explain a little further because I know he is substituting the county executive committee member with the county government, whereas those who have executive authority are the governor and the county executive committee member. I do not know what exactly he is referring to as the county government. It could be the executive or the assembly. What are you referring to? Just explain so that Kenyans can understand whom you are talking about in the county government and whom you would task with appointing inspectors.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, every county in this country has its own definition of its executives. We do not specify who is responsible because we leave the counties the flexibility to define their executives and apportion responsibilities. The Ministry of Agriculture in Meru County is different from that in another county. It could even include forestry. A Ministry of Agriculture in another county could be different. We have, therefore, made all our laws in this Session of Parliament referring to the county government to give them that flexibility.

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, I hope you are convinced.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 19 as amended agreed to)

Clause 20

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 20 of the Bill be amended by deleting subclause (5) and substituting therefor the following subclause—

(5) Any person who without reasonable excuse, fails to produce any pest control product or material for examination, any document the production of which is required under this section, commits an offence and is liable on conviction to a fine not less than five hundred thousand shillings or imprisonment of a term not exceeding two years or both.

Hon. Temporary Chairman, we need to enhance the penalty to make it commensurate to the offence.

(Question of the amendment proposed)

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(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 20 as amended agreed to)

Clause 21

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 21 of the Bill be amended—

(a) in paragraph (b) by deleting the word "among";

(b) in paragraph (e) by deleting the word "complying"; and

(c) by inserting the following new paragraphs immediately after paragraph (f)—

"(g) at all reasonable times and upon producing certificates of appointment, enter premises for evaluation and collection of samples of suspected unregistered or counterfeit products and report to the Authority for further action;

(h) stop and inspect any consignment containing suspected unregistered or counterfeit pest control products within the county and report to the Authority for further action;"

We need to correct some typographical errors in paragraphs (b) and (e), and include the functions that fall under the inspectors appointed by the Authority, which were erroneously provided for under the functions of the inspector appointed by the county government.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Hon. Oundo.

Hon (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, while we are very much interested in protecting human and animal life, giving inspectors unfettered authority to access premises without notice or a search warrant would create a chaotic situation. The amendment states that inspectors may, at all reasonable times and upon producing certificates of appointment, enter premises for evaluation. I beg to indulge the Chairman to consider reviewing the provision to require reasonable notice or a search warrant. As a law-abiding country, we cannot resort to a bandit style where anybody can storm your compound or premises without reasonable cause, under the guise of conducting an inspection for counterfeit or unregistered products.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, getting court orders to access a building when there is suspicion of counterfeit goods may take longer than it takes to distribute those goods to Kenyans. It is, therefore, very important to expedite the process. In any case, even if you go to court, the premises will be accessed anyway. The important thing is to allow the inspector access. If they are barred from accessing the premises, they will invoke the law against that particular person.

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(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 21 as amended agreed to)

(Clause 22 agreed to)

Clause 23

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 23 of the Bill be amended—

(a) in paragraph (b) by inserting the words "and safe" immediately before the word "responsible";

(b) by deleting paragraph (f); and

(c) by deleting paragraph (g) and substituting therefor the following new paragraph—

(g) Issue trade licenses upon inspection of pest control products premises.

Hon. Temporary Chairman, the amendment seeks to ensure that the public is trained on the safe and responsible use of pest control products. We also need to delete the duplicity in paragraphs (b) and (f) and align the functions of the county government, which involve the inspection of pest control products before the issuance of trade licences.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 23 as amended agreed to)

Clause 24

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 24 of the Bill be amended—

(a) in paragraph (a) by deleting the word "authority" and substituting therefor the word "county government;

(b) by deleting paragraph (e); and,

(c) by deleting paragraph (f).

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Hon. Temporary Chairman, the justification is to provide for inspectors appointed by the county governments to report to the county governments and not to the Authority. It is also to move the functions assigned to the county government, but which fall under the functions of the Authority, to Clause 21, which provides for the roles of inspectors appointed by the Authority.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Member for Funyula, go ahead.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, I would like the Chairman of the Committee to amplify whether, based on the amendment, the Authority has no powers to inspect premises and stop a consignment to check whether it is authentic. I think that is the import of the amendment you are making. I would like him to amplify that for record purposes.

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): The powers of the inspectors cut across both the county government and the Authority. We are separating their respective roles without usurping the powers of the county government inspectors or reducing the powers of the Authority. As the regulatory body, the Authority has the absolute power to inspect any building and is responsible for knowing where those chemicals are kept and where counterfeits may be found. The Authority works in consultation with the county government.

The Temporary Chairman (Hon. David Ochieng'): Hon. Nyikal, go ahead.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, whereas I appreciate the need to have the county government perform the functions assigned to it under the same Act, I have noted that, in this and the preceding clauses, you are replacing the Authority with the county government. As Hon. Oundo had observed earlier, while the national Government assigns responsibility to a specific entity, the provision for the county government remains general. We are assuming that there may be no ill intentions within the county government. We are allowing it to designate anybody to whom people should report to. Why would we not specify the particular entities within the county government to make the law more specific? This may mean referring to a specific office within the county government. If the person in charge of agriculture also oversees other functions, you could use the term ''the executive committee member in charge of'' to make it even more specific. It is a suggestion.

The Temporary Chairman (Hon. David Ochieng'): Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, I want the Chairman of the Committee, Hon. (Dr) Mutunga, to be very clear. On page 1179 of the Bill, Clause 24, the marginal note reads, "role of inspectors appointed by county governments". The roles are enumerated here in Section 24(1)(a) all the way to (g). You are deleting paragraphs (e) and (f). In effect, it means that an inspector appointed by the county government cannot access premises to inspect, neither can they stop any consignment. Essentially, that is the import. Just reflect on that. You are moving all those functions to the inspector the authority appoints and removing them from the inspector appointed by the county government. That is what it means.

The Temporary Chairman (Hon. David Ochieng'): Hon. Mutunga, go ahead.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much. Let me take a minute to explain, especially with respect to what Hon. (Dr) Nyikal has said. We have an authority that is in charge of total regulation at the national level. Only one national authority is in charge. It is put in charge because it is the only competent authority and reference point, not the county government. The county government can only give information of suspected counterfeit goods within certain premises. Then, the authority will access the

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premises, pick the suspected counterfeit goods, assess whether they are really counterfeit and take action.

The Temporary Chairman (Hon. David Ochieng'): Order. Use this example to explain so that people understand the division of functions. What is the role of the county or county government in this? For example, does the county government have authority to enforce the national law we are passing today? Go ahead.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): The county government does not have the authority to enforce the regulatory function of the law. The regulatory function is a preserve of the authority. Let me give the example of counterfeit maize seeds. If it is suspected that a certain warehouse has counterfeit maize seeds, the county government is informed through some mechanism that there is possibility we have counterfeit maize seeds. The county government will identify the premises and make sure it is preserved until we get somebody from the Authority to access them. The person from the Authority will access the premises, pick the samples, analyse them and take the necessary action.

The Temporary Chairman (Hon. David Ochieng'): What is the role of the county government? Is it to give information?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): County government inspectors are not trained in the analytical process.

The Temporary Chairman (Hon. David Ochieng'): Do you mean their role is to give information?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): They can only give information. That is why we need one authority to be responsible in our country. This is even the international system of regulation. We do not have two authorities.

The Temporary Chairman (Hon. David Ochieng'): Is that why you have amended Clause 24 and removed what was there?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Yes. We have transferred them to Clause 21 so that we now have the Authority exercising the functions relating to access and enforcement while, information, coordination and preservation of the current status remain in the county government.

The Temporary Chairman (Hon. David Ochieng'): Hon. Oundo, I hope that is now clear.

Hon. Ojiambo Oundo (Funyula, ODM): That is all I wanted him to make very clear. That an inspector appointed by a county government has no power under the new law to enter premises under the guise of inspecting whether there are counterfeit or illegal products. That is all I wanted. It is now on record. Let us hope that no self-imposed inspectors will walk into a shop or a warehouse tomorrow morning and say they have come to inspect.

The Temporary Chairman (Hon. David Ochieng'): I think that is now well understood. Hon. Nyikal, I hope that is clear.

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 24 as amended agreed to)

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(Clause 25 agreed to)

Clause 26

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 26 of the Bill be amended in subclause (2) by inserting the words "in writing" immediately after the word "delegate".

The reason being that we need to provide for the delegation of functions by the registrar to be done in writing.

(Question of the amendment proposed)

(Question, that the words to be added be added, put and agreed to)

(Clause 26 as amended agreed to)

Clause 27

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 27 of the Bill be amended—

(a) in subclause (4) by deleting the word "may" and substituting therefor the word "shall";

(b) in subclause (5) by inserting the words "animal health" immediately after the word "human health" in subparagraph (i);

(c) in subclause (6) by deleting the word "refuse" and substituting therefor the word "reject"; and,

(d) by inserting the following new subclause immediately after subclause (8)—

(8A) The Technical Advisory Committee appointed in subclause (8) shall comprise—

(a) the Kenya Plant Health Inspectorate Service;

(b) the Kenya Bureau of Standards;

(c) the National Environment Management Authority; and,

(d) any other relevant agencies."

The reason being that we need to make pre-registration and post-registration studies mandatory for registration of manufacture of pest control products in Kenya and ensure that pest control products are safe for animal health.

Finally, we want to establish a technical advisory committee to include the Kenya Bureau of Standards (KEBS), the Kenya Plant Health Inspectorate Service (KEPHIS), and the National Environment Management Authority (NEMA) and other relevant bodies.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Member of Funyula.

Hon. Ojiambo Oundo (Funyula, ODM): In the amendment under the new subclause 8A, the institutions proposed to constitute the technical advisory committee are KEPHIS, KEBS, NEMA and other relevant agencies. I hope you are not giving the registrar a blanket cheque to pick even *jua kali* associations to be included among relevant agencies.

Probably, you should have narrowed down "relevant agencies". Relevant in what matter? Relevant is ambiguous. Could it be animal health, food safety or law? We need to avoid

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giving anybody a blanket cheque. They could pick anybody simply because they are considered relevant.

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman, this is a very fair comment. What do you say to that?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): I agree that it is a very fair comment. The purpose of forming the technical advisory committee is to ensure that we have all technical institutions included. There are terms of reference and guidelines on the operations of for this advisory committee. The qualification is the technical capacity that an institution has and what it can contribute to this function. That is why we have named NEMA on matters environment and KEBS on standards. We have also named KEPHIS for plant health, and others. They may include the Kenya Agricultural and Livestock Research Organisation (KALRO).

The Temporary Chairman (Hon. David Ochieng'): I hate to say this. Who appoints them?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): The Pest Control Products Board (PCPB) will appoint them. Wait, let me confirm that.

The Temporary Chairman (Hon. David Ochieng'): Normally, you cap the number and state maybe seven or eight members when you want to leave this open. That is so that even the relevant ones fall under that number, and that is the end of it. It is not fine when you leave the number and relevant agencies open.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): The advisory committee is not a board. Its role is on technical matters of an issue. It can be constituted and reconstituted many times. It depends on the issue that is being dealt with.

The Temporary Chairman (Hon. David Ochieng'): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): The practice when we are drafting laws in this House is to provide for the appointment or co-option of other persons that we feel may be needed for a purpose. They can be included for a specific period to give the required advice, but they do not become permanent members.

Hon. Temporary Chairperson, this is because once you have put any other, then you will put another one for another function. Will you be constantly adding? Just give a proportion that they can accommodate other members as they need. Any other is too broad.

The Temporary Chairperson (Hon. David Ochieng'): Hon. Member for Buuri Constituency.

Hon. Mugambi Rindikiri (Buuri, UDA): This is a valuable matter, according to Hon. (Dr) Mutunga because, a matter can come in that requires a specific technical advice. It becomes very difficult for him to put it here if there is a valuation and technical information that need to be discussed. So, any other is a moment to address that specific matter at hand. If we tie them down, it is like we are telling them, we have this, and if something else outside that technical advice is available, then we need to have a valuable way of addressing the matter. I think that is what the Chairman had in mind.

The Temporary Chairperson (Hon. David Ochieng'): Thank you, Hon. Chair. Do you want to improve this so that we have a further amendment? Allow the Chair to apply his mind to this matter, Hon. Member for Funyula Constituency.

Hon. John K. Mutunga (Tigania West, UDA): Let me say that this is not a static body. It is a task force. Clause 8 says: "The board shall appoint a technical advisory committee to assist the registrar in the consideration of applications made under this section." So, Chair, I think we do not…

The Temporary Chairperson (Hon. David Ochieng'): No, you do! You named four institutions. What about if others apply to join, claiming relevance?

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Hon. John K. Mutunga (Tigania West, UDA): Based on the relevance, because it is in a single city, they will be included. Based on how relevant they are to the issue that is being discussed at any one point in time, they will be involved.

(*Loud consultations*)

The Temporary Chairperson (Hon. David Ochieng'): Hon. Members, we must decide either way. Yes, Hon. Member for Seme Constituency.

Hon. (Dr) James Nyikal (Seme, ODM): Mostly, you give such committees the power to co-opt. That will really solve the problem. I would suggest a provision for co-option.

The Temporary Chairperson (Hon. David Ochieng'): Leader of the Majority Party, are you still here? I want you to help here. I would like you to consult with the Hon. Chair, so that you introduce a further amendment that allows the Committee to co-opt other persons as the need arises. We should not leave the law we are making so wide open with so many concerns from Members. So, instead of appointments, we co-opt. You are allowed to do a further amendment. It will not change the type of the Bill.

(*Several Members consulted at the aisle)*

Leader of the Majority Party, do you want to make a further amendment to this clause?

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

The Temporary Chairperson (Hon. David Ochieng'): Go ahead.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes, allow me to move a further amendment to Clause 27 (d), under sub-clause 8 (a), paragraph (d), to read: "Any other relevant agency involved in the protection of animal and human health as may be co-opted by the committee".

The Temporary Chairperson (Hon. David Ochieng'): Thank you so much. Hon. Members, I hope you got the gist of the amendment.

Hon. Members: Yes.

The Temporary Chairperson (Hon. David Ochieng'): So, we will debate and put the question with that further amendment in mind so that clause 27 (d) will read: 'Any other relevant agency that is involved in the protection of animal and human health as may be co-opted by the committee'.

(Question of the further amendment proposed)

Go ahead.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Chair, that is perfectly in order. This is a specialised area, and we cannot open it up to everyone. I do not want to use the words "Every Tom, Dick and Harry" but to all agencies.

The Temporary Chairperson (Hon. David Ochieng'): You can use the name of ladies this time.

(Laughter)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I wanted to avoid using names but, whichever way, I think this one covers it. It ensures that we remain in the same sphere and field to avoid inviting loud mouths all over.

Thank you.

The Temporary Chairperson (Hon. David Ochieng'): Thank you. Hon. Members. I will, therefore, put the Question. Hon. Rutto, do you want to comment? Go ahead then.

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Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Chairman. It is very important that this thing has come at this moment. We make laws for posterity. We all know that we serve in a dynamic environment. Matters of health keep changing with time. Therefore, it is a wise thing that we also leave this open for anything or for any other aspect to be enjoined to it. We should be very specific. I support the amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 27 as further amended agreed to)

Clause 28

Hon. John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 28 of the Bill be amended by deleting subclause (3).

The reason is that the mark of quality is assigned to Kenya Bureau of Standards (KEBS) and not to the Authority. Therefore, we want to delete the provision that purports to confer the functions of KEBS to the Authority.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

Clause 28 as amended agreed to)

(Clauses 29, 30, 31, 32 and 33 agreed to)

Clause 34

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 34 of the Bill be amended in subclause (2) by deleting the words "hundred and fifty thousand" and substituting therefor the word "million".

The justification is that we want to enhance the penalty to make it commensurate to the offence.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Hon. (Dr) Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, this is a deterrent provision. However, many of us know that traders in our rural areas sell products that are bought from wholesalers. I am just imagining that Agrovet that is located in Ganga in my constituency. A particular seller may have gone to Busia Town and bought those products to sell, and then he discovers that they were counterfeit or unlicensed. I do not see how or from where that gentleman will raise the Ksh1 million. I am sure that the courts will have mitigating factors, but the damage will have been done already. I do not know whether there is a way to review that requirement or moderate the deterrent measures to make them more reasonable without necessarily driving people out of business.

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Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): Chairperson, do you wish to say something?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): The Chairperson knows the market.

(Laughter)

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I will make reference to Clause 34(2), sub-clause (2).

The Temporary Chairman (Hon. David Ochieng'): You have proposed to increase the fine from Ksh150,000 to Ksh1 million. Is that correct?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): No. We are moving it from Ksh250,000 to Ksh1 million. The reason given is the deliberate provision of false information. We do not want people to provide false information as a way of excusing themselves from liability. We want people to be honest and acknowledge when they are dealing with counterfeit products rather than attempt to mislead us or take us round in circles.

The Temporary Chairman (Hon. David Ochieng'): The question is whether the proposed penalty is commensurate with the offence. Once that penalty is provided for in the law, the judge's discretion is limited.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, we took considerable time to deliberate on this particular issue as a Committee and established that we have a serious problem with counterfeit products.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 34 as amended agreed to)

(Clauses 35 and 36 agreed to)

Clause 37

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 37 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting paragraph (a) and substituting the following paragraph—

"(a) an active substance or formulation has been reported under any convention relating to pest control products ratified by Kenya to have severe, adverse effects on human health, animal health or the environment;"

(ii) in paragraph (b) inserting the word ", animals," immediately after the word "human" appearing in the opening statement; and

(b) in subclause (2) by inserting the word ", animals," immediately after the word "humans" in paragraph (a).

The justification being that we need to ensure that pest control products are safe for both animal and human use.

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(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Yes, Hon. Member for Funyula. Proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, this is, indeed, a very good provision. The substantive Deputy Speaker, Hon. Madam Gladys Boss, has been very passionate about certain pesticides that have been banned in some foreign countries but are still allowed for application and use in this country. I hope and pray that the Authority, together with the county governments, will strictly enforce this provision and ban harmful substances such as Roundup. There are also certain beauty products that are used by women that have been found to be harmful. I hope the Authority and its inspectors will also conduct regular inspections to ensure that such products are removed from the market. After some ladies use some of those products, they look like zebras after some time. They develop patches of different colours - black, brown, white, blue and some shade of orange.

The Temporary Chairman (Hon. David Ochieng'): Hon. (Dr) Oundo. Where do you see those people?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon Temporary Chairman, I see them while walking around the streets.

(Laughter)

The Temporary Chairman (Hon. David Ochieng'): Some of us have never seen them. Which streets are these that you walk around which we do not?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, I can walk you around the streets of Nairobi this afternoon. We can go with the young man here, Hon. Gisairo.

The Temporary Chairman (Hon. David Ochieng'): Hon. Ichung'wah, have you seen these zebras? He says when he walks around Koinange Street… Did he mention Koinange Street?

(Laughter)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I am told it is closed. It, however, used to be active during our days as university students. I am told that when you go to Kilimani, Hurlingham and its environs, you will find such characters.

Hon. Kimani Ichung'wah (Kikuyu UDA): Have you seen those people with discoloured skin?

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 37 as amended agreed to)

Clause 38

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

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THAT, Clause 38 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

"(1) A person commits an offence if that person adulterates, counterfeits, or offers for sale an unregistered pest control product, label or package for a pest control product."

The justification is that the statement is incomplete. This is an effort to complete that particular statement for clarity.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 38 as amended agreed to)

Clause 39

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 39 of the Bill be amended in subclause (1) by deleting the phrase "26(8)" and substituting therefor the phrase "27(8)".

This is to correct some typographical error.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 39 as amended agreed to)

(Clauses 40 and 41 agreed to)

Clause 42

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 42 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) The Authority may consult county governments that may be affected by the research before issuing authorization.

The reason is that we want to allow for consultation with the county governments where research approved by the Authority may affect the county.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Yes, Hon Oundo.

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Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, the problem with consulting county governments is the politics surrounding such consultations. I remember that the issue of coal mining in Kitui has stalled for many years. The proposed nuclear power plant was initially intended for Lamu, but the project was delayed before it was eventually relocated to Siaya.

We are also preparing to petition because as the people of Busia, we could be affected in the event of a nuclear incident, particularly if there is leakage. I am, therefore, concerned about the nature of those consultations. Sometimes, we have very difficult discussions at the national level concerning the relationship between the two levels of government, especially during the *Nusu Mkate* dispensation.

What exactly does consultation mean? Does it mean concurrence or does it simply mean informing the county governments? Perhaps, Hon. (Dr) Mutunga would be gracious enough to clarify this matter to Kenyans. Did the Committee give sufficient consideration to the definition of the term "consultation"? Does it mean obtaining concurrence from the county governments, or is it merely a process of informing them?

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): Chairperson, that is a very valid point, particularly given the concerns raised. What exactly is the role of this consultation? What do you intend to achieve through it?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, what the Committee had in mind regarding consultation was, first and foremost, to ensure that the county governments are adequately informed. Whatever activity is being undertaken in a particular county; the county government needs to be aware of it. We are all bound by Article 18 of the Constitution, where there is need for public participation. We cannot do public participation without roping in the counties in this case. The idea is to get in touch with the county government, inform them about the study and get to know what kind of support is needed. That is the thinking around this matter.

The Temporary Chairman (Hon. David Ochieng'): What if they refuse?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes, what if they refuse?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I do not think a county government can refuse to allow work to be done in its county, even when it involves risks to human life.

The Temporary Chairman (Hon. David Ochieng'): Why are you consulting them? That is the issue here. This is a very valid point. Are you informing or consulting? Consultation means that the body being consulted has some authority, and the process can go either way.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): We looked at consultation in the context of providing information and allowing participation to a certain extent. Participation means consent and support, particularly in data collection and other processes. That is the context in which we looked at it.

The Temporary Chairman (Hon. David Ochieng'): Yes, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I know it might sound modernistic but I just want to alert you that you are opening a Pandora's Box. Once you introduce consultation under the current dispensation, particularly with the new public participation laws and court rulings, there is an element of consent that people must give.

The Temporary Chairman (Hon. David Ochieng'): Take your seat. Let us hope that the courts will interpret 'may' in this provision as non-mandatory.

(Question, that the words to be inserted be inserted, put and agreed to)

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(Clause 42 as amended agreed to)

(Clauses 43, 44, 45, 46, 47, 48, 49 and 50 agreed to)

Clause 51

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 51 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

"(1) Every certificate issued under this Act shall expire on the date of issue of the following year and shall be renewable annually."

(b) by deleting subclause (3) and substituting therefor the following new subclause—

(3) An application for renewal shall be submitted to the Authority annually, and any late application shall be accompanied by a late fee as provided for in Regulations made by the Cabinet Secretary, in consultation with the Authority, in that regard.

The reason is that we need to avoid legislating on specific dates, which the regulations can provide for.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, I just want to tickle the minds of Kenyans and the Chair. The amendments he is making to Clause 51, particularly subclause (3), state that any application for renewal shall be submitted to the Authority annually, and that any late application shall be accompanied by a late fee as provided for in the Regulations. What do you mean by "late"? If I apply annually and it is issued on the date of application, when does the application become late? I can choose when to apply. Perhaps, I have temporarily stopped operating the business because I have been bereaved or I have gone for further studies, or I am engaged in other activities. I can, therefore, apply when it is convenient for me. How then can that amount to a late application that attracts a fee?

The Temporary Chairman (Hon. David Ochieng'): Hon. Departmental Committee Chair.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, someone has had a permit or a licence, and he knows that it will expire on 31st December. Therefore, if you will not have renewed your licence by July, you should be required to pay a fee.

The Temporary Chairman (Hon. David Ochieng'): The point is, for example, someone may be operating a shop and decide not to operate it in that year. They, therefore, do not renew the licence. What happens in such a case?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Upon ceasing to operate, I think you should notify the Authority that you are no longer in business. When you close a business, I do not know whether there is a formal procedure, but you can even close it while you are holding a valid licence. Therefore, closure does not mean much. What we are trying to avoid is having 31st March fixed in the law as the deadline for renewing licences.

The Temporary Chairman (Hon. David Ochieng'): Have you provided for a date in the law?

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Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): It is in the proposed legislation, but we are trying to remove 31st March from the law and provide for it in the regulations. We are not doing away with the date. We are simply proposing that it be provided for in the regulations.

The Temporary Chairman (Hon. David Ochieng'): You know, there is confusion.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): There is no confusion. Let me explain. The regulations provide that by 31st March, one should have renewed the licence. Any application made after that date will therefore be considered late.

The Temporary Chairman (Hon. David Ochieng'): Looking at the current amendment, it presupposes that the issue of licences will be a whole year-round thing. You have stated that every certificate issued under this Act shall expire on the date of issue, and not on 31st March. It expires on the date of issue in the following year. It means that the certification is done all year round. That is what it means. If you issue one on 30th June this year, it will expire on the same date next year. That is the amendment you are putting across. Thus, it contradicts what you have just said. Allow the Chair to apply his mind to it, please.

You have put a date of 31st, but you are still contemplating a situation where a certificate can be issued mid-year, which is the way it should be. If you want to start your business on Monday, 30th June, why must you wait until 31st December before you can apply for a licence? Just think of how you can match those two. Hon. Mulyungi, go ahead.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Temporary Chairman, it is voluntary. You apply for a licence when you want to operate a business. Even as professionals, architects like myself, engineers, lawyers and the accountants like the Leader of the Majority Party, apply for licences annually if they intend to practise. If you do not intend to practise, you do not apply for the certificate. Even when you apply late, you do not necessarily pay a late application fee. You pay what is due in accordance with the law.

Thank you.

The Temporary Chairman (Hon. David Ochieng'): Let us allow the Chair to respond.

(Hon. (Dr) Ojiambo Oundo spoke off the record)

Yes, go ahead.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, the clause in the Bill provides that every certificate issued under this Act shall lapse on 31st December following the date of issue and shall be renewable annually. In their wisdom, which is a very progressive idea, they are making amendments to clause 1(1), which provides that every certificate issued under this Act shall expire on the date of issue in the following year and shall be renewed annually. The descriptive date of 31st December has been removed. It means that a person renews their certificate one year after the date on which it was issued.

The question is that they now want to delete subclause (3), which provided for the 31st March deadline, leaving the renewal period open while introducing what appears to be a retrogressive late application fee. When is late?

The Temporary Chairman (Hon. David Ochieng): That is okay. Let us hear from the Chair. I think the mischief you are trying to cure is that you have already removed the fixed renewal date. You are saying that applications for licences will be made throughout the year. What should follow is a provision requiring applicants to apply for renewal 60 days or three months before the expiry of their certificates.

Go ahead.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): We looked at 31st March because it is three months into the year, following the end of the previous year.

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The Temporary Chairman (Hon. David Ochieng): But you have already removed that provision.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): We removed it from the Bill but retained it for the regulations. The regulations will provide that any licence renewed after three months will attract a late fee. If a licence is issued on 1st April and you try to renew it on 1st July, you will be considered to be a month late.

The Temporary Chairman (Hon. David Ochieng'): That is the point they are making. In your amendment, you have removed the requirement for 31st December. It is no longer there. Someone has applied for a licence and has been issued on 1st August 2026.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): That is correct.

The Temporary Chairman (Hon. David Ochieng'): How then does 31st March apply?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): That date is no longer provided for in the Bill. We have transferred that provision to the regulations, together with the guiding notes that any licence renewed after three months will be late and will attract a late renewal fee.

The Temporary Chairman (Hon. David Ochieng'): There is a lacuna there. Let me hear from the Leader of the Majority Party first.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, the Chair is saying that all licences will expire on the 31st December.

The Temporary Chairman (Hon. David Ochieng'): They have removed that.

Hon. Kimani Ichung'wah (Kikuyu, UDA): That is what was there in the law. Now he is saying, instead of having these dates in the Act, we take them to regulations.

The Temporary Chairman (Hon. David Ochieng'): No, Leader of Majority Party. The issue here is that they have allowed applications and issuance to be on a rolling basis. For example, one can be issued on the 1st May and one will have theirs on the 20th ...

Hon. Kimani Ichung'wah (Kikuyu, UDA): My understanding from his explanation is that they intend to have in the regulations the last date of renewal of all the licences as 31st March.

The Temporary Chairman (Hon. David Ochieng'): They have removed that. Go ahead, Hon. Chair.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): We have taken away 31st December as the end date of a licence. We are then having the three months from January to 31st March as the three months period required for renewal. Any time beyond the three months should be reflected in the regulations as being late. So, if you start your licence on 1st April, three months after 1st April is the period within which you will be allowed to renew your licence. Beyond that, you will be late.

The Temporary Chairman (Hon. David Ochieng'): So, this is the basic point you are trying to make. Now that you have said that you are going to process applications on a rolling basis, you should have that provision in the law and not in the regulations. This will be the main Act. You should say that renewal of applications should happen three months before the expiry of the licence. That is what is lacking here. You should anchor the lateness. That is the issue here. You cannot be late when there is no prescription of the time within which you must apply. That is the point. You have introduced an aspect of being late, but there is no timeline for when that lateness applies.

Hon. Kimani Ichung'wah (Kikuyu, UDA): You have to make it mandatory that three months before the expiry, one must apply.

The Temporary Chairman (Hon. David Ochieng'): Go ahead, Chair.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): We are saying three months after expiry, you have a window period to renew.

The Temporary Chairman (Hon. David Ochieng'): I see.

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Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Beyond that window period, you will actually be renewing late and you should be charged a fee.

Hon. Kimani Ichung'wah (Kikuyu, UDA): You know, you do not apply for renewing of licencing before the licence has expired. So, he is only giving three months after your licence has expired. Post three months, you will be late and you will pay a late penalty fee.

The Temporary Chairman (Hon. David Ochieng'): What you have just said now is the issue that he is raising. Why can you not have that in the law? This is what the law reads now: "An application for renewal shall be submitted to the Authority annually and any late application…" So, when is the lateness? Why do you want to have lateness in the law and move it into the regulations?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chair, if you read: The provision reads "…and any late application shall be accompanied by a late fee as provided for in the regulations." He is pegging it on the regulations. So, that will be provided for in the regulations. It is neater to have all these details in the regulations rather than in the Act itself.

The Temporary Chairman (Hon. David Ochieng'): Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): What are we contemplating here? It is an offence to operate or sell those health products unless you are licenced and registered. It is already an offence. So, you cannot cure it by late application. What will you be saying? Is the Departmental Committee Chair contemplating that at any given time somebody can sell or trade in products which are not registered or licenced?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Oundo is missing the word "renewal." First, you have to be licensed. You will only be renewing your licence. So, you cannot just wake up one day as an accountant like me and decide that you will sell pest control products and then get into the market without being licenced first. You need to have been licenced to renew. The key word here is "renewal."

The Temporary Chairman (Hon. David Ochieng'): What is it, Hon. Oundo?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): The Leader of the Majority Party is an accountant. Can he sign any books of accounts if he does not have an annual practising certificate? So, what is he saying? Why would you sign books of accounts and yet, you want to allow somebody who does not have a licence to sell animal and health products? That is what you are saying. I mean, gentlemen…

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman, basically, this is what is being proposed: These three months after the expiry date mean that the trader is operating with an expired licence.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): They have a licence, Hon. Temporary Chairman, but it has expired.

The Temporary Chairman (Hon. David Ochieng'): Yes. So, then, they do not have one.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): The expiry of a licence does not mean that you...

The Temporary Chairman (Hon. David Ochieng'): It does not exist. Legally, it does not exist. Legally, there is no licence. In fact, as far as advocates are concerned, if you sign any legal proceedings after the expiry of your practising certificate without authority, your signature does not count. For example, if the Law Society of Kenya (LSK) does not indicate that you have applied and your application is still pending, your papers will be expunged from the court records. That is why the proposal was: Why do you not request the licence holders to apply for renewal of their licences two months before expiry?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Those are like trade licences.

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is also good to be consistent because, unlike the example that Hon. Oundo has given of professional services, those are like trade

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licences. You know, for instance, even in a retail shop or a pharmaceutical shop, you probably just renew your licence, and you are told that you can renew it after it expires on 31st December. You are given a few months after the end of the year to apply for renewal. It is not a first-time application. There is a bit of a difference between a first-time applicant and a renewal. With a renewal, as the Chair is saying, you already have a licence. You are licensed to trade in those products, but you are being given that period to renew. Maybe, this is because the authority still needs to ascertain whether you meet the standards required for you to continue trading in those products. So, I do want to convince my brother, Hon. Oundo, to let the Chair fly with this as it is.

The Temporary Chairman (Hon. David Ochieng'): Hon. Oundo, I think that the...

(Hon. (Dr) Ojiambo Oundo spoke off the record)

What does it say?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, you know, that is not a trade licence.

The Temporary Chairman (Hon. David Ochieng'): What does it say?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): The marginal note for Clause 51 reads: "Issue and expiry of a certificate". It is not a trade licence. It is a practising certificate.

The Temporary Chairman (Hon. David Ochieng'): So, Hon. Oundo, this is the question: You are the one running this shop. You have applied for renewal of your licence. Because of administrative procedures and sometimes bureaucracy, one month or two months later, your licence has still not been renewed. Are you legally allowed to proceed with your work or not?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): If you have already applied, on the date you applied, you have fulfilled your mandatory requirements.

The Temporary Chairman (Hon. David Ochieng'): So, yours has expired. Yes?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes.

The Temporary Chairman (Hon. David Ochieng'): But because of the bureaucracy on the other side, no one should penalise you.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): It has not expired. You applied for renewal when it was due. So, it could just be languishing in the post or something like that.

The Temporary Chairman (Hon. David Ochieng'): The same point we are making.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): What I am saying is that we are setting a dangerous precedent where somebody can contemplate applying late. In the meantime, he is dealing in pest products against the law. He is not licensed; he is not certified. He has not been given a certificate.

The Temporary Chairman (Hon. David Ochieng'): No, he is licensed. They are licensed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): That is why I am asking you. You are an advocate. I am a valuer. If you do not have a practising certificate, can you sign any professional document? Yes or no?

The Temporary Chairman (Hon. David Ochieng'): I gave that example earlier. For us advocates, sometimes we apply for the practising certificate, but because of bureaucracy at the LSK, it takes a month or two before I get the certificate. What the LSK will do is communicate that the application is pending and that there is no objection to us practising. So, in effect, therefore, I have a practising certificate. Okay? I am just renewing it. So, the renewal is for that financial year. They are saying that, in such a case, the incentive is for you to apply early and not to penalise you.

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Hon. (Dr) Ojiambo Oundo (Funyula, ODM): There is no contemplation of applying late because, if you apply late from the day after the expiry, you are not eligible to practise.

The Temporary Chairman (Hon. David Ochieng'): I think this has to go to vote.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Once you apply, you will be given an acknowledgement that you have applied, and that is sufficient proof that you have applied.

(Hon. Kimani Ichung'wah spoke off the record)

The Temporary Chairman (Hon. David Ochieng'): Go ahead.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Let me clarify. Hon. Oundo, just like the case you are giving for lawyers, you need an incentive to apply soon after expiry. Otherwise, if you leave it open-ended, what people will do is apply for renewal in June, July or August. So, the incentive is that, within that period, you can apply and pay the normal fees. Beyond three months, we will penalise you if you apply because it will be a late renewal. Please, bear in mind that this is a case for renewal, not a first-time application.

The Temporary Chairman (Hon. David Ochieng'): Hon. Chair, you will have the last word on this matter.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much, Hon. Temporary Chairman. Let us refer to Clause 48 of the Bill, Part IV, which has a heading there: "Manufacture, Certification, Transportation and Disposal of Pest Control Products". Clause 48 classifies the certificates. These are the certificates we are talking about: Manufacturing, formulator, repackaging and distributor certificates. All this business can be going on and, sometimes, people even forget. However, we are saying that if one takes more than three months, they will be late, and they will pay a late renewal fee.

The Temporary Chairman (Hon. David Ochieng'): Okay. Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Let me weigh in on the same. If we allow and charge a fee for late application, then between the time of late application and the expiry, you cannot take anybody to task for practising illegally. If that is what we mean, then we should say so. Ideally, as you are saying, normally it is left silent that when institutions do not process in time, they can be taken to task. But they can prove that they have applied. However, putting in a fee for it is actually admitting lateness. Therefore, between that period and application, institutions can do anything they want.

The Temporary Chairman (Hon. David Ochieng'): But why would someone be putting a fee?

Hon. (Dr) James Nyikal (Seme, ODM): From my perspective, this fee…

The Temporary Chairman (Hon. David Ochieng'): It is to deter you from late application. That would be the plain reading of it.

Hon. (Dr) James Nyikal (Seme, ODM): What is supposed to deter you is that you will not practise.

(Laughter)

The Temporary Chairman (Hon. David Ochieng'): Hon. Chair, go ahead.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Let me just continue with this list so that we understand. If you look at (f), it highlights the disposal certificate, pest control certificate and commercial training certificate. Most training institutions, my very good friends, take time to renew their certificates. They do not renew on the date of expiry. So, this is normal; it is natural. However, you are saying that if they exceed three months, they should start paying a fee. They have to abide by the regulations.

The Temporary Chairman (Hon. David Ochieng'): This has to go either way.

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(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 51 as amended agreed to)

(Clauses 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 agreed to)

Clause 69

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 69 of the Bill be amended in subclause (2)—

(a) by deleting the opening statement and substituting therefor the following new opening statement—

"(2) Without prejudice to the generality of subsection (1), the regulations may provide for —"

(b) in paragraph (w) by deleting the words 'relating to'

This amendment seeks to correct a typographical error.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 69 as amended agreed to)

(Clauses 70, 71, 72 and 73 agreed to)

New Clause 74

THAT, the Bill be amended by inserting the following new Clause 74 immediately after Clause 73—

Consequential amendments.

74. The written laws specified in the Third Schedule are amended in the manner specified in that Schedule.

(The new clause was read a First Time)

The Temporary Chairman (Hon. David Ochieng'): Mover, move for Second Reading.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move that the new clause 74 be part of the Bill.

The Temporary Chairman (Hon. David Ochieng'): No! Say: "Be read a Second Time". Start by saying you propose that new clause 74 be now read a Second Time.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move that the new clause 74 be now read a Second Time.

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This clause seeks to designate roles to avoid conflict. It separates the roles carefully and assigns them accordingly. In view of the marginal notes, new clause 74(1) deals with consequential amendments to Section 2 of Cap. 387. Clause 74(2) provides for consequential amendments to Section 94 of Cap. 387.

Clause 74(3) provides for consequential amendments to Section 97 of Cap. 387. Section 97 of the principal Act is amended such that there are consequential amendments to Sections 98, 99 and 100 of Cap. 387.

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

The Temporary Chairman (Hon. David Ochieng'): Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, the Departmental Committee Chairman needs to come out clearly that Clause 74 is a new clause after clause 73, and it essentially seeks to amend the Environmental Management and Co-ordination Act (EMCA) Act to remove the purview of superintending over pesticides from the National Environmental Management Authority (NEMA). I believe that is the import of the new clause. The principal Act is not being amended. They are just amending the EMCA Act to remove NEMA from superintending over the business of pests and pest control. Is that the position?

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

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

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

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

(First Schedule agreed to)

(Second Schedule agreed to)

New Third Schedule

THAT, the Bill be amended by inserting the following new Schedule immediately after the Second Schedule—

THIRD SCHEDULE *(s. 74)*
CONSEQUENTIAL AMENDMENTS

Written Law	Provision	Amendment
The Environmental Management and Coordination Act (Cap. 387)	Section 2	Amended in the definition of "chemical" by deleting the word "pesticides".
	Section 94	Amended— (a) in the opening statement of paragraph (a) by deleting the words "pesticides"; (b) in paragraph (b) by deleting the words "pesticides and";

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(c) in paragraph (c) by deleting the words "pesticides and";
(d) in paragraph (d) by deleting the words "pesticides and";
(e) in paragraph (e) by deleting the words "pesticides and";
(f) in paragraph (f) by deleting the words "pesticides and";
(g) in paragraph (g) by deleting the words "pesticides and".

Section 97 Amended—
(a) in subsection (1) by deleting the words "pesticide or";
(b) in subsection (2) by deleting the words "pesticide or";
(c) in subsection (3) by deleting the words "pesticide or" wherever it appears;
(d) in subsection (4) by deleting the words "pesticide or" wherever it appears.

Section 98 Amended—
(a) in subsection (1)—
(i) by deleting the words "pesticide or" appearing in paragraph (a);
(ii) by deleting the words "pesticide or" appearing in paragraph (b);
(iii) by deleting the words "pesticide or" appearing in paragraph (c);
(b) in subsection (2) by deleting the words "pesticide or".

Section 99 Amended—
(a) in subsection (1) by deleting the words "pesticide or";
(b) in subsection (2) by deleting the words "pesticide or";
(c) in subsection (3) by deleting the words "pesticide or" wherever it appears;
(d) in subsection (4) by deleting the words "pesticide or" wherever it appears.

Section 100 Amended by deleting the words "pesticide and".

(The new schedule was read a First Time)

The Temporary Chairman (Hon. David Ochieng'): I call upon the Mover to move Second Reading of the proposed new third schedule.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move that the New Third Schedule be now read a Second Time.

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The Temporary Chairman (Hon. David Ochieng'): What is it about? The one you were explaining previously was new clause 74. Go ahead and explain the New Third Schedule to us.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): The New Third Schedule removes the role of pest control from NEMA, and transfers it to the Pest Control Products Board (PCPB). The PCPB is part of national security since it deals with matters to do with human and human health, which should not be considered with any other pesticides and chemicals that are used for promotion and production of crops and animals. These matters should not be dealt in any other institution other than the PCPB.

The Temporary Chairman (Hon. David Ochieng'): Thank you.

(Question, that the New Third Schedule be read a Second Time, proposed)

(Question, that the New Third Schedule be read a Second Time, put and agreed to)

(Question, that the New Third Schedule be added to the Bill, put and agreed to)

Clause 2

The Temporary Chairman (Hon. David Ochieng'): This clause has an amendment. Proceed, Departmental Committee Chairman.

Hon. Dr John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) by deleting the definition of the word "County Executive Committee Member".

(b) by inserting the following new definition in its proper alphabetical sequence—

"Controller" means the Food Safety Controller appointed under the Food and Feed Safety Control Co-ordination Act;

"multi-annual control plan" has the meaning assigned to it under section 2 of the Food and Feed Safety Control Co-ordination Act;

"registration" means a process where the Authority approves the sale and use of a pest control product following the evaluation of scientific data that is aimed at demonstrating that the product is effective for its intended purposes, and does not pose an unacceptable risk to human or animal health or the environment under the conditions of use under this Act;

"standards" means a Kenya standards declared under the Standards Act, Cap 496;

Hon. Temporary Chairman, we needed to delete the use of County Executive Committee Member from the definitions and replace it with a county government. Also, we defined standards as used in the Bill to mean standards set by KEBS under the Standards Act.

Finally, we also defined the Controller and the multi-annual control plan as used in the Food and Feed Safety Control and Co-ordination Act, which designates the current PCPB as the competent authority.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

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(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, that marks the end of that Committee of the whole House. We now move to reporting. The Leader of the Majority Party, go ahead.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairperson, I beg to move that the Committee do report to the House its consideration of Pest Control Products Bill, (National Assembly Bill No. 48 of 2025), and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTIONS

CONSIDERATION OF REPORT ON THE TOURISM (AMENDMENT) BILL

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, you can resume your seats. I am no longer the Chair. We shall start with the reporting on the Tourism (Amendment) Bill. Proceed, Chairperson, Hon. Mutunga.

Hon. Dr John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Tourism (Amendment) Bill, (National Assembly Bill No.41 of 2026), and approved the same with amendments.

The Temporary Speaker (Hon. David Ochieng'): May the Mover of the Bill move the Motion for agreement with the Committee on the Report.

Proceed, Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House agrees with the Committee in the said Report. I request Hon. Oundo to second the Motion for agreement with the Report of the Committee of the whole House.

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, I beg to second.

(Question proposed)

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(Question put and agreed to)

BILL

Third Reading

THE TOURISM (AMENDMENT) BILL
(National Assembly Bill No. 41 of 2026)

The Temporary Speaker (Hon. David Ochieng'): Leader of the Majority Party, move for Third Reading.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Tourism (Amendment) Bill, (National Assembly Bill No. 41 of 2026), be now read a Third Time.

I request Hon. Naomi Waqo to second.

The Temporary Speaker (Hon. David Ochieng'): Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to second.

(Question proposed)

(Several Members spoke off-the-record)

The Temporary Speaker (Hon. David Ochieng'): Is that the mood of the House? Members, I confirm that you quorate.

(Question put and agreed to)

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

MOTION

CONSIDERATION OF REPORT ON
THE PEST CONTROL PRODUCTS BILL

The Temporary Speaker (Hon. David Ochieng'): We will now move to the Pest Control Products Bill, (National Assembly Bill No. 48 of 2025). Chairperson, report the outcome of the consideration of the Committee of the whole House to the House.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Pest Control Products Bill, (National Assembly Bill No. 48 of 2025), and approved the same with amendments.

The Temporary Speaker (Hon. David Ochieng'): Leader of Majority Party, move the Motion for agreement with the Committee on the Report.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House agrees with the Committee in the said Report. I request Hon. Elijah Njoroge Kururia, Member for Gatundu North, to second.

The Temporary Speaker (Hon. David Ochieng'): Hon. Kururia.

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Hon. Elijah Kururia (Gatundu North, Independent): Thank you very much, Hon. Temporary Speaker, for giving me this honour. The Leader of the Majority has remembered that Independent Members of Parliament exist in this House.

I beg to second.

(Applause)

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, do I put the Question?

(Several Members spoke off the record)

BILL

Third Reading

THE PEST CONTROL PRODUCTS BILL
(National Assembly Bill No. 48 of 2025)

The Temporary Speaker (Hon. David Ochieng'): Leader of the Majority Party, move for the Motion for Third Reading.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Pest Control Products Bill, (National Assembly Bill No. 48 of 2025), be now read a Third Time.

I request Hon. Gisairo Clive to second.

The Temporary Speaker (Hon. David Ochieng'): Hon. Gisairo.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Temporary Speaker, I will be simpler than Hon. Kururia.

I beg to second.

The Temporary Speaker (Hon. David Ochieng'): This is good division of labour.

(Question proposed)

Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I also thank the Leader of the Majority Party and the Chairperson of the relevant Committee, my friend, Dr Mutunga, for bringing this Bill to the House and seeing it through to the end. I want to tell the Leader of the Majority Party that this Bill is important for the safety of Kenyans and our animals, as well as for preservation of our soils and the environment. I hope and pray for two things. First, I hope you coordinate with your colleagues in the Senate to pass the Bill before Members from both Houses disappear. Hon. Temporary Speaker, as you can see, only a few dedicated Members who do not fear "the ground" are still here. Those who fear what tomorrow may bring are not here.

(Applause)

Secondly, we have many pesticides in our country. The world no longer refers to them as pesticides, as I was taught in Agriculture many years back in school. It now refers to them

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as pest control products. That is progressive. Language and terminologies change over time. Once the Authority is fully established and the registrar, who is the Managing Director, is in place, I will request them to publish all the approved, certified, or registered pest control products that are permitted in the country. This will help us to deal with the many harmful ones that are illegally imported or dumped in the country. They should also go out of their way to confirm which pesticides or manufacturers have been banned in their countries of origin, so that Kenya is not used as a dumping ground.

I also hope that the Authority will continuously undertake research on the impact of pest control products on our fauna, flora, soils and water so that those who are found to be progressively harmful to society can be removed from the list of authorized products, so that they do not continue to harm us. I believe that we can practice agriculture without chemical intervention. We, therefore, need to continuously embrace smart and natural agriculture, so that we can ensure that harvested food is preserved and not contaminated with bad chemicals.

Sometimes in Nairobi, you find somebody spraying pesticides or pest control products on *sukuma wiki* in the morning and in the afternoon, you find the same vegetables in the market before the pesticides and other harmful products evaporate. It then finds its way onto our dining tables. That is why cancer cases, deformities and all kinds of lifestyle diseases are increasing. We owe our country a moral obligation to protect it from harmful products.

I support the Bill. This is the spirit to follow.

The Temporary Speaker (Hon. David Ochieng'): Hon. Ichung'wah, having been in this House for a while, you have a lot of work to do. During this Session, I have seen very few first-term Members of Parliament like Hon. Gisairo during the Committee of the whole House. Very few first-time Members of Parliament participate in the Committee of the whole House. I wonder what will happen in the next Parliament. The most interesting stage of a Bill is the Committee of the whole House because that is when we consider each clause and comment on it. In my experience, first-time Members of Parliament rarely want to participate at this stage. Even if you did not draft a Bill, you can shape it by being present in the House and considering it clause by clause. It is also the most flexible stage of making a Bill because you can speak to it up to 10 times.

Hon. Ichung'wah, I hope you can do something about this issue.

(Laughter)

Go ahead, Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, my brother, Hon. Oundo, said something that people may have assumed was in jest, but it is true. Members like Hon. Kururia and Hon. Clive Gisairo are confident about their standing on "the ground" because they have worked for their constituents and are confident of re-election. I do not want to say that many of our first-time Members of Parliament are also one-term Members of Parliament.

(Laughter)

The Temporary Speaker (Hon. David Ochieng'): No.

Hon. Kimani Ichung'wah (Kikuyu, UDA): However, I want to encourage them to attend House sittings. When you see Hon. Oundo, Hon. Makali Mulu and Hon. (Dr) Nyikal sitting throughout an entire Committee of the whole House session, it is never in vain. Some first-term Members of Parliament have tried to work their way up to be elected as chairpersons and vice-chairpersons of various committees, but we always advise them to take their time to learn. Actual legislation is done in the Committee of the whole House. I usually see several Members just coming to play to the gallery during the Second Reading of a Bill. At times, some

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will not even have read the Bill. That was very clear during the debate on the Finance Bill, 2026, where many Members embarrassed themselves. I hope and pray that those who will come to this House for a second term will continue learning the ropes and taking their time like the few first-term Members who are currently in the House are doing.

I congratulate Hon. Clive, Hon. Munyoro and Hon. Kururia because they take their time to sit throughout Committee of the whole House sessions to learn. That is commendable. In the next Parliament, God willing, they will be very good legislators who will contribute positively to the enactment of legislation, just like the way my brothers Hon. Oundo and Hon. Makali Mulu do for many finance-related committees. It is not in vain that Hon. Kiarie is the Chair of the Departmental Committee on Communication, Information and Innovation. From his first time in Parliament, he was a very active first-timer, and his effort paid. We can see those who had a penchant for speaking to the gallery even today are still doing the same in their second term. They will never learn how to make laws.

Hon. Temporary Speaker, we are in consultations through the House Business Committee and the Parliamentary Service Commission so that next time, the induction programme becomes almost annual. We should have some sort of annual re-induction for new Members so that they can become good legislators like Hon. Oundo, Hon. Makali and others.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Makali, you wanted to say something on this. Allow Hon. Makali to have his time.

Hon (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker.

Hon. Temporary Speaker, I get very encouraged when I hear you say what you have just said. Look at who are here now. Some of us who are about to exit spend so much time in this House. We want to share experiences. We want to tell young legislators that if they want to learn, they must create time to be in this House. Otherwise, they will never be serious legislators. As you have rightly said, it is in the Committee of the whole House where the rubber meets the road. That is where we go clause by clause looking at a Bill and get to know what is in it.

Hon. Temporary Speaker, you sit there many times, and you can actually count the faces who are always here when we are doing the Committee of the whole House. We are hardly ten. I even wonder what the Kenyans who watch us on television say about this. I am very happy that you have said it. If somebody like I were to says it, they might think that we are unfair. It is so good that you said it from that seat of power. It should go out to all Members, even those who aspire to come here. When they come, because I am exiting, let them create time to sit in the House.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Are you exiting to become a governor?

Hon (Dr) Makali Mulu (Kitui Central, WDM): Yes. I am exiting to become something else.

The Temporary Speaker (Hon. David Ochieng'): Hon. Ichung'wah, ideally, even if you are struggling to win your seat back, and you, Hon. Makali and I have been here, we are sometimes here in May. Even when elections are happening in June, we are here in May and we still win our seats back. It is just a matter of planning your time.

The Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, thank you. The communication you made is important for this House. We must remind ourselves two things. The first one is why a Member of Parliament is elected. It is very well stipulated in our law, in fact the mother law, the Constitution of Kenya.

Secondly and most importantly, what you have said pokes the conscience of Kenyans. There is no Member of Parliament who brings himself here and so, Kenyans will need to pay

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attention to what happens in this House so that, when they elect Members of Parliament, they elect Members of Parliament who can come here on a mission to legislate, represent and oversee the operations of the Government. They should be people who are also ready to take up the duty of working on the annual budget of this country. These are the core reasons as to why one is elected to become a Member of Parliament. When our electorates go to the ballot, they should know what measure to use to choose a Member of Parliament who can represent them in the House because the laws that we make here affect the life of Kenyans.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Kururia, you had something to say. Go ahead.

Hon. Elijah Kururia (Gatundu North, Independent): Thank you, Hon. Temporary Speaker. I request for your guidance because I have been mentioned by the Leader of the Majority as one of the first time Members of Parliament or rather first timers in this House.

I seek your guidance on whether I qualify as a two-term legislator. I have some juniors in this House, such as Hon. Munyoro and Hon. Clive. They are my juniors because I happened to be an elected Member of the County Assembly of Kiambu. I know I am not like Hon. K.J, but I am above…

The Temporary Speaker (Hon. David Ochieng'): That is a good concern. Hon. Mutunga, do you want to guide Hon. Kururia on this important matter?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Speaker, I may not be very qualified to guide Hon. Kururia. However, I just want to make two comments on this particular Bill. I am very happy that we have been able to conclude this law today. It will help us a lot. Anchoring that institution in law, which has not been the case, is very important for Kenya.

Secondly, I would like Members to know that weeds, especially invasive ones, are considered pests under agricultural definitions. Therefore, herbicides are also covered under pest control. They are also pest control chemicals.

Finally, whenever we raise some of these issues which are contentious and have been taken to court, let us always deliver the evidence. Evidence must come from refereed journals and not just any publication one might find. It must be true quotable literature, not just any literature that is available.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Kururia, you need to work hard and win a second term. Do your best. If you need notes, Hon. Alice Ng'ang'a of Sega Girls can teach you how to win a second term. Just speak to her nicely.

(Question put and agreed to)

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

The Temporary Speaker (Hon. David Ochieng'): Thank you. Next Order. The Order Paper was re-organised and, so this must be Order No.7.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. David Ochieng'): The Speaker deferred that Order so that we could deal with the business we have just concluded. Before we delve into the Members' Statements and Questions, the Leader of the Majority Party is supposed to give Statements every Thursday. This is his chance to do so.

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STATEMENT

BUSINESS FOR THE WEEK OF
16TH –20TH NOVEMBER 2026

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to present the following Statement on behalf of the House Business Committee.

The Committee met on Tuesday, 10th November 2026 to prioritise business for consideration during the week. As Hon. Members may recall, the House passed a Resolution to alter its Calendar so as not to hold a Sitting on Tuesday, 17th November 2026. This is in order to free up the Chamber for hosting the Third Africa Global Parliamentary Summit Against Hunger and Malnutrition, which will take place on Monday, 16th and Tuesday, 17th November 2026. Therefore, we shall not have a Sitting on Tuesday since our Chamber will be in use for the global parliamentary summit.

Additionally, in line with the Speaker's Communication earlier this afternoon notifying the House of the intention by His Excellency the President to deliver his 14th State of the Nation Address to a Joint Sitting of Parliament on Wednesday, 18th November 2026 afternoon Sitting, the House will not hold its regular Sittings on that day. In this regard, the next Sitting of the House will, therefore, take place on Thursday, 19th November 2026 during which the following business is scheduled to be considered:

1. Committee of the whole House on the Trade Descriptions (Amendment) Bill, 2026.
2. Second Reading of the following Bills, should they not be concluded today:
    (a) Investment and Export Promotion Authority Bill, 2026; and,
    (b) The Kenya Economic Zones Bill, 2026.

As I indicated to you, Hon. Temporary Speaker, following the request by the Chairperson of the Committee to allow for further consultation, those two Bills may not be concluded today.

(c) We shall also consider the Commissions of Inquiry (Amendment) Bill, 2026, should it not be concluded today.

Additionally, Hon. Temporary Speaker, the House will debate the following Motions on Committees' Reports, should they not be concluded today:

1. Report on Budget Implementation Monitoring for the Financial year 2025/2026 for specified State Departments.
2. Report on Audited Financial Statements of Seven State Corporations.
3. Report on Audited Financial Statements for Two Car Loan and Mortgage Schemes.
4. Report on Inspection Visit to Constituency Offices in Embu and Kirinyaga counties.

Hon. Temporary Speaker, following the changes of the schedule of business next week and Wednesday being the day designated for the appearance of Cabinet Secretaries, we had invited two Cabinet Secretaries, including the Cabinet Secretary for Youth Affairs, Creative Economy and Sports, to appear to answer Questions. We shall move them to the week after, when the House Business Committee schedules the time for their appearance. They were to appear next week on Wednesday. That afternoon has now been taken over by the State of the Nation Address.

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We request the Members who had their Statements and Questions lined up for response by the Cabinet Secretaries to indulge us and the House Business Committee, as we reschedule when they will appear next in the House.

In conclusion, the House Business Committee will convene next week to schedule the business for the week that will commence on Tuesday, 24th November 2026. I wish to lay this Statement on the Table of the House.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Very well. It looks like next week will be light for us. However, remember that the Chamber will be used on Tuesday. The Speaker requests that we be here because we will be the host of the 3rd Global Parliamentary Summit against Hunger and Malnutrition.

REQUEST FOR STATEMENT

The next Order will be a request for statement by the Member for Thika Town. Go ahead.

POOR WASTE MANAGEMENT AND ILLEGAL DUMPING IN THIKA TOWN CONSTITUENCY

Hon. Alice Ng'ang'a (Thika Town, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a statement from the Chairperson of the Departmental Committee on Environment, Forestry and Mining regarding poor waste management and illegal dumping at Kang'oki Dumpsite in Thika Town Constituency. Kang'oki Dumpsite receives substantial quantities of waste from Thika Town Constituency and surrounding areas.

Concerns have been raised regarding poor waste management practices, illegal dumping, and burning of waste at the site. The burning produces heavy smoke and harmful fumes which residents report cause persistent flu-like symptoms and respiratory discomfort, while contributing to environmental pollution. In August 2023, two people reportedly died and several others were hospitalised after consuming food that was scavenged from the dumpsite. Following the incidents, the Ministry of Health undertook to collaborate with Kiambu County Government to strengthen waste management and containment measures, including monitoring the types of waste disposed at the site. However, concerns persist regarding waste disposal practices and the attendant public health risk. Urgent intervention is, therefore, required to safeguard the health of residents and protect the environment.

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

1. A report on the environmental and public health audit of Kang'oki Dumpsite, including test results of soil, air and waste streams.
2. Measures that are being taken to curb illegal dumping, rehabilitate the affected areas and safeguard the health of residents in Thika Town Constituency.
3. Status of implementation of the waste management and containment measures that are being undertaken by the Ministry of Health, in collaboration with the Kiambu County Government, following the reported death and hospitalisation in August 2023, including timelines for the action taken, if any.
4. Status of the County Government, following the reported death and hospitalisation in August 2023, including timelines for any outstanding action, if any.

I thank you, Hon. Temporary Speaker.

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The Temporary Speaker (Hon David Ochieng'): Do we have the Chairperson of the Departmental Committee on Environment, Forestry and Mining in the House? Leader of the Majority Party, you have to take charge of this matter.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes, I will.

The Temporary Speaker (Hon David Ochieng'): Go ahead. How much time do you need to explain the matter to the Member for Thika Town?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Let me ask the Chairperson of the Committee to respond just before we proceed on recess. That is in about a week and a half.

The Temporary Speaker (Hon David Ochieng'): So, shall we receive your response by the 24th or 25th? Hon. Alice, you are at liberty to follow up with the Leader of the Majority Party to ensure that you receive the response.

Hon. Alice Ng'ang'a (Thika Town, UDA): Fair enough, Hon. Temporary Speaker.

(Hon. Mugambi Rindikiri raised his hand)

The Temporary Speaker (Hon David Ochieng'): Member for Buuri, this matter is spent. We have responses under consideration by various committees and I can see the chairpersons in the House. Are the Members for Emgwen, Kirinyaga Central, Ijara, Westlands, and Nyaribari Masaba constituencies and Nyamira County in the House?

Hon. Kimani Ichung'wah (Kikuyu, UDA): No.

The Temporary Speaker (Hon David Ochieng'): I can see the Chairpersons of the Departmental Committee on Communication, Information and Innovation and of the Departmental Committee on Transport and Infrastructure in the House. Thank you very much for your patience. I request that you to table your responses herein before the House.

I can also see the Chairperson of the Departmental Committee on Regional Development, Hon. Lochakapong, in the House. I also request you to lay the responses on the Table then the Members will accordingly be informed. Thank you.

Next Order.

MOTION

ADOPTION OF 20TH REPORT ON AUDITED ACCOUNTS OF NG-CDF FOR FYS 2013/2014 TO 2022/2023

THAT, this House adopts the Twentieth Report of the Decentralised Funds Accounts Committee on its examination of audited accounts of the National Government Constituencies Development Fund for constituencies in Elgeyo Marakwet, Trans Nzoia, Turkana and West Pokot counties for the Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022 and 2022/2023, laid on the Table of the House on Tuesday, 3rd November 2026.

(Moved by Hon. Gideon Mulyungi
on 11.11.2026 – Afternoon Sitting)

(Resumption of Debate interrupted
on 11.11.2026 – Afternoon Sitting)

The Temporary Speaker (Hon David Ochieng'): Debate on this Motion commenced on Wednesday 11th when the Motion was moved.

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Hon. Mutunga, would you like to contribute to this Motion? I can see you are seeking an intervention. Are you contributing to the Motion?

(Hon. John Mutunga Kanyuithia spoke off the record)

Okay.

(The Temporary Speaker consulted with Clerks-at-the-Table)

There being no further interest in this matter, I request the Mover to reply.

Hon Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker. I wish to reply to this Motion. I thank the Members who contributed to it yesterday and assure the House that our commitment as a Committee is to clear the backlog of all reports that have come before us, some dating back to 2013. To date, we have dealt with more than 4,000 reports. Our objective is to clear the backlog of all outstanding audit queries affecting various constituencies. This includes Ugenya Constituency, where we have examined the audit queries and cleared all of them. The books of accounts for Ugenya Constituency are now clean. We have also examined other constituencies, including Thika Town, whose records are now clean. The records for Buuri Constituency, covering the period from 2013 to date, are also clean. That is the work we are undertaking.

I wish to reiterate that we do not examine Members of Parliament. We examine fund account managers because Members of Parliament are not the accounting officers of the National Government – Constituencies Development Fund (NG-CDF). The accounting officers are the fund account managers, who are the ones with the Authority to Incur Expenditure (AIE). Those are the officers that we examine. I want to clear the air to the public that Members of Parliament only oversight NG-CDF

Hon. Temporary Speaker, with those few remarks, I reply.

The Temporary Speaker (Hon. David Ochieng'): Thank you so much, Hon. Mulyungi.

(*Question put and agreed to)*

Next Order.

BILL

Second Reading

THE INVESTMENT AND EXPORT PROMOTION AUTHORITY BILL
(National Assembly Bill No. 37 of 2026)

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, for the convenience of the House, and awaiting the report of the relevant committees, I wish to defer the business appearing in Order No. 16 and also the one appearing in Order No. 17 to the next time they will be put on the Order Paper.

(Bills deferred)

Next Order.

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MOTIONS

The Temporary Speaker (Hon. David Ochieng'): Hon. Lochakapong, are you ready for this? Proceed.

ADOPTION OF REPORT ON THE BUDGET IMPLEMENTATION MONITORING OF STATE DEPARTMENTS FOR FY 2025/2026

Hon. Peter Lochakapong (Sigor, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

> THAT, this House adopts the Report of the Departmental Committee on Regional Development on Budget Implementation Monitoring for the Financial Year 2025/2026 for the following State Departments, laid on the Table of the House on Tuesday, 13th October 2026 –
>
> 1. Vote 1032 – State Department for Devolution;
> 2. Vote 1033 – State Department for Special Programmes; and,
> 3. Vote 1036 – State Department for ASALs & Regional Development.

This Report is brought to the House pursuant to Standing Order No. 216(5)(b), which requires every departmental committee to monitor and report quarterly on the implementation of the national budget in respect of its mandate.

Article 95(4)(b) and (c) of the Constitution mandate this House to appropriate funds for expenditure by the national Government and to exercise oversight over national revenue and its expenditure. Standing Order No.245(2) further requires the Committee to examine both the financial and non-financial performance of the budget and its conformity with the principles of public finance under Article 201 of the Constitution. This is reinforced by Article 228(6) of the Constitution and Sections 66(h) and 83(5) of the Public Finance Management Act.

The Committee oversees three State Departments:

1. The State Department for Devolution, together with the Intergovernmental Relations Technical Committee, the Council of Governors and the World Scout Parliamentary Union, Kenya.
2. The State Department for Special Programmes, under which the National Drought Emergency Fund is domiciled.
3. The State Department for Arid and Semi-Arid Lands and Regional Development, which oversees the six regional development authorities and the National Drought Management Authority (NDMA).

The sector absorbed most of the funds it received in the financial year under review. However, under-funding and un-released donor funds left key programmes short of their targets. The State Department for Devolution was allocated Ksh15.55 billion and spent Ksh10.99 billion, representing an absorption rate of 71 per cent. The Department has pending bills amounting to Ksh2.73 billion, almost all of which are historical.

Its achievements during the year include approval of the National Policy on Development Governance, the transfer of 62.248 assets of defunct local authorities to counties, the resolution of 23 intergovernmental disputes and the convening of the devolution conference in Homa Bay, 70 per cent of whose resolutions have since been implemented. Further, the Intergovernmental Relations Technical Committee transferred devolved assets at the National Government houses to counties, transferred the management of Amboseli National Park to Kajiado County and unbundled the functions of the six RDS.

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The State Department for Special Programmes was allocated Ksh13.98 billion and spent Ksh13.78 billion with an absorption rate of 99 per cent during the year. It provided relief food to 2.89 million people and non-food assistance to 418,807 people and distributed 242,471 bags of drought pellets and 427,966 bales of hay across 11 counties. The Department's main constraints are the absence of a legal framework for relief assistance, a strategic food reserve that is not operational, and a heavy reliance on supplementary appropriation under Article 223 of the Constitution, instead of provision in the printed estimates.

The State Department for the ASALs and Regional Development was allocated Ksh14.6 billion and spent Ksh14.19 billion with an absorption rate of 97 per cent. The regional development authorities targeted Ksh602.5 million in appropriation in aid, but collected Ksh506.75 million, a shortfall of about Ksh95.7 million with Kerio Valley, Coast and the Ewaso Ng'iro North Development Authority (ENNDA) recording the largest shortfalls. The authorities carry current pending bills of Ksh3.35 billion led by the Lake Basin Development Authority at Ksh1.11 billion. A further Ksh13.58 billion in historical pending bills is before the Pending Bills Verification Committee.

On delivery, the Department implemented 50 projects during the year. It completed the Weiwei Phase 3 Irrigation Project covering 325 hectares, drilled and equipped dozens of boreholes and water pans across the river basins and produced 1.141 tonnes of food from its irrigation schemes. It also supported value addition in mango, honey, rice, leather and gum raisins. Further, the National Drought Management Authority provided cash transfers to 133,484 households through the Hunger Safety Net Programme. Having considered the submissions, the Committee made several key observations:

1. Under-funding is the common thread across the three State departments. As a result, planned projects and activities were executed below target.
2. Pending bills present a serious and growing risk. They stand at Ksh2.73 billion under the State Department for Devolution, Ksh1.41 million at the Intergovernmental Relations Technical Committee, Ksh17.9 million under the State Department for Special Programmes, Ksh89.76 million at the headquarters of the State Department for ASALs and Regional Development and Ksh3.35 billion in the Regional Development Authorities. A further Ksh13.58 billion in historical bills awaits the Pending Bills Verification Committee. Delayed payments are already attracting court awards and penalties.
3. Donor-funded programmes continue to record low absorption largely due to inadequate Government Counterpart Funding, which falls short of the requirements that are set out in the financing agreements.
4. The National Drought Emergency Fund is under-funded, and its governance is unclear. Since its establishment in 2021, the Fund has received a cumulative amount of Ksh648.5 million against a requirement of Ksh2 billion under its regulations. The Fund is domiciled in the State Department for Special Programmes. Yet, it is managed by the Board of the National Drought Management Authority (NDMA), which falls under the State Department for ASALs and Regional Development.
5. The regional development authorities remain constrained. They are underfunded, particularly on the recurrent side. They missed their Appropriations-in-Aid targets by about Ksh95.7 million and carry the largest share of pending bills in the sector.
6. Finally, there is real delivery on the ground by the State Department for ASALs and Regional Development. The Committee notes the achievements of the agencies, among them the transfer of assets to counties, relief to nearly 2.9 million people,

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Hunger Safety Net cash transfers, and new irrigation schemes and water infrastructure in the arid and semi-arid areas.

Arising from these observations, the Committee makes three recommendations. One, the Committee recommends that the Cabinet Secretary for the National Treasury and Economic Planning publish the report of the Pending Bills Verification Committee by December 2026 so that amounts owed by the national Government are settled.

Second, the Committee recommends that the Head of the Public Service, by 30th December 2026, issues a formal directive clarifying the institutional mandate and administrative responsibility for the National Drought Emergency Fund. The directive should take into account the Fund's domiciliation in the State Department for Special Programmes and its management by the Board of the National Drought Management Authority. So, what we are saying is that, that Fund is domiciled in Special Programmes, but its management is under NDMA. The Head of the Public Service should, therefore, clarify what needs to be done.

Third, the Committee also recommends that the State Department and its agencies prioritise the payment of pending bills by the end of the Financial Year 2026/2027.

I now want to thank the Committee for its dedication and commitment, which made it possible for us to scrutinise the budget execution of the agencies under our purview. I also want to thank the principal secretaries and heads of agencies who appeared before the Committee. I further thank the Committee Secretariat for its technical and logistical support, and the officers of the Speaker and the Clerk of the National Assembly for their guidance.

I, therefore, urge the House to adopt this Report and its recommendations. I beg to move and ask the Vice-Chairperson, Hon. Liz Chelule, the Member for Nakuru, to second.

The Temporary Speaker (Hon. David Ochieng'): Hon. Liza Chelule.

Hon. Liza Chelule (Nakuru County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to second the Report that has been read by our able Chairperson. I take this opportunity to thank him for reading the detailed Report on budget implementation. I would not like to repeat what he has said, but I just want to thank him and the members of our Committee for coming together and deliberating on this Report. I also want to take this opportunity to invite Members to read the comprehensive Report of the Departmental Committee on Regional Development in order to fully appreciate it and enrich the debate. I further urge Members to adopt the recommendations of the Committee that are contained in the Report.

I beg to second.

(Question proposed)

The Temporary Speaker (Hon. David Ochieng'): Hon. Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Temporary Speaker, I rise to support this Report and commend the Committee for doing an excellent job under the leadership of its able Chairperson. When this House makes the budget and approves it, it must be implemented accordingly. Many a times, we appropriate budgets in this House, and once they get to the ministries, they circumvent the law and do as they wish. Either they do not implement the budgets and the money is returned to the Consolidated Fund, or they spend it differently. To some extent, they even "eat" the money through corruption.

I have a case in mind that happened in this Financial Year. Parliament, through public participation, appropriated money to an agency called Tanathi Water Works Development Agency (TAWWDA) for two boreholes in my constituency: one at Kavoko, for Ksh10 million, and another at Kalesi, also for Ksh10 million. Now, the Agency only spent Ksh2.5 million to drill the borehole and closed it, leaving no water. They then 'ate' the balance of the money.

I have no idea why this happened. I came here and asked a Question. The response was that they had spent what they had and would budget in the next financial year to complete the

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work. Now, Ksh2.5 million of Government money was sunk underground, while the balance of Ksh7.5 million was 'eaten' by the agency. I even requested a statement on the same matter in this House, but nothing has happened.

We have again appropriated Ksh10 million in this Financial Year to complete the same boreholes, whereas we had already appropriated money for them in the previous financial year. This time round, I made sure that the money did not go to the agency that was 'eating' the money. I wanted it to be given to the National Irrigation Authority (NIA), which is a very credible organisation, but it was taken to an agency in Nyeri. I do not even know its name. I hope that the agency is credible and will implement the two boreholes in accordance with the budget approved by this House. I, therefore, commend this Committee for monitoring and following up to ensure that what this Parliament appropriates as a budget is implemented by the agencies in accordance with the law and the approval of this House. With those few remarks, I support.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Hon. Munyoro.

Hon. Joseph Munyoro (Kigumo, UDA): Thank you, Hon. Temporary Speaker. I also rise to support the adoption of the Report. I am also a member of that Committee. As other Members have said, the absorption rate of the budget is very high. However, one of the things we realise when we analyse these issues is the historical injustice of pending bills. I do not know how long we will continue discussing this issue because, if you look at the State Department for Devolution, they have historical pending bills amounting to Ksh2.7 billion. The State Department for Special Programmes also has pending bills amounting to Ksh2.4 billion. When we talk about these figures in this House, we are talking about money that is owed to people. Those are people's livelihoods that have stopped because they did work, and rightfully so, but have never been paid, and we call them historical pending bills. How long are we going to continue discussing these issues? What can we do as a House to ensure that people who have done work for the Government are paid? Thank you. I support.

The Temporary Speaker (Hon. David Ochieng'): Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, I have not interacted much with the State Department for Devolution for obvious reasons. However, we hear of a very famous State Department called the State Department for Special Programmes, which operates under the Office of the Deputy President, Hon. (Prof.) Kithure Kindiki. It is involved in many activities, among them the distribution of relief food and blankets.

The State Department for Arid and Semi-Arid Lands (ASALs) and Regional Development, I am told that they cover even part of my constituency. Unfortunately, I have never seen them there. I am not sure when they will ever come. I do not know whether the Committee has captured the areas that they have covered, beyond the financial audits. Those State Departments plays a very important role. On the issue of devolution, that is where governors come in. We always bring in information and try to talk directly to the counties to see why they are not performing very well. However, here is a State Department that is responsible for answering the majority of the questions that Members raise. As I support this Report, it is prudent for the Committee to consider whether this Department, beyond the financial concerns, is executing its responsibilities effectively.

On the State Department for Special Programmes, for the last two to three years, my constituency has not had any water. There have been no rains at all. However, getting the attention of that State Department has been a problem, until I had to go and plead with the Cabinet Secretary, to come and see what Buuri is going through. This is because I border Isiolo and Laikipia. I always hear of them in Isiolo and Laikipia, but not in Buuri. The same applies to the State Department in charge of ASALs. I always hear of Ewaso Nyiro North Development

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Authority (ENNDA), which is part of the ASAL and Regional Development programme. I am told that they also cover Meru and Buuri to be specific.

Even as I support this Report, there is something missing in some of these reports, since you look at the financial obligations, but not at the roles they play and how they are coordinated to execute their mandate and serve Kenyans. It is very important that when some of these reports are brought here, we do not only focus on the finances. Let us also examine how they are performing and who is doing what. Personally, I only hear of the State Department for Special Programmes on paper. I also only hear of ASAL here, but I do not see them on the ground.

I hear they have been given money and that they need to be given more money. If they are given more money and they are not performing in my constituency, where they are supposed to be covering, what is the benefit of this Report to me? I am challenging the Chairperson of the Committee on this. Most likely, this money that they get, they pump it in special areas. I do not know what criteria they use to serve those areas while excluding others. I hope that, going forward, that will be taken into account. It is not just about having this Report where they are asking for more money. More money to take where? Yet, they are not bringing projects to Buuri, Rarieda, or Emuhaya where there are issues.

Thank you.

(Hon. Joseph Munyoro spoke off the record)

The Temporary Speaker (Hon. David Ochieng'): Hon. Munyoro, you cannot have a second bite at a Motion unless you are on a point of order. You cannot respond to him. What is out of order?

Hon. Joseph Munyoro (Kigumo, UDA): I just wanted to correct a bit on what Hon. Rindikiri has raised, with the information that I have. There was a time we went for public participation in Isiolo and we covered part of his constituency. I think it is covered by the Ewaso Ng'iro North River Basin Development Authority (ENNDA). The best thing for him to do is to interrogate the agency further. This is because what they showed us was just one dam called Buuri Dam. I was the head of the delegation, which is why I thought it was important to clarify that in terms of looking at the money that they had spent. We inspected projects in Isiolo and one in his area. So, maybe, he needs to interrogate the agency and have them show him where the projects they have done in Buuri are. It is just…

The Temporary Speaker (Hon. David Ochieng'): Hon. Munyoro, you cannot say you have done any projects anywhere in the country. You know that very well. You do not do any projects! Do you?

(Hon. Joseph Munyoro spoke off the record)

Yes, it is not you.

(Laughter)

Go ahead, Member for Buuri. I do not want an exchange.

Hon. Mugambi Rindikiri (Buuri, UDA): It is not an exchange. I think as a Member of Parliament, under the Standing Order 106, some things are not relevant. But I will not dwell on that. What I am saying is that I am the Member of Parliament, and I want it to be on record. The ENNDA has never done any project in my constituency. I came to learn about their intentions to do the same when we made noise. That is when they started running up and down. Mr….

The Temporary Speaker (Hon. David Ochieng'): No! Do not address him.

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Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, let me not direct this to him because I do not know where... We do not operate from Isiolo. We do not operate from another county. We operate from Meru County.

I thank you.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Members, there being no further interest in this matter, I now call upon the Mover to reply.

Hon. Peter Lochakapong (Sigor, UDA): Thank you very much, Hon. Temporary Speaker. Having listened to the Members who have contributed to this Report, I thank them. I also wish to make a correction. The statement made by Hon. Mulyungi that the Tana and Athi Rivers Development Authority (TARDA) is not credible, is inaccurate. That is a credible Government agency. The only challenge, probably, is that it does not have adequate resources that are appropriated to it through the Budget. That is why they would not be able to undertake projects as would have been expected by the Hon. Members in this House.

Second, we have also had challenges with Exchequer releases. Sometimes, we make budgetary allocations in this House, which is a different story. However, if the money is not released by the National Treasury to the agencies to enable them to implement programmes and projects, then we cannot expect to find those projects done on the ground. We will need to find out what became of the two or one borehole that Hon. Mulyungi was talking about.

Listening to my friend, Hon. Rindikiri, talking about Ewaso Nyiro North Development Authority (ENNDA) having done nothing in Buuri, we also want to see, from the resources available to ENNDA, whether any projects were captured for that constituency. If there were, and they have not been done, then we have to follow it up and follow it through to find out what the problem is.

We have, on several occasions, Hon. Temporary Speaker, said on the Floor of this House that Regional Development Authorities (RDAs) have either been marginalised or have not been adequately funded. Remember, there was even a proposal to dissolve RDAs. They have been struggling for the last two or so years. They have had challenges with the budget to the point that even the recurrent budget is a problem. I want Members to know that RDAs have been struggling. In Arid and Semi-Arid Lands (ASALs), we talk about National Drought Management Authority (NDMA). Even the NDMA has been struggling because it has not been getting adequate budget from Parliament.

You also saw from our Report that it was expected that they would be given Ksh2 billion for the Drought Emergency Fund. However, for the last, I think, four or five years, they have only received about Ksh648 million out of the expected Ksh2 billion. So, they have been struggling to ensure that they carry out their mandate, but with limited resources. That is the problem that RDA and even ASALs are going through, similar to the State Department for Devolution.

As our Vice-Chairman said, we urge Members to go through the Committee's Report, and it may not be too late to do so. From there, they will understand what we have captured and what we have said, as well as some of the challenges that RDAs and ASALs are going through. The State Department for Special Programmes was created the other day and yet, you can see that they already have pending bills. I think it was created a year ago or so or even less, but they already have pending bills. The State Department for Special Programmes mainly deals with relief food and non-food items in areas that have challenges.

Having said that, I want to commend and thank the Members who have contributed to this Motion, and I beg to reply. Thank you.

The Temporary Speaker (Hon. David Ochieng'): Well said.

(Question put and agreed to)

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Next Order.

BILL

Second Reading

THE COMMISSION OF ENQUIRY (AMENDMENT) BILL
(National Assembly Bill No. 23 of 2026)

The Temporary Speaker (Hon. David Ochieng'): Members, I am told that this Bill is still being considered by the Committee concerned. We, therefore, defer it until the next time it is placed on the Order Paper.

(Bill deferred)

Next Order.

MOTION

ADOPTION OF REPORT ON AUDITED
ACCOUNTS OF SEVEN STATE CORPORATIONS

The Temporary Speaker (Hon. David Ochieng'): The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture, Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its examination of the audited financial statements of the following State corporations, laid on the Table of the House on 14th October 2026:

1. Audited Financial Statements of National Industrial Training Authority for the Financial Years 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025;
2. Audited Financial Statements of Sacco Societies Regulatory Authority for the Financial Years 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025;
3. Audited Financial Statements of Office of the Data Protection Commissioner for the Financial Years 2021/2022, 2022/2023, 2023/2024 and 2024/2025;
4. Audited Financial Statements of Pharmacy and Poisons Board for the Financial Years 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025;
5. Audited Financial Statements of Kenya Medical Supplies Authority for the Financial Years 2023/2024 and 2024/2025;
6. Audited Financial Statements of Sports Kenya for the Financial Years 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025; and,

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7. Audited Financial Statements of Kenya School of Government for the Financial Years 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025.

Hon. Temporary Speaker, before analysing the issues in the seven agencies, the Committee relied on the following instruments:

1. The Public Finance Management Act of 2012 and the regulations thereon;
2. The Public Audit Act;
3. The State Corporations Act 1986;
4. The Public Procurement and Asset Disposal Act of 2015;
5. The National Assembly Standing Orders; and,
6. The National Assembly Powers and Privileges Act of 2017

Hon. Temporary Speaker, we report to the House on those seven State agencies in two sections. The first section is the general view, which cuts across the seven State agencies, highlighting the findings and the recommendations. One thing that came out generally was the lack of possession and ownership documents for land and buildings.

Several issues were raised across the seven agencies, but I want to pick up a few of them, beginning with the National Training and Industrial Authority (NITA). In its financial statements, the Authority has Plot No. 464R, which was allocated to the Mombasa Technical Training Centre on 23rd May of 1996 as alternative land to Plot No.6229, which had been curved out and allocated to a private developer. The Authority did not have possession of the allocated land because it was occupied by squatters. To date, the land is not in the possession of NITA.

The Pharmacy and Poisons Board did not provide the title deed and ownership documents for audit in respect of the parcel of land on which its headquarters stands, valued at Ksh75 million. The Kenya Medical Supplies Authority has a parcel of land located in Nairobi, valued at Ksh1,745,500,000, with a lease that expired on 30th June 2018. To date, that parcel of land does not have a valid lease. Sports Kenya does not have a title deed for the Kasarani land, exposing the property to encroachment and ownership disputes. The Kenya School of Government does not possess title deeds for various parcels of land hosting its campuses in Embu, Mombasa, Matuga and Baringo. This lack of legal documentation exposes public assets to a severe risk of encroachment and land grabbing.

We made two recommendations. First, let this be an assignment to the Departmental Committee on Lands. We propose that it makes a proposal for a Bill to be enacted by the House with the following three items:

1. Vesting the custody of all public lands title deeds in the National Treasury.
2. Establishing a comprehensive land register for all public lands, which shall always be maintained at the National Treasury with regular updates when necessary.
3. Including protective clauses under the Act and the National Anti-Corruption Framework to ensure safeguards against encroachment on public land.

The second recommendation is that the National Treasury, through the National Assembly, allocates adequate budget to the Departmental Committee on Lands, the Ministry of Lands, Public Works, Housing and Urban Development, and the National Land Commission to facilitate inquiries, compensation and issuance of title deeds.

Hon. Temporary Speaker, the second issue we came up with and which cuts across the seven agencies is delay in making documentation or documents available to the Auditor-General.

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Remember Article 226 of the Constitution is couched in a mandatory way that the Auditor-General has the explicit access to the documentation that is kept by any person handling public finance. Similarly, Section 68(2) of the PFM Act of 2012 requires that financial and accounting records must be presented within three months after the close of a financial year. Section 62 of the Public Audit Act of 2015 obligates accounting officers to provide required documents for audit, failure to which they be sanctioned.

Having noted many agencies have similar issues, we made some recommendations. That accounting officers must and should always comply with the provisions of the sections and submit all required information for audit within stipulated timelines. It was paraphrased:

> An accounting officer who fails to provide required information for audit pursuant to Section 62(1) of the Public Audit Act, Cap. 412(B), should be prosecuted for offence under Section 62(2) of the Public Audit Act, Cap. 412(B).

The third issue that cuts across is long outstanding receivables. The Committee noted that some State corporations experienced challenges recovering outstanding debts. It was coupled with lack of collection or recovery mechanisms, lack of effective debt management policies, poor recording systems and coordination between debtors and recipient entities. For instance, receivables of the Kenya Medical Supplies Authority (KEMSA) amounting to Ksh2,894,504,826 had been outstanding for more than one year without any agreed payment plan. Further, there were no provisions for bad and doubtful debts. It contradicts Paragraph 2, Part 1(6) of the authority's credit policy of 2014. It requires adequate provisions for bad and doubtful debts for any debt outstanding above 330 days.

The National Industrial Training College had long outstanding debts since 2015 in the form of bounced cheques. They amount to Ksh18,758,885. However, no efforts were made to recover the same, contrary to Regulation 64(1)(a) and (b) of the Public Finance Management (National Government Regulations) of 2015. It states that an accounting officer and receiver of revenue is personally responsible to ensure adequate safeguards exist and are applied for prompt collection and proper accounting for all national Government revenue and other public monies.

The Pharmacy and Poisons Board had long outstanding trade and other receivables amounting to Ksh38,314,618 for more than 90 days without explanation. The Management did not formulate a credit policy to establish guidelines and procedures on credit periods. Sports Kenya had long outstanding receivables amounting to Ksh141,048,433 for more than three years.

What did the Committee recommend? Our paraphrase to the law recommended that accounting officers must ensure that there are proper and robust debt collection mechanisms, effective debt management policies and proper systems for recording the debts. Within three months upon the adoption of this Report, let all the entities with outstanding receivables initiate recoveries within statutory provisions and identify any such debts that are deemed irrecoverable. Justification for the cause is to prepare reports on the same, have the Board approve them internally, and forward them to the National Treasury for approval or write-off.

Hon. Temporary Speaker, a copy of such a report should be submitted to the National Treasury and the Auditor-General for review. There were also cross-cutting issues relating to outstanding payables. What my colleague has just explained concerns pending bills and payables in financial reporting. In other words, those are pending bills. The Committee noted that, although Section 74(4)(d) of the Public Finance Management Act, 2012 (PFM Act), provides for pending bills to form the first charge in the subsequent financial year, some State corporations were experiencing challenges in settling their outstanding debts. This was occasioned by poor budgetary controls and a lack of proper documentation to support the payables.

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I want to cite three examples. One, the National Industrial Training Authority (NITA) had long outstanding trade and other payables of Ksh334,831,885, which had been outstanding for a duration of more than two years. The management had not provided an explanation for failure to settle the bills. This was contrary to Regulation 42 (1) of the Public Finance Management (National Government) Regulations, 2015, which states that debt service payments shall form a first charge and the accounting officer shall ensure that, that is done to the extent possible that the entity does not default on debt. The failure to settle the bills poses liability and burden to the accounting officer.

The Kenya Medical Supplies Authority (KEMSA) had trade payables amounting to Ksh2,372,561,841, which had been outstanding for more than 90 days, with no plan to clear the outstanding amounts. Non-payment may lead to litigation and the withdrawal of services by suppliers, thereby affecting the operations of the Authority. This was contrary to section 42 (1) (a) of the Public Finance Management (National Government) Regulations, 2015.

The Pharmacy and Poisons Board had other payables amounting to Ksh4,375,650, which had been outstanding for more than 90 days. However, no explanation was provided for failure to settle the bills. Failure to settle the bills during the year to which they relate, distorts the financial statements and adversely affect the budgetary provisions for the subsequent year, as they form a first charge. We made a single recommendation that, within three months of the adoption of this Report, all the entities with outstanding payables should prepare a report detailing how the payables arose, the reasons for non-payment and the measures to be taken to settle the payables.

The other cross-cutting issue was long-outstanding imprests. The Committee noted that some State corporations were in breach of Section 71(4) of the Public Finance Management Act, 2012 (Cap. 412A), which requires surrender of imprest within seven working days upon conclusion of the assignment for which the said imprest was issued and returning to the duty station. For instance, some employees of KEMSA had imprests amounting to Ksh4,835,044, which had not been accounted for.

The National Industrial Training Authority (NITA) had employees with temporary imprests amounting to Ksh7,890,000, which remained un-surrendered for a long period, contrary to Regulation 93(5) of the Public Finance Management (National Government) Regulations, 2015. The Kenya School of Government (KSG) had imprests amounting to Ksh10,703,908, which remained un-surrendered for a long period, contrary to Regulation 93(5) of the Public Finance Management (National Government) Regulations, 2015. Our recommendations were as follows:

First, we paraphrased the law to require that the accounting officer should ensure that imprests advanced to officers are surrendered within the stipulated period. Second, within six months of the adoption of this Report, accounting officers who will have failed to take the necessary steps to ensure that all outstanding imprests within their jurisdictions are recovered from the officers, should be surcharged the full amount due.

When you look at this cross-cutting issue, most of the agencies kept on issuing imprests upon imprests. This is not the first imprest but, rather, another imprest that is issued while the previous one is still outstanding. So, why should you give an imprest before you recover the first imprest? That is why we threw it back to the accounting officers since they are the ones who are issuing imprest after imprest. Let the recoverability be on them.

Finally, the next issue, which cut across all seven agencies, was non-compliance with the one-third basic salary rule. The Committee noted with concern that employees of various State corporations received a net salary of less than one-third of their basic salary, contrary to the provisions of Section 19(3) of the Employment Act, 2007, which requires that the deductions made by an employer from an employee's wages at any one time shall not exceed two-thirds of their total wages.

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We sampled three agencies, namely, the Kenya Medical Supplies Authority (KEMSA), whose payroll revealed that 93 employees earned less than one-third of their basic salary during the year under review; the National Industrial Training Authority (NITA), whose payroll revealed that 114 staff earned less than one-third of their basic salary; and the Pharmacy and Poisons Board (PPB), whose payroll revealed that five employees earned less than one-third of their basic salary, contrary to the Employment Act, 2007.

Therefore, the Committee recommended that within three months upon the adoption of this Report, the accounting officers of the affected institutions should submit to the National Assembly documented measures that have been undertaken to strengthen payroll controls through automated payroll validation checks that are designed to flag any salary processing that violated the one-third rule prior to disbursement.

The chief executive officers (CEOs) came before the Committee. We looked at the reports of those agencies from 2015 to 2024, but they hurriedly rushed to explain the cause of deductions during the COVID-19 pandemic in 2020. They ended up blaming the Housing Levy. Did COVID-19 exist before 2020? No. Did we have the Housing Levy before 2020? No. That is why we recommended that they submit their reports to the House. The parity is a very well-explained variance that is caused by the ineffectiveness of the accounting officers, not the financial times.

Allow me to summarise by considering a few individual agencies with some peculiar issues. The NITA collected training levies but they delayed remitting them. The Committee observed that the Authority had unremitted training levies amounting to Ksh277,084,833. This is part of their receivables. If organisations are unable to pay NITA the money, it will definitely experience operational challenges.

The SACCO Society Regulatory Authority (SASRA) had an under-staffing issue. The Committee observed that the Authority is significantly under-staffed, only having 93 staff members in post, against an approved establishment of 145 employees. The Office of the Data Protection Commissioner (ODPC) had issues in non-compliance with climate regulation. The Committee observed that the ODPC had not established a designated climate change unit with adequate staffing, financial resources and a senior officer responsible for coordinating climate related functions. This was contrary to Section 15(5)(c) of the Climate Change Act, 2016, which requires every State department and national Government entity to designate a unit to coordinate the mainstreaming of the Climate Change Action Plan and other statutory climate change functions into sectoral strategies. The absence of such a unit impedes effective institutional coordination, compliance with statutory obligations and integration of climate change priorities into operational and strategic frameworks.

Hon. Temporary Speaker, our recommendation was that within three months of the adoption of this Report, the Accounting Officer should establish a fully-fledged Climate Change Unit in compliance with Section 15(5)(c) of the Climate Change Act, 2016. This is a very important issue. Climate patterns across the world are changing. We had anticipated experiencing different rainfall patterns, particularly the El Niño phenomenon. However, it has not occurred as expected. Why has it not come? It is because the weather patterns are changing. Therefore, if we do not take climate change issues seriously, we are bound to face difficulties in the future.

The Pharmacy and Poisons Board (PPB) had inaccuracies in its personnel emoluments. This is a very serious matter. There was an unexplained variance of Ksh37,931,282 in the personnel emoluments. Further, gratuity payments amounting to Kshs7,687,104 were not processed through the payroll. The payment records were also not provided for audit, and the expenditure was not disclosed in the financial statements. This was contrary to Section 81(3) of the Public Finance Management (PFM) Act, which requires the Accounting Officer to prepare financial statements in a form that complies with the relevant accounting standards that

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are prescribed and published by the Accounting Standards Board from time to time. The Committee made the following recommendation: The Accounting Officer should, at all times, comply with the PFM Act and all other applicable laws and regulations.

Hon. Temporary Speaker, allow me to conclude my submission by thanking you, your Office, the Office of the Clerk of the National Assembly, the Director of Audit and my Committee clerks, led by the Principal Clerk, Aden, together with his team. They have dedicated considerable time and effort to working on this Report and ensuring that it meets the required standards before its presentation to the House.

Allow me also to thank my colleagues who are members of the Committee. They have dedicated their time to preparing these Reports, which cover several financial years. Considering the number of years covered, the work that involved sitting together, examining the matters and compiling the Reports has been substantial. I sincerely appreciate their commitment and the time they have invested in this exercise.

I also wish to thank my colleagues who have patiently listened to my submission to the House. I urge them to support the Committee's recommendations so that together, we can make our country better. What we have just witnessed from our sister committees in terms of monitoring and evaluation is commendable. Once they complete their evaluations, we come in to examine the overall financial performance of the respective entities. This is a very good approach. Any deviation from the expected reality is reflected in the numbers. Numbers do not lie; they speak the truth and provide direction on what is likely to happen in the years ahead.

Thank you, Hon. Members. Thank you, Hon. Temporary Speaker. I now submit and request my colleague, the Member for Buuri, to second.

The Temporary Speaker (Hon. David Ochieng'): Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker.

I thank our Chairman of the Public Investments Committee on Social Services, Administration and Agriculture. The Committee has presented a Report covering key institutions namely, the National Industrial Training Authority (NITA), the SACCO Societies Regulatory Authority (SASRA), the Office of the Data Protection Commissioner (ODPC), the Agricultural Development Corporation (ADC), the Pharmacy and Poisons Board (PPB), the Kenya Medical Supplies Authority (KEMSA), Sports Kenya and, lastly, the Kenya School of Government (KSG). The Reports cover the financial years from 2014 to 2025. I think the Committee has done a very commendable job. Allow me to single out those institutions because they are very critical.

The National Industrial Training Authority (NITA), which is in charge of national industrial training activities, collects levies and disburses the same for the betterment of training of our labour force and the development of institutions that are mandated to provide training. There is also the case of Savings and Credit Co-operative Societies (SACCOs), which drive significant activities in this economy. The Pharmacy and Poisons Board (PPB) and the Kenya Medical Supplies Authority (KEMSA) are in charge of medical services, including the registration and approval of medicines, their supply and the authorisation of professionals to practise in this country. We expect a lot of professionalism in the activities of those professional bodies.

There is also the sports sector. Kenya is now making great strides in improving sports facilities. However, what we are seeing in the audit report tells us that something is seriously wrong with the way those organisations are being managed. The whole issue revolves around weaknesses in management. Each organisation is headed by a chief executive officer (CEO) and has a respective board that is appointed by the Government. Hearing that those institutions occupy land for which they do not have title deeds leaves a lot to be desired. We are told some cannot provide documents for audit purposes. The Chairman has said that they give flimsy

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excuses to explain their financial positions, such as blaming COVID-19. Perhaps, they will also blame the elections for their failure to perform.

We hear of long-outstanding debts that cannot be explained. We also hear of organisations that are disbursing funds without accounting for the imprest that they have received. In the National Assembly, for instance, you cannot undertake another official trip before accounting for your imprest. Yet, here we have organisations, not one, not two or three but all of them. Something is seriously wrong with those organisations. We need to stand firm. Those organisations have outstanding receivables but no recovery strategies. None of them appears to have a clear strategy for settling their pending bills. This report should be taken very seriously. We cannot afford to wait for another three months. Why three months?

We need to expedite the process and, if necessary, take action by suspending the CEOs or dissolving the boards. I know the Chairman was a bit conservative about taking that route, but if they do not comply within three months, what happens next? This is a very important Report. I think you, as the Speaker, need to give clear directions and require those organisations to submit an action plan to Parliament, showing how they intend to fulfil their outstanding obligations.

There is the issue of land. When you hear that KEMSA occupies land without proper documentation, and that NITA also has land whose ownership is unclear, you wonder what is happening. We have seen people coming forward to lay claim to that land. If you have not secured legal ownership of your land for 20 years, and the law provides for that situation, what is going to happen? I think you need to give further direction on this Report. It is obvious that this is wanton mismanagement of resources and the responsibilities that the CEOs and the Board have been given. We also need to agree to go a step further. Why do we have to give them more money in the budget? I am sure if you look at the Supplementary Budget, they are looking for additional funding. So, are we going to continue pumping money to those organisations and yet, the CEOs cannot account properly for what they have been given?

You know, the issue of statutory deductions and failure to submit, like what the National Industrial Training Authority (NITA) has done, is a very serious issue in this country. Please lean on that. We support the Committee. It is doing a great job. We all need to familiarise ourselves with this Report. It can be used as a case study to prove mismanagement by a board of management or an advisory board that is in charge. I support the Report fully and I look forward to you giving direction on action plans for this.

I thank you.

The Temporary Speaker (Hon. David Ochieng'): You are asking for my direction when the Speaker has no say on some of these things. The direction you are asking for should be inside the Report. The Report should recommend to the House those things that you want me to do.

(Hon. Mugambi Rindikiri spoke off the record)

Order! If you want a board to be disbanded, you put it in your report. If you want a CEO to be suspended, you put it in your report. If you want something to be done within three months, you put it in the report. That is why, if you look at the Motion, it says the House adopts. The House adopts what you present to it.

(Question proposed)

The Temporary Speaker (Hon. David Ochieng'): Hon. Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute on this very important Report. This is a Report on the audited financial statements of the seven State corporations. From the

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onset, I wish to thank the Chair, Hon. Wangwe, for bringing this Report that has captured the state of affairs in those particular State corporations. Having said that, I will look at the general issues that have been mentioned in the Report. Some of these issues are so basic and they border on basic non-compliance with the law. For example, the issue of State corporations and non-compliance with the one-third basic salary rule. Section 19(3) of the Employment Act, 2007, provides in very clear terms that deductions from an employee's wages should not exceed two-thirds of the wages. Therefore, an employee should retain, at least, one-third of their wages. That is a basic issue that does not even require this House to resolve. It is an issue of laxity in compliance with the law. Therefore, we must be very firm on some of these issues. That is why an Hon. Member here, who is actually from the same Committee, is asking the Speaker to provide a solution. This is an issue of the enforcement of the law.

This House, in the spirit of Article 125 of the Constitution, provides that a committee of Parliament has the same powers as the High Court. Therefore, a House resolution, in my opinion, is equivalent to a court order. When the House resolves, that resolution must be implemented. The problem with some of these issues lies with the Committee on Implementation. If this Report talks about three months for implementation, the House should, the House must, within six months, within three months... We should ensure that we follow up on the implementation of House resolutions. The Committee on Implementation, pursuant to the Standing Orders, has certain recourse in the event that a particular resolution is not implemented, as provided for in a resolution that is adopted by the House. The Committee on Implementation should then propose sanctions against the particular executive officers or those in charge of those State corporations. We should not end up passing resolutions in vain. Those are the issues that the Committee must follow up and ensure that House resolutions are actually implemented so that those resolutions are not passed in vain.

We have challenges with State corporations occupying parcels of land for which they do not have actual ownership. The Report recommends, for example, that within three months of the adoption of this Report, the accounting officers of the respective State departments should liaise with the Principal Secretary for Lands to fast-track the issuance of title deeds. It goes further to say that the House must allocate resources. We also have an obligation as a House to allocate enough resources to ensure that the Ministry of Lands undertakes the necessary inquiry and compensation in order to ensure that those title deeds are issued. It is a twin issue. As much as we want those State corporations to have title deeds, we must be deliberate as a House in allocating sufficient resources to ensure that the Ministry of Lands is able to execute some of these House resolutions.

We also have challenging issues in terms of outstanding debts. We have been told that KEMSA has an outstanding debt of Ksh2 billion, which has not been recovered. It is incumbent upon that particular State corporation to ensure that it has a panel of advocates and its own in-house counsels to ensure that those debts are recovered by that particular entity.

We also have pending bills. The Public Finance Management Regulations, 2015, provide in very clear terms that a pending bill should be a first charge. Is that being followed? Is that particular provision being followed? Those are the issues that, as a House, we must be able to address because, if the law says that pending bills are a first charge, why can the law not be implemented to the letter? If pending bills are not paid by those particular State corporations, it will affect service delivery. It will frustrate suppliers.

In this country, we have had people going to banks based on Local Purchase Orders (LPOs) to secure loans because they have been awarded tenders by the Government. Thereafter, they are unable to be paid by those particular entities. Most Kenyans are frustrated and yet, they rely on the law, which provides that pending bills should be a first charge. These are issues that, as a House and as a country, we must resolve so that we avoid frustrating the very people who rely on the Government to pay them if they have delivered the services.

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On the issue of imprest, I have read what the Employment Act provides. Why should a State corporation allow employees to borrow more than the percentage that is provided for by the law? Those individuals should be held accountable. In fact, they should be arrested for flouting the very law that provides for that.

As I conclude, I support the Report, but I insist that, as a House, we must follow up on House resolutions. Those responsible, including the Committee on Implementation, should not just recommend that this House pass a resolution giving a certain entity three months to comply with the law when that entity has not complied. As a Committee, they should even propose the removal from office for non-compliance with a House resolution, which is equivalent to a court order in the spirit of Article 125, which gives a Committee of the House powers that are similar to those of the High Court to implement those particular resolutions. I support the letter, the intent and the spirit of this law. I thank Hon. Wangwe for following up on those matters.

Hon. Temporary Speaker, Hon. Wangwe was elected in 2013, and he has really tried. I see there are recent reports for 2024/2025, which means that the Committee is fast-tracking the audited reports of those particular State corporations.

Thank you, Hon. Temporary Speaker.

The Temporary Chairman (Hon. David Ochieng'): Well said. Hon. Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also contribute to this Report that has been tabled by the Chair, Hon. Wangwe. The Chair has done very well in reporting to this House. As he was going through his Report, I realised that some State corporations, such as the National Industrial Training Authority (NITA), have not tabled their reports since 2014. Again, I realised that Sports Kenya has also not tabled its audited reports since 2014. Similarly, the Kenya School of Government (KSG) has not tabled its reports since 2014. This clearly shows that there are some people who are not doing their work well.

Other institutions, such as the Sacco Societies, have not tabled their reports since 2020; the Office of the Data Protection Commissioner (ODPC), since 2021; the Pharmacy and Poisons Board (PPD) since 2018; and the Kenya Medical Supplies Authority (KEMSA) since 2023. We must congratulate this Committee because it is through hard work that it has compiled this Report and ensured that the audited reports are tabled.

We must encourage all State corporations and institutions to prepare and table their audited reports on time because, even if we find some anomalies here and there, not much action can be taken when the recommendations relate to matters that are dating back to 2014. So, what will they do now? Maybe the accountant or the internal auditor who was there is no longer there. Even if they make their recommendations today, it might not have any impact on the institution. However, I am happy with the Report, and it is my prayer that those corporations avail their audited reports on an annual basis so that Members of Parliament who are serving in this Committee can do their work effectively.

We also must discuss some of the pending bills as Parliament because many people have suffered at the hands of State corporations or different institutions. We must recommend or agree with the Committee that pending bills must be paid on time, so that those who do business with, and supply goods to those institutions, are paid and do not continue to suffer in future.

When it comes to employment in all those State corporations, we must ensure that the face of the country is reflected. Many a times, when you visit different institutions, you will find that only one community or a few other communities are represented. It is high time we said that *Usawa ni Sawa* applies to all Kenyans and that the face of Kenya should be reflected in the seven State corporations and even more. Thank you, and I congratulate the Committee and its Chairperson.

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The Temporary Speaker (Hon. David Ochieng'): Well done. *Mzee wa kazi, mzee wa* Kenya African National Union (KANU), Hon. Samuel Moroto.

Hon. Samuel Chumel (Kapenguria, UDA): Thank you very much, Hon. Temporary Speaker. I will not say much, but I sincerely thank the Committee because I have gone through this Report. This is one of the best Reports that other committees should emulate so that we can rescue many areas in this country. Some State corporations are doing things that are not helping Kenyans. This House needs to take measures to correct them. Some areas are deteriorating by the day and nothing seems to be improving. Therefore, after adopting this Report, as I agree, we need to do more to ensure that all the activities that are not being carried out correctly are rectified. Measures should also be taken against those who are misleading Kenyans or misusing the taxes that Kenyans provide so that things can work well. Otherwise, I sincerely thank the Committee. Keep up the spirit and do more on these issues. Thank you very much. I support.

The Temporary Speaker (Hon. David Ochieng'): Hon. Wangwe, this is a very well-done Report. Unfortunately, there are no further contributors and so, I am constrained to ask you to reply.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. Allow me to thank my colleagues who have weighed in on the Report. Looking at what my colleagues have said, it all comes down to implementation. However beautiful or good a Report may be, without implementation, it means we might not achieve much. I also call upon the Committee on Implementation to listen to the voices that have been raised by my colleagues, who have insisted on that aspect.

Allow me to thank the Leader of the Majority Party for his sentiments. Those are very valid sentiments. Indeed, looking at the number of years, 48 years is a long period. Taking action against those who were in office then but are no longer there is a challenge. As we approach the sunset of this 13th Parliament, those who will come after us, as the Leader of the Majority Party can see, we are now dealing with the Financial Year 2024/2025. Article 229(8) of the Constitution provides for timelines, and those timelines are very crucial. Let those who come after us follow suit and insist on adhering to the timelines so that we can nab anyone who seeks to circumvent the law and help this country move to the next level. Thank you. I submit and beg to reply.

(Question put and agreed to)

The Temporary Speaker (Hon. David Ochieng'): Next Order.

MOTION

ADOPTION OF 20TH REPORT ON AUDITED ACCOUNTS OF TWO CAR LOAN AND MORTGAGE SCHEMES FOR FYS 2013/2014 TO 2024/2025 AND 2018/2019 TO 2024/2025

THAT, this House adopts the Twentieth Report of the Special Funds Accounts Committee on its consideration of the Report of the audited Financial Statements of the following Car Loan and Mortgage Schemes, laid on the Table of the House on Thursday, 5th November 2026 –

(i) Kenya Maritime Authority Staff Mortgage and Car Loan Scheme for the Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025; and,

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(ii) The Kenya National Commission on Human Rights Car and Mortgage Loan Scheme for the Financial Years 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025.

The Temporary Speaker (Hon. David Ochieng'): Thank you. The Mover of this Motion, who is the Chairperson of the Special Funds Accounts Committee, is not in the House. But it is with the leave of the Hon. Speaker. We, therefore, defer this Motion to the next time it will be on the Order Paper.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, the time being eight minutes to 7.00 p.m., this House stands adjourned until Thursday, 19th November 2026, at 2.30 p.m.

(The House rose at 6.52 p.m.)

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