



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 103**

## THE HANSARD

Wednesday, 20<sup>th</sup> November 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Serjeants-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Clerks-at-the-Table, we now have quorum. Order, Members on your feet. Take your seats.

*(Several Hon. Members walked into the Chamber)*

Hon. Caleb Mule, you have committed two sins. You are on your feet and on phone while in the Chamber.

MESSAGE

CONSIDERATION OF SEN. WAHOME WAMATINGA FOR APPOINTMENT  
AS COMMISSIONER OF PARLIAMENTARY SERVICE COMMISSION

Hon. Members, allow me to convey the following Message from the Senate on approval of appointment of a Member to fill a vacancy in the Parliamentary Service Commission (PSC).

Pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received a Message from the Senate regarding the approval of appointment of a Member to fill a vacancy in the PSC under Article 127 (2)(c)(i) of the Constitution. In the Message, the Speaker of the Senate conveys that on Tuesday, 19<sup>th</sup> November 2024, the Senate considered and approved the appointment of Sen. Wahome Wamatinga to the PSC to fill the vacancy occasioned by the resignation of Sen. John Nderitu Kinyua.

For the nominee to be appointed to the PSC in line with the provisions of Article 127(2)(c) of the Constitution, the Senate's decision requires the concurrent approval of this House. In this regard, the matter will be scheduled for consideration by the House at an appropriate time to be determined by the House Business Committee. The House is accordingly guided. Thank you.

Go on to the next Order by the Leader of the Majority Party.

PAPERS

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

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1. Reports of the Auditor-General and financial statements for the years ended 30<sup>th</sup> June 2021 and 30<sup>th</sup> June 2022, and the certificates therein in respect of:
  - (a) Kipkoris Girls Secondary School.
  - (b) Keringet Secondary School.
2. Reports of the Auditor-General and financial statements for the years ended 30<sup>th</sup> June 2021, 30<sup>th</sup> June 2022 and 30<sup>th</sup> June 2023, and the certificates therein in respect of:
  - (a) St. Catherine of Siena Mugunda Girls High School.
  - (b) Gachika Secondary School.
  - (c) Endarasha Boys High School.
  - (d) Muruguru Girls Secondary School.
  - (e) Ole Tipis Girls School.
  - (f) Moi Amalo Secondary School.

Thank you, Hon. Speaker. I lay.

**Hon. Speaker:** Thank you. Next is the Chairperson of the Departmental Committee on Environment, Forestry and Mining. Let us have Hon. Kamuren.

**Hon. Charles Kamuren** (Baringo South, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

The Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the agreement on the establishment of the Global Green Growth Institute (GGGI).

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

**Hon. Speaker:** Next Order.

## NOTICE OF MOTION

### RATIFICATION OF AGREEMENT ON ESTABLISHMENT OF GLOBAL GREEN GROWTH INSTITUTE (GGGI)

**Hon. Charles Kamuren** (Baringo South, UDA): I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the agreement on the establishment of the GGGI, laid on the Table of the House on Wednesday, 20<sup>th</sup> November 2024 and, pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act of 2012, approves the Ratification of the Agreement on the establishment of the GGGI.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. On the next Order, Members, you know that we have two Cabinet Secretaries today; namely, the Cabinet Secretary for Education and the Cabinet Secretary for Agriculture and Livestock Development. They are coming to respond to your Questions. But before that, we will go to Order No.8 and put the Question.

## COMMUNICATION FROM THE CHAIR

### ARRANGEMENTS FOR PRESIDENTIAL ADDRESS DURING JOINT SITTING OF NATIONAL ASSEMBLY AND SENATE

Hon. Members, before we proceed to the substantive business, I need to remind you that His Excellency President (Dr) William Ruto will be addressing the nation and the House

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tomorrow afternoon, in accordance with the provisions of Article 132 of the Constitution. As Members, the Office of the Clerk should have advised you on the arrangements that have been put in place. There is a little inconvenience. All Members, without exception, except the Leadership, will be required to park your cars at Bunge Tower. Come with your drivers, be dropped at the gate and let your drivers go on to park at the Bunge Tower.

As you know, there is enough parking to accommodate all of us. We have advised any members of staff who park there to use the COMESA grounds at the Kenyatta International Convention Centre (KICC) tomorrow. That is so that they give way to Hon. Members' cars to be parked there.

I need not emphasize that you should be here punctually. It will be a Joint Sitting. Hon. Mwenje and his team will give way for some seats on my left in the front row to the Leadership of the Senate. You could probably move to the next row on the front row. The good ladies who permanently occupy those seats can move back. The row where Hon. Udgoon, Hon. Yussuf, and Hon. Jehow are sitting will be for the Senate. Those who normally sit here should find some other places to sit.

I also need not emphasize that you will hear His Excellency in absolute silence. Thereafter, from Monday afternoon, you will be given an opportunity to debate the address of His Excellency to the House. Keep time tomorrow. It will be out of order for you to enter the Chamber when a distinguished person in the name of the President is already addressing the nation. We should be found seated. That being the case, as I communicated earlier, there will be no other business tomorrow, except the Presidential Address.

We shall now call out Order No. 8 and put the Question. While I do that, the Leader of the Majority Party should go and find the Cabinet Secretary for Education to respond to your Questions. Hon. Members, in the interest of the management of time, we will be very strict, whether it is myself or my Deputy. We will have the questioner, one supplementary question and one joyrider. Although that is not going to be a general rule, we will limit it to that so that we can manage our time well. Call out Order No. 8.

*(Hon. Silvanus Osoro and Hon. Beatrice Elachi stood on the aisle)*

Hon. Osoro and Hon. Elachi, take your seats.

## **BILL**

### *Second Reading*

THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL  
(National Assembly Bill No.11 of 2023)

*(Moved by Hon. Kimani Ichung'wah on 19.11.2024)*

*(Debate concluded on 19.11.2024)*

*(Question put and agreed to)*

*(The Bill was read a Second Time and  
Committed to Committee of the whole House)*

**Hon. Speaker:** Clerk-at-the-Table, go back to Order No. 2. We have a Communication that was brought in late.

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## COMMUNICATION FROM THE CHAIR

### APPOINTMENT OF MEMBERS TO MEDIATION COMMITTEE ON COUNTY GOVERNMENTS (ADDITIONAL ALLOCATIONS) BILL (Senate Bill No.19 of 2024)

Hon. Members, you may recall that on Tuesday, 14<sup>th</sup> August 2024, this House considered and passed the County Governments (Additional Allocations) Bill, (Senate Bill No.19 of 2024), with amendments. Thereafter, I referred the Bill back to the Senate for reconsideration in accordance with the provisions of Article 112(1)(b) of the Constitution.

Further, you may recall that on Thursday, 7<sup>th</sup> November 2024, I reported to this House a Message from the Senate conveying that on Wednesday, 23<sup>rd</sup> October 2024, the Senate considered and rejected the National Assembly's amendments to the County Governments (Additional Allocations) Bill, (Senate Bill No. 19 of 2024). The decision of the Senate remitted the Bill to a mediation committee, pursuant to Article 112(1)(b) of the Constitution.

Article 113 of the Constitution requires that whenever a Bill is referred to a mediation committee, the Speakers of the Houses of Parliament shall each appoint an equal number of Members to attempt to develop a version of the Bill for consideration by the Houses of Parliament. In this regard, I have consulted with the Leader of the Majority Party and the Leader of the Minority Party and appointed the following Members to represent this House in the Mediation Committee to attempt to develop a version of the Bill that both Houses will pass:

1. Hon. Ndindi Nyoro, CBS;
2. Hon. Mary Emaase Otucho;
3. Hon. John Chikati Murumba;
4. Hon. David Ouma Ochieng', CBS;
5. Hon. David Kiplagat;
6. Hon. Hussein Weytan;
7. Hon. (Dr) Makali Mulu;
8. Hon. Catherine Omanyoo; and,
9. Hon. Gertrude Mbeyu.

Hon. Members, you will recall that on Thursday, 7<sup>th</sup> November 2024, I reported to this House that the Senate had appointed nine Senators to the Committee on the Bill. In this regard, the Mediation Committee is now fully constituted. I, therefore, urge the Members of this House to reach out to their Senate counterparts for purposes of commencing the mediation process. The Mediation Committee should, as soon as it is practicable, meet and commence the process of developing a version of the Bill for consideration by the Houses of Parliament in accordance with Article 113 of the Constitution.

The House is accordingly guided. I thank you. We will go back to Order No.7. *Wapi Waziri?*

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** Hon. Gisairo, before we get to the Questions, can you make your request for a statement?

### REQUEST FOR STATEMENT

#### SAFARICOM'S POLICY ON TRANSMISSION OF POLITICAL MESSAGES

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**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(c), I request for a statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation regarding the policy applied by Safaricom PLC on transmission of political messages.

In recent months, numerous users of various Premium Rate Service Providers (PRSP) and customers whose applications for sender IDs are white-listed as pre-approved entities have been experiencing blocking of transmission of political messages. This raises significant concerns about transparency and fairness of the criteria used by Safaricom PLC to determine messages deemed to be acceptable and those which are not. Political messaging is a vital aspect of our democratic process, allowing candidates to communicate on their platforms and engage with voters. By blocking certain political messages, Safaricom PLC may inadvertently favour specific political entities over others, which could cause an imbalance in the political landscape. The lack of clear guidelines and communication from Safaricom regarding this policy undermines democratic engagement and the free flow of information.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation on the following:

1. A report on whether the policy by Safaricom PLC, if any, regarding the transmission of political messages, aligns with the constitutional provisions and laws safeguarding freedom of speech and communication and consumer rights of access to information;
2. Steps taken by Safaricom PLC to ensure that the process for blocking sender IDs, particularly in the political context, is impartial and free from bias;
3. The policy framework and administrative mechanisms for affected parties to seek redress or appeal, including seeking refund for the White-Listed Sender IDs;
4. The criteria for approving or blocking the transmission of political bulk messages and the safeguards put in place by Safaricom PLC to prevent the message-blocking system from being exploited for political gain or to suppress certain view-points; and,
5. A report on whether Safaricom PLC allows inter-network termination of messages to other networks, particularly Airtel, and if not, the interventions required for Safaricom to allow inter-network termination and facilitate a common sender ID for messages sent through the two service providers, particularly by businesses and organisations so as to enhance their brand recognition and improve the overall user experience.

I thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson of the Departmental Committee on Communication. Hon. Osoro, who is the Chairman? Is it Hon. KJ?

**Hon. Silvanus Osoro** (South Mugirango, UDA): It is Hon. John Kiarie.

**Hon. Speaker:** Where is the Vice-Chair or a Member of the Committee?

**Hon. Silvanus Osoro** (South Mugirango, UDA): The Vice Chair is Hon. Alfah Miruka, but we have Hon. Bernard Kitur here.

**Hon. Speaker:** Hon. Kitur, we are breaking next Thursday. Are you able to bring a response before then?

**Hon. Bernard Kitur** (Nandi Hills, UDA): Yes, Hon. Speaker. We will try to do that.

**Hon. Speaker:** We will give you an opportunity on Wednesday afternoon.

**Hon. Bernard Kitur** (Nandi Hills, UDA): I am well guided.

**Hon. Speaker:** Thank you. Hon. Members, in the Public Gallery, I want to acknowledge the presence of Shisele Tosha Community-Based Organisation from Ikolomani Constituency, Kakamega County, who are visiting the House of Parliament. On my behalf and

that of the House, I welcome the delegation to the House of Parliament and encourage them to feel at home.

We will now go to Questions.

*(The Cabinet Secretary for Education (Mr Julius Migos Ogamba) was ushered into the House)*

### ORDINARY QUESTIONS

**Hon. Speaker:** Cabinet Secretary for Education, we have quite a number of questions directed at your Ministry. We are constrained with time. I expect your answers to be succinct, precise and concise. To each Question, there will be the questioner, a clarification and probably one joyrider at the very most, so that we can run through quickly.

*Question 016/2024*

**Hon. Speaker:** Hon. Robert Mbui, Member for Kathiani. The Question is stayed.

*Question 089/2024*

This is a Question by Hon. Stanley Muthama, Member for Lamu West. Can we have Hon. Stanley Muthama? In fact, in enforcing your early attendance to the House, Hon. Robert Mbui's question is dropped. Hon. Stanley Muthama's question is also dropped.

*(Question 016/2024 dropped)*

*(Question 089/2024 dropped)*

*Question 090/2024*

#### POLICY BEHIND DIRECTIVE TO TRANSFER SECONDARY SCHOOL TEACHERS TO JUNIOR SECONDARY SCHOOLS

**Hon. Tim Wanyonyi** (Westlands, ODM): Hon. Speaker, could the Cabinet Secretary for Education –

- (a) Explain the rationale and policy behind the directive of transferring secondary school teachers for Physics, Chemistry, Biology and History to Junior Secondary Schools?
- (b) State the measures being implemented to ensure harmony in primary schools, especially considering the different uniforms and titles for Grade Seven pupils compared to Class Eight pupils?
- (c) Provide a list of secondary schools that are lacking functional laboratories, clarify the number of times candidates in those schools have taken Kenya Certificate of Secondary Examinations (KCSE) practical exams elsewhere, and state whether those schools will be equipped with laboratories before equipping Junior Secondary Schools?
- (d) Outline the total number of lessons each school is supposed to offer per week, the requisite hours for rest, and why there has been an increase in the number of primary school pupils attending lessons over the weekends?

- (e) Give reasons why the book ‘The Diary of a Wimpy Kid’ which contains very obscene language has not been banned from circulation, and outline measures that have been put in place to ensure that books with improper language are not allowed into the country?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Thank you, Hon. Speaker. The answer to question one is that the Government has not issued or made any policy directive to transfer secondary school teachers who are teaching physics, chemistry, biology or history to junior secondary schools. There is currently no such policy in place from the Government.

Regarding question two, junior secondary schools are domiciled in existing primary schools. The Ministry issued the guidelines for the implementation of junior school education in January 2023. The guidelines stipulate that junior school leadership shall determine the uniform for their schools in consultation with the respective stakeholders and the sub-county directors of education. This includes additional unique features for the identification and branding of the institutions. The guidelines also make clear that no learner shall be excluded from school for failure to afford a school uniform. The determination of school uniforms through stakeholder involvement is meant to ensure that the specific school community decides on the uniform that is sensitive to the school's needs, thereby ensuring that there is harmony. In any event, junior schools and primary schools are under the same boards of management and the same heads of institutions, thereby creating a basis for harmonious functioning in the same institutions.

Hon. Speaker, we also wish to inform the House that the last Class VIII cohort sat their examinations in December 2023. Currently, all learners in grade seven onwards are in junior school under the competency-based education (CBC).

Question three is on schools lacking functional laboratories. A list of those schools is provided in Annex 1 of our written response. Currently, there are a total of 1,366 secondary schools countrywide that do not have functioning laboratories. In the next financial year, we plan to construct approximately 2,000 laboratories in secondary schools, specifically targeting those that currently lack such facilities. We will also be seeking the support of the House to provide further resources for the construction of those particular laboratories, especially as we approach the 100 per cent transition to senior school next year.

Once again, I would like to thank the Members of Parliament for their support in funding infrastructure development in schools through the National Government Constituency Development Fund (NG-CDF). We look forward to further support in equipping those secondary schools and those laboratories.

I also request additional time to provide information on how many times candidates in each of those specific schools have taken KCSE practical exams elsewhere due to the absence of laboratories. I was unable to obtain that information and would appreciate more time to gather it for the Members.

Regarding the issue of the lessons, the competency-based curriculum is implemented to foster practical skills and holistic learning. Primary school education is structured into two key levels: lower primary, which includes grades one to three, and upper primary, which comprises grades four to six. The implementation of the curriculum is designed in a timetable that changes with the levels as the learners progress.

The timetable for the pre-primary level presents five lessons per day, totalling 25 lessons per week, with four breaks, including a daybreak. At the lower primary level (grades one to three), the timetable presents six lessons per day, amounting to 31 lessons per week, with four breaks per day. At the upper primary level (Grade Four to Grade Six), the timetable



provides for seven lessons per day, resulting in 35 lessons per week, with four breaks, including a daybreak. For junior school (grades seven to nine), the timetable features eight lessons each day, with each lesson lasting 40 minutes. Students complete 41 lessons per week, including pastoral times, and have four breaks each day.

Hon. Speaker, I wish to confirm that the official timetable does not accommodate any programs or weekend lessons. Learners are expected to rest on Saturdays, Sundays and on public holidays. Therefore, any instances requiring students to attend school on weekends would be considered irregular. The Ministry will take appropriate corrective action once such cases are reported.

In the response, I have provided a table that stipulates what I have just indicated. Due to time constraints, I will not go through it in detail, but it clearly shows that there are 25 lessons per week for pre-primary, 31 lessons for grades one to three, 35 lessons for grades four to six and 41 lessons for junior school.

On the question of the book, “The Diary of a Wimpy Kid”, the mentioned book is not part of the books that have been approved by the Kenya Institute of Curriculum Development (KICD) for use in our schools. The regulation on books circulating in Kenya is within the purview of the Ministry of Information, Communication and Digital Economy within the legal framework of the Books and Newspapers Act Cap. 111. We have raised this matter with the Ministry for appropriate action and we will follow up to ensure that the book is deregistered for use in Kenyan schools.

**Hon. Speaker:** Member for Westlands.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Speaker. *Bwana* Cabinet Secretary, we have teachers who are employed by the Boards of Management (BOMs). Sometimes, when those teachers are absorbed by the Teachers Service Commission (TSC), they find themselves being posted outside their original jurisdictions. Often, they are not even allowed to return to the schools that supported them. In my constituency, BOM teachers were posted to Kajiado and other counties that are outside Nairobi after being absorbed by the TSC. Why is that happening?

Additionally, some schools have a high number of pupils in junior secondary, with only one or two teachers available. The teacher-student ratio is extremely low. How can we ensure that those students receive adequate lessons with such a limited number of teachers? I do not believe two teachers can effectively manage 200 students alone.

Thank you.

**Hon. Speaker:** Yes, Hon. Ferdinand Wanyonyi. You will be the only joyrider to that Question.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Speaker, in response to question number four, the Cabinet Secretary has stated that it is illegal for schools to hold lessons over the weekend. Why is this the case, considering there is a culture of compensating for missed classes on weekends in case a teacher is absent during the week? Sometimes, teachers need to catch up on some lessons.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Regarding the BOM teachers who are absorbed by the TSC, once teachers are absorbed, they are subject to the guidelines and regulations governing the TSC. One of those guidelines allows for their transfer to work anywhere in the country, which explains why some were moved to different locations.

As for the teacher-student ratio in junior secondary schools, it is true that we are facing a shortage of teachers. However, the Ministry, in collaboration with the TSC and other stakeholders, has employed 46,000 intern teachers to help address that shortage. We also plan to hire an additional 20,000 teachers. In December, the TSC and other multi-agency

organisations will retool the existing teachers to ensure they are well-prepared to teach grade nine in junior secondary, thereby reducing the gap. The current shortages are largely due to financial constraints but, as we secure more funding, we will continue to increase the number of teachers and improve the teacher-student ratio. We will also utilise other resources, including digital teaching aids, to maximise the educational experience for students and ensure they receive high-quality lessons.

Regarding weekend lessons, I want to clarify that those sessions are not official. *Mheshimiwa* Wanyonyi, I did not say they are illegal. I referred to them as irregular and unusual. Those classes are irregular because there is no legal requirement mandating weekend lessons. If teachers, students and parents agree, they can hold remedial classes. However, it is not a Government policy to conduct lessons over the weekends. Such arrangements are informal and made at the discretion of those who are involved.

Thank you.

**Hon. Speaker:** Next is Question 091/2024 by the Member for Kinango, Hon. Gonzi Rai.

*Question 091/2024*

STATUS OF DELAYED PENSION PAYMENT TO MR SALIM MNDALU NDEGWA

**Hon. Gonzi Rai** (Kinango, PAA): Hon. Speaker, I rise to ask the Cabinet Secretary the following Question:

Could the Cabinet Secretary provide the status of the delayed pension payment for Mr Salim Mndalu Ndegwa who was a teacher at Nzovuni Primary School up to 30<sup>th</sup> June 2022, when he was put on compulsory retirement?

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Thank you, Hon. Speaker. The processing of Mr Salim Mndalu Ndegwa's pension stalled due to the disparities in his set of names, as indicated on the various documents in the TSC record. The teacher's names on record seemed to refer to different persons. The Commission communicated this to the teacher. He was requested to obtain a deed poll if he intended to have changed his name. It is noted from the record that the teacher's documents bear the following different sets of names: Salim Mndalu as one set, Ndegwa Mndalu as another set, Mndalu Chirunga as another set, and lastly, Mndalu Salim Ndegwa Chirunga, respectively.

Those disparities were noted in the academic and professional testimonials, as well as the old-generation identity card that, that particular teacher used. A reminder was sent to the teacher vide a letter dated 15<sup>th</sup> February 2024, to submit a deed poll in order to regularise his names. However, to date, that teacher has not submitted the same to facilitate the finalisation of his claim. A copy of the letter to the teacher is provided as Annexure No 2.

Thank you, I submit.

**Hon. Speaker:** Hon. Gonzi Rai, I think that is very clear. Do you have any supplementary?

**Hon. Gonzi Rai** (Kinango, PAA): It is clear, however, what bothers me is that on the 6<sup>th</sup> of February 2024, I wrote to them to inquire if there was any problem. The Cabinet Secretary stated that they responded on 15<sup>th</sup> February 2024. However, the teacher has not received that letter and is currently in the hospital. I request a copy of that letter, and I will facilitate the processing of the deed poll for the exercise to be expedited.

**Hon. Speaker:** Provide the details to the Member.

**The Cabinet Secretary for Education** (Hon. Julius Migos Ogamba): We will provide the details before we leave.

**Hon. Speaker:** Hon. Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Speaker. The issue that has been presented to you is not a stand-alone issue. Teachers work for very many years, maybe 40 or 45 years, and sometimes stretching up to 50 years. But when it comes to pension, they actually slack. They spend a lot of money to come to Nairobi to look for their pension. Are you able to put a policy in place such that those who have worked for many years receive their pension in haste?

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Milemba. I am discouraging many joy riders, but give Hon. Milemba the microphone.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. I conform. The way the question has been answered makes it look very simple and easy, but by good luck, somebody else has talked about it. What is the Ministry doing about pensions for teachers? It is now a broad thing that is affecting many families. Many teachers are unable to get their pension on time.

Thank you.

**Hon. Speaker:** Hon. Dorothy, what is it? I said I want only one joyrider. Give Hon. Dorothy the microphone.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Speaker. I, too, rise to ask the Cabinet Secretary what they are doing to streamline pension payments, to alleviate the suffering of teachers who retire. It is evident that, as it has been alluded to, teachers work for close to forty years and, after retirement, they languish at home. Some of them eventually die even before they receive their pension payment.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. This concern is well noted. Since we are doing the review of the actual Teachers Service Commission (TSC) Act and other legal instruments that govern that sector, we will, indeed, bring it upon ourselves to ensure that we propose an amendment to how the pension fund for the TSC is run. It will include a provision that once a teacher is about to retire, 12 months to that retirement age, the processing of their documentation and what needs to happen when they retire in terms of their pension, should be in place. This will ensure that they do not leave and then have to come back to TSC to get their pension. It should be done during the last year of their service. We will include it in our regulations.

**Hon. Speaker:** Question 093/2024. Member for Nairobi County, Hon. Esther Passaris. Question dropped.

*(Question 093/2024 dropped)*

*(Hon. Atieno Bensuda spoke off record)*

You cannot joyride on no question! Question 094/2024 by Hon. Victor Koech. Is Hon. Mandazi in the House? Hon. Victor Koech of Chepalungu. Question dropped.

*(Question 094/2024 dropped)*

Question 096/2024 by the Member for Nyeri Town, Hon. Duncan Mathenge. Hon. Mathenge. Question dropped.

*(Question 096/2024 dropped)*

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Question 097/2024 by the Member for Emuhaya, Hon. Omboko Milemba.

*Question 097/2024*

CONDUCT OF FRESH PARENT ASSOCIATION  
ELECTIONS IN THE COUNTRY

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, could the Cabinet Secretary for Education –

- (a) Explain why the Ministry is yet to provide authorisation for purposes of conducting fresh parent association elections in various counties and sub-counties?
- (b) Provide a specific date when the parent association elections in various counties and sub-counties will be held?
- (c) State measures that have been put in place by the Ministry to ensure that in future, elections are conducted on a regular basis for the effective management of schools?

Further, is the Cabinet secretary aware that TSC was to do promotions for more teachers but, somewhat, they have been curtailed by the National Treasury to do what? Otherwise, they would have been done because they do not need any monies from the National Treasury? They just need to use their own monies, Appropriations-in-Aid, to promote about 45,000 teachers. You being the overseeing Ministry, you could make a comment on that.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. For the record, Hon. Gonzi Rai has received the letter. He can confirm that we have given him that letter for Mndalu.

*(Hon. Gonzi Rai confirmed he had received the letter)*

Hon. Speaker, let me respond to the questions that have been asked by Hon. Omboko as follows:

Paragraph 5 of the Third Schedule of the Basic Education Act, 2013 provides that there shall be established a National Parents Associations, County Parents Associations and Sub-County Parents Associations, elected by parents' associations from schools through a delegate system. Just like other registered associations, the National Parents Association is guided by its own constitution. The Association does not require the authorisation of the Ministry of Education to hold elections at the county and sub-county levels. The constitution of the Association provides for the conduct of elections of its officials. As a Ministry, we are available, upon request, to provide any facilitative support to the extent possible, to enable the association to undertake free, fair and transparent elections in accordance with their constitutions.

In terms of management at school-level, we have ensured compliance with the requirements of Paragraph 1 of the Third Schedule of the Basic Education Act, 2013. There are functional parents' associations in our schools. Parents are also represented in the schools' boards of management as required by Section 56(1) of the Act.

There was a question on promotion of teachers by TSC. I did not have that question on record and so, I do not have the data. I could be given time to get the data and then I can respond to it. It was not on the question paper.

**Hon. Speaker:** Thank you. Hon. Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): The honourable Cabinet Secretary has given a very straight jacketed answer to my question. Parents' associations were actually supposed to be managed in a way that we have a safety valve in our schools. It was the responsibility of the ministry to make sure that, that organ is operating. This is because originally, we had several of them which were competing against each other, in a way that education was not running properly. He is aware of that. Therefore, as he says that he is waiting to be approached for any difficulties, is he aware that such elections have never been held for the last more than six years? What is he doing as a Cabinet Secretary to make sure that ....

**Hon. Speaker:** In all schools or in some specific schools?

**Hon. Omboko Milemba** (Emuhaya, ANC): All school in all places. What is the ministry doing in its responsibility of running of education as the Ministry of Education, to make sure that, that happens? He cannot run away from it.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Speaker, as I have indicated, the parents' associations in our schools are functional and they are available. What may not have taken place is the elections in the National Parents' Association, which is like an umbrella body. I am getting that information now, that there have not been elections in six years. I am going to look into it and find out what role the Ministry can play to ensure that elections are done.

**Hon. Speaker:** Thank you. Hon. Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Hon. Speaker. I know you called my Question when I was not here. I apologise. We have a delegation from China and I had asked a question to the delegation and I had to wait for the answer. It would have been unparliamentary to ask a question to a foreign delegation and leave before they give the answer. I beg to ask Question 93/2024.

**Hon. Speaker:** I have not given you authority to ask the Question. You are only to explain why you were not here.

**Hon. Esther Passaris** (Nairobi City County, ODM): Hon. Speaker, you know we bring these Questions because we changed the Standing Orders for cabinet secretaries to come to the House. It will be such a shame that I am in the House, but I cannot ask a very important Question, as a representative of the County of Nairobi. So, I beg for your indulgence.

**Hon. Speaker:** I had dropped the Question. Upon your explanation, I will reinstate it. But we will come back to it later. Member for Yatta, Hon. Robert Basil, on Question 98/2024.

#### *Question 98/2024*

#### PAYMENT OF HARDSHIP ALLOWANCE TO TVET TUTORS IN YATTA

**Hon. Robert Basil** (Yatta, WDM): Hon. Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary explain why the Ministry's policy does not include provisions for hardship allowances to Technical Vocational Education and Training (TVET) tutors in Yatta Constituency, despite their counterparts who are employed by the Teachers Service Commission (TSC) receiving such allowances?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. At the outset, I wish to state that there are different allowance schemes for teachers who are employed by the TSC and technical trainers who are part of the national Public Service. The current designation of hardship areas for the national Public Service is set out in the circular by the Chief of Staff and Head of Public Service, dated 7<sup>th</sup> December 2015, under Reference OB/CABS.1.31A. A copy of that circular is annexed as Annexure 5. The area where Yatta Technical Vocational College is located is not among the designated areas or hardship areas.

On the other hand, Legal Notice No.534 of 1997 under the Teachers Service Commission Act includes Yatta Division as a hardship area. A copy of the legal notice is also provided as Annexure 6.

We are working with the relevant Government agencies, under the leadership of the Ministry of Public Service and Human Capital Development, to streamline the framework on payment of hardship allowance. We have taken note to highlight those discrepancies to the Ministry of Public Service and Human Development for appropriate action. I submit.

**Hon. Speaker:** Hon. Basil.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Speaker. The response is not satisfactory. It is actually discriminatory when you say some tutors should not receive the hardship allowance like others who are facing the same challenges as them. The Ministry needs to do some research to ensure parity when it comes to giving hardship allowance to tutors.

I also have another question on capitation funds. In 2023, there were arrears of more than 22 per cent of capitation funds to my primary schools. Can the Cabinet Secretary explain why it is so? The second question is: We are in the examination period and my sub-county directors of education have no means of transport. I raised that question to the Ministry. Can the Cabinet Secretary tell us whether they are going to give a vehicle to the sub-county directors to boost their mobility as they deliver services in the sub-counties?

**Hon. Speaker:** Hon. Anthony Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you Hon. Speaker. In a related question, the Cabinet Secretary has a duty to let Members know what the general policy of the Ministry is, to ensure that TVETs, which this House allocates money to every year and is supposed to be a bridge between secondary schools and universities, do not collapse. I ask this because of the perennial non-remittance of capitation to TVETs. Could the Cabinet Secretary enlighten us on what the general policy is to ensure TVETs do not collapse and that they get capitation like universities?

**Hon. Speaker:** Hon. Bartoo.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Hon. Speaker. I have a related question on TVET. When is the Cabinet Secretary planning to complete the construction of Moiben Technical and Vocational Training, which has been incomplete for the last 15 years?

**Hon. Speaker:** Hon. Members, I said only one joyrider and now, I can see so many hands. Hon. Taitumu.

**Hon. Julius M'anaiba** (Igembe North, UDA): Thank you, Hon. Speaker. The issue of hardship allowance is a weighty matter in this country. In 2021, a tripartite taskforce went round the entire country, mapping out regions that needed to be included as hardship areas. Is the Cabinet Secretary aware that the report has not been released? Why is that? The taskforce involved the Ministry of Education, the Ministry of Interior and National Administration and the TSC. It was to map out new regions that required hardship allowance. Again, it is civil servants in those hardship areas that are supposed to benefit, and not the officers in other categories.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon.

Speaker. To Hon. Basil's question on capitation, capitation is normally released based on the Exchequer release that is received and it is distributed across the country to all the learners. I was here before and indicated that there has not been a year when 100 per cent capitation has been released. There is always a shortfall. As a Government, we try as much as possible to ensure that we distribute what we get evenly across the country so that, as many children as possible can be in school.

In terms of hardship areas, I can answer the question generally. It is true that there are discrepancies on how a hardship area is determined. The other day I was in Rabai, which is a hardship area, but is not registered as one. As a Ministry, we have prepared a document that we will present to the Ministry of Public Service and Human Capital Development in order for them to harmonise hardship areas. For example, TSC has determined Yatta as a hardship area, but TVET trainers do not benefit because they fall under the Civil Service. That is not right, and we are working towards harmonising the issues surrounding hardship areas so that there is clarity.

On the question about Moiben Technical Vocational Training Institute, the challenge is getting funds for the infrastructure. A number of institutions are incomplete and Moiben is one of them. Under the TVET Department, we have come up with a register of all TVETs that are not complete and work out how much money we require in order for them to be completed. We are going to present this and hopefully, this House will allocate resources so that we can complete the particular TVETs, even as we construct new ones.

In terms of non-remittance of capitation to TVETs, just like in universities, that issue has been addressed. I came into office and found that it was an issue, but we addressed it. Now resources are released at the same time we are releasing university capitation, because they face the same issues. So, the matter has already been addressed

**Hon. Robert Basil** (Yatta, WDM): He has not answered all the questions.

**Hon. Speaker:** Which question has he not answered?

**Hon. Robert Basil** (Yatta, WDM): That the sub-county directors of education are immobilised.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you. Quite recently, in the Financial Year 2022/2023, we got resources to buy some vehicles for sub-counties and they were all distributed. We will come back to request for more resources and budgetary allocation to ensure that, at least, each sub-county has a vehicle. We want to give them vehicles, but there is a budgetary limitation. Once we buy them, we will continue allocating them. We are reducing the number. So, it is in the pipeline.

**Hon. Speaker:** Thank you. Question 99/2024 is by the Member for Kibwezi West, Hon. Mwengi Mutuse. I received a letter from him nominating Hon. Edwin Mugo Gichuki to ask it on his behalf.

Go ahead.

### *Question 99/2024*

#### DONATION OF LAND IN KIBWEZI WEST CONSTITUENCY TO THE UNIVERSITY OF NAIROBI

**Hon. Edwin Gichuki** (Mathioya, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary:

- (a) Confirm that 12,000 acres of land located at Kisayani, Kibwezi West Constituency was surrendered by the locals to the University of Nairobi in 1988, with the proposal that a higher education institution would be set up in the area?

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- (b) Explain why it has taken inordinately long for the university to establish processes in building and opening it on the said land.
- (c) Clarify whether there are plans to start a university campus within the existing buildings, and if not, state whether the land can revert to its original owners.
- (d) Clarify whether sections of the land are being allocated to private investors and if so, provide the measures that have been put in place to ensure there is transparency and public participation, including consultation with elected leaders in the process.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. I wish to confirm that the University of Nairobi has ownership of the 12,000 acres of land at Kisayani, Kibwezi West Constituency under Land Reference Number 25060. That land was allocated to the University by the Government of Kenya in 1988, following a comprehensive process of relocation and compensation of the original occupants. The primary purpose of the allocation of the land was to establish a specialist research and training institute focusing on range management and dryland natural resources.

Despite the lack of funding that has hindered the development of large-scale physical infrastructure, the university has actively utilised the land at Kisayani for research, training and community outreach. The strategies that it has employed to use the land are as follows:

1. Between 1988 and 1992, it developed essential infrastructure to support both short-term and long-term academic programmes, alongside research facilities and training infrastructure.
2. Through international collaboration, particularly with Mashav University from Israel and supported by the United States Agency for International Development (USAID) funding, the University implemented a state-of-the-art irrigation demonstration centre.

This project, which operated from 1992 to 2004, successfully cultivated Asian vegetables, tropical crops and fruits, providing significant employment opportunities and enhancing food security for the local community. During that period, the University established the Institute of Dryland Research, Development and Utilisation which has been instrumental in conducting research on dryland resource utilisation. It actively engages with local communities through workshops and seminars, focusing on livestock husbandry, dryland crops, forestry and land rehabilitation. The University actively uses infrastructure on the land for departmental research, training and community support. The Institute of Dryland Research, Development and Utilisation operates as a fully-fledged unit of the University of Nairobi. The facility serves as an integral dryland research academic centre of excellence, supporting various departments across the University as follows:

1. The Department of Land Resource Management and Agricultural Technology conducts research in the rangeland ecology and biodiversity conservation.
2. The Faculty of Veterinary Medicine utilises the facility for animal health research and community outreach services.
3. The Department of Geospatial and Space Technology conducts experiential, learning, inland surveys and remote sensing.
4. In collaboration with the Kenya Meteorological Services and the Ministry of Environment and Forestry, the Department of Geology has established a seismology centre for monitoring seismic activities.
5. The Department of Chemistry conducts significant research on ethnomedicinal plants and herbs.

The Institute maintains a comprehensive demonstration field where the university promotes livestock management, agriculture, dryland pasture production and horticultural



crops. The seemingly undeveloped portions of the land serve a crucial purpose in ecological studies and biodiversity monitoring and conservation. The land is, therefore, under active utilisation. The original owners were duly compensated and resettled in Masongaleni. Therefore, there are no grounds for reversion of ownership. Going into the future, the University's Master Plan envisions the advancement of the Kisayani site through the following plans:

1. Partnering with the County Government of Makueni to integrate local development priorities into research and education.
2. Exploring carbon trading opportunities through reforestation and dryland biodiversity conservation initiatives.
3. Mobilising resources in the area of climate resilience and fostering partnerships that advance the university's mission.

No part of the land has been allocated to private investors. The National Lands Commission acquired two hectares that measure 6.8 acres of the land for upgrading the Kibwezi- Mutomo-Kitui-Kabati-Migwani Road project. The university has current partnership with the Kenya Forestry Research Institute (KEFRI) and the International Institute of Tropical Agriculture (IITA) which advance the university's research objectives. The KEFRI conducts valuable research which benefit dryland communities. The IITA supports the Kibwezi Entrepreneurial Youth Group, and provides crucial agricultural entrepreneurship training.

The University has also partnered with Utafiti Day and Boarding Primary School which occupies a portion of the land. That land is not used for any private activities and does not affect the development of the university.

I submit.

**Hon. Speaker:** Thank you. Hon. Mugo.

**Hon. Edwin Gichuki** (Mathioya, UDA): Thank you very much, Hon. Speaker. I do not have any follow-up question. However, I request for a written response so that the substantive Member can follow up on those promises that the Cabinet Secretary has made through his response.

**Hon. Speaker:** He will give you. Question 100/2024 is by Hon. Caroli Omondi. It is dropped.

*(Question 100/2024 dropped)*

**Hon. Speaker:** Question 148/2024 is by Hon. Geoffrey Makokha, Member for Matayos.

*Question 148/2024*

NUMBER OF SPECIAL SCHOOLS IN THE COUNTRY AND RATIO  
OF TEACHERS TO PUPILS

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Chairman.

**Hon. Speaker:** Which Chairman?

*(Laughter)*

**Hon. Geoffrey Odanga** (Matayos, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary:

- (a) State the number of special schools in the country for primary, secondary and ordinary schools?
- (b) Provide details of the criteria used to post teachers to special needs institutions, including whether it considers the ratio of teachers to pupils?
- (c) Elaborate on the measures being taken by the Ministry to ensure that special needs institutions have enough teachers and necessary facilities as provided in other ordinary schools?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. There are 378 integrated primary Special Needs Education (SNE) schools in the country, with an enrolment of 40,282 learners. There are also 2,514 special primary schools with an enrolment of 77,283 learners.

There are 81 secondary SNE schools with a total enrolment of 7,183 learners. There are 155 junior school SNE institutions with an enrolment of 3,443 learners. We also have 112 pre-vocational SNE institutions with a total enrolment of 2,067 learners.

Hon. Speaker, the Teachers Service Commission deploys teachers to SNE schools based on the ratio of teachers to pupils, the type of disability, and the level of disability. Accordingly, pursuant to that classification of disability under the Sector Policy of Learners and Trainees with Disabilities, 2018, the pupil-teacher ratio for various categories of SNE is as follows:

1. The mentally handicapped have a teacher-student ratio of 1:10.
2. Mentally handicapped that is severe, has a teacher-student ratio of 1:4.
3. Autism has a teacher-learner ratio of 1:4.
4. Physically handicapped has a teacher-learner ratio of 1:15.
5. Cerebral palsy has a teacher-learner ratio of 1:4.
6. Hearing impaired has a teacher-learner ratio of 1:12.
7. Visually impaired has a teacher-learner ratio of 1:15.
8. The deaf-blind have a teacher-learner ratio of 1:1.

To address the current teacher shortage in special schools and units, the TSC has employed the following measures:

1. It has deployed 5,363 qualified teachers from regular schools to special schools and units in the 2023/24 and 2024/25 financial years in four phases as follows:
  - (a) Phase one was done in May 2024 and 1,763 teachers were deployed.
  - (b) Phase two was done in September 2024 where 1,200 teachers were deployed.
  - (c) Phase three was done in January 2025, which is intended to deploy 1,200 teachers.
  - (d) Phase four was done in June 2025, where we intend to deploy another 1,200 teachers.

Notably, the TSC has completed the deployment of teachers in phase one and two and will commence the deployment of phase three and four in January.

Currently, the TSC is in the process of recruiting 344 SNE teacher interns who will be handling learners with special needs; namely, cerebral palsy, hearing impaired, visually impaired and physically impaired.

I submit.

**Hon. Speaker:** Hon. Odanga.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Speaker. The SNE institutions need to be considered as really special and given priority over the other institutions in the country.

Looking at the numbers of pupils and students that are provided by the Cabinet Secretary, this comes to over 200,000 learners countrywide. I am not satisfied that there are only 81 secondary school SNE institutions. If that is true, then I think Kenyans are being starved of SNE institutions in the country and something needs to be done to improve that.

If you have over 200,000 pupils mainly in primary and only 81 secondary SNE schools, that means that pupils who complete primary in special needs education are disappearing somewhere. This needs to be addressed by the Cabinet Secretary.

There are also issues in number two when you look at the ratio of pupils or students to teachers. For a mentally handicapped institution to have a ratio of 1:10, this is far below par and needs to be addressed. Those are mentally handicapped children having one teacher handling 10 of them, and then there is something totally wrong that needs to be addressed urgently. The ratio is far too low and this needs to be addressed.

Many teachers who have transited from ordinary schools to special needs' institutions, as the Cabinet Secretary has said, are paid some allowances which are not paid on time. I am even bothered why some aspects of the trainers are handled by the TSC while others are handled by the Ministry. Why can they not all go to the TSC, so that they are handled in one place? Issues like approving and moving them from ordinary schools to special needs and their budget is being handled at the Ministry. That needs to be addressed to make sure that those teachers are supported and given their allowances.

You can imagine the children they are handling. They take them for sports, teach them throughout and then they are not given their allowances on time. Furthermore, even their pay is low. The teachers need aids and assistive devices.

**Hon. Speaker:** Hon. Odanga, you are now debating. You are supposed to seek a clarification on the answer as given, but you are now debating.

**Hon. Geoffrey Odanga** (Matayos, ODM): Much obliged, Hon. Speaker. I would like the Cabinet Secretary to give more information. I am not totally satisfied with the information that has been given. There are still a lot of loopholes that he needs to provide the answers.

**Hon. Speaker:** Hon. Nabii.

**Hon. Nabii Nabwera** (Lugari, ODM): Hon. Speaker, further to the answers given by the Cabinet Secretary, I want to find out whether the Cabinet Secretary is aware, first, that Milimani, Mukuyu, Maturu and Lumani special schools do not have enough teachers in the ratio he has indicated.

Secondly, whether the Cabinet Secretary is aware that in preparation for the Competency Based Curriculum (CBC) implementation in senior schools, there are no schools in some sub-counties that will ensure 100 per cent transition of students who require special schools.

**Hon. Speaker:** Hon. Masito. It is not Hon. Masito? Mama wa Mombasa, you are sitting in...

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Samahani, Mhe. Spika. Leo sehemu yangu imevamiwa ndio maana nimekaa huku.

Ningependa kumuuliza Bw. Waziri kwa nini waalimu wengi wamefanya kazi muda mrefu bila wao kupata *promotion*. Kisha, kuna ile pesa ambayo wanafunzi wanalipishwa inaitwa *remedial*. Unapata mwanafunzi amelipa *school fees* yote, lakini anafukuzwa nyumbani kwa sababu ya *remedial*. Hii pesa ya *remedial* Bw. Waziri, imekuja kusaidia kitu gani na mbona ni lazima watoto wailipe?

**Hon. Speaker:** Mhe. Zamzam, *remedial* ni masomo ya ziada.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante, Mhe. Spika. Wakati mwingine, mwanafunzi humshinda mwalimu.

Waziri, tungependa kujua kwa nini watoto wanalipa pesa ya masomo ya ziada na wakati ambapo watakuwa wamelipa karo, bado wanafukuzwa shule.

Walimu pia wanalazimishwa kuhamishwa kuenda katika shule zingine za mbali sana na nyumbani, na inawasumbua sana kwa kuacha familia zao. Inakuwa hawawezi *kufocus* na ile masomo. Ahsante sana, Waziri.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. The ratios that we have given were analysed in terms of the severity of the handicap and disability. There is also shortage of teachers. As I indicated earlier, the challenges that we have in the ordinary schools are the same ones we have in special needs schools. We will give attention to employing more teachers for the special needs schools so as to reduce the teacher-learner gap.

In terms of the question relating to the teachers' allowance, this is being handled by the TSC. They handle all the issues relating to teachers in both normal schools and special needs schools. We do not deal with that aspect, but only deal with policy. When issues like these come up, we liaise with the TSC and come up with policies to make their work smoother and more cohesive.

In terms of the schools which Hon. Nabii has indicated, lack a good teacher-learner ratio, I do not have the details and data at hand. We will liaise with the TSC to see whether something can be done in that space. I do not have the actual numbers for those particular schools, namely, Lumama Special Unit School, Mukuyu Special Unit School and Marukusi Special School. We will look into it, get the data and work together with the TSC. Since there are 20,000 teachers who will be employed, we will see what to do.

The question of 100 per cent transition is what we are working on. As you are aware, we are doing transition right now and we are preparing classrooms to ensure that our students transition seamlessly, so that they can continue with their studies. We are looking into this and have ongoing infrastructure development. The question on *walimu wengi bila kupata promotion*, there is a promotion program that is being done by the TSC. I am aware that they have promoted a number of teachers. They normally apply for promotion and they are interviewed. Promotion is done depending on the spaces available and the budget. So, the TSC is handling that aspect.

The question on remedial school fees or *masomo ya ziada ya kurekebisha*, those are unauthorised levies and are not approved by the Ministry. When we know that is happening, action is taken on those teachers. No parent is supposed to pay remedial fees or levies. They are irregular levies that are not authorised by the Ministry.

I submit.

**Hon. Speaker:** Thank you.

**Hon. Raphael Wanjala** (Budalangi, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Wanjala, what is it?

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Speaker. The Government wants a 100 per cent transition to high schools. You will find that it pays capitation for each student, but the teachers have added a levy of about Ksh6,000, Ksh10,000 or Ksh12,000 to buy the food that the students eat in those schools. They send away the children who do not pay. That money is making students to drop out of school.

What are you doing to stop those extra levies that are paid by students? We passed a Motion here and the Ministry informed the Committee on Implementation that no school will be allowed to sell uniforms to students. I have a letter from a school in Bungoma, where the Principal has asked each student to buy uniform from the school at a very exorbitant price.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. As I indicated earlier, extra levies and amounts charged by teachers or principals, relating to uniforms being purchased from specific areas, are irregular and unlawful. Once the

Ministry gets information on this, action is immediately taken on those principals. There is no reason whatsoever for unauthorised extra levies.

**Hon. Speaker:** Thank you. Member for Mathare, Hon. Anthony Oluoch.

*Question 149/2024*

ACCESS TO SCHOOL MEALS IN EARLY CHILDHOOD  
DEVELOPMENT INSTITUTIONS AND PRIMARY SCHOOLS

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) Clarify whether there exists a policy on school meals and nutrition and, if not, indicate the measures that have been put in place by the Ministry to develop such a policy?
- (b) Outline the measures being taken to create working strategies with county governments to ensure both Early Childhood Development and primary schools have access to school meals?
- (c) State the steps that are being taken to roll out a digitised school meals data and reporting module with the National Education Management Information system?
- (d) Provide the measures that are in place to ensure that Alternative Providers of Basic Education and Training (APBET) schools benefit from school feeding programs?

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. The Ministry has drafted a policy document titled “The Kenya School Meals Policy.” The draft has been developed through a collaborative approach involving the Ministry of Education, the United Nations World Food Program, the National Council for Nomadic Education in Kenya (NACONEK), the Rockefeller Foundation and the ministries of Health, Agriculture, Livestock and Fisheries and Water, Sanitation and Irrigation.

The overall goal of the policy is to provide a framework for implementation and management of the school meals program in Kenya. The policy provides for the establishment of the program based on clear goals, strategic objectives and principles. It also provides for key thematic areas that include access, equity and inclusion. Through this, the Government commits to provide diversified and healthy school meals to all learners, including those with special educational needs.

The second thematic area is food safety and quality. Under this, the Government commits to ensure a large food safety and quality in the school meals program. The third thematic area is nutrition and health. Under this, the Government commits to provide safe, diverse and nutritious meals as part of the comprehensive package of school health and nutritional services. The fourth thematic area is on sourcing of food commodities. Under this policy, commitment is given by the Government to promote the provision of accessible and affordable locally available food commodities. The other thematic area is on partnerships, collaborations and linkages. The Government commits to promote a coordinated approach through partnerships, collaborations and linkages.

The draft policy document also provides for its implementation. It has provisions on resource mobilisation to ensure sustainability of the program and monitoring and evaluation, together with research. The draft document also outlines the institutional arrangement for the implementation of the policy through the existing Ministry of Education structures at the

national and county levels. The draft policy is to be subjected to the constitutional processes of stakeholder validation and public participation prior to its publication and adoption by the Cabinet. The Ministry targets to have the policy in place by the end of term one in 2025.

Hon. Speaker, the Ministry works with county governments in covered areas to enhance access to school meals for learners in pre-primary and primary schools. Since pre-primary education is devolved, county governments take the lead in providing school meals for such learners. However, the Ministry has adopted collaborative strategies to work with county governments and other partners to ensure that all learners in covered learning institutions are provided with school meals. This includes entering into inter-governmental partnership agreements as is the case with Nairobi City County.

The agreement provides a framework for collaboration between the national Government and the Nairobi City County Government to provide school meals to learners from pre-primary to primary school level.

Hon. Speaker, a school meal's module has been developed within the National Education Management Information System (NEMIS) platform and successfully piloted in Isiolo. To ensure effective implementation, it is essential that all learners are registered on NEMIS, thus enabling school meals data to be generated directly from the platform. Additionally, a mobile application linked to NEMIS has been introduced for reporting daily learner's attendance. The application allows schools to track the number of learners who receive meals every day and monitor food stock balances in real time.

Head teachers and school meals programme co-ordinators in Garissa, Wajir, Mandera, Kwale and Isiolo have already been trained on using the NEMIS school meals module and the mobile application, ensuring readiness for full implementation. Plans are in place to ensure that digitisation is implemented in all our counties that are benefiting from the school meals program.

Hon. Speaker, the alternative providers of basic education and training institutions in Kenya provide education for students who may not have access to mainstream schools, often due to socio-economic and geographical difficulties.

Those schools are primarily operated by private individuals, faith-based organisations and community-based groups, rather than by the Government. Those institutions complement the Government's efforts to provide education training for all. Alternative Provisions for Basic Education and Training (APBET) typically serve communities in the urban informal settlement areas within the cities, towns and former municipalities.

It is mainly in those environments that APBET institutions have emerged as viable options of responding to educational needs of children, youth and adults who are unable to join formal education institutions. Currently, there is no legal or policy framework for the Ministry of Education to provide school meals to learners in APBET institutions. The current budgetary provision is also limiting in terms of the scope that the school meals programme can cover.

Currently, the school meals programme covers a total of 2.6 million learners in 8,185 schools across the country as of 2024. This extends to over 26 Arid and Semi-Arid Lands (ASALs) counties and informal urban settlements. It is also important to note that the budget for school meals in this financial year was reduced to Ksh3 billion from Ksh5.4 billion in the Financial Year 2023/2024, and an expansion of the programme would require an additional budget.

I submit.

**Hon. Speaker:** Hon. Anthony Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you very much, Hon. Speaker.

Allow me to congratulate the Cabinet Secretary for recognising the existence and role of APBET. The reason is because there are about three million students in the Republic of Kenya who are neither in public nor private schools, and are excluded under the definition of

Article 43 which states that every person has a right to education. I, therefore, want to thank you, Cabinet Secretary, for recognising those APBET institutions.

However, are you aware that the bureaucracy underneath your office, beginning with the sub-county directors, undermines the Legal Notice of 2015 that anchors the idea of APBET? To begin with, NEMIS, which is a requirement for recognition and following up students from their registration, how they go up their levels to the point of doing their exams and even on school feeding program, is denied to APBET students? Are you also aware that even for registration for exams, teachers in APBET institution call me every time exams are about to be done that they cannot register students because they are neither in public nor private schools?

Lastly, I brought a Bill in the last Parliament which was an amendment to the Basic Education Act to anchor APBET institutions in law. Are you aware that, that Bill has passed through the Committee and is about to be published? Members of the Nairobi City County and Members of Parliament who are mostly affected by this, and especially those who represent the informal settlements, including Hon. Kajwang', would like to have a stakeholder's engagement with you. We would like to leave here with an assurance that we will get an appointment before or just after the publication of that Bill.

I, thank you.

**Hon. Speaker:** Hon. Mary Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker. It is good that you have given me the chance before the Cabinet Secretary responds because it is related to the questions that have been raised by the Members.

Cabinet Secretary, all the Ministry's directives to schools are disregarded. I am particularly concerned because in my constituency, for every ten births that are recorded in hospitals, six of them are children under the age of 18 years. This is caused by children being sent home and spending most of their time at home because they have not paid for the school feeding programme and yet, some of them have their homes next to the schools. They can walk home, eat and go back, but they are forced to pay the money. You have to pay even if your home is next to the school. When children are sent home for fees, they spend most of their time at home and we should, therefore, expect many young mothers - which is a concern to us. The Ministry has to do something. When you give directives, you must have a system of compliance to ensure that the schools and the teachers comply so that we can have our children stay and study in school.

**Hon. Speaker:** Hon. Kajwang'. Kindly give him the microphone.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Speaker, first, allow me to congratulate the Cabinet Secretary for his intellectual honesty to admit some things which have not been admitted in his docket ever, including the issue of alternative basic education. This is a bold step that the cabinet secretaries before him and the operatives under him, have never embraced. This is in the entire Nairobi and the informal settlements. This is the bedrock of how our learners get education. Just to put my friend here in order, the issue of the publication is not in his hands. The issue of the publication of the Bill is in the hands of the Hon. Speaker. Probably, you might want to fast-track that publication so that we can engage robustly with the Cabinet Secretary so that we can create an alternative policy.

**Hon. Speaker:** Thank you, Hon. Kajwang'. We will do so. Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker.

Articles 43 and 53 of the Constitution require us to provide education to all the children up to the age of 12; and if we are not able and somebody else is willing to do it for us, it is then upon us to ensure that we recognise and give them the support that they need to ensure that we are doing what we are supposed to do for the purpose and the interest of those children. As you

look into the Bill, the Ministry will create a directorate that would be responsible for that particular sector so that all the issues can be dealt with just like we are doing with other students.

*(Applause)*

I am with you on that one, and I would be on top of it.

On the question of the feeding programme, lunch fees are unauthorised levies. In fact, the policy that we have in the Ministry is that children should be allowed to carry lunch to school or go back home and have lunch. If they do not want to eat in school, no parent should be forced to pay. It is illegal for anybody to force them to pay or to send them home for not paying. I indicated earlier when I came that we have taken the bold decision that going forward, we will convert some of those violations and acts of disobedience into criminal acts. If you are caught doing something, you will be punished. You will not just be transferred to another school because you might go and engage in another illegality there. You need to be punished. We will ensure that you never work in the education sector again. We will have a register of wrongdoers, which we will check, similar to when one gets a certificate of compliance so that we can clean up that sector. We are willing to bite the bullet and make the decisions that need to be made so that we do what is right for our children.

Thank you.

**Hon. Speaker:** Yes, Hon. Passaris. First, let us have Hon. Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Speaker. First, please, allow me to apologise for being late. I seek the Speaker's indulgence to kindly, with a lot of humility, allow the reinstatement of my Question 096/2024.

**Hon. Speaker:** Where were you when I called it out?

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Hon. Speaker, I had rushed to the constituency to attend to something, having been here earlier in the morning. In view of the Question and what is happening in our universities, I kindly seek your indulgence.

**Hon. Speaker:** Okay, take your seat. Hon. Esther Passaris, you can ask your Question.

### *Question 93/2024*

#### IMPLEMENTATION OF RESOLUTION ON STANDARDISATION OF UNIFORMS ACROSS THE COUNTRY

**Hon. Esther Passaris** (Nairobi City County, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) Provide details on the status of implementing the House Resolution regarding the standardisation of uniforms across the country to be based on the level of education?
- (b) Clarify whether the Ministry has considered adopting a policy of bulk purchasing and distribution of boarding items (such as mattresses, buckets, metal boxes, games kits, rubber shoes and slippers) to public schools, akin to its approach with books.
- (c) Highlight measures that are being taken to address unhealthy and illegal practices in schools, particularly regarding alcohol and drug abuse.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. The Ministry recognises that the objective of the resolution to standardise school

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uniforms across the country is to ensure that school uniforms do not become prohibitively expensive. The Presidential Working Party on Education Reforms also captured in their report the matter of the prohibitive cost of school uniforms. They noted that school uniforms are expensive for parents because school administrators collude with suppliers and force parents to purchase from specific suppliers that are identified by the school administration. Consequently, they recommended that the Ministry of Education provide guidelines to regulate and liberalise school uniforms in basic education institutions. We are now working to implement the Resolution of the House and the recommendations of the Presidential Working Party on Education Reforms.

Presently, school uniforms are determined by the boards of management of those institutions in consultation with the parents' associations of those schools. This is according to Regulation 67 of the Basic Education Regulations. We are also reviewing those regulations in the context of the ongoing education sector reforms. We have drafted the requisite reform Bills for submission to Parliament. We are now developing draft regulations. That review will require us to consider and balance the various factors, such as the need for standardisation *vis-a-vis* the role of school uniforms as unique identifiers and marks of schools' traditions and history. Some uniforms are also sensitive to climatic conditions in certain areas and specific cultural and religious contexts.

In the meantime, as we work to provide an appropriate legal and policy framework, we are already implementing measures to ensure that school uniforms are not prohibitively expensive. By a Circular dated 30<sup>th</sup> May 2023, under Ref. No. MOE Headquarters/3/13/3, regional and county directors of education were directed to ensure the stoppage of the practice where schools stock uniforms and compel parents to buy them or direct parents to purchase uniforms from specified suppliers. We will also note and process the names of non-compliant schools for necessary action within the provisions of the law.

The Ministry also issued a directive to school principals to the following effect: No school will direct parents to any particular outlet to purchase uniforms and, no school will stock any uniforms and boarding-related items whatsoever. The guidelines for the implementation of junior secondary education are clear, and no learner shall be excluded from school for failure to afford school uniforms. That Circular is indicated as Annex No.3 in our written response.

I wish to point out that under the current legal and policy framework, the scope of the Government's role in free and compulsory basic education is limited to paying tuition fees. At the primary school level, the Government provides capitation at the rate of Ksh14,420 per learner per year. The rate for junior secondary schools is Ksh15,042 per learner per year, and the rate for secondary schools is Ksh22,244 per learner per year. Boarding items are not covered under that capitation by the Government. Parents cater for boarding costs. In this context, it is the responsibility of the parents to buy boarding items such as mattresses, buckets, metal boxes and slippers for their learners. The Ministry ensures that the costs of those items are affordable by prohibiting schools from requiring parents to purchase those items from specific suppliers or the schools themselves. The funds Parliament allocates to the Ministry of Education are for capitation to support tuition-related aspects such as textbooks. That is why the centralised purchase of textbooks is funded by retaining part of the capitation to purchase and distribute them to schools.

We have implemented several measures to address unhealthy and illegal practices in schools, with a particular focus on combating alcohol and drug abuse. Those efforts aim to safeguard students' well-being, enhance the learning environment, and promote moral and social responsibility. Some of those measures include creating a policy framework. The Ministry of Education has developed policies that outline guidelines for preventing and managing alcohol and drug abuse in schools. Those include the National Guidelines for Alcohol and Substance Use Prevention and Management in Basic Education Institutions.

Secondly, we also have awareness and sensitisation campaigns. The curriculum includes lessons on the dangers of alcohol and drug abuse, helping students to develop resilience and decision-making skills to avoid those substances. The Ministry also collaborates with organisations such as the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) to raise awareness about the effects of substance abuse.

Thirdly, we also have guidance and counselling programmes in schools. Schools are mandated to establish or enhance counselling departments with trained teachers who can guide personal and social challenges, including substance abuse. Peer educators are also trained to support fellow students by sharing knowledge and experience, and creating a supportive environment to resist peer pressure.

There are also collaborative efforts with the law enforcement agencies. Schools work with the local police to ensure rapid responses to incidents involving illegal substances, including arrests of individuals who are supplying drugs to students. We also coordinate efforts between schools, law enforcement and NACADA to identify and dismantle supply networks that are targeting schools. We also have another programme, the Enhancement of Monitoring and Evaluation through our field officers. We undertake regular assessments in schools to evaluate risks and vulnerabilities that are related to substance abuse with actionable recommendations for improvement.

The Ministry also has a policy of ensuring that schools encourage students to participate in sports, drama, music and other extra-curricular activities that provide constructive alternatives to drug use. Emphasis is placed on nurturing students' talents and interests, keeping them motivated and less likely to engage in unhealthy behaviour.

I submit.

**Hon. Speaker:** Hon. Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Cabinet Secretary, through the Speaker. I recently took a young girl who had not gone to school because her parents had no money to buy uniforms. This was a public school in Nairobi County. The cost of mattresses, blankets and everything the family needed was Ksh30,000. That transition is not happening at the moment. Since you provide beds in the boarding facilities, can you also provide mattresses? Some of the children buy one-inch or two-inch mattresses, while others buy second-hand mattresses, which are ruining their backs for the future. That becomes a health hazard.

When I talk about the standardisation of uniforms, in South Africa, all the schools practically wear the same grey, black simple dress and a white shirt. Here, we have made uniforms that are so complicated and very expensive. I was just wondering, in your opinion, as per your policy, because we want a 100 per cent transition, if a family is unable to buy uniforms, can it be able to send their children to school with their home clothes? I still feel that uniforms are very colonial. Most schools in America, France and England no longer have uniforms. Children go with their home clothes. So, where a family cannot afford school uniforms, what is your policy on the child being admitted to school to study, whether she has uniforms or not? It is becoming prohibitive, and it is denying the child the transition to the school.

Thank you.

**Hon. Speaker:** Yes, Cabinet Secretary?

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. As I have indicated, as a Ministry, the policy is not to send away students because they do not have uniforms. That is not allowed. You are supposed to admit them whether or not they have uniforms. That is the current policy that is in place.

Regarding the standardisation of uniforms, having one type of uniform across the country is a conversation we are having. Eventually, we might reach there. But as of now, the various schools, through the boards of management and parents' associations and teachers,

determine what uniforms they want for their particular schools. Maybe, as a country, that is a conversation we should have to move towards bulk purchases organisation, just like we moved from books. It took a long time to transition to the bulk purchasing of books. It is a conversation that we will continue having to see how that will work.

The other question was...

**Hon. Speaker:** The other was just a narrative of something she did recently.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): I think it was a narrative, but thank you for that.

**Hon. Speaker:** Hon. Mathenge.

*Question 96/2024*

FAILURE BY THE UNIVERSITY OF NAIROBI DENTAL  
SCHOOL TO OFFER LECTURES ON ORTHODONTICS

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary-

- (a) Explain why undergraduate and master's degree students at the University of Nairobi Dental School are not receiving lecturers and lectures for orthodontics.
- (b) Elaborate on how students will qualify to graduate without completing the stated required coursework and modules and yet, those are doctors who are supposed to be handling human lives.

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. The University of Nairobi has clarified that the Dental School continues to deliver orthodontics education despite the transitions in the teaching staff. In particular, two key members of the faculty left. Those were Dr James Ngesa, who resigned in November 2023 and Dr Peter Okong'o, whose contract expired in May 2023.

Upon their departure, Dr Nathan Siwa, a senior faculty member, maintained the teaching schedule despite the heavy workload. This has been necessary to ensure continuity. It is important to note that, despite the staffing challenges, the department continues to deliver orthodontics education through multiple teaching modes, including physical and online lectures, tutorials and clinical teaching. The department remains well-equipped with essential facilities, including teaching laboratories, skills laboratories, teaching clinics, lecture theatres and qualified orthodontics technicians. The university has taken steps to remedy the situation. Dr Ngesa has indicated a willingness to return in the course of this month. The university is also taking measures to ensure proper succession management.

Orthodontics is a crucial component of multiple academic programmes within the Dental School. It is offered in the Bachelor's Dental Surgery programme through two-course units, VDS 490 and VDS 590. At the post-graduate level, orthodontics is taught as part of the master's dental surgery in oral and maxillofacial surgery under code VMS 590, and the master of dental surgery in paediatric dentistry, which includes two courses, VPE 822 and HDS 6340. The course is also included in the Master of Dental Surgery in Pedantology under the code HDS 6340.

The University of Nairobi has implemented comprehensive measures to ensure students complete all required coursework before graduation. In April 2024, the university administration approved a five-week extension programme specifically for year five bachelor of dental surgery students to complete their outstanding clinical rotations and examinations.

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The strategic measure that the university took was to ensure that students covered all the relevant coursework before graduation, as follows:

It was a carefully structured five-week academic extension for final-year dental surgery students to complete 33 hours of essential clinical rotations. The department has successfully covered the syllabus for various orthodontic courses. This extension was granted without additional financial burden to the students. The university's quality assurance mechanisms, including external examination moderation, remain robust. All examinations are conducted with proper oversight being set and moderated by external examiners to maintain academic standards. With those strategic interventions, the university ensures that its students meet all professional and academic requirements in dental education before graduation.

I submit.

**Hon. Speaker:** Hon. Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Hon. Speaker, for the information of the Cabinet Secretary, I am in the dental profession as a dental technologist and, therefore, I am in touch with my professional colleagues, including students. Students and their parents, despite not paying anything extra for coursework, incurred accommodation expenses and food for five weeks as a result of the failure of the university to provide lecturers. When you have an entire dental school with only one professor and one lecturer taking both undergraduate and master's students, then the quality of training is definitely highly compromised. I dare the Cabinet Secretary to take a team from this House on a tour of the Dental School. The dental units in the Dental School are hardly functional. Therefore, the clinical output in terms of the clinical hours and contact with patients is not being met.

When we look at what is happening at Moi University, we do not want the same thing to happen at the University of Nairobi.

**Hon. Speaker:** Thank you. Yes, Hon. Kaguchia.

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you, Hon. Speaker. In the same breath, on the issue of the University of Nairobi, we seem to be having an administrative challenge where the Chairman of the Council of the University, Prof. Amukowa Anangwe, seems to be wreaking havoc. He seems to have removed the Vice-Chancellor, Prof. Stephen Kiama, even though he had only four months to complete his term. Of course, he wished to have the same contract renewed, but he was not only removed as a Vice Chancellor of the university, but his professorship as a faculty member at the University of Nairobi was also revoked.

The Cabinet Secretary should explain to us what could be so bad that you sack or remove a university Vice-Chancellor just about four months before his renewal, and then go ahead to sack him as a university professor. That is unheard of and has not been seen in this country before. The same Chairman of the University Council has also transferred many staff from that institution as if he were an executive chairman and yet, he is not supposed to be involved in the day-to-day operations and running of the University. For example, he has transferred the Registrar Administration, Mr Benard Njuguna, to Kisumu, and the Estate Manager, Mr Andrew Buka. The University of Nairobi, again, perhaps, to ensure that the Chairman of the University Council has an overriding say in that University, has ensured that all the senior positions remain vacant. The position of the vice-chancellor is vacant - the same as that of the deputy vice-chancellors. There is no single one in office. Even the finance officer, procurement manager, chief medical officer and chief security officer are not in office and yet, all those are important positions in running the university. In the absence of people in those positions, we have people acting in those capacities. What has happened is that the Chairman of the University Council has now taken on the responsibility to run those positions. I do not know whether the Cabinet Secretary is even aware that the Chairman of the University Council has even secured a house within the University to stay and sleep in!

**Hon. Speaker:** Where is the evidence for all that?

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, I can provide the evidence. He has secured a house to sleep in at the University. He has also acquired an office there and currently operates from there. It is even rumoured that he intends to...

**Hon. Speaker:** Order! This House will not entertain rumours. We want facts.

*(Laughter)*

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, I withdraw on the rumour. However, the Ethics and Anti-Corruption Commission (EACC) has written to the Chairman of the University Council asking him to remove Brian Ouma from a position that he holds with fake papers, a position that is not provided for in the university.

**Hon. Speaker:** Hon. Kaguchia, as a lawyer, you are treading on very dangerous grounds. You are making very outrageous allegations with no evidence.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, if you give me time, I will table evidence in this National Assembly within a few minutes.

**Hon. Speaker:** You will go ahead and do so.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, I will do so.

**Hon. Speaker:** Okay. Yes, Hon. Rachael Nyamai.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Speaker, for giving me a chance to also joyride on this supplementary question session. I would like to ask the Cabinet Secretary whether he will assure this House that there will be no crisis in the Department of Dental Sciences. I have listened to him very carefully and noted that he was very careful when he was responding to this Question. There seems to be a problem of human power. There is only one professor in that Department, one lecturer who has resigned and one whose contract has come to an end. Can he assure this House that he will administratively ensure that students from the University of Nairobi will not be left without training for that very important course, which is a matter of life and death? This is because it is about teeth and the mouth, and this is about life. Dentistry is very important; we cannot play around with it because it is also part of the core medicine.

Thank you, Hon. Speaker.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I will go straight to my question on university education. The Cabinet Secretary is aware that besides the issues that were being alluded to by Hon. Kaguchia regarding the University of Nairobi - and I repeat, 'The University of Nairobi'...

**Hon. Speaker:** Yes, The University of Nairobi. Hon. Robert, you behave like you did not go to the University of Nairobi.

*(Laughter)*

Hon. Ichung'wah, go on!

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, on a light note, Hon. Robert Mbui attended one of the other universities named after individuals. As I was saying, the Cabinet Secretary is also aware that Moi University has been in a crisis for some time. We would like to hear what policy initiatives the Cabinet Secretary and the Ministry have put in place now that we have changed the funding model, and now that universities have almost adequate resources. I say 'almost' because this has just begun, but we are certain that they will have adequate resources now to run their programmes. However, the Question of governance

in the universities remains a major challenge not just at the University of Nairobi and Moi University, but in almost all our public universities.

If the Cabinet Secretary visits almost all our public universities, he will discover that they all have major stalled projects. Some include gates and guest houses built at the cost of hundreds of millions of shillings. I would like to hear what the Ministry and the Cabinet Secretary are doing in terms of policy changes to ensure that public universities do not spend public money that they get through the new funding model to invest in 'white elephant' mega projects that are never completed. They are always a conduit for the pilferage of public resources, especially now that they will definitely get more money.

My Question is: What policy initiatives or interventions are you putting in place, as the new Cabinet Secretary in charge of Education, to specifically deal with that issue in our public universities? This is because if the lack of Exchequer releases to universities was a problem; the bigger problem would be how that Exchequer is expended once it gets to those universities. Visit those universities, and you will see what we are talking about. Whether you go to Moi University, the University of Nairobi, or Lower Kabete Campus, some projects have been left there since the 'Nyayo' days. The situation is the same in the Kikuyu Campus of the University of Nairobi, Chuka University, Embu University and South Eastern University. There is no single university that does not have a stalled mega project. Those who sit in the Budget and Appropriations Committee will tell you the kind of lobbying that is usually there during the budget-making process to allocate resources to those universities. However, those projects never come to fruition and are never completed.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker.

On the issue of the University of Nairobi, Department of Dental Sciences, we requested for a clarification, and we got a report about what they are doing *vis-à-vis* the challenges they had when the two professors left and what steps they are taking to ensure continuity in the learning.

With respect to the particular equipment and laboratories that are dilapidated, this is a replica of everything that is going on in almost all the universities. However, I can assure you that we will make a point of bringing our universities back to what they used to be.

I would like to answer the Question from Hon. Kaguchia generally because I do not want to go into the specifics. This is because, as we speak, we are taking action on the issue of governance in universities. Governance is a big challenge that has bedevilled almost all the 23 public universities. We keep saying in English that they are 'technically insolvent,' but I think they are insolvent. So, we need to ensure that, as we deal with the budget, we also deal with governance because you can give an institution money, but if the governance is wanting, that money will not do what it is supposed to do. So, we are doing something about it. We are currently doing something about the challenges that the University of Nairobi is facing. I do not want to go into the details because it is alive and active. Even as we speak, a team is working on it.

But concerning what we will do to deal with the issues relating to incomplete projects in various universities, we have requested and directed that an audit be done for every university on the stalled projects and the costs required for them to be completed. We have also directed that no new projects should be started until those that are stalled are sorted out. So, we are doing something; we are cleaning up the space. We will also come back here frequently because issues relating to governance also affect communities. So, we will be coming back to get your support. As we implement those policies, some of them will be bitter. We will need

your support to implement the policies. All of us are affected by what is happening in the universities, and it is time that we put all cards on deck so that we can solve the problems.

Thank you. I submit.

**Hon. Speaker:** Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Speaker. This is a House of Records. When a Cabinet Secretary responds in the affirmative, it means the situation is wanting. The Cabinet Secretary has just confirmed that 23 of our universities are insolvent. What does that mean? It means the universities are unable to pay or own debts. In terms of understanding the financials, they are supposed to be given two directions: either a natural death or liquidation. What route has the Cabinet Secretary initiated to settle our insolvent institutions?

**Hon. Speaker:** Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I would like to bring to the attention of the Cabinet Secretary that, as the law stands, now with respect to the Commission for University Education (CUE), the Kenya Medical Practitioners and Dentists Council (KMPDC) does not monitor the training of medical and dental students. That work is left to CUE, but I am not too sure whether it has the capacity. How, then, can they pick out the problems in advance, as raised by Hon. Mathenge, if KMPDC is not doing what was there formerly before the University Act came into being? That was the practice!

**Hon. Speaker:** I want to close this matter. Hon. Ngogoyo.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Thank you, Hon. Speaker. Mine is brief. Cabinet Secretary, you are aware that TSC has confirmed that they lack science teachers in this country. What are you doing because the Ministry owns the colleges? What are you doing to make sure that we have science teachers? In my constituency, there is no deployment of any teacher for science lessons in JSS. All the teachers we have are for art lessons. What are you doing to ensure that there are science teachers in schools in the present and the future? It is clear that there is a deficit, and TSC has said that it has none to deploy.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you. On the question of universities' technical insolvency, the new funding model was introduced to ensure that they have sufficient funds to turn them around. Based on the simulations that have been done and with proper governance, all our universities in this situation will come out of the doldrums in the next three or four years. That is the programme to ensure that we do not lose our universities.

On the question of CUE and KMPDC, we are currently undertaking the amendments of the laws, including the Commission for University Education Act, to ensure that it is harmonised and aligned so that there is no contradiction in the duties and responsibilities of various organisations that deal with various medical institutions or other educational institutions, including engineers. There should be no conflict. We are working on the harmonisation so that CUE is more effective on what it was initially intended to do. The CUE is working with all professional bodies to ensure that whatever issues that conflict with their mandate are aligned. We have a body that is fit for that purpose.

On the issue of the lack of sufficient science teachers, we have started working with the Centre for Engineering, Mathematics, Science and Technology Education in Africa (CEMASTE) to ensure that a number of teachers are employed. I understood what TSC was saying. For example, they do not label mathematics as a science subject. We are working on that to understand what it means to say one is a science teacher. We are working with TSC to ensure that many students take science courses as admissions are done. We are doing something to encourage more students to apply for science courses. We are also putting in place

programmes to support students who are taking science courses. For example, we want to provide support in terms of resources so that a science student is supported much more than one who is doing arts so that we can get more science students.

**Hon. Speaker:** That is affirmative action.

**The Cabinet Secretary** (Mr Julius Ogamba): Yes. Affirmative action. Thank you, Hon. Speaker. It has been quite a long day.

**Hon. Speaker:** Hon. Robert Mbui, ask the very last Question.

#### QUESTION BY PRIVATE NOTICE

*QPN 16/2024*

#### STATUS OF PREPAREDNESS TO TRANSITION TO GRADE 9

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker, for your indulgence. First, I apologise for coming in after the Cabinet Secretary to ask this Question.

I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) Provide an update on the status of preparedness by the Ministry to transition Grade 8 learners to Grade 9, which is happening at the end of this year.
- (b) Provide a report on the number of classrooms that are planned to be constructed and the number of classrooms that have already been constructed in readiness for January 2025.
- (c) Outline the plans that have been put in place by the Ministry to ensure a seamless transition of learners in Grade 8 to Grade 9.
- (d) Clarify whether there are adequate teachers to support learners transiting to Grade 9 and indicate whether there are any plans by the Ministry, through the Teachers Service Commission, to absorb enough JSS teachers to ensure a seamless transition across the country.

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): In preparations for the transition to Grade 9, we have focused on three main aspects: Provision of adequate classrooms and furniture, provision of adequate textbooks and recruitment of additional teachers. Regarding classrooms, the Ministry undertook a countrywide assessment, which found out that the total classroom requirement for Grade 9 is 16,000 classrooms. To ensure those classrooms are ready by January 2025, the Government has disbursed Ksh11 billion to schools across the country to construct 11,000 Grade 9 classrooms. A further Ksh6.8 billion has been allocated to NG-CDF, being Ksh3.4 billion from the Ministry of Education matched with Ksh3.4 billion from NG-CDF, for 6,800 classrooms. The 18 constituencies in Nairobi County have been allocated another Ksh1 billion for infrastructure development through NG-CDF.

We take the opportunity to thank Members for the work they are doing in their respective constituencies in constructing the classrooms. We value that support and partnership. Every public JSS with learners on NEMIS gets Ksh15,042 per learner per year. There is a vote for repairs and improvement of school infrastructure, which is currently Ksh4,000 per learner per year. The Ministry has directed that the money under this vote for this term be strictly used for the provision of desks and chairs for Grade Nine students.

On the issue of teachers, the Teachers Service Commission (TSC) - through a multi-agency approach - has trained 60,642 Junior Secondary School (JSS) teachers. They will



undergo further re-tooling in November and December to prepare them for Grade Nine students. During the same period, 19,960 JSS head teachers will be re-tooled. In collaboration with the Centre for Mathematics, Science and Technology Education Africa, the Commission has provided specialised tailor-made re-tooling programmes for 7,700 teachers that is integrated in science and mathematics.

Hon. Speaker, during the Financial Years 2022/2023 and 2023/2024, the Government recruited a total of 48,550 teachers for JSS. This included 9,000 teachers on permanent and pensionable terms and 39,550 intern teachers. In addition, the Government deployed 8,378 qualified primary school teachers to JSS, increasing the current number to 56,367. Following the budgetary allocation, the Government has converted the 46,000 intern teachers to permanent and pensionable terms from January 2025. The TSC is now recruiting an additional 20,000 intern teachers who will be at work by January 2025.

On textbooks, through the Kenya Institute of Curriculum Development (KICD), the Ministry began the countrywide distribution of books on 23<sup>rd</sup> October 2024. They are being distributed at the ratio of one book per learner per subject in every learning area. The distribution will be completed at the beginning of term one in January 2025. A total of 16,000 classrooms are required for Grade Nine learners. However, the Government has provided resources for the construction of a total of 17,800 classrooms. The Ministry of Education is directly responsible for 11,000 classrooms, while the National Government Constituencies Development Fund (NG-CDF) is working on another 6,800 classrooms. Out of the 11,000 classrooms that the Ministry funds, a total of 5,052 classrooms across the country have already been completed and handed over. The remaining 5,948 classrooms are at various stages of completion and will be ready by December 2024. The construction of 6,800 classrooms that are funded by the NG-CDF is expected to be completed by December 2024.

The Ministry has taken the following measures to ensure that the Grade Nine classrooms are completed before the start of the 2025 academic year:

1. There are strict timelines for the construction to ensure completion by December 2024.
2. The procurement process was undertaken at the school level so that they could manage, own and monitor the process and progress of the construction.
3. The monitoring of the construction sites has been ongoing to ensure timely completion of the projects.

Field officers provide weekly updates to the Ministry on the construction progress. Any challenges that they face are immediately escalated. The Ministry has taken the following measures to ensure a seamless transition of learners from Grade Eight to Grade Nine:

1. There is provision of adequate infrastructure and furniture by building the necessary classrooms in time and directing the acquisition of furniture from the capitation that is provided to schools.
2. Providing resources for the confirmation of the 46,000 intern teachers to permanent and pensionable terms and employment of an additional 20,000.
3. Distributing books across the country to ensure that learners will have their textbooks at the ratio of one book per learner per subject.
4. Re-tooling JSS teachers to adequately prepare them to handle Grade Nine learners.
5. Ensuring timely disbursement of capitation to support JSS operations.

Hon. Speaker, as earlier indicated, public JSS have been served with 56,367 teachers, comprising 9,000 teachers on permanent and pensionable terms, 39,550 intern teachers and 8,378 qualified primary school teachers. The Government has converted the terms of the intern teachers to permanent and pensionable, effective in January 2025. It is recruiting another 20,000 teachers. The intern teachers will report to schools in January. Further recruitment will

be done progressively to bridge the gap and ensure optimal staffing levels as resources become available.

To enhance the capacity of JSS teachers, including school heads, the TSC continues to provide in-service training through multi-agency approaches. This ensures that all teachers are re-tooled to effectively implement the Competency-Based Curriculum (CBC) and deliver quality learning outcomes.

I submit, Hon. Speaker.

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

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker, for giving me this opportunity. Allow me first to inform the Cabinet Secretary that Members of Parliament do not construct classes. I have heard that, but we do not want it to go on record. It is NG-CDF that does that, but not Members of Parliament.

Numbers do not lie. The Cabinet Secretary has clearly indicated that a total of about 16,000 classrooms will be built for purposes of JSS. The Government's policy is that every primary school is supposed to transition to JSS. Therefore, they must have a Grade Nine class by January next year. At the same time, some of the schools do not have a single stream. They have either double or triple streams. There are over 32,000 primary schools in Kenya. If he has talked about 16,000 classrooms, that does not reach half of the schools. More than half of the schools in the Republic will not have a class ready in January. The Cabinet Secretary should tell us what the principals or heads of the institutions are supposed to do.

Secondly, it is also important to note that the number of teachers he has enumerated here is not enough to teach in all those schools. JSS starts from Grade Seven and Grade Eight, and it will be up to Grade Nine next year. We do not have enough teachers. What advice is he giving the principals and the heads of the institutions to figure out what to do when the children report in January?

Thirdly...

**Hon. Speaker:** Enough, Hon. Mbui. Cabinet Secretary.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Speaker, I am not done. The Cabinet Secretary was taking a joyride on my Question. He talked about resources and textbooks, but he did not mention the laboratories that are needed for JSS. Can he tell us when we will get enough laboratories for our schools?

Thank you, Hon. Speaker.

*(Hon. (Dr) Makali Mulu spoke off the record)*

**Hon. Speaker:** Let him answer that first.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. I indicated that an assessment was done to determine how many classrooms would be required for our students' transition from Grade Eight to Grade Nine. It came to 16,000 classrooms. The Ministry of Education is undertaking its construction. Additionally, the NG-CDF - in partnership with the Ministry - will construct another 6,800, making a total of 16,000 classrooms, which I have indicated. There is a method that was used in assessing which schools require to have which classrooms.

**Hon. Speaker:** Cabinet Secretary, the most important issue he is asking is what you will do when classrooms are not ready, and when children resume school. Secondly, can you tell the country whether you have prepared the necessary facilities, like laboratories in the schools? The others are a repetition of what you have said.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): I have said that 16,000 classrooms will be ready to admit the students in January. This is the assessment that the Ministry did. We will be ready. There is a programme to construct 2,000 laboratories next

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year. Once we finish with those classrooms, we will start their construction. As we speak, they are not there.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Speaker. I agree with Hon. Mbui regarding the construction of classrooms by Members of Parliament because this is a House of Records.

I also want to follow up on an earlier matter that is quite serious. We need your indulgence. The Cabinet Secretary mentioned in his Statement that universities are insolvent. Those of us with financial background cannot allow that to go on record. It will have serious repercussions on universities. I want to plead with you – if it is possible – that we allow the Cabinet Secretary to retain technical insolvency rather than confirming that universities are insolvent. That will have serious implications.

**Hon. Speaker:** Cabinet Secretary, are they technically insolvent or insolvent?

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Technically insolvent, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** So, the words “actually insolvent” are expunged?

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): They are expunged. Thank you, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Members!

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Hon Members, I wish to introduce to you a delegation comprising Members of the Foreign Affairs Committee of the National People's Congress of the Peoples' Republic of China, seated in the Speaker's Row. They are:

1. Professor HAO Ping, Member of the Standing Committee of the National Peoples' Congress, Vice-Chairman of the Foreign Affairs Committee and Leader of the delegation;
2. Mr. MA Yiming, Member; and,
3. Mr. Zhang Li, Member.

The delegation, accompanied by three (3) officers, is in the country for bilateral meetings with Members of the Kenya-China Parliamentary Friendship Group in the National Assembly.

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

I thank you.

*(Applause)*

**Hon. Speaker:** Yes, Sunkuli. Minister you will hold on there for this interlude.

**Hon. Julius Sunkuli** (Kilgoris, JP): Hon. Speaker, I wish to join you in welcoming Members of the Standing Committee of the National Peoples' Congress of the Peoples' Republic of China where I served as an ambassador for five years. This delegation ...

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**Hon. Speaker:** You should also be honest to say through the courtesy of yours truly.

*(Applause)*

**Hon. Julius Sunkuli** (Kilgoris, JP): Hon. Speaker, I still recall those days. In fact, after you gave me an appointment letter, you subsequently gave me another letter to say that I was one of the best serving ambassadors. It was during your great leadership in the Ministry of Foreign Affairs that the Peoples' Republic of China and Kenya became really good partners and a lot of investments went through because of the leadership that we had at that time. We want to urge the House to continue treating the Peoples' Republic of China as great friends. I know that you have not recognised Ambassador Zhou Pingjian...

**Hon. Speaker:** Is the Ambassador there as well? Ooh! He was not on my list. Welcome your Excellency to the House of Parliament.

*(Applause)*

**Hon. Julius Sunkuli** (Kilgoris, JP): Ambassador Zhou is the real glue that is holding the relationship now. He is promoting the relationship between this House and the National Peoples' Congress of the Peoples' Republic of China. I want to welcome them and assure them that the Republic of Kenya is a great friend of China and values the great contribution of China in her development.

Thank you very much.

**Hon. Speaker:** Thank you. Hon. Shakeel, do you need to say anything?

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon Speaker for giving me the honour. As the Chair of the Kenya-China Parliamentary Friendship Group, I welcome our visitors. They are Members of their Parliament, the National Peoples' Congress (NPC). We have already had a successful third bilateral meeting with them. We shall be meeting them later on. So, I want to say that we have had ... Even the Deputy Speaker was in one of those meetings and many others including ...

**Hon. Speaker:** Just welcome them to the House.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): I want to welcome them to the House.

Thank you very much.

**Hon. Speaker:** Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Speaker. Allow me to really thank you this afternoon for giving us an opportunity to meet the Foreign Affairs Committee of the National Peoples' Congress of the Peoples' Republic of China and to thank Professor HAO Ping for the reception that they gave us in China. I want to say to the Ambassador that, indeed, China is a true friend as a country. We learn a lot from you. More importantly, we know we have embraced each other and we shall continue working together to create a better relationship than what we have.

Thank you.

**Hon. Speaker:** Thank you. We will go back to Questions.

**Hon. Speaker:** Yes, Hon. Kaguchia.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, I want to thank you very much for giving me this opportunity once again. You had requested me to table evidence on the many issues that I raised here.

**Hon. Speaker:** Hand over the documents to the Clerk.

**Hon. John Kaguchia** (Mukurweini, UDA): Hon. Speaker, I want to be on record...

**Hon. Speaker:** Hold on there. Hand over the documents to the Clerk. He has already told me that he needs to verify. Having documents and proving your case are two different things.

*(Laughter)*

Give the documents to the Clerk and then tomorrow, I will rule on their admissibility. Not tomorrow! On Monday afternoon. If they are found to be authentic, I will allow them on record. If not, I will expunge them and mete the necessary punishment on the person who has brought them.

**Hon. John Kaguchia** (Mukurweini, UDA): Hon. Speaker, just on the same as I table the documents; I realised that the Cabinet Secretary did not in any way answer the issues I raised, even the ones that did not need documentation and evidence.

**Hon. Speaker:** Once I verify, we can summon him at any time. So, give them to the Clerk and then they will authenticate the documents.

Hon. Members, we have the Cabinet Secretary for Agriculture and Livestock waiting to take the Floor. I want us to stop here with the Cabinet Secretary for Education and bring in the Cabinet Secretary for Agriculture. It is only fair.

Order Members! You are about 10 of you raising your hands. In the interest of fairness, I reject all of them.

*(Laughter)*

Let us get the Cabinet Secretary for Agriculture and Livestock. Cabinet Secretary for Education, you are released to go back to your office. However, remember all the issues that Members have raised as you go away.

Hon. Members, as the Cabinet Secretary goes away...Order Members!

*(Hon. Mwenje stood up in his place)*

Oder, Hon. Mwenje! Take your seat. As the Cabinet Secretary goes away, this is something that the Cabinet Secretary will need to come and address the House on:

If the Junior Secondary Schools (JSS) are going to be domiciled in primary schools. What that means is that we will not have form one students in secondary schools. What will happen to the physical facilities in the existing secondary schools in terms of class rooms and boarding facilities? What are you planning to do with them and the Form I teachers in secondary schools now that you are going to domicile the JSS in primary schools? Next time you appear before this House, it will be important that you satisfy Members of Parliament and the country on that, so that we do not engage in any wastage of public facilities and resources.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Well noted, Hon. Speaker. Thank you.

**Hon. Speaker:** The Leader of the Majority Party, can you now release your Cabinet Secretary and bring in the one for Agriculture?

*(Dr Andrew Mwihia Karanja was ushered into the House)*

**Hon. Speaker:** Members with questions, be ready. Cabinet Secretary and your team, you are welcome. We will start with Question 146 of 2024 by the Deputy Speaker.

*Question 146/2024*

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STATUS OF IMPLEMENTATION OF RECOMMENDATIONS  
ON WITHDRAWAL OF HARMFUL CHEMICAL PESTICIDES

**Hon. Deputy Speaker:** Thank you, Hon. Deputy Speaker. My question is directed to the Cabinet Secretary for Agriculture and Livestock Development. I will take just one minute to provide some background, as this is a follow-up to an action by the previous Cabinet Secretary.

Cabinet Secretary, on the 31<sup>st</sup> of August 2023, I wrote to the then Cabinet Secretary for Agriculture relating to the use of carcinogenic pesticides in Kenya. At that time, I had already brought a Motion in Parliament on September 2019. That was in the 12<sup>th</sup> Parliament. Again in 2022, in the 13<sup>th</sup> Parliament, I raised the same issue. Again, in the year 2023, I sought a Motion for the removal from office of the members of the Pest Control Products Board. The reason is that 76 percent of the total volume of pesticides that are used in Kenya have one or more active ingredients that are categorized as highly hazardous pesticides. This information is with the Ministry of Agriculture.

It was confirmed that some of the pesticides, in fact, over 40 percent of the pesticides that come into the country, are pesticides that have been banned in the United States and other parts of North America and also in the entire Continent of Europe. However, those same pesticides are manufactured in those countries, but for export only to countries such as Kenya. Therefore, we want to ask:

- (a) What is the status of implementing the recommendations of the National Assembly with regard to Public Petition No. 70 of 2019?
- (b) What steps have been taken by the Ministry to withdraw those harmful chemical pesticides in the Kenyan market?
- (c) What has the Cabinet Secretary done to respond to my letter of 31st August 2023, which I also had an opportunity to bring it to your attention during the time you were being vetted for appointment as the Cabinet Secretary?
- (d) What steps have been taken to remove the pesticide formerly called Roundup, which currently is being sold under a different trade name but with the same ingredients, from the Kenyan market? This is, despite the fact that, it is public knowledge, even known to the Pest Products Control Board, that in fact farmers in the United States were paid US\$230 million for developing cancer as a result of using those pesticides.

Thank you

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwiha Karanja): Thank you, Hon. Speaker. First of all, we have been seized of this issue for a long time, and it has been discussed many times in various committees and on 26<sup>th</sup> August, a comprehensive Report was tabled in the Committee on Implementation.

Regarding the question on the status of the recommendations of the National Assembly's Departmental Committee on Health, several issues were raised there, as Hon. Gladys Boss is raising. I will go through them in order to indicate what the Ministry has done on each particular issue.

The Public Petition No. 70 of 2019 had seven recommendations that had been addressed by the Ministry of Agriculture and Livestock Development. One of the issues was the formulation of regulations on distribution and retailing of pesticides. Our response is that the Ministry has already gazetted the Pest Control Products Inspection and Certification Regulations of 2024 on 18<sup>th</sup> June 2024. The regulation sets the requirements for certification of distributors and retailing of pest control products. Those regulations are the ones which were

recommended by that Committee, and we have already done the gazettelement. So that action has been taken.

The other one was the analysis of the product in the Kenyan market. We were requested to analyse the pesticide products in the Kenyan market. The response is that 31 active ingredients and associated end-use products have been reviewed and we have provided in Annex 4 of our report details of all pesticides which have been analysed, and where all the active ingredients were analysed as requested by the Committee. The development of Highly Hazardous Pesticides (HHPs) Strategy is also ongoing in partnership with the East African Community. This is not a one-nation affair. We are liaising with our East African Community member States because some of those pesticides are used across the East African Community. In the last three years, 79 pest control products have also been voluntarily withdrawn by litigants for various reasons.

The third issue was on funding. It was noted that in order for the Pest Control Products Board (PCPB) to do a good job, it had to have adequate funding. The PCPB had been underfunded until the current financial year when funding was enhanced, and we welcome that. The low funding caused the delays in reviewing the active ingredients in the petition and review of the regulations in the PCPB. However, the development and review of regulations require public participation and also conduct of regulatory impact assessments which requires a lot of resources, and you will agree with me on that. The funding needs to be enhanced so that the Board can do its work. From this year, we have seen increased funding for PCPB and we are hoping that it will do a better job in terms of making sure that it does what it was requested to do.

The other issue which was raised is the annual publication of pest control products that have been withdrawn or banned. I can report that PCPB normally publishes a list of withdrawals and a list of withdrawn active ingredients and decisions. It also publishes on its website a list of banned products, a list of registered products and a list of restricted products. We have provided in Annex 5 of our Report some of the products which have been withdrawn or restricted and the ones which have been banned. Actually, Annex 5 is on banned products in Kenya. So, Hon. Members, there are 45 of them which have been banned in Kenya, including herbicides, insecticides and other products, as listed there. I do not have to go through the whole list of banned products since it is provided as requested.

We were requested to amend to the Pest Control Act. I want to report that the Cabinet Memo on the Pest Control Products Bill is in the National Treasury awaiting concurrence; after which it will be submitted to the Cabinet for approval.

The regulations that are anchored on the Pest Control Products Board (PCPB) Act No. 346 of 1982 were recently gazetted. We proceeded to prepare the regulations before the Bill comes into place. This is our response on what we have done.

The other issue was access to data. The PCPB has been accessing technical information on the data package that is supporting the safety of human health and environment. That data includes chemistry, toxicology, effects on the environment and beneficial organisms, efficacy and residue studies, fate and behaviour in the environment. This has been further elaborated in the new registration and regulations that were gazetted on 6<sup>th</sup> August 2024 under the Kenya Gazette Supplement No.155 and Legal Notice No.130. The proposal for the proposed PCPB Bill provides for evaluation of pesticides for safety of human health and environmental prior to registration. Action has been taken with the regulations in place.

We were requested to do pest control products labelling. Advertising and packaging regulations were gazetted in June 2024. They require that all pest control products must have adequate information. One of the issues that was raised in the cases in United States (US) and other jurisdictions was that the pesticides were not well labelled so that the users can know whether there are any hazards, risks and the dangers they pose. We gazetted the regulations to

ensure that all the pesticides are well labelled and the necessary information given. The label should have signals, words, precautionary pictograms, hazard symbols and be compliant with the global harmonised system of classification and labelling of chemicals. All commercial labels must be in both English and Swahili for ease of interpretation.

On the banning of products, we were requested to look at what is available in Kenya and ensure that we ban all products which are harmful to humans and other creatures. I can report that PCPB undertakes evidence and science-based decision when evaluating applications or registration, and 45 active ingredients that are associated with end-use products have been banned. This is based on the decision of international conventions like Rotterdam Convention and Stockholm Convention. The banned active ingredients are not allowed in the country and the list of banned products is publicly available at the PCPB website. The Ministry has given regular updates to parliamentary committees on the progress. Recently, on 19<sup>th</sup> September 2024, it was to the Committee on Implementation on the status of House resolutions and the Departmental Committee on Agriculture and Livestock.

So, there has been continuous engagement with committees on banned products. The PCPB has been giving us technical input. We are also requested to enhance our laboratory and analytical capacity. I want to report that the construction of the laboratory block is at 95 per cent completion at a total cost of Ksh328 million. Completion has been slow due to inadequate funding, staffing, analytical capacity and lack of equipment. The Ministry is in the process of equipping the laboratory and engaging technical staff. We have also enhanced our capacity by ensuring that we have a laboratory which can analyse some of those agrochemicals.

There was the issue of epidemiological studies that were done. I want to report that this was conducted in Nakuru and Nyandarua counties in 2022. The survey showed that there is need to train farmers on the use of pesticides. A pesticide residue study was also carried out during the same year and 63 samples of kales or *sukumawiki*, tomatoes and onions were sampled at farm gate level in major markets in Nakuru, Nyandarua and Kajiado counties. One kale sample exceeded codex minimum residue showing 98.4 compliance. Another study on kales, tomatoes and onions showed high level of compliance to codex minimum residue levels. The result from those surveys informed the decision on regulatory action, pertaining to pesticide labelling, training and awareness creation. We have been constantly undertaking field studies to ensure that we are informed if there are minimum levels being exceeded and of any upcoming epidemiological issues.

There was the issue of enhancing, promoting, training and public awareness of those pesticides. The statutory organisation PCPB...

**Hon. Speaker:** Cabinet Secretary, you have taken 20 minutes on one question. That is unacceptable.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwiha Karanja): Sorry, Hon. Speaker.

**Hon. Speaker:** The answers must be precise, concise and relate to the questions asked. Yes, Hon. Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu, UDA): Thank you, Hon. Speaker. Cabinet Secretary, I have no doubt in my mind that this response was written by PCPB. That is exactly what they have been telling me since 2022 and so, it is not an answer. You cannot say that you want to analyse pesticides and check the ingredients. You do not need to do that. World science has already confirmed in peer-review medical journals that there are harmful chemicals which cause cancer. End of story! All you need to undertake is literature review using books and other publications, including court judgments that have already been given and awarded to people. Even the decisions by those countries to not sell or use such pesticides at all. That information is available to you.



You know very well that for all flowers and vegetables exports, if you do not use organic pyrethrin-based pesticides, they are returned back to Kenya. The moment they reach the airports overseas, they are tested for minimum residue limits and sent back. The moment they get to our airport, they make their way to the local market. You know very well that over 22 scientists from various universities in Kenya did a desk review and came up with a pesticide atlas.

So, when you are saying that you are analysing and need more money and a laboratory, is not necessary at all. First, you need to save the lives of Kenyans. You do not need a new regulation. Simply, go to PCPB and get a list of approved pesticides, remove the ones that are harmful and then later you can do the analysis. You cannot be doing your analysis while Kenyans are dying. As you know, Kirinyaga County has the highest prevalence of cancer and use of those pesticides. Those answers are inadequate. I think you have to come back another day.

**Hon. Speaker:** Yes, Cabinet Secretary.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihiya Karanja): Thank you, Hon. Speaker. I am informed that this is a very technical area and you must agree with me that we mostly rely on scientific evidence. It is true that this Report came from PCPB.

**Hon. Speaker:** Cabinet Secretary, are you an agricultural scientist?

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihiya Karanja): Yes, agricultural economics, but not the technical side.

**Hon. Speaker:** I heard you saying you are testing *sukumawiki* in Nyandarua. You have been told by the Deputy Speaker that she has been dealing with this for the last four or five years. There is a resolution of this House that those harmful pesticides were banned in the countries that manufacture them, but they are being sold in our market to harm our people and destroy our economy. That is because when there is any trace of such material in our products, they cannot enter the European Union (EU), Japanese and the American markets, where they manufacture and send them to us. Can you, therefore, tell Parliament and the country what you want to do? If you are not ready, we will give you more time to go and bring a more comprehensive response.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihiya Karanja): Thank you, Hon. Speaker. The evidence that we have from the independent research and review of literature from Pest Control Product Board (PCPB), the agent that is tasked in this country, have not found any carcinogenic effect of the herbicides. This also applies to the roundup herbicide which has been singled out. There is no scientific evidence to back up the claim. That is the position.

**Prof. Guyo Jaldesa** (Moyale, UPIA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Professor, what is your point of order?

**Prof. Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Speaker. The Cabinet Secretary does not seem to have understood the question. He said that the laboratory is 95 per cent complete; meaning there is no laboratory that does such tests. He just needs to admit that we are not prepared, as a country, to test those pesticides. The PCPB might be there, but they are incapable of testing them. He is not ready to divulge such information. We have been asking the same question as the Committee on Implementation, but we have not gotten any answer because the Cabinet Secretary has been to the Floor to answer them. Let him go back and look for a comprehensive answer. On the issue of the lab that is 95 per cent complete in terms of construction, many things like the human capital are still required to make it resourceful; which they do not have. Why is he, therefore, economical with the truth?

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

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana Mhe. Spika.

Waziri, fahamu kuwa watu wengi wamepoteza maisha yao juu ya hili swala. Kwa mfano, mtoto wa dadake Mhe. Millie Odhiambo-Mabona ambaye ni mwanasheria, anaugua ugonjwa wa saratani. Ukimuona hauwezi ukaamini maana anaenda kupoteza maini yake kutokana na ugonjwa huo. Waziri, kama hauna majibu, shauriana na Naibu Spika ambaye ni wazi kuwa amefanya utafiti wa kutosha ili akusaidie kwa hayo maswala. Hatuwezi tukakubali baadhi ya Wakenya wafe kwa madai kuwa kuna mtu anataka kujiinua kiuchumi kwa kupitia faida ya madawa ya kuua wadudu ambayo tumeambiwa yako hatari. Tunaomba yatolewe kwenye orodha ya madawa yanayouzwa nchini maana kuna zingine ambazo tunaweza tukazitumia ili zitusaidie kwa mazao zetu.

Waziri, nakuomba kwa heshima na tadhima! Siko tayari kufa kutokana na huu ugonjwa wa saratani. Kwa heshima, mfuata Mhe. Naibu Spika ili akupe mawaidha ili tutoe hayo madawa kweye soko letu la Kenya.

**Hon. Speaker:** Hon. Obo

**Hon. Ruweida Mohamed** (Lamu East, JP): Mhe. Spika, niko na tatizo lingine linalotokana na swala hili. Waziri, Lamu Mashariki ina wakulima wa simsim na hawatumii madawa yeyote. Lakini kuna shida kwa sababu majirani wetu wanatumia madawa ya kuua wadudu. Kwa hivyo, simsim zao zilizopelekwa kwenye soko za nje, zilirudishwa. Kutokana na hayo, zimeharibia sifa wakulima wote wa simsim. Ninavyoongea, simsim zimejaa kwenye soko za Lamu Mashariki. Uko na mipango gani ya kuwasaidia wakulima hao ili mazao yao ya simsim yaweze kuuzwa? Wakulima wa Lamu Mashariki wako tayari mazao yao ya simsim yapimwe maana wao hawatumii madawa za kuua wadudu. Kama vile maziwa inapokuwa nyingi kupita kiwango cha soko, Serikali hufanya mpango wa kununua na kuhifadhi. Nasi kama wakulima wa simsim, tunawasih mje na mpango wa kuwasaidia wakulima ili mazao yao yasiharibike na pia wafaidike.

**Hon. Speaker:** The Chairman, Departmental Committee on Agriculture and Livestock.

**Hon (Dr.) John Mutunga Kanyuithia:** Thank you, Hon. Speaker. I stand on the view that the Cabinet Secretary needs to be better prepared, and with reasons.

We are talking about a sensitive issue in the sense that it is science, and let us not joke around. There is a problem. Any rejection of any product from any country must be explained, and they talk about maximum residual levels of the chemicals, pests or pesticides in that particular product.

There is an international body called Context Alimentarius which sets the standards. Sometimes, Kenya's products are rejected in the European market as a result of the European supermarkets coming up with a Europe gap which was a set standard. Kenya developed Kenya's gap which was a higher standard than their market standard and all our products got into the European market. Therefore, let us not mix issues. We need scientific evidence which must be from refereed journals, and not grey literature. I know what I am talking about. Grey literature cannot be standards that are done by somebody who purports to have referred to other literature. If you read them, you will find that they do not add up. Again, that particular standard was denounced by the international bodies. The Cabinet Secretary should, therefore, be thoroughly prepared before we make a serious decision which can be counter-productive to the country.

I am saying this because we followed up this issue as a Committee when we engaged the PCPB on a retreat. I and Hon. Ruku - and I am wondering why he is not in today - requested them to tell us more about this issue. That is because we heard the mention of names and the references. We followed up the references and some of them had already been struck off the record of respected writers in that particular field, based on what they said, and which was denounced by another body.

Let us, therefore, be thorough as a country because we might be banning our own while other countries continue to use theirs. Last month, we were in Denmark with the Cabinet

Secretary and we had presentations. They are using Roundup, and are also selling it across the world. I am not talking for the Cabinet Secretary nor the Government, but for our country. Besides anything, we need to do international trade and we must do so under the World Trade Organisations (WTO) trading systems and regulations that have been set for anything that is eaten, context and alimentary standards. Let the Cabinet Secretary come up with the details. Let anybody else who has any evidence bring it, it be cross-checked so that we quote something that is sensible.

**Hon. Speaker:** Hon. Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, from what the Chairman of the Departmental Committee on Agriculture and Livestock has said, including what the Cabinet Secretary has said in his last sentence, it seems that this debate is bigger than we thought. This question is not ordinary. The Cabinet Secretary almost spoke to the fact that he has done some research, and that the claimed pesticides may not be harmful.

You have heard what the Chairman of the Departmental Committee on Agriculture and Livestock has said. You also heard what the questioner spoke about. The Cabinet Secretary is not saying everything plainly. In his Office, there is a Report which has given the Roundup pesticide a clean bill of health, and I think he should speak to that. That is why I think the Chairman is specific that this is a scientific thing that would need scientific proof. He, therefore, needs to be more prepared. Equally, the questioner has evidence, and when you hear the Chair speak, she is exact because she has references.

This is a matter that needs more time so that we can clear issues surrounding the Roundup pesticides. The Cabinet Secretary was avoiding to touch the word ‘‘Roundup’’ all along until now that it has emerged from other quarters.

**Hon. Speaker:** Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Speaker. I come from an agricultural constituency where we grow largescale flowers and horticultural products for export. Meru and Kirinyaga are among the highest counties with registered high levels of cases of cancer.

Hon. Speaker, the Cabinet Secretary spoke about carrying out some research somewhere in Nyahururu. But in areas where cancer is more prevalent, he has not said a word and, hence, a deficiency in his answers. That is because they are carrying out research in areas where there are no cases of harmful effect on humans and animals. My request, therefore, is that they can carry out more research in the deepest agricultural zones. That should be specifically in Buuri Constituency where there is a high level of miscarriages among women farm workers. We grow potatoes and cabbages, and almost all other export products. Some of those products are being returned. That is not an issue that should be ignored because laymen like us understand the problem, but the people who are supposed to be coming up with solutions are not coming up with them. The problem is with the Pest Control Products Board (PCPB). Something needs to be done.

There is a human resource deficiency in that institution. They are not telling Kenyans the truth. If a lawyer can disseminate information from her own research, and a scientist at the PCPB cannot explain the same, then this country is in danger. We are in danger! My constituency has been chosen as a centre of focus by the National Aids Control Council (NACC) and the Ministry of Health. However, the Ministry of Agriculture and Livestock Development is silent and yet, they have information on where to focus on to get the answers to our problems.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Gichimu.

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Speaker, I also support the point that there is need for the Cabinet Secretary to bring all the evidence in terms of research, and for

the Member who has asked the Question to also bring whatever evidence she may have, so that if there is any contradiction, this House, with your guidance, can establish the correct position, so that we can handle this issue.

If those pesticides are causing cancer among our people, we can then know how to address the issue. However, we cannot come to a conclusion until that research is completed. The people of Gichugu Constituency, whom I represent, grow a lot of coffee. We use a lot of pesticides, which may lead to the cancer prevalence. There is a belief that those pesticides cause cancer. I do not want to come to a conclusion because I am not a scientist. Let that conclusion come from the scientists, so that we can handle the matter in the best way possible.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Owen. You have turned this Question into a debate.

*(Laughter)*

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I know that Hon. Gladys Boss has been talking about this issue for many years. I have been listening to her in the House, but we do not seem to be making any headway. I also know that this House can use experts, including our local universities and professors. The Cabinet Secretary is saying one thing, Hon. Gladys Boss is saying another thing and other people will say something else. The scientific corpus may have different lineages and leanings, and even the industry players will influence the debate.

Why do we, as Parliament, not ask scientists to come up with a small conference to inform us, so that we can make a decision? The Cabinet Secretary will rely on scientists in his office. I do not think he is a scientist in that area. He will rely on scientists in his office, who will give him information that he may not personally agree with.

Hon. Speaker, let us stop belabouring that point and look for a solution by asking professors to come up with a paper, so that we can listen to them and make a decision. We should not just make a decision from the perspective of what the Cabinet Secretary is saying. Parliament should make a decision and instruct the Ministry on what to do. Otherwise, we will keep on going back and forth.

**Hon. Speaker:** Hon. Gladys Boss?

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker. Allow me to make some things clear. First, in the United States of America (USA), the Superior Court of California awarded farmers US\$250 million apiece against Monsanto, which was manufacturing Roundup. It was after that court case that Roundup was completely banned. Monsanto is a huge company. They had armies of scientists, but they were not able to win the case. That case was applied to the entire Europe, North America and the USA. How foolish are we, as Kenyans, to think that we can get better scientists than those who have done it in those countries?

Furthermore, it was said that the Monsanto Case had the highest number of scientists who were evaluating the claims in the history of a damages case in the USA. I sent details of that court case to your Office. You have that court case. Today, I am also mobilising. I will come up with a class action lawsuit against the Ministry of Agriculture and Livestock Development and the PCPB because it is their responsibility to protect us.

If those products are safe, why are they not being sold in Europe and America? If they are safe, why is it that when our farmers use those pesticide products and send their products abroad, the entire container is returned once the products are tested? I have visited six companies in Nakuru County and two in Nairobi County, which produce pyrethrum-based pesticides. When I asked them who buys from them because I know the ordinary farmer do not, they said that any farmer who exports products normally buys from them. Farmers will tell

you that certain products are for export and so, they will use pyrethrum-based pesticides on them. However, nobody checks the products for the local market.

Again, the Pesticide Atlas was done by over 22 professors from Kenya. It has been peer-reviewed abroad. Even if you build your lab forever, you will not have that information. When you tell us that you are doing the labelling, how many farmers can read and understand what the quantities of some of those components like sulphate are? They cannot understand those labels. You just need to remove it from the market. Over 6,000 types of pesticides are sold in Kenya. If we remove 267 of them, which I have isolated as being harmful, we will still have many other pesticides in the country. Out of the 267, the PCPB has removed seven. However, they are moving too slowly. We will have too many deaths by the time they test all the pesticides. That information is out there. You do not need to do your own evaluation. The world has already done it. The entire Europe has done it. The entire America has done it. There is no way you will build a lab and do the evaluation in Kenya. That is a lie.

**Hon. Speaker:** Cabinet Secretary, to make progress...

*(Hon. (Dr) John Mutunga Kanyuithia raised up his hand)*

Dr Mutunga, you have said your piece. As the Chairman of the Committee, I do not want you to appear to be holding brief for the Cabinet Secretary who is present. The Cabinet Secretary will step down this Question. I will direct you to come next week on Wednesday afternoon before we break to specifically deal with this Question. Hon. Owen Baya, communicate with your boss to ensure that the Cabinet Secretary comes to answer this Question.

As patriotic Kenyans, and as a country whose economy is rooted in agriculture, which employs 70 per cent plus of our workforce, it should concern Members that we do the right things. We now have duty-free and quota-free access for our products that are being exported to Europe. However, if they hit non-tariff barriers in terms of scientific checks and are returned, we lose as a country and it harms our economy. Constituencies like Gichugu, whose economic base is horticulture, will suffer, and so will everybody else.

Cabinet Secretary, you have a duty to ensure that Kenya benefits from scientific development, both internally and externally. What is developed in America or Europe is universal. We do not want to hear Members crying about the prevalence of cancer cases. Why do we have a serious prevalence of cancer cases in areas where those chemicals are in use? Why are there fewer cases in pastoralist areas? Go, prepare your response and come back on Wednesday to respond to this particular Question.

We will go to the other Questions so that you can satisfy the people of Kenya. You are not just addressing Parliament; you are addressing the country.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihiya Karanja): Yes. We are well guided, Hon. Speaker.

## QUESTIONS BY PRIVATE NOTICE

*Question 015/2024*

**Hon. Speaker:** Let us now go to the first Question by Private Notice by Hon. Geoffrey Ruku. Question 015/2024 is dropped.

*(QPN 015/2024 dropped)*

Question by Hon. Joyce Kamene. I have a letter authorising Hon. Kiamba to ask the Question on her behalf. Hon. Kiamba, go ahead. Question 027/2024.

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*Question 027/2024*

## POLICIES TO REDUCE IMPORTATION OF FOOD TO THE COUNTRY

**Hon. Suzanne Kiamba** (Makueni, WDM): Thank you, Hon. Speaker. I wish to ask this Question on behalf of Hon. Joyce Kamene of Machakos County.

Hon. Speaker, I beg to ask the Cabinet Secretary for Agriculture and Livestock Development the following question:

Could the Cabinet Secretary-

- (a) State the long-term sustainable measures the Ministry is putting in place to lower the cost of agricultural inputs other than the provision of subsidised fertilisers, considering the rising food prices in the country on account of inflation?
- (b) State the programmes and policies the Ministry has implemented to reduce the importation of food to the country and ensure food self-sufficiency?

Thank you.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwiha Karanja): Thank you, Hon. Speaker. On the first question about the sustainable measures the Ministry is putting in place to lower the cost of inputs, first of all, we note that the question indicated the food prices were rising but, from recent figures, we note that the prices of most foodstuff have come down. Inflation has also come down.

However, one of the things we are doing to make sure that the cost of production and sustainable measures are put in place is promoting local fertiliser production. We are hoping that by doing so, the cost of fertiliser will further come down. We are also doing blended fertiliser production. We have factories which have come up in Nakuru and Eldoret to start blending fertilisers. Fertilisers which are blended are better because they allow farmers to use specific fertilisers.

We have also developed high-yielding seed varieties that are focusing on drought-resistant and pest-resistant crops, which are suitable for different regions in the country. We are promoting climate-smart agricultural practices through the use of climate techniques to mitigate climate-related risks. We have also put in place subsidies on input credit programmes, such as the Smart Input Subsidy Programme using e-vouchers to target smallholder farmers, input credit facilities tailored towards farmers such as the Agricultural Finance Corporation, Commodity Fund, the New Kenya Planters Co-operative Union (NKPCU), among others. We are also promoting cell health and sustainable farming practices.

The second question was on stating the programmes and policies the Ministry is using to reduce the importation of food in the country and ensure self-sufficiency. One, the major imports we have been doing in this country is on food items, and it is a concern to us. We are actually importing foodstuff worth about USD\$4 billion. That is about Ksh500 billion. The main imports are mainly edible oils, *mafuta ya kupikia*, wheat and rice. Sugar was also in the list, but it has recently come out of the list. For edible oils, we have distributed 556 metric tonnes of sunflower, which we have distributed to farmers all over the country for 200,000 acres in 2024, in order to produce about an estimated 40,000 metric tonnes of edible oil. This project is aimed at cutting import costs by 50 per cent in five years. Other edible oils that are covered by the project include canola, simsim and palm oil. This is, therefore, an edible oils promotion project, which is aimed at cutting our import of edible oils.

Wheat is another major import commodity which we have been importing. We have been working with Kenya Agricultural and Livestock Research Organization (KALRO) to promote the production of quality planting materials and varieties.

However, what we need in the country is to ensure that whatever is produced in the country by our farmers is mopped up before any miller can import wheat. There is a wheat purchase programme which ensures that we purchase all the wheat in the country before any importer is given a license to import.

We have also embarked on a land commercialisation initiative. This is an initiative where we are teaming up with the private sector to encourage them to come and lease land from Government institutions like the Agriculture Development Corporation (ADC). We are giving leases from 10 to 35 years. Some of them have come up with leases where they are able to grow crops like canola, simsim and sunflower. This will also help us to improve our local production.

On livestock, because it is also an important area, when it comes to milk, we are also importing a big chunk of products, especially value-added products like cheese. What we are doing is to ensure that we give farmers incentives to produce more milk. We are going to provide milk coolers to dairy farmers. Currently, we are in the process of procuring milk coolers to reduce post-harvest loss in milk. The one that is collected is improved and processed. We had already distributed about 350 coolers between 2018 and 2022. Currently, we are procuring 230 coolers which will be distributed in early January to February 2025. This is to ensure that farmers get coolers and preserve milk. That way, there will be no loss and there will be improved production.

We are also intervening in the livestock sector by making sure that we have a livestock vaccination programme. The National Livestock Vaccination Programme is mainly aimed at preventing trans-boundary diseases like foot and mouth, and the ones that are affecting the small ruminants. We are making sure that we vaccinate all our animals. In the past, counties have tried to vaccinate the animals, but that has not been effective because one county vaccinates while the other one does not vaccinate. That does not solve the disease issue. There has been an issue about this particular intervention.

Hon. Deputy Speaker, I can inform this House that we are using local vaccines that are manufactured by our local institution called Kenya Veterinary Vaccine Institute (KEVEVAPI). Therefore, we are not importing any vaccines. We are using local vaccines. I would like to invite Hon. Members who are interested. We can facilitate you to go to KEVEVAPI to see how those vaccines are being made. They are not coming from outside the country and they are not controversial. We have been using KEVEVAPI to export the vaccines.

For the families which lost livestock during the last drought, we are also doing a livestock re-stocking programme to make sure that they get their livestock, mainly goats, back. We are targeting about 16 counties. There is also a duty waiver on importation of raw materials for processing animal feeds. We know that animal feeds have one of the greatest costs in this country. We are deliberately allowing manufacturers of animal feeds some duty waivers on some particular ingredients like enzymes, amino acids and protein concentrates, so that they can lower the overall cost of animal feeds in the country.

Those are some of the key measures that we are taking to make sure that we lower the cost of agriculture for those who are in it.

Thank you.

**Hon. Deputy Speaker:** Hon. Member for Kwanza.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-Kenya): I think there is much more than what the Cabinet Secretary is saying.

First, I want you to tell us what programmes you have in place. You import milk coolers, but I have gone around and noticed that the people who are supposed to use them do not know how to use them! What technical programmes are you forwarding to the farmers? Importation and exportation of milk is very important. I want to inform the Cabinet Secretary that I had a chance to go to the Middle East sometime back. During breakfast, I realised that

the milk there was from this country. Today, when you go to the Middle East, you will find that the milk there is from Uganda and not Kenya. What are you doing about it? We want to increase milk exports, but the programme is not clear. You are now bringing in the milk coolers. What technical programmes have been put in place to guarantee their success? I understand that around 300 coolers are being imported, but I am not sure of the programmes you have put in place. You need to work on that.

**Hon. Deputy Speaker:** The Member who asked the Question on behalf of Hon. Joyce Kamene wants to get a clarification.

**Hon. Suzzane Kiamba** (Makueni, WDM): Thank you, Hon. Deputy Speaker. I asked the Question on behalf of Hon. Kamene, and I was requesting for a written copy of the response from the Cabinet Secretary

**Hon. Deputy Speaker:** I think it is a standard practice for them to provide a written copy. You can get it from the Clerks-at-the-Table. Hon. Guyo.

**Hon. (Prof) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Deputy Speaker. If I got it right, the question was not about provision of fertilisers. I come from a region that supplies meat to Nairobi and most parts of Kenya. Livestock farmers, especially those from Northern Kenya, are facing imminent drought. What is the Ministry planning to do, considering that we are expected to have failed short-rains, and our animals may die because of the drought? Instead of zeroing in so much on agricultural issues, the Cabinet Secretary should have given us a bit of history on livestock. What is the Ministry's budget allocation for pastoral communities in northern Kenya?

**Hon. Deputy Speaker:** I will allow you to answer that one. I will take one more question from Hon. Ruweida, and then come back to you.

**Hon. Ruweida Mohamed** (Lamu East, JP): Mhe. Naibu Spika, swali nililouliza halikujibiwa. Limepotea na ameambiwa aende kisha atarudi. Swali langu ni kuhusu *simsim*. Ningependa nilirejeele. Watu wangu walikuja kuniambia kwamba wako na shida. Kuna wakulima wa *simsim* Lamu Mashariki na wamenambia kwamba majirani wao wanatumia madawa na bidhaa zao zilirejeshwa. Hilo limefanya wao kupoteza soko. *Simsim* iko nyingi kule na haina soko. Je, mko na mipangilio ipi kusaidia hao wakulima wa Lamu Mashariki? Wao pia ni Wakenya. *Ministry of Agriculture and Livestock Development* inafanya kazi sehemu zingine, lakini Lamu Mashariki ni kama hakuna wakulima ilhali tuko nao. Tunazalisha *cashew nuts* nyingi zaidi Kenya. Watu wa Kilifi wanasema kwamba wako na *cashew nuts* lakini miti yao ni mizee. Ukiangalia hesabu, korosho zetu ndizo zinazozalishwa kwa wingi zaidi. Nina uhakika hakuna chochote ambacho Wizara hii imefanya Lamu Mashariki. Au aniambie ni nini amefanya Lamu Mashariki.

Ahsante.

**Hon. Deputy Speaker:** *Waziri*, because this is a follow-up question, you may defer the answer to the next time you are here. Are you able to answer it on your feet? You may go ahead to answer all the three questions.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihia Karanja): Thank you, Hon. Deputy Speaker. I will start with the question regarding what we are doing to complement the distribution of coolers. This time round, we do not want to make the mistakes we made last time, whereby we issued the coolers and some of them are not being utilised because they were not positioned in the right places. This time, we have gone out in the field, mapped the areas where the farmers need the coolers, and assessed whether they have the necessary infrastructure, for instance, power and housing. All that is being done.

We also want to complement that and we are working with the county governments. We want to complement by making sure that farmers, especially those who are organised in co-operatives, have access to technical information, including how they get their animals' semen, feeds and other services. Again, this time round, we are a bit more cautious and



organised and do not just want to give out coolers. We are giving a service and that service has to come with all the complementary services.

The other issue is about what we are doing concerning livestock. I agree 100 per cent that livestock rearing is one of the critical areas given its biggest potential. It is being said that there is going to be a shortage of rains and one of the areas we will work with is North Eastern. We have a budget for feedlots. We will work with the communities there and provide feedlots. We will also put pastures for storage for our livestock.

I also mentioned re-stocking for the families that lost about 10,000 animals during the last drought. Also, there are the vaccination campaigns. We, therefore, have not forgotten livestock. We have programmes for them mainly to make sure that they are being more resilient and adapting to the climate change issues.

I did not forget about the simsim. The matter has come to the Floor and because this is a shared responsibility, we are going to contact and work with Lamu County Government to see how we can help simsim farmers. Thank you.

**Hon. Deputy Speaker:** Let us have Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you. I really want to congratulate the Cabinet Secretary because I think he has come out well in trying to answer what the Government is doing to enhance the performance of agriculture and also considering the Bottom-Up Economic Transformation Agenda (BETA) of our economy.

Hon. Deputy Speaker, he has spoken quite a lot about canola and my constituency is the largest producer of canola in Meru County. I think it is among the top producers of canola in the country. However, I have never felt the effect of the Ministry in terms of that crop. I urge the Cabinet Secretary that we need to feel the presence of the Ministry on that product because it is expanding and we are encouraging farmers, even small-scale farmers, to enhance productivity.

He has spoken about so many packages or products, but he has not spoken on the delivery of agricultural extension personnel and yet, there is a total deficiency. If we leave this to the counties, they have no capacity. There is a lot the Ministry is doing, but to get that product and information training to the farmers, we lack agricultural extension officers. They are going to do double-work in terms of crops and livestock.

I expected to hear him talk more on what the Government is doing in terms of the feeding programmes in the dairy sector. Currently, there are so many types of grass that are drought-resistant. It is in plenty, but the Ministry...

**Hon. Deputy Speaker:** Hon. Member, just ask a question! You are now making a statement.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Could the Ministry, please, look at the element of seeds and seedlings for crops and even grass for animal feed?

Lastly, Hon. Deputy Speaker, it is about the dissemination of information on the quality of animals and sexed semen, and knowing what type of daily cattle that we require in different parts of the country. That is because we cannot have the same type of cows across the country. There are some regions where Friesians do better and in others where the Jersey does better. We need that kind of guidance given to the farmers in this country.

Thank you.

**Hon. Deputy Speaker:** You have asked the question. Let us continue. I will allow the Cabinet Secretary to answer that so that we can move to the next Question.

**Hon. Gichimu Githinji** (Gichugu, UDA): On a point of information, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Gichimu, what is the point of information? You have a Question coming up soon.

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Deputy, I would like to seek a clarification that is connected to the livestock and the coolers. We know coolers are supposed to store milk which has already been produced, and agriculture is supposed to support the production. Once the milk has been produced, the coolers are supposed to support groups that are together and not an individual. I think this ought to have come through the co-operatives that produce milk. We cannot give a livestock farmer a cooler because he or she has livestock, but it has to be a group. That is an area that they need to look into.

**Hon. Deputy Speaker:** That is what the Cabinet Secretary actually said. Yes, you may proceed.

**Hon. Moses Kirima** (Central Imenti, UDA): Hon. Deputy Speaker, on the same issue of coolers. I have heard the Cabinet Secretary for Agriculture and Livestock Development telling us that there are people who have been sent to the field to gather information about the right places where the coolers will be placed. My constituency of Central Imenti is one of the places where a lot of milk is produced, and a lot of it goes to waste because of lack of coolers. Last weekend, on Saturday, and even yesterday, the people who produce a lot of milk sent me to the President to ask him to help because he had promised them ...

**Hon. Deputy Speaker:** Just frame it as a question that the Cabinet Secretary can answer. Just ask the question.

**Hon. Moses Kirima** (Central Imenti, UDA): Can the Cabinet Secretary tell us the procedure which he is using to gather that information? We are the peoples' representatives, but we have not been consulted, and even our people down there at the ground have not received any word on any of those issues.

**Hon. Deputy Speaker:** You have asked the question on what procedure they are using to allocate the coolers?

**Hon. Moses Kirima** (Central Imenti, UDA): Allow me to ask the last one, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Yes.

**Hon. Moses Kirima** (Central Imenti, UDA): What is the Cabinet Secretary doing, as a Kenya Kwanza policy, to make sure that the BETA model of assisting farmers to produce more and preserve milk is going to be sustained, especially in areas where we, Kenya Kwanza Members of Parliament and the President, promised to provide milk coolers?

Thank you, Hon. Deputy Speaker.

**Hon. Ruweida Mohamed** (Lamu East, JP): On a point of order, Hon. Deputy Speaker.

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

**Hon. Ruweida Mohamed** (Lamu East, JP): Naibu Spika, niko kwa hoja ya nidhamu. Je, ni haki Waziri kusema ataenda kuuliza *county government* na tuna hakika wafugaji wa simsim kwetu Lamu Mashariki hawajawahi kusaidiwa na chochote na serikali hiyo? Wanajitegema wenyewe ilhali sehemu zingine wakulima wa maziwa, majani chai, kahawa, na muguka, wote wanapata fedha kutoka kwa Serikali ya kitaifa. Nilikuwa natarajia aniambie mikakati iliyopo na kama hana saa hii, aniambie atarudi Jumatano anielezee ana mikakati gani. Si vema kuniambia niende kwa serikali gatuzi niulize Gavana. Mimi si Seneta wala mwakilishi wa wadi!

**Hon. Deputy Speaker:** Okay. Hon. Ruweida. I think he has heard you. You can also take his contacts and then he can brief you. I mean, you can direct him at the places to go and speak.

Hon. Members, let us proceed with the Cabinet Secretary. We can then go to the next Question. You will have a chance for follow-up questions from the next questions if they are similar.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihia Karanja): Thank you, Hon. Deputy Speaker. I will start with the last one. I think we

will be able to respond more comprehensively when we come here next. I will give you my contact so that we can also liaise with you to get to the details. I do not want to be seen to be biased against simsim. It is a crop like any other and we have to handle it.

In terms of coolers, we identify the locations based on the needs we received. As it has been said, His Excellency the President has also promised some areas coolers. So, we are taking that into account. We are also working with co-operatives; we are not giving coolers to individuals. We cannot give a cooler to an individual. We are giving them mainly to co-operatives and other associations which involve a group of farmers. So, that is very clear.

About what we are doing in terms of the production of milk and quality of the animals, the Government is making sure that good genetic materials, sexed semen being one of them, are being distributed across the country. We are even investing a lot more in the centre which produces semen in Kabete. We also have plans to make sure that some of the semen is distributed across the co-operatives which we are working with. The same is happening with seeds and seedlings. I would like to assure Members that we have worked around the clock to make sure that this country has enough seeds and seedlings. The Kenya Seed Company and other seed-producing companies have worked very hard. We are sure that come next season, we will have enough seeds in the country. We are also working to eradicate the menace of fake seeds so that farmers do not get them.

About the extension services, we know agriculture is a devolved function. Last month, we had a meeting with the county governments in Mombasa and about 20 governors attended. One of the issues we were discussing was about how to revive extension services and how the national Government can work with county governments to build their capacity in order to revive extension services. One of the areas we agreed upon, and what the national Government is doing, is what we are calling the agri-preneur model. Here, we are recruiting young people and taking them to the counties. Already 2,800 have been recruited and sent to the counties. At the end, we want to have about 18,000 young people who will work together with the counties to strengthen our extension services which have gone down. We are doing everything possible to make sure that extension services are up and running.

Canola is one crop which has a lot of potential. As I said, there is an oil-crop programme we are working on which concerns sunflower and canola. This time round, I can assure the Member that we are going to see the Government's intervention more in terms of canola production.

Thank you.

**Hon. Deputy Speaker:** We can move to the next Question. The Question by Hon. Geoffrey Ruku is dropped. In any case, I have already asked it and the Cabinet Secretary will report next week because it is about Roundup.

*(Question 101/2024 dropped)*

We now move to the Question by the Member for Chepalungu, Hon. Victor Koech. He is absent and so, we will drop it.

*(Question 102/2024 dropped)*

Next is Question 103/2024 by the Member for Gichugu, Hon. Robert Gichimu. You may proceed.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Deputy Speaker. As I ask my Question, at least, the Cabinet Secretary has conceded that these are matters of co-operatives. He is a professional and he came in when that programme had already started. I think he has conceded that the issue is misplaced because there is a Department for Co-

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operatives under the Ministry of Co-operatives and Micro, Small and Medium Enterprises Development. That is a matter that can be sorted outside this Parliament.

Now let me go to my Question.

*Question 103/2024*

MEASURES TO BOOST PRICES OF MACADAMIA NUTS

Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Agriculture and Livestock Development the following question:

Could the Cabinet Secretary:

- (a) Confirm that the prices of macadamia nuts that are purchased from farmers in recent years has sharply declined from over Ksh200 per kilogramme to below Ksh50 per kilogramme?
- (b) Explain why there has been such a sharp decline in macadamia nut prices and outline measures that are aimed at boosting those prices, considering the vital role they play as a source of income for many farmers?
- (c) Elucidate on why the regulations in respect of macadamia nuts as mandated by Section 40 of the Crops Act (Cap. 318) are yet to be formulated, and when are they expected to be formulated and implemented to protect farmers from unscrupulous dealers?

Thank you, Hon. Deputy Speaker.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihiya Karanja): Thank you, Hon. Deputy Speaker. I can confirm that the price of macadamia nuts declined from Ksh200 to Ksh50. This happened between 2022 and 2023 because most of the companies could not sell because of COVID-19 and the lockdown. In some areas, the price went down to Ksh30. We cannot deny it.

The price of macadamia nuts has risen because the demand has risen again. At the end of last year, the farmers were fetching around Ksh80. Currently, some of them are going up to Ksh120. There has been a revival because the Government came in and ensured that the demand improved by allowing the nut in shell exports. This made sure there is competition in the market and the prices improved.

We also note that 95 per cent of our macadamia nuts are exported. So, the prices we get depend on what is happening in the global market. When there was a decline in their prices, it was attributed to the global turmoil in some of the markets where we sell them like in the United States of America (USA), European Union (EU) and China. Since then, as I have indicated the prices have gone up.

One of the consequences is that our manufacturers or local processors, who are about 35 or 38, could not get the macadamia nuts to process in the country because of the glut which was there. China has emerged as one of the macadamia nuts producers which causes a glut in the market. The dynamics about the prices in Kenya are mainly global and local. They depend on whether we export macadamia nuts in shell or the local companies process them.

Which measures are we taking? As I have indicated, the Ministry lifted the ban on exportation of raw macadamia nuts which was imposed from 2<sup>nd</sup> November 2023 to 3<sup>rd</sup> November 2024. It was imposed to facilitate clearing of the backlog of macadamia nuts in shell through export. This translated to price recovery from the previous low of Ksh30 last year to an average of Ksh80 last year. Those prices have increased to Ksh120 by now.

The Ministry, through the Agriculture and Food Authority (AFA), has undertaken intensive sensitisation of growers of the need to form associations and co-operatives. Macadamia nuts farmers are not organised into groups or co-operatives. They are being

exploited by brokers who take the big role. We will mobilise them into co-operatives and associations, so that they can market macadamia nuts in an organised manner.

The Ministry issued a ban on harvesting of macadamia nuts because we noted that some of the unscrupulous brokers and farmers were harvesting immature nuts. They were trying to sell them in the market and some of them for export. This was making Kenyan macadamia quality to go down. We agreed that we need to impose what we call a ban – a period where you cannot harvest until the nuts are mature. The Government is also in the process of developing mature nuts grading guidelines so that farmers can earn optimum prices from good grades. There is no grading system. They say grade one and two, but we would like to have guidelines on how that can be done.

The Ministry has also developed marketing strategies to guide domestic market expansion for macadamia nuts. Through the Agriculture Food Authority – the regulator – the Ministry is creating stakeholder engagement platforms to facilitate buyer-seller negotiations for competitive price discovery of macadamia value chains. We are taking various measures to make sure that farmers get the maximum returns out of the macadamia nuts.

On part three of the Question, as I have indicated, the Ministry has already formulated the regulations that are anchored on section 40 of the Crops Act 2013, which addresses marketing in various sub-sections. We have quoted the sub-sections. They are 40(a)(l) and (s). There are already regulations which have been formulated and address various aspects of marketing. For instance, they provide for quality planting material by making sure that we have quality planting materials. Regulation 22 also provides for contract signing between growers and dealers so that we can manage the marketing. Another regulation provides for the harvesting and maturity of macadamia nuts. Another regulation is about the development of a traceability system so that we can trace where the macadamia is coming from. We have a large array of regulations which have been formulated to make sure that we streamline the marketing, pricing and management of the macadamia market industry. Some of them provide for sampling and compliance with standards that support the production of quality macadamia, which will consistently boost prices.

In general, I would like to say that we have made most of the efforts to make sure that we have regulations to make sure that, that sector, which is actually coming up very well, has order. That way, we will not be left to the whims of unscrupulous traders and farmers are left vulnerable.

That is what I can say. Thank you very much.

**Hon. Deputy Speaker:** Yes, Hon. Mbui.

*(Hon. Gichimu Githinji spoke off the record)*

Do you have a follow-up question?

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Deputy Speaker. The Cabinet Secretary has conceded that the lifting of the ban on the importation of raw macadamia means the price for exportation of raw macadamia will shoot from as low as Ksh30 to Ksh80 and, eventually, to Ksh120. Why would you want to impose a ban on exports if the prices would decline for the farmers? Please, clarify that one.

On the ban not to harvest macadamia between 3<sup>rd</sup> November 2024 and 1<sup>st</sup> March 2025, what informed the ban during that period? The ban also has a force of law. Where is it anchored in law?

Secondly, macadamia has different varieties. Some varieties of macadamia produce nuts the entire year, depending on the variety. Where do such fall under this ban? There are also ecological and climatic conditions that determine when macadamia would be ready for harvesting. The entire country is now stuck. Farmers cannot harvest their macadamia and yet,

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they are having buyers. So, we need to prevent the gaps. The moment we allow them to sell in March, there will be a rush in the entire country and prices will go down. Why can we not allow free harvesting and selling of macadamia so that farmers can have money the entire year? If a buyer is comfortable with buying macadamia which is not ready, where is the problem? If a buyer can buy even if it is not physiologically mature, he is the one who will consume. So, why are we limiting farmers from selling macadamia to willing buyers? If they want to buy and keep, that is their problem. Please, explain this because farmers from Gichugu are suffering. They even called me today because of this problem. They want to sell their macadamia and put money into their pockets, as you promised them.

**Hon. Deputy Speaker:** Okay, I will give this opportunity to Hon. Mbui to ask his question and then you can answer that batch of questions.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Deputy Speaker. First, the Cabinet Secretary referred to regulations on macadamia. I want him to confirm whether they were gazetted and tabled in Parliament within the statutory timelines. Secondly, can he assure the country that he has sealed all the loopholes for possible production or sale of fake fertiliser since he is the new Cabinet Secretary?

**Hon. Deputy Speaker:** Hon. Timothy Toroitich. I am giving a chance to Hon. Members who did not have an opportunity to ask questions.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Deputy Speaker. Cabinet Secretary, you have attributed some of the challenges that are facing the macadamia sector to regulations. You have said that there is a gap in terms of legislation. So, you are in the process of formulating regulations that will streamline the issue of marketing and pricing. If you have recognised that as a challenge, how far are the said formulated regulations? Are they before the Committee as yet?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for South Imenti

**Hon. (Dr) Shadrack Mwiti** (South Imenti, JP): Thank you, Hon. Deputy Speaker. I want to start by congratulating the Cabinet Secretary and the Ministry of Agriculture and Livestock Development at large for the role they are playing in developing agriculture. My question is direct. I would like the Cabinet Secretary to tell us the action they are taking to ensure that there is increased production; since it will lead to the expansion of the export market. I would also like him to tell us the role they are playing in value addition of macadamia. Finally, it is the issue of Marimba Campus, which has taken too long. I am convinced that the process is ongoing.

Thank you, Hon. Deputy Speaker.

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

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Naibu Spika. Ningependa kumuuliza Waziri swali ambalo haswa limenileta hapa Bungeni leo. Hapa Bunge, tulipitisha kuwa *factory* ya korosho ifufuliwe na ianze kazi. Mimi ni Mjumbe wa Kamati ya Utekelezaji. Tulikuwa kule Pwani tukitegemea kuwa utafika kule ili utatue hiyo shida. Waziri, watu 4,000 walikuwa wanafanya kazi kwenye hivyo viwanda. Tuko na watu takriban 50,000 ambao wanategemea ukulima wa korosho. Licha ya usimamizi kupewa mtu binafsi, bado hatujaona manufaa yake katika Kaunti zote za Pwani. Nahisi uchungu nikiona Jumba hili likizungumzia jinsi kilimo cha kahawa na majani chai kinavyostawi. Pwani tumesahaulika sana. Na ndiyo maana tuliwahitaji sana wakati tulienda kutembelea ule mtambo ambao umechukuliwa na kampuni ya kibinafsi. Hatukuruhusiwa kuingia mle ndani.

Mswada uliletwa hapa na Mheshimiwa Owen Baya na ukapitishwa kwamba kiwanda cha korosho kule Pwani kifufuliwe. Mpaka sasa, hatujaona matokeo. Ukulima wa nazi pia umedorora. Bandari ya Mombasa ni yetu lakini inaingiza nazi na korosho kutoka nchi za nje

wakati wakulima wetu wanahangaika na kubobea kwenye umaskini ilhali miti ya korosho iko nchini.

Ningependa Waziri anipe sikio. Najua hakuwa kwenye hiyo ofisi wakati huo, lakini ameweka mikakati gani kuhakikisha kuwa kiwanda cha korosho kinafufuliwa kama tulivyopitisha hapa Bungeni? Tunataka mmea wa maembe kuzinduliwa na kuinuka vizuri na nazi zetu kufufuliwa. Nahisi uchungu nikiwasikia wenzangu wakizungumzia bei ya macadamia kushuka wakati sisi wakulima wa korosho hatuonekani mahali.

Nilitaka kumwuliza Waziri wa Elimu kabla hajaondoka kuhusu zile nafasi za kazi alizozitoa maana Kaunti ya Mombasa tulipewa nafasi tatu pekee kati ya 56,000 zilizokuwepo, ilhali tuko ndani ya *broad-based Government*. Tunataka tuone matunda ya Serikali hii pana ili tukisimama kwenye majukwaa yetu na kuwaeleza wananchi wetu yale mambo Rais amefanya, wataamini. Tunataka matendo. Rais amewawekea majukumu ya kumsaidia ili anapofika sehemu Fulani, atakuwa na mambo ambayo atasema amewafanyia wananchi. Lakini mkimwanguka kwa utendakazi wenu, atapata shida mashinani.

Naomba mikorosho ifufuliwe katika Kaunti ya Pwani.

**Hon. Deputy Speaker:** *Waziri*, kindly answer the questions first because they are quite few.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr. Andrew Mwiha Karanja): Thank you, Hon. Deputy Speaker. The first issue is on the exported versus the local macadamia. When we export nuts, which we call nut and shell, we export the whole nut. One of the greatest Government's policies is value-addition, and we must agree on that. When we export nut and shell, we lose in terms of the value addition. We have about 38 processing factories in Kenya which are operating at 20 to 30 per cent capacity. They cannot even find macadamia.

We are, therefore, asking ourselves why we should give macadamia out when we can add value to it in the country. One of the major concerns which informs us when we are making that decision is value-addition.

**Hon. Deputy Speaker:** Thank you.

**Hon. Gichimu Githinji** (Gichugu, UDA): On a point of information, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of information, Hon. Gichimu?

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Deputy Speaker.

With tremendous respect; yes, we have those processing companies in Kenya. The Cabinet Secretary has, however, indicated that they are in the process of trying to organise farmers to form co-operatives and yet, none of the said factories are owned by farmers. There are individual business people and that is where the problem is. This is because they want to take advantage of the farmers.

**Hon. Deputy Speaker:** What is your question?

**Hon. Gichimu Githinji** (Gichugu, UDA): I agree with the issue of value-addition, but why not allow farmers to sell their products the way they have been doing as you organise them to form co-operative societies and have their own factories so that they can reap the benefits of their sweat? They are, otherwise, being exploited by local cartels! What if the prices come down in March? Unless you can assure us that the price will be over Ksh120 as it is now, then we can buy your argument. However, if those cartels want to have our farmer's produce by exploitation, we will not accept it.

**Hon. Deputy Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwiha Karanja): It is the normal business for investors in Kenya. We cannot criminalise people who are investing in this country. While we would like the processors to add value to their products, we would also like to guarantee a minimum price for the farmers. That is what

we have agreed on. We will set a minimum price which they have to buy at. If they renege on that, we will open it up.

*(Hon. Gichimu Githinji spoke off the record)*

Yes, when we open up.

**Hon. Deputy Speaker:** Allow the Cabinet Secretary to...

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihiya Karanja): The other issue is the ban on harvesting of macadamia nuts. When our nuts go out there, they do not belong to an individual farmer. They belong to Kenya. It becomes an issue when their quality is substandard and questionable. The ban is just to ensure that 90 per cent of the nuts that are harvested are mature. It becomes an issue when we allow continuous harvesting because the quality is compromised, which results in issues when they are exported out there.

On fake fertilisers, I would like to confirm to the Member that we are determined that there will be no fake fertilisers in Kenya this time round. We have put various measures in place. We have also established teams to look at all the aspects of fertiliser procurement. We have so far distributed fertilisers for the short-rains' season and there have been no incidents. The same will happen during the coming long-rains' season. We have assured the country that we will have all the fertilisers that is required for the next season in January. We are sure that they will not be fake, but quality fertilisers.

*(Laughter)*

They will not be fake!

I am informed that the Crops (Nuts and Oil Crops) Regulations, 2020 have been published to allow for public participation. We have already published them and they are going for public participation.

On the role of value addition, as I have indicated, one of the key plans of the Bottom-up Economic Transformation Agenda (BETA) is value-addition. We have identified the value chains which we will work on. Value-addition is the key and we are emphasising on the need to add value to major commodities like tea. We do not want to export raw commodities. Value-addition in all the value chains that we have identified is the key.

We will visit Marimba Campus by 25<sup>th</sup> November and the delays will be sorted out.

There is also the issue of coastal interventions in the Coast region. Hon. Deputy Speaker, with your indulgence, I will come with a comprehensive response next Wednesday.

**Hon. Deputy Speaker:** Hon. Zamzam, did you get that? *Amesema ataleta jawabu* next Wednesday.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Naibu Spika, hata akileta majibu, nataka Waziri atuhakikishie kuwa kuna barua ambayo tumemtumia kama *Select Committee on Implementation* tukimwalika awe pamoja nasi Mombasa tarehe 29. Nataka atuhakikishie kuwa atakuja kwa sababu Mawaziri hawa wametukwepa kwa muda mrefu. Hawaji kabisa kwa mikutano yetu ili tutatue shida hizo pamoja.

Ahsante sana, Mhe. Naibu Spika.

**Hon. Deputy Speaker:** Chairman of the Departmental Committee on Agriculture and Livestock.

**Hon (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you, Hon. Deputy Speaker. I would like the Cabinet Secretary to confirm something. First, we are not banning the harvesting of macadamia nuts because of pressure from the manufacturers or the processors. They lobby very strongly. The last time there was a ban on the exportation of

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macadamia nuts was because of the lobbying by those processors. They lobbied and brought down the prices of macadamia nuts because farmers could not sell their products anywhere else. The other thing the Minister should confirm is whether they have a structured way of allowing the exportation. How is exportation managed? If the export market is not properly managed, they should allow people from outside this country to go to the farms.

**Hon. Deputy Speaker:** Just ask your Question.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA) So, how is the exportation structured? Is there a system? Is it predictable? Do farmers know it? Where do they get this and how is it done? Finally, is the ban anchored in any legislation or subsidiary legislation?

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

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker. I want to thank the Cabinet Secretary for confirming that there will be no fake fertiliser going forward. However, I want him to confirm that... You know, earlier on, the Cabinet Secretary had indicated that there were regulations. He has just confirmed that, actually, there are no regulations. They have not even gone for public participation. So, he has to be careful when he is responding.

I have a follow-up question. The Cabinet Secretary has said that he is going to set the minimum prices for macadamia. My basic economics tells me that prices are determined by the market forces of demand and supply. How will he go beyond those forces in case there is a glut or an excessive production of a product? How will he set the minimum wages?

**Hon. Deputy Speaker:** Member for Kwanza.

**Hon Ferdinand Wanyonyi** (Kwanza, FORD -K): Thank you very much. Hon. Deputy Speaker. In talking about macadamia, I want to draw the attention of the Cabinet Secretary to the fact that this country is importing a lot of edible oil and yet, in this country, particularly in my area of Trans Nzoia, which is a tropical region...

**Hon. Deputy Speaker:** You are supposed to ask a question.

**Hon Ferdinand Wanyonyi** (Kwanza, FORD -K): We learnt from ADC where we can plant a lot of edible oil plants like the sunflower. The question is this: What is the Ministry doing to plant more of those edible oil plants, for example, sunflower which takes only three-and-a-half months to mature so that it can stop the importation of edible oils in this country? What is the Ministry doing about it?

**Hon. Deputy Speaker:** You have asked your question.

**Hon. Deputy Speaker:** Hon. Ruweida as long as you promise to be brief, then we can allow the *Waziri* to answer and then we close.

**Hon. Ruweida Mohamed** (Lamu East, JP): Mhesh. Naibu Spika, tukizungumza kuhusu makadamia, tunafaa kuizungumzia pamoja na *nuts* zingine, haswa korosho ambayo katika *packaging*, huchaganywa na macadamia. Nataka pia Waziri anapozungumza, azichanganye vivyo hivyo. Akizungumzia makadamia, azungumzie korosho.

(Laughter)

Mhesh. Naibu Spika, tulienda na Kamati ya Dayaspora kule USA na tukakutana na wanadayaspora wakatuambia – nataka Waziri ajue – kuwa *demand* ya korosho haijafikiwa hata robo. Wanahitaji korosho sana kule. Lakini kwa sababu mmea huu unatoka Pwani, haufanyiwi bidii. Kwa kuwa naona Serikali hii inazingatia mimea mingine, naomba ishughulikie sana korosho. Hii itainua Kenya kwa ujumla. Wengine wanapotoa chai na kahawa, na sisi tutoe korosho na Kenya itainuka.

**Hon. Deputy Speaker:** Hon. Ruweida, you had already asked that issue. You raised it when you asked which measures the Cabinet Secretary will undertake to promote *korosho* trade

and to revive your closed factories. Hon. Zamzam had raised it and the Minister clearly said that he will look into it.

*(Hon. Ruweida spoke off the record)*

**Hon. Deputy Speaker:** Thank you. You can proceed, Waziri. Then we will close this matter.

**The Cabinet Secretary for Agriculture and Livestock Development** (Dr Andrew Mwihia Karanja): Thank you, Hon. Deputy Speaker. I will start with the edible oils. I had already mentioned that we have distributed 556 metric tonnes of sunflower this season across the country from the production of 200 acres of sunflower plantation. This is one of the key interventions that we are doing with ADC and everybody else this season to make sure that we have edible oils in the country. Actually, most of the seeds were multiplied in the ADC farms in Kitale. We bought it from Zambia and multiplied it at the Kenya Seed in ADC farms in Kitale. We are now distributing it across the country. So, Hon. Member, next season, you will see a lot of sunflowers.

On minimum price, there was a ban on export of nut in shell last time. There was an agreement that we need to have a minimum price of Ksh100 that should be observed. If the locals do not pay Ksh100 that time, the condition was that we had the option of opening it up to competition for exportation of nut in shell. That is a condition. I understand that the price is the major concern of a farmer and what he or she gets. What matters most for us as a Government is value addition because it creates more jobs and other things. For a farmer, it does not matter whether the shells are being exported or value-added once he or she gets a fair price of, let us, say Ksh120. For our national interest, we have to promote value addition. I think that is the issue.

It is not about pressure from processors. Yes, they would like us to make sure they are utilising the capacity they have installed. However, we are also interested in the welfare of the farmer. A farmer getting a fair price is my first priority. Then, the rest can happen. Although, whether we are exporting or adding value here is important, it is not the primary condition. The primary condition is the welfare of the farmers to get the maximum they can.

That is why we are trying as much as we can to organise farmers into associations and co-operatives to collectively sell and market their macadamia nuts. I know that is a new sector which has not matured like coffee and others. It will get there. That is why we are talking about making sure we have regulations to make the sector start getting a semblance of order. Currently, what is happening is disorderly.

**Hon. Deputy Speaker:** Waziri, I think we are done. Thank you for your time. You are now released.

*(Hon. Zamzam Mohammed spoke off the record)*

I think the Hon. Speaker has already put in that request. In fact, there is a Speaker's Ruling on that matter. The substantive Speaker pronounced himself on it. The Deputy Leader of the Majority Party was informed to make sure a letter goes to the Cabinet Secretary's Office. It is done. Again, you usually do not get a response here. Formally, letters go out from the Office of the Clerk of the National Assembly. All right. Thank you. You may walk them out.

*(The Cabinet Secretary and his team exited the Chamber)*

Can you read the next Order, Order No. 8?

**BILLS***Second Readings*THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL  
(National Assembly Bill No. 11 of 2023)*(Moved by Hon. Kimani Ichung'wah on 19.11.2024)**(Debate concluded on 19.11.2024)***The Deputy Speaker:** I think we will put the question at a later date.*(Putting of the Question deferred)*

We will move to the next Order by the Deputy Leader of the Majority Party.

THE KENYA REVENUE AUTHORITY (AMENDMENT) (NO. 2) BILL  
(National Assembly Bill No. 35 of 2024)**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. I beg to move:

THAT, the Kenya Revenue Authority (Amendment) (No. 2) Bill, (National Assembly Bill No. 35 of 2024), be now read a Second Time.

The Bill was published on 9<sup>th</sup> July 2024. It was read for the First Time on 15<sup>th</sup> August 2024. It contains amendments that seek to support education and training by the Kenya School of Revenue Administration (KESRA), provide for the appointment of Deputy Commissioners by the Commissioner-General, and to give the Cabinet Secretary power to waive the penalties that are payable by an appointed agent who fails to transfer the funds that are collected. I will put this into perspective so that it is easier for Members to understand what the Bill is all about.

First, the Bill seeks to allow KESRA to collaborate with other institutions such as universities, colleges and other institutions in order to provide higher learning and better qualifications for people who are enrolled in its programs.

Secondly, it seeks to give power to the Commissioner-General to appoint Deputy Commissioners of the Kenya Revenue Authority (KRA). This is controversial, and I will speak about it later.

Thirdly, this Bill intends to give powers to the Cabinet Secretary for the National Treasury and Economic Planning to waive penalties. It also seeks to protect businesses and entrench fair tax administration. In a nutshell, this is what the Bill is about. Hon. (Dr) Mutunga, did you get me right? As a teacher, I sometimes have to check on my students. He could easily have been my student. I started teaching at the university before he did. Those are the key aspects of the Bill. I will go through the Bill clause by clause so that it is understood.

The KESRA, which is the subject of this Bill, was established in 1995 as Kenya Revenue Authority Training Institute (KATRI). The Mombasa-based school is one of the only four World Customs Organisations (WCO) accredited regional training centres (RTCs) in Eastern and Southern Africa. The institution not only offers training in revenue administration for KRA staff, but also for students from other institutions, including regional students. The school is one of the only four World Customs Organisation accredited regional training customs in Eastern and Southern Africa. That is how special it is. In Africa, I think we only

have four of those, and Kenya is one of them. So, that is about KESRA. The Bill seeks to give it power to collaborate with other institutions.

Clause 2 of the Bill proposes to amend Section 5 of the Kenya Revenue Authority Act to provide a legal framework for KESRA to offer or collaborate with other institutions of higher learning to provide programmes in revenue administration, develop curricula, assess or examine students, and award qualifications.

Clause 3 of the Bill proposes to amend Section 13 of the Kenya Revenue Authority Act to provide that the Deputy Commissioners shall be appointed by the Commissioner-General. Previously, the law provided for the appointment of the Deputy Commissioners by the Board. In my view, this is a bit controversial, and we need to amend it. So, Hon. (Dr) Oundo, please, prepare to bring an amendment on that. I personally think we need to give the power to the Board, not the Commissioner-General, as the law currently provides. The amendment is in line with good corporate governance practices, where the Commissioner-General or the Chief Executive Officer (CEO) is responsible for the staff of the institution, while the Board appoints the Commissioner-General only. However, that is debatable.

The Bill seeks to amend Section 15A of the Act to give the Cabinet Secretary power to waive the penalty that is payable by an appointed agent who fails to transfer funds that are collected, if the failure was inadvertent. That is very important. Or the person has been put under receivership or statutory management. That is a key pillar of this Bill. Members need to think through it. I do not know whether Hon. (Dr) Oundo got this correct, but that is what this Bill is trying to do. I want Hon. (Dr) Oundo to take note. I know you taught at the university earlier than me. No, I think almost the same time.

The Bill seeks to amend Section 15A of the Act to give the Cabinet Secretary power to waive the penalty payable by an appointed agent who fails to transfer funds that are collected, if the failure was inadvertent, or the person has been put under receivership or statutory management. That is what Clause 4 intends to do.

Hon. Deputy Speaker, this section provides that the Commissioner may appoint agents for even new banking services who are qualified to transfer all the funds that are collected to Central Bank of Kenya accounts. It also provides for a penalty, where an agent fails to transfer the funds.

The amendment recognises that for various reasons not deliberated on the part of the agents, they may be unable to remit the funds. Therefore, the amendment is to allow the Cabinet Secretary to waive the penalty in the case of system downtime or non-compliance that is not deliberate, receivership or statutory management and *Force-Majeure*.

Sometimes, an agent may fail to remit funds, not because he wanted to, but at the time when he wants to remit funds, the system is on downtime. And if there is downtime, then it might attract a penalty not because he wanted to, but it was inadvertent. Therefore, we give the Cabinet Secretary power to waive the penalty, not the payment. The penalty on the money that has not been remitted on time.

Hon. Deputy Speaker, in summary - and I can see the Member of Parliament for Kathiani is listening very keenly - the Bill is important for the following reasons:

1. It will empower the Kenyan School of Revenue Administration to collaborate with other institutions, which is important.
2. It will streamline Kenya Revenue Authority (KRA) operations in the appointment of deputy commissioners.
3. It will protect business and entrench fair tax administration.
4. It will enable the waiving of penalties in exceptional cases.

Hon. Deputy Speaker, I, therefore, urge Members to support the Bill. This is a small Bill. It has just four clauses that we are amending, I have made it easy for anybody who is listening to understand what this Bill is about. There are certain issues that we may want to

amend as Parliament because this is a proposal that is coming in. I believe the appointment of the Deputy Commissioners of KRA should not be done by the Chief Executive Officer (CEO). It should be done by the Board and not the CEO. This is debatable, but the Bill proposes that the CEO be allowed to appoint Deputy Commissioners. Unilaterally, I think there must be checks and balances so as to ensure that it is done properly.

Hon. Deputy Speaker, I beg to move and request the Hon. (Dr) Oundo, a learned man from “The University of Nairobi”, to second.

Thank you.

**Hon. Deputy Speaker:** Hon. (Dr) Oundo, proceed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Deputy Speaker, let me thank the Hon. Deputy Leader of the Majority Party in the National Assembly for asking me to second the Kenya Revenue Authority (Amendment) (No. 2) Bill, (National Assembly Bill, No. 35 of 2024).

Hon. Deputy Speaker, as I support, I just want to raise a few concerns here and there, because this Bill is published under the name of Hon. Kimani Ichung’wah, the Hon. Leader of the Majority Party. Indeed, I would imagine, so to speak, in the old constitutional dispensation, it would be called a Government Bill. So, it must have gone through a bit of consultations before it was published. Even the Mover himself, who happens to be the owner of the Bill, has misgivings on some of these clauses. That probably reinforces the view that is held outside there that probably, this House could easily become a conveyor belt. But that is beside the point. I stand here to support the Bill as moved by the Leader of the Majority Party. Of course, like any typical Bill, it is now the property of the National Assembly. The National Assembly can do with it whatever it wants to do until it gets to the final end.

It is a short Bill basically to put a few things here and there. I have misgivings on Clause 2(a). We need to review it. This is because it is allowing the Kenya School of Revenue and Administration (KESRA) to develop a curricula, assessment or examination of students and awarding of certificates. For an institution to award a certificate and ensure the certificate is recognised internationally or in other places, there must be a process of certification or accreditation. I hope and pray that it is the intention of the Mover of the Bill to seek accreditation from the Council of University Education. This is because if they collaborate with an institution of higher learning, it has only to be the university, or they will seek authority from the Technical and Vocational Education and Training (TVET) Authority, as well as Kenya National Examinations Council (KNEC). Otherwise, their certificates will only be good to work at the Kenya Revenue Authority (KRA) and nowhere else within this country or outside. This is an area in which we must apply ourselves and see how to amend to make sure that it is in tandem with the reality.

Clause 3 of the Bill is the most mischievous. I wonder how somebody who really believes in the tenets of corporate governance would want to give the commissioner the absolute authority to appoint his or her deputies. This is a complete abuse of power. As I second, I hope the Committee that is involved has seen the mischief here. I request them to seek a complete deletion of the clause.

Clause 4 is another fairly controversial one. An agent is required to collect taxes on behalf of KRA. The date of remission or submission is clearly agreed upon in good time. To talk about system failure is really handing the agent the right or the opportunity to abuse that privilege. In any case, if you know the last day will be tomorrow, a prudent professional or manager as an agent, will seek authority to remit in fairly good time because when the system gets clogged, it will obviously delay. Somebody can actually use it to misbehave.

Again, I would believe that when the Commissioner appoints an agent, he will put into place adequate measures to ensure that the agent is solvent. To imagine that such an event or notification of the person that has been put under receivership or statutory management to

prevents the transfer of funds, I would have thought that KRA would have done due diligence to ensure that the agent is financially sound. When one is put under receivership or under statutory management, there must have been a process. Once such an intention is filed, at that particular moment, KRA should terminate the agent's agreement so that the Kenyan taxpayers do not miss out any money.

As I conclude, KRA is central to the survival and management of the affairs of this country. We continuously plead and request that they should also ensure they do not kill businesses but, rather, support businesses in view of the hard economic times. Likewise, as has been ventilated here before, let KRA reflect the face of Kenya so that every Kenyan can feel as part and parcel of that gravy train that normally generates everything.

Of course, during our days, there was only one university - The University of Nairobi. Those other small colleges have just emerged over time to compete with it.

With those few remarks, I second.

*(Question proposed)*

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

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Deputy Speaker. This Bill, short as it is, is addressing a very important function and responsibility of KRA in terms of the development of a curriculum in consultation with other institutions. I agree with the function in the proposed new sub-section (2B)(a) on offering programmes in revenue administration directly, or in collaboration with any other institution of higher learning. The question of developing a curriculum is already addressed from that perspective. Therefore, the issue of accreditation that Hon. Oundo has spoken about is addressed by the new sub-section.

I agree that this Bill needs to be amended further because we cannot have a commissioner-general who has the power to appoint his deputy. That is a very high position. This responsibility needs to be vested in the Board. I, therefore, ask that we make a further amendment on that and vest that responsibility in the Board.

I am of the view that we define the term 'agent' in the Bill. We need to be very clear on which agent we are talking about. Is it an individual or an institution that is collecting revenue on behalf of KRA? That is not defined properly. Secondly, which system fails? Is it the system of the agent or that of KRA? If, for example, the agent is a bank, we need to be very careful and say whether it is the KRA system that has failed and is not accepting transfers or it is the system of the agent that is not able to transmit information to KRA. Those clarifications need to be taken into account. If those amendments are done, then we can proceed to approve the Bill. As the Bill is, I have reservations on it.

Thank you.

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

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to also add my voice to this Bill. KRA is Kenya's tax collector. We must be very careful as a House any time we are dealing with matters taxation, even when it seems it is an easy thing. It cannot be easy, because whenever we are dealing with KRA, we are dealing with its power to collect or waive taxes. It is something that we have to take seriously.

Hon. Deputy Speaker, I rise to oppose this Bill in totality - every single clause of the Bill. There is a proposal to give Kenya School of Revenue Administration powers to collaborate with institutions of higher learning. This will enable them to give certifications that are provided there. From the inception, what was the purpose of that institution? Was it supposed to offer degrees, diplomas, master's degrees and doctorates? Probably, that was not the reason. We spent a lot of time with the Cabinet Secretary for Education this afternoon. One of the problems we talked about is the stress in our public universities. We are creating competition

for them by allowing every institution to offer the same courses that they offer. On this score, I oppose this Bill. This is not the right thing to do.

The Bill proposes to give powers to the Commissioner-General to appoint Deputy Commissioners. Even if they went to the same institution that they have there, it taught them very basic rules on public or corporate management or governance. It is only the Board that can appoint the people who work under the person who runs any department. You cannot run a department and then you recruit all the people who work under you. There has to be a body that is mandated to recruit. The Government of Kenya has a Ministry that deals with recruitment. The Parliament of Kenya has the Parliamentary Service Commission that deals with recruitment. You cannot run an office and then you give yourself the power to appoint the people who work under you. That should be vested with the Board. On this score, I oppose the Bill.

There is also a proposal in the Bill to give powers to the Cabinet Secretary to waive penalties. I have listened to the explanation that has been given by the Deputy Leader of the Majority Party. That work can be done by the commissioners in Kenya Revenue Authority (KRA). He said that the Cabinet Secretary can give a waiver because there may be some downtime and the agent cannot do certain things on time. That is an explanation that the commissioners can understand. It is making it seem like rocket science. That is basic common sense. If the systems fail, no one can make a payment. They cannot be punished. The person who can listen to that is a junior officer, but not a commissioner. On this proposed amendment, I believe that this Bill fails the test of time.

I oppose this Bill. If you listened to the speakers before me, including the Mover and Seconder, they are quietly and in a veiled way opposing it. I request the Deputy Leader of the Majority Party to withdraw this Bill, so that we can do some serious business in the House.

I submit, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** There are no more interventions. We can go to the next Order. I will not put the Question because we shall continue with the debate.

Hon. Dorothy Ikiara, do you want to speak on this Bill?

**Hon. Dorothy Muthoni** (Nominated, UDA): Hon. Deputy Speaker, I am interested in the next Order, which is the Coffee Bill, (Senate Bill No. 10 of 2023).

*(Putting of the Question deferred)*

**Hon. Deputy Speaker:** Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

IN THE COMMITTEE

*[The Chairlady (Hon. Gladys Boss) in the Chair]*

THE COFFEE BILL  
(Senate Bill No. 10 of 2023)

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Chairlady.

**Hon. Chairlady:** What is your point of order, Deputy Leader of the Majority Party?

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**Hon. Owen Baya** (Kilifi North, UDA): Hon. Chairlady, looking at how important this Bill is at this particular instance, for us to give it due attention and looking at how people are tired and all that, and looking at its importance both to the sector and in the regions where coffee is grown, I would really like to step down this Bill for now. This will allow us to give it the full attention it deserves with renewed energy and vigour in the next sitting on Monday.

We will prioritise it with the indulgence and acceptance of the Hon. Chairman. Thank you.

**Hon. Chairlady:** Hon. Chairman.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Chairlady, I have no objection to that proposal by the Deputy Leader of the Majority Party. Thank you.

**Hon. Chairlady:** Okay, I guess we can leave it there. I will request the Hon. Speaker and House Business Committee to give it priority, at the most immediate date.

*(Consideration of the Bill in the Committee of the whole House deferred)*

*(The House resumed)*

IN THE HOUSE

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

**Hon. Deputy Speaker:** Mover of the Bill, you can report the position. That, you stand it down until further notice.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. I want to report that we have agreed to stand down the Committee of the whole House, until such a time when it is scheduled next. Thank you.

**Hon. Deputy Speaker:** That is acceptable. Let us move to the next Order.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): On a point of order, Hon. Deputy Speaker.

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

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Deputy Speaker. I want to sincerely request the Chairperson of the Departmental Committee on Agriculture and Livestock to mobilise all the Members of his Committee, the next time the Committee of the whole House is scheduled. Ask all of them to be present. I have interacted with this Bill quite often. They can guide debate in the Committee of the whole House. Thank you.

**Hon. Deputy Speaker:** Yes, Majority Whip.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you, Hon. Deputy Speaker. It is quite unfortunate that we are in this state. This Bill was previously stepped down because of some circumstances and now by the Mover for obvious reasons. The only challenge is that looking at the very packed calendar for next week, it will not be practically possible to schedule it on Monday or Tuesday. I do not know how we will navigate. I agree with Hon. Dr Oundo that, at the point it is scheduled, the Chairperson of the Departmental Committee on Agriculture and Livestock should mobilise the entire Committee, plus his 15 Members and all the Members from coffee growing areas who are interested in this matter. That way, it can be dispensed.

**Hon. Deputy Speaker:** Remember you are the Majority Whip. So, you are in charge of whipping Members. You cannot delegate.

*(Laughter)*



**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Deputy Speaker, as the Majority Whip, I also have the powers to delegate. So, I delegate to the Chairperson of the Departmental Committee on Agriculture and Livestock. Thank you.

**Hon. Deputy Speaker:** Hon. Members, there is a lot of interest from Members on this Bill. I think it would be unfair and unjust to proceed with it now. In fact, the presumption by most Hon. Members was that since we had two Cabinet Secretaries today, we would take the usual time up to 9.00 p.m. I do not think they expected us to be that efficient.

*(Hon. (Dr) John Mutunga Kanyuithia raised his hand)*

**Hon. Deputy Speaker:** Yes! Permission granted.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you, Hon. Deputy Speaker. Let me inform the House that today's status quo is because we have a lot of business in the Order Paper. We should have stood down the business. Members of my Committee and Members of the Coffee Caucus were waiting. Even yesterday, they were full-house and so, sometimes, do not blame them. The Majority Whip should do his job. He should not transfer his responsibilities when things seem to go south. Thank you.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Dorothy Ikiara, do you want to say something?

**Hon. Dorothy Muthoni** (Nominated, UDA): Hon. Deputy Speaker, I underscore that the Coffee Bill is very important for this country, and should not be a reserve for the coffee growing areas only. It is a cash crop that is grown in Kenya and all Members should be present to execute it. That is because the areas where coffee is grown today might not be tomorrow. Let the Whips whip all the Members so that we are all present as we seek to execute the business of the day.

Thank you.

**Hon. Deputy Speaker:** Thank you. Chairperson, Departmental Committee on Agriculture and Livestock, in future, if you find that you have a time-bound Bill, you can just whisper to the sitting Speaker and he or she can re-arrange the Order Paper. I think he or she has a discretion to do so. Hon. Mugambi.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Deputy Speaker, since you are the sitting Speaker, you have an obligation to inform the Speaker who will be on the Chair on Monday to alter the Calendar for that day. I do not believe it is the responsibility of the Chairperson *per se*.

*(The Majority Whip spoke off the record)*

**Hon. Deputy Speaker:** Let him finish.

**Hon. Mugambi Rindikiri** (Buuri, UDA): This Bill is important to an extent that the activities of that day can be amended by the House Business Committee to accommodate it. In as much as the Chief Whip wants to inform me, he is part and parcel of the House Business Committee and also one of the Members from coffee growing zones. He is also among the mobilisation arm of this House and, therefore, he cannot run away nor inform me. He, however, needs to support me on how this Bill will be discussed on Monday. If he wants to inform me on anything else apart from what I have mentioned, he can go ahead. Otherwise, I do not want to be informed.

**Hon. Deputy Speaker:** Hon. Mugambi, I have already directed that the Deputy Leader of Majority Party ensures that this Bill be appropriately placed in the next Order Paper.

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However, if any Member ever finds that the timetable is going a bit off-schedule, and the Chairpersons would know how many clauses are left, and the importance and priority of it, they can always raise their concerns on the Floor. The sitting Speaker would, therefore, have the discretion to re-arrange the Order Paper. We can now close the debate.

Next Order.

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Deputy Speaker.

**Hon Deputy Speaker:** Hon. Baya, what is your point of order?

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, in the same spirit in which we have dealt with the Coffee Bill in the Committee of the whole House, with your indulgence and that of the Members here, I would like to request that you accept my proposal to stand down Orders 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. I know I need to mention each Order by way of order, but I thought I could do something called guillotine; and you can use Standing Order 1 to allow us use it on this, so that we stand down all of them in one strip and, therefore, pick them next time when we re-schedule all these Bills.

I, thank you, Hon. Deputy Speaker.

## BILLS

### *Second Readings*

THE UNCLAIMED FINANCIAL ASSETS (AMENDMENT) BILL  
(National Assembly Bill No. 15 Of 2024)

THE LAND CONTROL BILL  
(National Assembly Bill No.39 of 2023)

*(Moved by Hon. (Dr) Ojiambo Oundo on 18.10.2024 – Afternoon Sitting)*

*(Resumption of debate interrupted on 6.11.2024 – Afternoon Sitting)*

THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL  
(National Assembly Bill No. 58 of 2022)

*(Moved by Hon. Joyce Kamene on 18.10.2024 – Morning Sitting)*

*(Resumption of debate interrupted on 18.10.2024 – Morning Sitting)*

*(Bills deferred)*

## MOTION

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF STATE CORPORATIONS  
(NYANZA REGION) FOR FINANCIAL YEARS 2018/2019,  
2019/2020 AND 2020/2021

THAT, this House adopts the Report of the Public Investments Committee on Governance and Education on its Examination of the Reports of the Auditor-General on the Financial Statements of State Corporations (Nyanza Region) for the Financial Years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Thursday, 25<sup>th</sup> July 2024 subject to:

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- (a) deletion of Paragraph 212 appearing on Page 41 of the Report and substituting therefor with the following new paragraph:  
“The Committee recommends that the regular cash payments made for the casual works done amounting to Ksh2,308,996, be surcharged to the governing council of Kisumu National Polytechnic. The amount is to be paid within six months after the adoption of the Report by this House.”
- (b) deletion of Paragraph 216 appearing on Page 41 of the Report, and substituting therefor with the following new paragraph  
“The Committee recommends that the long-standing imprest of Ksh37,800, be written off from the institution’s books of accounts since no money was lost; it was as a result of demise of the employee.”
- (c) effecting the consequential amendments in the Report.

*(Moved by Hon. Wanami Wamboka on 6.11.2024 – Afternoon Sitting)*

*(Resumption of debate interrupted on 6.11.2024 – Afternoon Sitting)*

*(Motion deferred)*

## **BILLS**

### *Second Readings*

THE POLITICAL PARTIES (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 35 OF 2022)

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 38 OF 2022)

THE EQUALISATION FUND (ADMINISTRATION)  
BILL (SENATE BILL NO. 14 OF 2023)

*(Bills deferred)*

## **MOTIONS**

ALLEGED UNFAIR TRADE PRACTICES  
BY FOREIGN INVESTORS IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Co-operatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, laid on the Table of the House on Thursday, 7<sup>th</sup> March 2024.

THIRD REPORT ON CONSIDERATION OF THE  
AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS

That, this House adopts the Third Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on the Financial Statements of the following State Corporations, laid on the Table of the House on Tuesday, 30<sup>th</sup> July 2024 —

- (i) Kenyatta National Hospital, FY 2018/2019 and 2019/2020;
- (ii) Kenya Medical Supplies Authority, FY 2017/2018 and 2018/2019;
- (iii) Kenya Veterinary Board, FY 2018/2019, 2019/2022 and 2020/2021;
- (iv) National Authority for the Campaign against Alcohol and Drug Abuse, FY 2017/2018, 2018/2019, 2019/2020 and 2020/2021; and
- (v) Kenya Broadcasting Corporation, Financial Years 2000/2001, 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

*(Motions deferred)*

## BILL

*Second Reading*

THE UNIVERSITIES (AMENDMENT) BILL  
(National Assembly Bill No. 38 of 2023)

*(Bill deferred)*

## MOTIONS

REPORT OF THE EXTRAORDINARY SESSION OF  
THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

THAT, this House notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament, held in Midrand, South Africa, from 20<sup>th</sup> to 27<sup>th</sup> March 2024, laid on the Table of the House on Thursday, 2<sup>nd</sup> May 2024.

REPORT ON THE PERFORMANCE AUDIT REPORT ON THE PROVISION  
OF SERVICES TO PERSONS WITH DISABILITIES BY THE NATIONAL  
COUNCIL FOR PERSONS WITH DISABILITIES

THAT, this House adopts the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Performance Audit Report by the Auditor-General on the Provision of Services to Persons with Disabilities by the National Council for Persons with Disabilities, laid on the Table of the House on Tuesday, 30<sup>th</sup> July 2024.

*(Motions deferred)*

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** We have many points of order. What is your point of order, Hon. John Mutunga Kanyuithia?

### QUORUM

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Deputy Speaker, what the Deputy Leader of Majority Party is saying is that we have no quorum.

I rise under Standing Order 35 that this House considers the business that we are discussing to be lacking sufficient quorum for any decision to be made.

**Hon. Deputy Speaker:** I will rule that we have no quorum, and for us to adjourn.

**Hon. Deputy Speaker:** We can ring the Quorum Bell for five minutes.

*(The Quorum Bell was rung)*

### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, the time being 7.45 p.m., this House stands adjourned until Thursday, 21<sup>st</sup> November 2024, at 2.30 p.m.

The House rose at 7.45 p.m.

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