



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 7**

## THE HANSARD

Wednesday, 21<sup>st</sup> February 2024

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** Hon. Members, your exemplary conduct is still worth noting. It is excellent. We have not had a quorum hitch at the beginning for the whole week. I have seen something different this afternoon.

*(Applause)*

Clerk-at-the Table, we have quorum to transact business.

### PAPERS

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

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker. I beg to lay the following Papers on the Table:

1. The Eleventh Report on status of the Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for the Financial Year 2022/2023 from Public Service Commission.
2. Audited Financial Statements of the Central Bank of Kenya (CBK) for the year ended 30<sup>th</sup> June 2023 from the CBK.
3. Forensic Audit Report on Land Compensation Claims in the State Department for Roads Regional Mombasa Port Access Road Project from the Office of the Auditor-General.
4. Agriculture and Food Authority (AFA) Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2023 from Agriculture and Food Authority.
5. Reports of the Auditor-General and Financial Statements for the year ended 30<sup>th</sup> June 2023 and the certificates therein in respect of:
  - (a) Kenya National Commission on Human Rights Car and Mortgage Loan Scheme;
  - (b) Kenya Water Towers Project (Grant No. FED/2016/375-958) – Kenya Forest Service (KFS);
  - (c) State Department for Public Health and Professional Standards;
  - (d) State Department for Public Service;
  - (e) Petroleum Development Fund – State Department for Energy;
  - (f) Kenya Youth Employment and Opportunities Project (IDA Credit No.5812 – KE) – State Department for Youth Affairs;
  - (g) State Department for Broadcasting and Telecommunications;
  - (h) State Department for Investment Promotion;
  - (i) Salaries and Remuneration Commission;
  - (j) Commission on Revenue Allocation; and,
  - (k) Judicial Performance Improvement Project (IDA Credit No.5181-KE) – The Judiciary.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Next is the Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): I am sorry. I am told the Papers are coming. Kindly allow me a few minutes. I am told some are in your office and others are at the Table Office.

**Hon. Speaker:** Okay. Next is the Chairperson of the Departmental Committee on Labour. Is that Karemba? Are you a Member of the Committee? Are you ready?

**Hon. Peter Kihungi** (Kangema, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Reports of the Departmental Committee on Labour on:

1. Its consideration of the status of budget implementation for the Financial Year 2022/2023; and,
2. Study visit to the Parliament of the United Republic of Tanzania from 4<sup>th</sup> to 8<sup>th</sup> September 2023.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Next Order.

### NOTICES OF MOTIONS

**Hon. Speaker:** Chairperson of the Departmental Committee on Health.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on its consideration of the agreement on the establishment of the International Vaccine Institute (IVI), laid on the Table of the House on Tuesday, 5<sup>th</sup> December 2023, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the Agreement on the Establishment of the IVI.

**Hon. Speaker:** Thank you, Chairman. Next is the Chairperson, Departmental Committee on Labour, Hon. Karemba. One of your Members laid the Paper. You can now give notice of the Motion.

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

THAT, this House adopts the Report of the Departmental Committee on Labour on the Budget Implementation Monitoring for the Financial Year 2022/2023, laid on the Table of the House on Wednesday, 21<sup>st</sup> February 2024.

**Hon. Speaker:** Thank you. Before we go to Order No.7, Hon. Murugara, do you have your Papers now?

**Hon. George Murugara** (Tharaka, UDA): Sir, I asked the clerk to bring the Papers, but I am still looking for the Serjeant-at-Arms.

**Hon. Speaker:** I expected that by the time you made that same excuse, you had sent one of your Members to run to the Table Office.

**Hon. George Murugara** (Tharaka, UDA): Let me go check them.

**Hon. Speaker:** I will edge you in somewhere to lay the Paper and give a notice of Motion.

Next Order.

### PROCEDURAL MOTIONS

EXTENSION OF PERIOD FOR CONSIDERATION OF THE  
2024 BUDGET POLICY STATEMENT

**Hon. Speaker:** Hon. Ndindi Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 232(7) relating to timelines for consideration of the Budget Policy Statement (BPS), this House resolves to extend the period for consideration of the 2024 Budget Policy Statement by a period of seven days from 29<sup>th</sup> February 2024.

Hon. Speaker, if I can proceed, as my colleagues know, one of our critical roles in this House is budget making. In that process, every Member plays a very pivotal role. The Budget and Appropriations Committee only comes at the tail end of the entire process. Most of us here take part in the budget making process. That process started last year. During our first term, it took us time to apprise ourselves to the fact that the budget making process does not start in June. June is usually the tail end. The process starts much earlier. For example, the budget making process for the Financial Year 2024/2025 started last year where the Government is divided into 10 compact sectors. Those sectors form something we call ‘Sector Working Groups’.

Last year, we conducted public participation where members of the public practically gave their views in regard to this process. However, the most critical part is where we are now. We are now setting the ceilings in regard to the expenditure that we are going to approve in this House. Therefore, these ceilings will then guide the estimates. Whatever we are setting here as ceilings will determine the number of projects we will have in the various Ministries, Departments and Agencies of Government.

Hon. Speaker, this Procedural Motion seeks to extend the statutory timeline by seven days. This is because a lot happens after the tabling of the Budget Policy Statement, as it was done in the last few days. After tabling the BPS, we transmit the same documents to the various 20 departmental committees in this House. I want to laud all the departmental committees, their leadership and Members of this House because they have been very forthright before, and have been working meticulously in terms of making our work pretty easy.

Hon. Speaker, as I finish, we have already started meeting the various accounting officers of ministries, departments and agencies (MDAs) of Government through the departmental committees. This started yesterday, and some of the departmental committees are also meeting today for consideration of the BPS. They will also meet tomorrow, Friday. I just want to make a plea to all the leadership and Membership of the departmental committees that we try to finish up the business of meeting the various MDAs hopefully, by the end of this week. Thereafter, we are going to have sittings with all the departmental committee chairpersons as the Budget and Appropriations Committee and thereafter, bring a report to this House.

I, therefore, request my colleagues here, whom we are all equal, that we kindly pass this Procedural Motion so that we can finish up the BPS within a reasonable time. As I sit, I request the Chairperson of the Departmental Committee on Health to second this Motion.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, I second.

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

**Hon. Members:** Put the Question!

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Next Order. Chairman, Public Debt and Privatisation Committee

EXTENSION OF PERIOD FOR CONSIDERATION OF THE  
2024 DEBT MANAGEMENT STRATEGY

**Hon. Abdi Shurie** (Balambala, JP): Hon. Speaker, I beg to move the following Procedural Motion:

That, notwithstanding the provisions of Standing Order 232A(4) relating to timelines for consideration of Debt Management Strategy, this House resolves to extend the period for consideration of the 2024 Debt Management Strategy by a period of ten days from 25<sup>th</sup> February 2024.

Hon. Speaker, the Committee is in the process of reviewing the 2024 Medium-Term Debt Management Strategy that was laid on the Floor of the House on 15<sup>th</sup> February 2024.

The Committee is required to consider the Medium-Term Debt Management Strategy (MTDS) and table its report to the House for consideration within ten days of tabling the strategy. However, this time is insufficient given that the Committee is required to undertake extensive engagements with multiple stakeholders and public participation in order to guide the House appropriately.

The Committee is in the process of engaging stakeholders on critical clauses expected to influence the public debt management in Kenya. As such, we seek additional time to allow the Committee to consider the 2024 MTDS, and table a comprehensive report.

I, therefore, beg to move and request the Vice-Chairperson, Hon. (Dr) Makali Mulu, to second.

**Hon. Speaker:** Hon. Makali Mulu.

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

I second the Procedural Motion. As the Chairperson has said, the whole idea behind the extension of time is to allow many stakeholders to input into this important document which will determine how much will be borrowed in this country. Bearing in mind the problem we are facing of public debt, it is important that we allow as many stakeholders as possible to give their input.

With those remarks, I second.

*(Loud consultations)*

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

*(Hon. Abdi Ali Abdi and several  
Members walked into the Chamber)*

**Hon. Speaker:** Order, Hon. Abdi Ali and other Hon. Members on your feet, please, take your seats.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, before we move on to the next Order, allow me to acknowledge students from the following institutions in the Public Gallery: Kenya College of Accountancy University, Ruaraka Constituency, Nairobi County and Kieni Mixed Secondary

School from Subukia Constituency, Nakuru County. On my behalf and that of the House, we welcome you all to Parliament.

Hon. Murugara, I will now go back to Orders 5 and 6. I will allow you to lay your Papers and give your notice of Motion.

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I only have Papers to be laid. Thank you very much. I apologise for the hitch. The work was substantial.

## PAPERS

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Justice and Legal Affairs on its consideration of:

1. The Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.68 of 2023); together with the compendium of reports of the following departmental committees on the consideration of the Bill –
  - (a) Labour;
  - (b) Education;
  - (c) Administration and internal security;
  - (d) Transport and infrastructure;
  - (e) Finance and National Planning; and
  - (f) Agriculture and Livestock.
2. The National Government Administration Laws (Amendment) Bill (National Assembly Bill No.73 of 2023).

**Hon. Speaker:** Thank you, Hon. Murugara. Next Order.

## MOTION

### APPROVAL OF MEDIATED VERSION OF COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House adopts the Report of the Mediation Committee on the County Governments Additional Allocations Bill (National Assembly Bill No.23 of 2023), laid on the Table of the House on Tuesday, 20<sup>th</sup> February 2024, and approves the Mediated version of the County Governments Additional Allocations Bill (National Assembly Bill No.23 of 2023).

### MEDIATED VERSION OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2023)

#### A Bill for

**AN ACT of Parliament to provide for the additional allocations to County Governments for the 2023/2024 financial year; the responsibilities of National Government and county governments pursuant to such allocation; and for connected purposes.**

**ENACTED** by Parliament of Kenya, as follows—

1. This Act may be cited as the County Governments Additional Allocations Act, 2024 and shall be deemed to have come in force on 1<sup>st</sup> July, 2023. Short title and commencement.
2. In this Act — Interpretation.  
No. 18 of 2012.
- “agreement” means an intergovernmental agreement entered into under section 191A of the Public Finance Management Act;
- “authorized person” —
- (a) in relation to the National Government shall be the Principal Secretary responsible for matters relating to finance or a person appointed by the Principal Secretary, in writing;
- (b) in relation to a county government shall be the county executive committee member responsible for matters relating to finance or a person appointed by the county executive committee member, in writing;
- “Cabinet Secretary” means the Cabinet Secretary responsible for finance;
- “additional allocations” means additional resources allocated to county governments from the national government’s share of revenue or in the form of loans and grants from development partners; and
- “county executive committee member” means the county executive committee member in charge of matters relating to finance.
- 1.3. The object and purpose of this Act is to— Object and purpose of the Act.
- (a) provide, pursuant to Article 202(2) of the Constitution, for additional allocations for the financial year 2023/2024;
- (b) provide for additional allocations from proceeds of loans and grants from development partners; and
- (c) facilitate the transfer of conditional and unconditional allocations made to counties under this Act from the Consolidated Fund to the respective County Revenue Funds and special purpose accounts.
- 2.4. (1) Additional grants shall be funds agreed upon by the National Assembly and the Senate during the consideration of the Budget Policy Statement and shall comprise of— Additional allocations to county governments.
- (a) additional allocations from development partners required for transfer of functions to counties from the National Government as provided for under Article 187 of the Constitution;
- (b) additional allocations provided for under Article 202(2) of the Constitution; and
- (c) loans and grants from development partners.
- (2) Additional funds allocated under this section shall be included in the respective county governments’ Appropriation Bills.
- 3.5. (1) Pursuant to Article 206(1) of the Constitution, court fines emanating from contravention of County Government legislation are excluded from the Consolidated Fund and shall be payable to the respective County Revenue Funds. Conditional allocations to county governments

1. (2) Unconditional allocations to the beneficiary County Governments from the National Government Share of Revenue emanating from contravention of County Government legislation for the Financial Year 2023/2024 shall be as set out in Column B of the Second Schedule.

2. (3) Upon commencement of this Act, the National Treasury shall gazette a framework for the collection and transfer of court fines imposed under County legislation from the National Government to the County Governments.

3. (4) Unconditional allocations to the beneficiary County Governments from the National Government Share of Revenue emanating from the 20% share of Mineral Royalties for the Financial Year 2023/2024 shall be as set out in Column C of the Second Schedule.

(5) Conditional allocations to each county government from National Government share of revenue for the financial year 2023/2024 shall be as set out in the First Schedule, comprising —

- (a) conditional allocations for the construction of county headquarters as set out in Column B of the First Schedule;
- (b) conditional allocations for the Aggregated Industrial Parks Programme as set out in Column C of the First Schedule;
- (c) conditional allocations for the Provision of Fertilizer Subsidy Programme as set out in Column D of the First Schedule; and
- (d) conditional allocations for the provision of library services among twenty-one counties as set out in Column E of the First Schedule.

(6) Conditional allocations financed by proceeds of loans or grants from development partners to each county government for the financial year 2023/2024 shall be as set out in Column P of the Third Schedule, comprising of—

- (a) conditional allocations financed by a World Bank credit to finance Agricultural and Rural Inclusive Growth Project (NARIGP) as set out in Column B of the Third Schedule;
- (b) Conditional allocations financed by IDA (World Bank) Credit to finance National Agricultural Value Chain Development Project (NAVCDP) as set out in Column C of the Third Schedule;
- (c) conditional allocations from a World Bank credit to finance Water and Sanitation Development Project (WSDP) as set out in Column D of the Third Schedule;
- (d) conditional allocations from a grant by DANIDA to finance Primary Healthcare in Devolved Context Program as set out in Column E of the Third Schedule;
- (e) conditional allocations financed by a credit from the World Bank to Finance Locally-Led Climate Action Program (FLLoCA) – (County Climate Institutional Support grant)



as set out in Column F of the Third Schedule which shall be allocated among county governments;

- (f) conditional allocations financed by a loan from Government of Sweden to finance Agriculture Sector Development Support Programme II (ASDSP II) as set out in Column G of the Third Schedule;
- (g) conditional allocations financed by both loan and grant from the German Development Bank (KfW) to finance Drought Resilience Programme in Northern Kenya (DRPNK) as set out in Column H of the Third Schedule;
- (h) conditional allocations financed by a credit from World Bank to finance Emergency Locust Response Project (ELRP) as set out in Column I of the Third Schedule;
- (i) conditional allocations financed by a loan from the World Bank to finance Kenya Informal Settlement Improvement Project (KISIP II) as set out in Column J of the Third Schedule;
- (j) conditional allocations from proceeds of loans from the International Fund for Agricultural Development (IFAD) to finance Kenya Livestock Commercialization Project (KELCOP) as set out in Column K of the Third Schedule;
- (k) conditional allocations from proceeds of loan fund for Aquaculture Business Development Project (ABDP) as set out in Column L of the Third schedule; and
- (l) conditional allocations amounting to Kenya Shillings Six Billion, one hundred and eighty-seven million, five hundred thousand, financed by proceeds from a World Bank Loan for FLLoCA -County Climate Resilience Grant as set out in Column M of the Third Schedule shall be allocated among the County Governments on the basis of a criteria to be determined as follows—
  - (i) the accounting officer responsible for the grant, shall for each eligible County Government, carry out or cause to be carried out, in accordance with the Intergovernmental agreements between the National Government and each eligible County Government, an assessment to determine the eligible County Government's performance score for purposes of determining the Performance of County Climate Resilience Investment (CCRI) Grant allocation for the Financial Year 2023/2024;
  - (ii) half of the total envelope will be allocated on the basis of factors that reflect relative expenditure needs for climate action, including the variables of a fixed share (33.3 percent), rural population (30 percent), rural area (13.3 percent), and poverty (23.3 percent), whereby the weights are based on the formula for allocating the share of the national revenue among counties. The other

50 percent of the envelope will be allocated on the basis of the scores for the performance measures, weighted with the basic allocation, such that two counties that have same score will receive the same relative increment as compared to the base allocation; and

(iii) the Cabinet Secretary shall publish in the *Gazette* the allocations determined under subparagraph (ii);

(m) conditional allocations financed by a grant from the German Development Bank (KfW) to finance Locally-Led Climate Action Program (FLLoCA)–(County Climate Resilience Grant) as set out in Column N of the Third Schedule.

(7) The National Government's Expenditures on Devolved Functions converted to Additional Conditional Grants to each county government for the financial year 2023/2024 shall be as set out in Column E of the Fourth Schedule, comprising of—

(a) conditional allocations under the Livestock Value Chain Support Project as set out in Column B of the Fourth Schedule;

(b) conditional allocations under the De-Risking and Value Enhancement (DRIVE) project as set out in Column C of the Fourth Schedule; and

(c) conditional allocations under the Kenya Marine Fisheries and Socio-Economic Development (KEMFSED) project as set out in Column D of the Fourth Schedule.

(8) Each county government's allocation under subsection (1) shall—

(a) be transferred to the respective County Revenue Fund, in accordance with a payment schedule published in the *Gazette* by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act; and

No. 18 of 2012.

(b) only be accessed by each county government after meeting conditions set by the Cabinet Secretary responsible for that function at the beginning of the financial year.

(9) A county governments' allocation under subsection (2) shall be transferred to the respective County Revenue Fund in accordance with a payment schedule published in the *Gazette* by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act.

No. 18 of 2012.

(10) The county governments' allocations under subsections (2), (4), (5), (6) and (7) shall, be included in the budget estimates of the National Government and shall be submitted to Parliament for approval.

(11) Allocations shall not be included in the budget estimates under subsection (10) unless—

(a) the National Government and the respective county governments have entered into an intergovernmental agreement in accordance with this Act; or

- (b) in the case of a loan or grant by a development partner, the Cabinet Secretary and the responsible development partner have agreed in writing that the funds shall be transferred to the county government.

6. The Cabinet Secretary shall publish, by the 15<sup>th</sup> day of each subsequent month, a monthly report on actual transfers of all conditional allocations to county governments disbursed pursuant to this Act.

Report on actual transfers.

7. Each county treasury shall reflect all transfers of conditional allocations by the National Government to the respective county government in its books of accounts.

Books of accounts to reflect national government transfers.

8. A county treasury shall, as part of its consolidated quarterly and annual reports required under the Public Finance Management Act, report on—

Reporting.

No. 18 of 2012.

- (a) actual transfers received by the county government from the National Government, up to the end of that quarter or year in the format prescribed by the Public Sector Accounting Standards Board or in the absence of a format prescribed by the Board, in the format prescribed by the National Treasury;
- (b) the actual expenditure by the county government of the allocations made under section 5(2), (4), (5), (6) and (7);
- (c) the extent of compliance with the provisions of this Act and with the conditions of allocations as set out in the intergovernmental agreement entered into by the national government, the development partner and the county government;
- (d) an explanation of any material problems in the expenditure of any allocations made under this Act or compliance with any conditions of allocations set out in an intergovernmental agreement; and
- (e) any other information that may be required by the relevant intergovernmental agreement.

9. The requirements under sections 191A to 191E of the Public Finance Management Act shall not apply to the 2023/2024 and 2024/2025 financial years.

Transition.

### FIRST SCHEDULE

(S. 5(5))

Conditional allocations to County Governments from National Government Revenue in Financial Year 2023/24 (Kenya Shillings)							
S/No	County	FY 2022/23	FY 2023/24				
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarters	Conditional Grant for Aggregated Industrial Parks Programme	Conditional Grant for Provision of Fertilizer Subsidy Programme	Conditional Grant for transfer Library services	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D	Column E	Column F
1	Baringo	110,638,298	-		75,977,677	16,949,087	92,926,764

<b>Conditional allocations to County Governments from National Government Revenue in Financial Year 2023/24 (Kenya Shillings)</b>							
S/No	County	FY 2022/23	FY 2023/24				
		<b>Total Conditional Grants from the National Government Revenue</b>	Supplement for Construction of County Headquarters	Conditional Grant for Aggregated Industrial Parks Programme	Conditional Grant for Provision of Fertilizer Subsidy Programme	Conditional Grant for transfer Library services	<b>Total Conditional Grants from the National Government Revenue</b>
		<b>Column A</b>	<b>Column B</b>	<b>Column C</b>	<b>Column D</b>	<b>Column E</b>	<b>Column F</b>
2	Bomet	110,638,298	-	-	131,684,382	950,259	<b>132,634,641</b>
3	Bungoma	110,638,298	-	250,000,000	242,962,800		<b>492,962,800</b>
4	Busia	110,638,298	-	250,000,000	126,591,665		<b>376,591,665</b>
5	Elgeyo/Marakwet	110,638,298	-	-	63,970,782	429,373	<b>64,400,155</b>
6	Embu	110,638,298	-	250,000,000	110,930,145	2,201,693	<b>363,131,838</b>
7	Garissa	110,638,298	-	250,000,000	3,965,101	10,842,824	<b>264,807,925</b>
8	Homa Bay	110,638,298	-	250,000,000	165,917,803		<b>415,917,803</b>
9	Isiolo	150,638,298	60,000,000	-	2,501,812	1,831,422	<b>64,333,234</b>
10	Kajiado	110,638,298	-	-	41,355,485		<b>41,355,485</b>
11	Kakamega	110,638,298	-	-	289,728,678	4,657,791	<b>294,386,469</b>
12	Kericho	110,638,298	-	-	131,255,114	9,297,833	<b>140,552,947</b>
13	Kiambu	110,638,298	-	250,000,000	159,665,074		<b>409,665,074</b>
14	Kilifi	110,638,298	-	-	134,390,478	4,533,621	<b>138,924,099</b>
15	Kirinyaga	110,638,298	-	250,000,000	117,510,449		<b>367,510,449</b>
16	Kisii	110,638,298	-	-	186,645,942		<b>186,645,942</b>
17	Kisumu	110,638,298	-	-	120,042,858	10,494,779	<b>130,537,637</b>
18	Kitui	110,638,298	-	-	179,499,580		<b>179,499,580</b>
19	Kwale	110,638,298	-	-	90,011,220		<b>90,011,220</b>
20	Laikipia	110,638,298	-	-	66,899,161	9,648,691	<b>76,547,852</b>
21	Lamu	132,638,298	48,840,000	-	13,675,370		<b>62,515,370</b>
22	Machakos	110,638,298	-	250,000,000	195,350,986		<b>445,350,986</b>
23	Makueni	110,638,298	-	-	162,562,856	11,273,357	<b>173,836,213</b>
24	Mandera	110,638,298	-	-	13,777,962		<b>13,777,962</b>
25	Marsabit	110,638,298	-	-	2,389,320		<b>2,389,320</b>

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<b>Conditional allocations to County Governments from National Government Revenue in Financial Year 2023/24 (Kenya Shillings)</b>							
S/No	County	FY 2022/23	FY 2023/24				
		<b>Total Conditional Grants from the National Government Revenue</b>	Supplement for Construction of County Headquarters	Conditional Grant for Aggregated Industrial Parks Programme	Conditional Grant for Provision of Fertilizer Subsidy Programme	Conditional Grant for transfer Library services	<b>Total Conditional Grants from the National Government Revenue</b>
		<b>Column A</b>	<b>Column B</b>	<b>Column C</b>	<b>Column D</b>	<b>Column E</b>	<b>Column F</b>
26.	Meru	110,638,298	-	250,000,000	225,426,721	12,902,906	<b>488,329,627</b>
27.	Migori	110,638,298	-	250,000,000	144,621,807		<b>394,621,807</b>
28.	Mombasa	110,638,298	-	250,000,000	6,495,711	5,635,387	<b>262,131,098</b>
29.	Murang'a	110,638,298	-	250,000,000	197,960,790	4,936,010	<b>452,896,800</b>
30.	Nairobi	110,638,298	-	-	14,721,991		<b>14,721,991</b>
31.	Nakuru	110,638,298	-	250,000,000	234,883,209		<b>484,883,209</b>
32.	Nandi	110,638,298	-	250,000,000	128,705,606		<b>378,705,606</b>
33.	Narok	110,638,298	-	-	135,373,204	4,281,875	<b>139,655,079</b>
34.	Nyamira	110,638,298	-	250,000,000	92,563,428		<b>342,563,428</b>
35.	Nyandarua	169,638,298	121,000,000	-	121,624,039		<b>242,624,039</b>
36.	Nyeri	110,638,298	-	-	138,968,433	17,519,215	<b>156,487,648</b>
37.	Samburu	110,638,298	-	-	12,431,664		<b>12,431,664</b>
38.	Siaya	110,638,298	-	250,000,000	166,455,063	7,474,485	<b>423,929,548</b>
39.	Taita Taveta	110,638,298	-	-	43,540,521	6,878,208	<b>50,418,729</b>
40.	Tana River	152,638,298	121,000,000	-	15,049,566		<b>136,049,566</b>
41.	Tharaka Nithi	110,638,298	103,160,000	-	71,299,830		<b>174,459,830</b>
42.	Trans Nzoia	110,638,298	-	250,000,000	116,941,692		<b>366,941,692</b>
43.	Turkana	110,638,298	-	-	12,815,035		<b>12,815,035</b>
44.	Uasin Gishu	110,638,298	-	250,000,000	118,799,152	10,688,405	<b>379,487,557</b>
45.	Vihiga	110,638,298	-	-	97,662,444		<b>97,662,444</b>
46.	Wajir	110,638,298	-	-	2,235,432	9,421,475	<b>11,656,907</b>
47.	West Pokot	110,638,298	-	-	72,161,965		<b>72,161,965</b>
	<b>TOTAL</b>	<b>5,363,000,006</b>	<b>454,000,000</b>	<b>4,500,000,000</b>	<b>5,000,000,000</b>	<b>162,848,690</b>	<b>10,116,848,690</b>

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SECOND SCHEDULE		(s. 5(2), (4))			
Unconditional allocations to County Governments from Court Fines and Minerals Royalties in Financial Year 2023/24 (Kenya Shillings)					
		FY 2022/23	FY 2023/24		
		Total Unconditional Grants from the National Government Revenue	Allocations for Court Fines	Allocation for Mineral Royalties	Total Unconditional Allocations
S/No.	County	Column A	Column B	Column C	Column D
	Baringo	-	-	20,355.33	20,355.33
	Bomet	-	-	-	-
	Bungoma	-	-	-	-
	Busia	-	-	-	-
	Elgeyo/Marakwet	-	-	-	-
	Embu	-	-	2,142.00	2,142.00
	Garissa	-	-	844,691.51	844,691.51
	Homa Bay	-	-	-	-
	Isiolo	-	-	348,836.89	348,836.89
	Kajiado	-	-	660,242,991.11	660,242,991.11
	Kakamega	-	-	16,554.80	16,554.80
	Kericho	-	-	-	-
	Kiambu	-	5,084,684.00	10,139,863.43	15,224,547.43
	Kilifi	-	-	950,062,289.87	950,062,289.87
	Kirinyaga	-	-	100.00	100.00
	Kisii	-	-	682,562.10	682,562.10
	Kisumu	-	233,000.00	-	233,000.00
	Kitui	-	50,000.00	336,118.16	386,118.16
	Kwale	-	-	1,166,507,885.86	1,166,507,885.86
	Laikipia	-	1,515,334.00	-	1,515,334.00
	Lamu	-	-	-	-
	Machakos	-	14,436,324.00	99,716.30	4,536,040.30
	Makueni	-	-	99,856.62	99,856.62
	Mandera	-	-	1,028.00	1,028.00
	Marsabit	-	-	1,724,590.43	1,724,590.43
	Meru	-	-	32,900.66	32,900.66
	Migori	-	974,165.00	3,125,407.99	4,099,572.99
	Mombasa	-	13,428,433.00	18,830.01	13,447,263.01
	Murang'a	-	-	-	-
	Nairobi	-	70,740,842.00	3,884.40	70,744,726.40
	Nakuru	-	1,948,197.00	82,769.16	2,030,966.16
	Nandi	-	-	55,110,900.60	55,110,900.60
	Narok	-	-	27,206,335.68	27,206,335.68
	Nyamira	-	-	-	-
	Nyandarua	-	-	-	-

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SECOND SCHEDULE		(s. 5(2), (4))			
Unconditional allocations to County Governments from Court Fines and Minerals Royalties in Financial Year 2023/24 (Kenya Shillings)					
		FY 2022/23	FY 2023/24		
		Total Unconditional Grants from the National Government Revenue	Allocations for Court Fines	Allocation for Mineral Royalties	Total Unconditional Allocations
S/No.	County	Column A	Column B	Column C	Column D
	Nyeri	-	250,000.00	-	<b>250,000.00</b>
	Samburu	-	-	905,744.35	<b>905,744.35</b>
	Siaya	-	-	259,151.57	<b>259,151.57</b>
	Taita Taveta	-	-	51,756,325.95	<b>51,756,325.95</b>
	Tana River	-	-	10,623.96	<b>10,623.96</b>
	Tharaka Nithi	-	-	42,999.97	<b>42,999.97</b>
	Trans Nzoia	-	-	-	-
	Turkana	-	-	141,279.08	<b>141,279.08</b>
	Uasin Gishu	-	-	5,090,268.62	<b>5,090,268.62</b>
	Vihiga	-	-	-	-
	Wajir	-	-	4,493.00	<b>4,493.00</b>
	West Pokot	-	-	1,650.20	<b>1,650.20</b>
	<b>TOTAL</b>	-	<b>108,660,979.00</b>	<b>2,934,923,147.60</b>	<b>3,043,584,126.60</b>

## THIRD SCHEDULE

(s. 5(6))

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																
O.Z.S	COUNTY	2022/23 FY					2023/24 FY									
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDF))	IDA (World Bank) credit (Water & Sanitation Development Project (WSDP))	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally-Led Climate Action (ELLOCA) Program, County Climate Institutional Support (CCIS) Grant)	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya (DRPNK)	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally-Led Climate Action (ELLOCA) Program, County Climate Resilience Grant (CCRG)) <sup>16</sup>	Germany Development Bank (KfW) Loan for Financing Locally-Led Climate Action (ELLOCA) Program County Climate Change Resilience Grant - CCRG) <sup>16</sup>	Total Loans and Grants for FY 2023/24
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P
1	Baringo	220,999,360	-	-	-	9,297,750	11,000,000	1,733,647	-	126,616,044	-	36,500,000	-	-	-	185,147,441
2	Bomet	210,828,615	-	200,000,000	-	10,048,500	11,000,000	1,716,655	-	-	-	-	-	-	-	222,765,155
3	Bungoma	256,762,319	60,000,000	200,000,000	-	16,227,750	11,000,000	593,849	-	-	82,599,830	34,500,000	-	-	-	404,921,429
4	Busia	261,070,587	-	200,000,000	-	10,972,500	11,000,000	2,450,905	-	-	-	30,500,000	22,585,560	-	-	277,508,965
5	Elgeyo Marakwet	215,638,157	-	-	-	7,045,500	11,000,000	1,042,262	-	138,144,044	94,224,456	36,500,000	-	-	-	287,956,262
6	Embu	360,933,552	5,000,000	200,000,000	-	7,854,000	11,000,000	961,306	-	106,400,361	-	-	10,237,551	-	-	341,453,218
7	Garissa	630,550,225	-	-	600,000,000	12,820,500	11,000,000	3,047,337	-	169,365,353	-	-	-	-	-	796,233,190
8	Homa Bay	331,552,504	5,000,000	200,000,000	-	12,300,750	11,000,000	2,659,580	-	-	430,000,000	-	12,909,422	-	-	673,869,752
9	Isiolo	401,955,171	-	-	-	7,738,500	11,000,000	2,188,644	-	188,968,553	-	-	-	-	-	209,895,697
10	Kajiado	131,205,935	-	200,000,000	-	11,723,250	11,000,000	1,085,811	-	-	100,000,000	-	10,509,643	-	-	334,318,704
11	Kakamega	289,429,131	-	200,000,000	-	18,999,750	11,000,000	1,254,212	-	-	140,000,000	30,500,000	24,417,125	-	-	426,171,087
12	Kericho	193,578,632	-	200,000,000	-	9,817,500	11,000,000	1,027,779	-	-	-	-	-	-	-	221,845,279
13	Kiambu	417,141,278	70,000,000	200,000,000	-	17,209,500	11,000,000	2,583,952	-	-	200,000,000	-	19,395,531	-	-	520,188,983
14	Kilifi	1,432,906,840	5,000,000	200,000,000	1,300,000,000	19,057,500	11,000,000	1,248,343	-	-	250,000,000	-	-	-	-	1,786,305,843
15	Kirinyaga	294,835,827	5,000,000	200,000,000	-	7,738,500	11,000,000	900,970	-	-	-	-	13,779,259	-	-	238,418,729
16	Kisii	301,793,207	5,000,000	200,000,000	-	14,206,500	11,000,000	1,168,601	-	-	-	-	21,486,575	-	-	252,861,676
17	Kisumu	321,169,783	-	200,000,000	-	12,474,000	11,000,000	536,771	-	-	300,000,000	-	15,407,244	-	-	539,418,015
18	Kitui	374,080,509	5,000,000	200,000,000	-	16,112,250	11,000,000	1,292,965	-	133,683,244	-	-	-	-	-	367,088,459
19	Kwale	826,196,478	5,000,000	200,000,000	900,000,000	14,206,500	11,000,000	611,669	-	-	112,211,667	-	-	-	-	1,243,029,836
20	Laikipia	121,371,954	-	-	-	7,623,000	11,000,000	1,933,282	-	-	-	-	-	-	-	20,556,282
21	Lamu	102,529,473	-	-	-	4,735,500	11,000,000	1,622,700	-	-	150,000,000	-	-	-	-	167,358,200
22	Machakos	273,245,808	-	200,000,000	-	14,148,750	11,000,000	1,761,966	-	105,095,561	-	-	-	-	-	344,268,715
23	Makueni	314,007,349	60,000,000	200,000,000	-	13,513,500	11,000,000	601,751	-	-	-	-	-	-	-	285,115,251
24	Mandera	250,006,419	-	-	-	18,653,250	11,000,000	2,257,207	-	180,282,153	-	-	-	-	-	212,192,610
25	Marsabit	398,076,912	-	-	-	12,358,500	11,000,000	1,431,190	300,000,000	195,679,753	-	37,500,000	-	-	-	557,969,443
26	Meru	421,288,012	5,000,000	200,000,000	-	14,668,500	11,000,000	1,105,100	-	121,171,561	67,546,296	-	23,306,984	-	-	443,798,441
27	Migori	315,785,957	5,000,000	200,000,000	-	12,358,500	11,000,000	1,120,452	-	-	-	-	13,617,785	-	-	243,096,737
28	Mombasa	724,317,035	-	-	1,000,000,000	12,878,250	11,000,000	512,539	-	-	-	320,000,000	-	-	-	1,344,390,789
29	Murang'a	328,840,184	5,000,000	200,000,000	-	11,492,250	11,000,000	1,899,127	-	-	-	-	-	-	-	229,391,377
30	Nairobi City	204,781,620	-	-	-	29,048,250	11,000,000	3,507,770	-	-	400,000,000	-	-	-	-	443,556,020
31	Nakuru	522,398,243	5,000,000	200,000,000	-	19,115,250	11,000,000	583,629	-	-	250,000,000	34,800,000	-	-	-	520,498,879
32	Nandi	380,965,571	35,000,000	200,000,000	-	9,759,750	11,000,000	516,946	-	-	75,748,004	-	-	-	-	332,024,700
33	Narok	373,384,611	5,000,000	200,000,000	-	14,668,500	11,000,000	1,119,656	-	-	-	-	-	-	-	231,788,136
34	Nyamira	225,758,466	100,000,000	200,000,000	-	8,778,000	11,000,000	531,293	-	-	112,082,214	-	-	-	-	432,391,507
35	Nyandarua	215,234,247	-	200,000,000	-	8,893,500	11,000,000	499,617	-	-	117,308,355	-	-	-	-	337,701,472

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Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																
C O U N T Y	COUNTY	2022/23 FY					2023/24 FY									
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGIP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) credit, Water & Sanitation Development Project (WSDFP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County Climate Institutional Support (CCIS)/Grant	Sweden- Agricultural Sector Development Support Programme (ASDSEP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya (DRPNK)	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KINSIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County Climate Resilience Grant (CCRG))	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant - CCRIG**	Total Loans and Grants for FY 2023/24
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P
36	Nyeri	282,137,853	-	200,000,000	-	9,875,250	11,000,000	1,741,641	-	-	135,648,946	-	19,315,146	-	-	377,580,983
37	Samburu	330,038,486	5,000,000	-	-	8,431,500	11,000,000	2,793,523	-	200,970,153	-	37,500,000	-	-	-	265,695,176
38	Siaya	127,677,482	-	200,000,000	-	10,568,250	11,000,000	1,037,537	-	-	-	30,500,000	13,838,473	-	-	266,944,260
39	Taita Taveta	855,426,510	-	200,000,000	950,000,000	7,738,500	11,000,000	1,991,302	-	-	60,000,000	-	-	-	-	1,230,729,802
40	Tana River	207,230,277	-	200,000,000	-	10,683,750	11,000,000	1,296,539	-	-	-	-	-	-	-	222,980,289
41	Tharaka Nithi	264,103,837	-	200,000,000	-	7,161,000	11,000,000	1,785,670	-	105,805,161	92,630,231	-	12,810,384	-	-	431,192,446
42	Trans Nzoia	364,997,911	5,000,000	200,000,000	-	10,510,500	11,000,000	1,051,336	-	-	300,000,000	35,500,000	-	-	-	563,061,836
43	Turkana	570,438,214	5,000,000	-	-	19,230,750	11,000,000	3,845,117	465,000,000	220,986,953	-	-	-	-	-	725,062,820
44	Uasin Gishu	258,281,182	-	200,000,000	-	11,550,000	11,000,000	1,022,165	-	-	530,000,000	-	-	-	-	753,572,165
45	Vihiga	199,126,283	10,000,000	200,000,000	-	8,489,250	11,000,000	490,847	-	-	-	-	-	-	-	229,980,097
46	Wajir	804,570,030	-	-	600,000,000	15,592,500	11,000,000	3,901,152	-	178,454,153	180,000,000	-	-	-	-	988,947,805
47	West Pokot	250,674,252	-	-	-	9,124,500	11,000,000	2,730,960	-	131,007,244	-	-	-	-	-	153,862,704
	<b>TOTAL</b>	<b>17,159,322,284</b>	<b>410,000,000</b>	<b>6,600,000,000</b>	<b>5,350,000,000</b>	<b>577,500,000</b>	<b>517,000,000</b>	<b>72,797,253</b>	<b>765,000,000</b>	<b>2,302,630,289</b>	<b>4,500,000,000</b>	<b>344,300,000</b>	<b>245,879,120</b>	<b>6,187,500,000</b>	<b>1,200,000,000</b>	<b>29,072,606,661</b>

\*The FLLoCA-(CCRI) Grant is to be allocated among County Governments on the basis of the criteria in section 5(6)(l) of the County Government Additional Allocations Act, 2023.

\*\*Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant - CCRIG Loan is to be allocated among Sixteen (16) County Governments on the basis of the criteria in section 5(6)(m) of the County Government Additional Allocations Act, 2023. The Counties to be allocated the Ksh.1.2 billion include; Trans-Nzoia,Uasin-Gishu, Elgeyo-Marakwet, Nandi, Kericho, Bomet, Kakamega, Vihiga, Bungoma, Busia, Siaya, Kisumu, Homa Bay, Migori, Kisii and Nyamira .

## FOURTH SCHEDULE (S. 5(7))

National Government's Expenditures on Devolved Functions to be converted to Additional Conditional Grants to the County Governments for Financial Year 2023/24 (Figures in Kenya Shillings)						
S/N O.	County	FY 2022/23 Devolved Functions converted to Additional Conditional Grants to the County Governments	Livestock Value Chain Support Project	De-Risking and Value Enhancement (DRIVE)	Kenya Marine Fisheries and Socio-Economic Development (KEMFSED)	Totals
		Column A	Column B	Column C	Column D	Column E
1	Baringo	-	28,647,360	63,341,980		91,989,340
2	Bomet	-	57,294,720			57,294,720
3	Bungoma	-	35,809,200			35,809,200
4	Busia	-	14,323,680			14,323,680
5	Elgeyo Marakwet	-	35,809,200			35,809,200
6	Embu	-	35,809,200			35,809,200
7	Garissa	-	-	128,454,980		128,454,980
8	Homa Bay	-	14,323,680			14,323,680
9	Isiolo	-	-	155,341,980		155,341,980
10	Kajiado	-	28,647,360	96,691,980		125,339,340
11	Kakamega	-	57,294,720			57,294,720
12	Kericho	-	71,618,400			71,618,400
13	Kiambu	-	149,092,200			149,092,200
14	Kilifi	-	14,323,680	63,341,980	98,880,952	176,546,612
15	Kirinyaga	-	35,809,200			35,809,200

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National Government's Expenditures on Devolved Functions to be converted to Additional Conditional Grants to the County Governments for Financial Year 2023/24 (Figures in Kenya Shillings)						
S/N O.	County	FY 2022/23 Devolved Functions converted to Additional Conditional Grants to the County Governments	Livestock Value Chain Support Project	De-Risking and Value Enhancement (DRIVE)	Kenya Marine Fisheries and Socio-Economic Development (KEMFSED)	Totals
		Column A	Column B	Column C	Column D	Column E
16	Kisii	-	35,809,200			35,809,200
17	Kisumu	-	14,323,680			14,323,680
18	Kitui	-	14,323,680	63,341,980		77,665,660
19	Kwale	-	-	63,341,980	100,730,260	164,072,240
20	Laikipia	-	28,647,360	90,941,980		119,589,340
21	Lamu	-	-	63,341,980	48,764,809	112,106,789
22	Machakos	-	35,809,200			35,809,200
23	Makueni	-	21,485,520	63,341,980		84,827,500
24	Mandera	-	-	72,541,980		72,541,980
25	Marsabit	-	-	95,541,980		95,541,980
26	Meru	-	99,394,800	63,341,980		162,736,780
27	Migori	-	14,323,680			14,323,680
28	Mombasa	-	-		39,346,299	39,346,299
29	Murang'a	-	71,618,400		-	71,618,400
30	Nairobi City	-	-			-
31	Nakuru	-	121,315,800			121,315,800
32	Nandi	-	57,294,720			57,294,720
33	Narok	-	35,809,200	63,341,980		99,151,180

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National Government's Expenditures on Devolved Functions to be converted to Additional Conditional Grants to the County Governments for Financial Year 2023/24 (Figures in Kenya Shillings)						
S/N O.	County	FY 2022/23 Devolved Functions converted to Additional Conditional Grants to the County Governments	Livestock Value Chain Support Project	De-Risking and Value Enhancement (DRIVE)	Kenya Marine Fisheries and Socio-Economic Development (KEMFSED)	Totals
		Column A	Column B	Column C	Column D	Column E
34	Nyamira	-	28,647,360			28,647,360
35	Nyandarua	-	135,204,000			135,204,000
36	Nyeri	-	71,182,920			71,182,920
37	Samburu	-	-	207,839,480		207,839,480
38	Siaya	-	14,323,680			14,323,680
39	Taita Taveta	-	21,485,520	63,341,980		84,827,500
40	Tana River	-	14,323,680	226,457,980	33,164,181	273,945,841
41	Tharaka Nithi	-	28,647,360	63,341,980		91,989,340
42	Trans Nzoia	-	71,618,400			71,618,400
43	Turkana	-	-	215,141,980		215,141,980
44	Uasin Gishu	-	99,830,280			99,830,280
45	Vihiga	-	14,323,680			14,323,680
46	Wajir	-	-	179,790,980		179,790,980
47	West Pokot	-	14,323,680	63,341,980		77,665,660
	<b>TOTAL</b>	-	<b>1,642,868,400</b>	<b>2,165,507,080</b>	<b>320,886,501</b>	<b>4,129,261,981</b>

Hon. Speaker, just to give a brief background about the Motion before us, last year around June, this House passed the County Government Additional Allocations Bill, the one

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before us. Given the fact the counties are devolved units, this Bill therefore, needed to be transmitted to the Senate. Thereafter, they were either to pass it the way it was, and then proceed with the signing where it would become an Act, or if they had any variations, it had to come back to this House. If we concurred with it at that moment, it would have gone ahead for signing and become an Act.

The process is that when there are variations in terms of opinions between the two Houses as it happened last year, then a Mediation Committee is formed. Members of this House felt that they needed to make some changes to proposals made by the Senate. Making changes would mean that the process was not complete and therefore, the next leg of the job was to meet amongst ourselves in this House and the Senate so that we mediate and agree on the issues before us. We did exactly that, and I want to report before you, Hon. Speaker and this House, that we have worked around the clock.

During the festivities, this Committee, which was also Co-Chaired by Hon. Bonnie Khalwale, the Senator for Kakamega County with the Membership of Hon. Catherine and GK from this House and other Members from the Senate, did its best to look for a solution. This is what I would wish my colleagues here to understand as its background. The Bill contains the additional resources that we give to our counties beyond the shareable revenue. It also has conditional grants. For example, the money that come from other external sources such as a project called Kenya Informal Settlements Improvement Project (KISIP), which targets informal areas and has a tune of Ksh4.5 billion in this Bill. There are also other Funds that come to targeted sectors such as the National Agricultural and Rural Inclusive Growth Project (NARIGP) whose implementation is also done through the county governments.

As we are aware in this House library services are devolved, but as you usually find across many other sectors and functions that are devolved, some I would say, for lack of a better word, are semi-devolved. The national Government also has a role just as the county governments do in health and agriculture. Whereas they are devolved, the national Government has a pivotal role to play. There were funds for library services, which was the case previously, and we were able to discard the matter through this Mediation Committee.

This is where the rubber meets the road. It is important that I bring this to the attention of Members. I am doing this so that we can understand why we went for mediation. In every scenario, you look for a tool in your hands to get what you do not have. When this matter came before us, there was another outstanding matter in this House which we thought was critical for us to handle using this Bill as a tool. There is something called the Road Maintenance Levy Fund (RMLF). This is a very important matter. I am the Member of Parliament for Kiharu, and together with my colleagues, the Members in this House, we are all equal. Members here are my colleagues. Therefore, in discharging our duties, it is important for me, as the Chairman of the Budget and Appropriations Committee and Member for Kiharu Constituency, to put it categorically that, because Members of Parliament care so much for Kenyans, there will never be a Bill brought to this House to deduct money from the National Government-Constituency Fund (NG-CDF).

*(Applause)*

I am a Member of Parliament and I know the kind of patriotism that my colleagues have when it comes to serving Kenyans through bursaries and other development programmes through NG-CDF.

Another fact that is critical for every Member is a semantic called 22 per cent and 10 per cent. They are found around something called the Road Maintenance Levy Fund (RMLF). In layman's terms, these are called KeRRA funds. As the Chairman of the Budget and Appropriations Committee and the Co-Chair of the Mediation Committee, I had to put the

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interests of Members of this House and the people of Kenya first. One very clear thing is that when it comes to the discharge of duties, NG-CDF stands out as a fund that reaches every village in Kenya through these Members.

Secondly, there is no better way of discharging the role of maintaining some of our all-weather roads than passing through the Constituency Roads Committee. When we went to that Mediation Committee, those were my reference points. We met with the Council of Governors (CoG), who are very magnanimous, including the Chairperson, Hon. Waiguru, Hon. Wanga, Hon. Sang' and the other governors. I was very categorical to our brothers and sisters that this House supports devolution and that is why we keep pumping more resources into our devolved units. But I also told them that when it comes to the KeRRA roads, there are no better people to oversee that money than Members of Parliament.

*(Applause)*

The reason we did that is that there was already a case before the courts of law which had been filed by some faceless people. But, of course, the guess of the Members of this House is as good as mine. We, therefore, requested that for us to continue serving Kenyans in harmony and to support devolution, and they were very magnanimous, that case had to be withdrawn. The courts had already gone ahead and put an injunction that we do not continue planning for the 22 per cent and 10 per cent in the Financial Year 2024/2025.

Hon. Speaker, we will be sitting here while our constituents are waiting for us to provide solutions for our roads but we have no capacity. I was lucky that when we went to that meeting, Hon. Wanga, who has been a Member of this House, could understand the dynamics. The reasoning was that in this House, there are sacrosanct things and one of them is the NG-CDF, because it reaches all villages. The second one is KeRRA roads. After the discussion, without belabouring the point, after many hours of meeting our governors, who are also very good servants to the Kenyan people, we concluded that the case had to be withdrawn. As I report here, the case has been withdrawn.

*(Applause)*

As I stand here, I want to report to my colleagues that the 22 per cent allocation for KeRRA roads, which amounts to roughly Ksh40 million per constituency, and the 10 per cent KeRRA funds, which amounts to Kshs20 million, are now firmly back to our oversight. I thank all Members, for I consulted many of them so that we could enrich the debate. We get a lot of wisdom from the interactions we get. That is why the conclusion has generally been in favour of the people of Kenya. Members act on their behalf. They act because they are patriotic and mind about our roads and development. I laud all Members of the National Assembly in the 13<sup>th</sup> Parliament.

I want to wind up by saying that we have also been able to grant our governors access to the funds. We have also suspended the passing of the law that could have handicapped them in terms of accessing these additional allocations. All our governors are magnanimous and servants as we are. We wish them the best even as they continue discharging the other roles through the other funds that we appropriate in this House.

I would like to request the Vice-Chairperson of the Budget and Appropriations Committee, Hon. Mary Emaase, to second this Motion.

Thank you very much, Hon. Speaker.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker. For reasons already alluded to by the Hon. Chairperson of the Budget and Appropriations Committee. We unanimously agreed to uphold the proposed Bill as presented by the Senate.

I second.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, this is a product of a consensual process of the Bill that you passed yourselves. I do not know if you want to debate it or if we put the Question.

**Hon. Members:** Put the Question!

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

*(Hon. Anthony Oluoch raised his hand)*

I see a hand there. Is that Hon. Oluoch? What is it?

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you very much, Hon. Speaker. I just want to buttress one point, because I was a member of the Mediation Committee. I fully concur with the reasoning and the points advanced by our Co-Chair of the Committee, Hon. Ndindi Nyoro. The only thing I need to add is that Hon. Ndindi Nyoro is trying to be diplomatic. The people who filed this case are the CoG themselves. For some reason, the CoG and governors believed that taking funds from the NG-CDF and RMLF would amount to the funds going to county governments.

One of the key points that we ensured was to extract a concession from them, and I thank Hon. Nyoro for the role he played, that they withdraw the cases which they had filed. The consequence of that, which I am sure the Budget and Appropriations Committee would state, is that there is a negative Ksh10 billion in the Budget Policy Statement on RMLF. That would then be corrected when the report on the Budget Policy Statement comes before this House.

I am happy that this Committee was able to come back with a mediated version that allows counties to get their funds and in the process protects the KeRRA funds that had been reduced from 22 per cent to 16 per cent and from 10 per cent to 6 per cent. With that, I support my Chair.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Makali Mulu, you want to belabour this?

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Speaker. I will be very brief. It is important that we put this on record. The mediated version of the Bill we are discussing talks about resources for this financial year. The financial year runs from July to June. If you look at the history of this Bill - being an annual one - every year we do it very late, towards the end of the year. The Senate should listen to this; it was created to take care of the interests of counties. In a situation where they initiate the delay in terms of release of money, this should be very serious. If we want proper implementation of the budget, it is important then that the Senate ensures that this process is not delayed. The timeliness of passing this Bill is an issue of concern in terms of implementation of the Budget.

I submit, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Members. Before I put the Question, I want to, on behalf of this House, put it on record and make it very clear. There were allegations from the CoG that this House had inordinately and maliciously delayed the passage of this Bill. We want to make it clear that the delay in the passage of this Bill, and even the conclusion of the mediation process to get to where we are, was because the CoG went to court and obtained conservatory orders that injunctioned any process in finalising this Bill. The buck should be left to lie where it fell. It should not be transferred to this House, because this House has absolutely nothing to do with the inordinate delay in passing this Bill and, therefore, unlocking the funds the Chairman of the Budget and Appropriations Committee has enumerated to the House.

*(Question put and agreed to)*

*(The mediated version of the  
Bill was accordingly passed)*

Hon. Members, before we get to the Committee of the whole House on the Affordable Housing Bill (National Assembly Bill No.75 of 2023), at Order No.11, I want to give the following directions: Certain fundamental issues were raised by the Member for Seme, Hon. (Dr) James Nyikal, to the effect that the Report lacks considerations and conclusions. I will give the Chairman of the Committee a few minutes to respond to that. Before he does that, and you know when you go to the Committee of the whole House, the Speaker will leave the Chair, it was communicated and recommunicated that voting will be by electronic process. This House and the Parliamentary Service Commission (PSC) have invested heavily in ICT development in this House.

Hon. Martha Wangari tells me that in the morning, while she was in the Chair, she also made that communication. When you go to the Committee stage, and I have seen quite a number of amendments to the Bill, for better management of time, all votes that will be called will be actualised electronically. Members who may have forgotten or lost their cards may sojourn to the ICT office and obtain their cloned cards for purposes of proper participation in the proceedings of the House.

Hon. Kimani.

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Speaker.

As we proceed to the Committee of the whole House, I would like to lay facts on a few issues Hon. James Nyikal raised yesterday during the Second Reading. It is good that we set this record straight. Hon. James Nyikal said that the Departmental Committee on Finance and National Planning and the Departmental Committee on Housing, Urban Planning and Public Works did not have observations and recommendations in their reports.

We prepared this Report in a manner that, for once, replied to every issue raised by all the stakeholders we met. For example, if you look at Page 94, the residents of Narok County raised concerns about the possibility of the rich and the privileged dominating the affordable housing programme by acquiring units and renting them out. Thus, preventing the less privileged individuals from achieving ownership. I will read verbatim the Joint Committee's observation on that particular remark.

The Committee noted stakeholders' concern about potential abuse of the provision and recommended its deletion. Further, it is recommended that the Bill be amended to provide safeguards for the issuance of one-KRA-one-house or any other unique identifier. The residents of Vihiga County, specifically the Vice-Chancellor of Kaimosi Friends University raised the following concern on Clause 38(4). That, the clause be amended to reduce the 90 working days on the savings refund to 60 days. This adjustment would aim to expedite the process of returning savings to contributors who opt to withdraw their refunds voluntarily.

The Joint Committee observed and replied to the Vice Chancellor as follows:

The Committee noted the stakeholder's concerns and agreed to reduce the period from 90 days to 60 days. Page 239 of the Report talks about the residents of Kisii County, led by Kisii County pastors and clergy. They raised the issue of the requirement to have a 10 per cent deposit for one to qualify to get a house. The Joint Committee, on Page 239 of the Report, observed the following: That, the Committee noted stakeholder concerns and agreed to delete the agreed amount of 10 per cent as a deposit and further recommended that Regulations prescribe the deposit amount. If you check on Page 560 of the Bill, we heard from the



Architectural Alliance of Kenya who wanted a deletion. We replied to the report and agreed with the stakeholders, to delete that clause.

I wanted to take time to set the record straight. That, the Report has observations from and replies to all stakeholders. I encourage my good friend, Dr James Nyikal, to read the Report properly to see the recommendations and the replies made for every issue raised by stakeholders. This is the first time. We are used to reports that have observations towards their tail end. Perhaps, that is why some Members are getting confused. You need to read every page of the Report to see the observations the Joint Committee made on every stakeholder.

With that, I beg to submit. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. We leave it there. He has not said anything worth replying. We now go to the next Order, Order No.11.

*(Several Members walked into the Chamber)*

Order, Hon. Members. Be upstanding.

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

#### IN THE COMMITTEE

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

#### THE AFFORDABLE HOUSING BILL (National Assembly Bill No.75 of 2023)

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members. Take your seats. Hon. Wandeto, Hon. Oundo, Hon. Mejjadonk, Hon. Abdikadir, Hon. Kirima and Hon. Mukunji, take your seats. Member for Sirisia, Chuka/Igambang'ombe, Manyatta and Ndia, take your seats. Order, Members. Let us all be orderly.

Before we get into the Committee of the whole House, allow me to recognise students from the Catholic University of Eastern Africa located in Langata Constituency, Nairobi City County. Join me in welcoming them to observe the proceedings of this House.

*(Applause)*

We are now in the Committee of the whole House to consider the Affordable Housing Bill (National Assembly Bill No.75 of 2023). I know this is a co-sponsored Bill, by the Chairpersons of the Departmental Committees on Finance and National Planning, and that of Housing, Urban Planning and Public Works. Who is moving the amendments?

*Clause 3*

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

That, Clause 3 of the Bill be amended—

(a) in paragraph (a) by inserting the words “and to reasonable standards of sanitation” at the end of the paragraph;

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- (b) in paragraph (b) by inserting the words “and institutional housing” at the end of the paragraph;
- (c) in paragraph (c) by inserting the words “and institutional housing” at the end of the paragraph.

Hon. Temporary Chairlady, this amendment is to include institutional housing as part of the affordable housing scheme. With that, I beg to move.

*(Question of the amendment proposed)*

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

**The Temporary Chairlady** (Hon. Martha Wangari): The import of carrying that amendment is that the amendment proposed by Hon. Oundo will fall. I will allow Hon. Gathoni Wamuchomba to move her amendment on this. Her amendment is dropped if she is not in the House.

*(Proposed amendment by Hon. Gathoni Wamuchomba dropped)*

*(Clause 3 as amended agreed to)*

#### Clause 4

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chair, I have no amendment in Clause 4.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members. The person who has an amendment on Clause 4 is Hon. Gathoni Wamuchomba, who is not in the House. Her amendment is dropped.

*(Proposed amendment by Hon. Gathoni Wamuchomba dropped)*

Member for Suba, Hon. Millie Odhiambo has an amendment. The Speaker has allowed Hon. Otiende Amollo to move it on behalf of Hon. Millie Odhiambo.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Temporary Chair. On behalf of Hon. Millie Odhiambo, I beg to move:

THAT, Clause 4 of the Bill be deleted.

The import is to delete Clause 4 in its entirety so that the result will be that there will be no levy imposed.

*(Question of the amendment proposed)*

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

**The Temporary Chairlady** (Hon. Martha Wangari): The import of that is that amendment by the Member for Funyula falls. We will now have the amendment by the Member for Seme, Hon. Nyikal.

Hon. Nyikal, move your amendment.

**Hon (Dr) James Nyikal** (Seme, ODM): Thank you, Hon Temporary Chairlady. I beg to move:

THAT, Clause 4 of the Bill be amended—

(a) in subclause (2) by deleting the word “gross” and substituting therefor the word “net” appearing in paragraph (a); and

(b) in subclause (3) by deleting the words “gross salary” appearing immediately after the words “in which the” and substituting therefor the words “net salary.”

The import of this amendment is that the levy is pegged on the gross salary. That means the salary as is before any deductions. The amendment is proposing that we peg the levy on the net salary. That means that, after the statutory deductions like the Social Health Insurance Fund (SHIF) and the National Social Security Fund (NSSF), what is left thereafter is what the 1.5 per cent will be levied on.

Why am I proposing this amendment? This is because Kenyans are having a lot of statutory deductions that they have no control over. Since all statutory deductions go to support Government activities, it is, therefore, important that we save Kenyans from that. So, the statutory deductions should be done first, then what is left is what will be subjected to the 1.5 per cent levy. If you look at it keenly, all the deductions go to the Government. So, what I am proposing is just to save Kenyans so that they pay a little less. They will be deducted the housing levy from what is left after the statutory deductions. What they will pay through the statutory deductions will also go to the Government. So, the consideration is that as we do this, we should not hurt members excessively.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): The Chair of the Departmental Committee on Finance and National Planning, the Member for Molo.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, the proposed amendment by Dr Nyikal and the explanation that he has given are misleading. By deleting the word “gross” and substituting it with “net” it will mean that for you to impose the levy, you will have to take into consideration all the deductions including one’s Sacco or bank loans. That will cause an administration nightmare. It is not implementable as proposed by Dr Nyikal. Therefore, I do not support his amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. Before I put the Question, I will indulge a few more Members.

Hon. Oluoch, the Member for Mathare.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Temporary Chairlady, if you may guide me, do I move my proposed amendment?

**The Temporary Chairlady** (Hon. Martha Wangari): No! We will prosecute Hon. Nyikal’s proposed amendment first. We shall come to you.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Temporary Chairlady, I support the amendment because the Bill as it is, presupposes that the Housing Levy will become a first charge without taking into consideration that there may be many other items that employees could have already encumbered themselves with. There is no justification why you will put, in a hierarchy, the Housing Levy to be a first charge above other items that an employee has already been encumbered with. Therefore, by removing the word “gross,” it allows all the other

things to share on equal basis so that an employee is not disadvantaged on the basis of an imposition of a first levy, which it is not. Therefore, I support Hon. Nyikal's amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oluoch, I have indulged you because you had a similar amendment. The fate that will befall Hon. Nyikal's amendment will affect your amendment. That also applies to amendments by Hon. Clive and Hon. Ariko. Before then, I will give the Floor to Hon. CNN.

If you intend to speak on this amendment, put your intervention per clause.

Hon. CNN.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Chairlady, I rise to support this amendment. If you check the payslips of Kenyans who are working today, a majority of them if we were to impose this Levy based on the gross salary, will go to the negative territory. That is why I am supporting this amendment. It will be good for Kenyans.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. The Member for Kesses?

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Chairlady. My weight on this matter is that, the proposal by Hon. Nyikal is not workable. As per the provisions of the Constitution, we need a common denominator that is equitable, balanced, fair and is applicable across the board. If we base the Levy on the net salary, it will be discriminative because we cannot be equal in terms of deductions. So, the proposed amendment should not stand. Instead, we should go to the original position of basic deductions based on the gross salary. That will cut across in an equal manner.

Thank you.

*(Loud consultations)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members! Keep the consultations low. We need to hear Members who are making their contributions.

Hon. Rahim. Give him the microphone. Hon. Members, be patient.

Hon. Wanjala, we will get to you but make sure you have your card. We are using the card to speak and vote.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Chairlady. If Hon. Nyikal's amendment had talked about statutory deductions, it would have been fine. However, the way it has been proposed is vague. It talks of the net salary and that is what the Chairman has talked about.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Makali Mulu.

Hon. Makali will have the Floor. Nothing is out of order.

**Hon (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Temporary Chairlady. The issue that has been raised by the Chairman of the Departmental Committee on Finance and Planning is administrative in nature. He said that deducting the money might be tricky. What Hon. Nyikal has said makes a lot of sense. Deduction should only be after the statutory deductions: Pay As You Earn (PAYE), National Health Insurance Fund (NHIF) and National Social Security Fund (NSSF).

The Chairman of the Departmental Committee on Finance and Planning should move an amendment, so that we isolate the three statutory deductions. We should make sure it is not after the SACCO deductions and all those others because Kenyans need disposable income for this economy to grow. In a situation where we squeeze all the disposable income, we will never grow this economy. You will never achieve what you want to achieve as a country. I am speaking as an expert in this area. I wish the Chair can move an amendment, so that we only deduct after these net deductions.

I submit, Hon. Temporary Chairlady.

**Hon. Junet Mohamed** (Suna East, ODM): On a point of order, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): What is out of order, Hon. Junet?

**Hon. Junet Mohamed** (Suna East, ODM): Thank you very much, Hon. Temporary Chairlady, for giving me a chance. I urge our Members on this side to withdraw all the amendments because they are not making any improvement in the House. We should allow the Members of Kenya Kwanza Coalition to move their amendments as they wish and pass the Bill. *Sasa nyinyi ninawaambia mtoke nje na mwende nyumbani.*

*(Laughter)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chair, do you have anything to add on this clause? Member for Funyula and Hon. Onchoke, what is it? You have the microphone now, Hon. Onchoke.

**Hon Charles Onchoke** (Bonchari, UPA): Hon. Temporary Chairlady, we can cure the Chairman's fears by defining what 'net' means. If the deduction will be made on the gross salary, it will be punitive and prohibitive. Kenyans are already suffering. We can define that and remove the fears that the Chairman has.

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority Party.

**Hon Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairlady. It is only fair that you put the Question on this matter because what Hon. Nyikal has said is geared towards reducing the amount that is collectable with no justification at all. We completely disagree with the justification he has given. It does not make sense. I have spoken to Hon. Nyikal. I was trying to prevail on him to withdraw this amendment because he has another amendment that we support. He knows where there is logic in what he proposes, we support it. However, we do not support where he wants to reduce the amount collectable. Hon. Nyikal, I prevail on you to withdraw this particular amendment, so that we support your other amendments that are logical and make a lot of sense to many of us.

*(Loud consultations)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order Members.

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

We have one more amendment. The import of this amendment is that the amendments by Hon. Ariko and Hon. Anthony Oluoch fall. However, we will give Hon. Clive Ombane a chance to move his amendment.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Hon. Temporary Chairlady, I beg to move: THAT, Clause 4 of the Bill be amended—

- (a) in subclause (2)
  - (i) in paragraph (a) by deleting the word "gross" and substituting therefor the word "basic"; and
  - (ii) in paragraph (b) by deleting the word "gross" and substituting therefor the word "basic";
- (b) by deleting subclause (3) and substituting therefor the following new subclause—

“(3) The Levy shall be payable to the collector, for remittance into the Fund, not later than the ninth working day of the month in which the basic salary was due or basic income was received or accrued.”

The justification here is that the taxpayers are already overburdened. Deducting this Levy from the gross salary is highly punitive and insensitive. We do not support this Bill. However, if we have to stuff it down the throats of the people, then let us do it with some humanity. I, therefore, ask that this House considers that we move it from gross salary to basic salary, Hon. Temporary Chairlady.

*(Question of the amendment proposed)*

**Hon. Samwel Chepkong’ a** (Ainabkoi, UDA): On a point of order, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): What is out of order, Hon. Chepkonga? Give him the microphone.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you very much, Hon. Temporary Chairlady. Although Hon. Clive has proposed an amendment, the difference between gross salary and basic salary is not clear. Gross salary is defined. However, he has not defined basic salary. You cannot seek to amend something that is already defined and it is in the interpretations, and put in something that is not defined and interpreted. He should define the basic salary. As it is right now, nobody knows what it is.

**The Temporary Chairlady** (Hon. Martha Wangari): We hear you, Hon. Chepkonga. I will give a chance to the Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, thank you for this opportunity. I am thoroughly worried that a whole Senior like Hon. Chepkonga does not know the difference between basic, gross and net salary. It is very telling. If he does not understand this matter at this age and at his age, it becomes very difficult. Basic salary is very clear. It is provided anywhere. When we add allowances like housing allowance, it becomes gross salary. These are very basic things. Thank you.

*(Laughter)*

**The Temporary Chairlady** (Hon. Martha Wangari): We hear you. Chair of the Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, although this amendment seems to be very innocent, the difference between basic salary and gross salary implies that the employers and employees will reduce the basic pay payable and load all the other emoluments that are payable to the employees as allowances. For example, if you have a salary of Ksh100,000, if we change the principal from making a percentage of gross salary to a percentage of basic salary, there is nothing that will stop taxpayers from reducing the basic salary to Ksh20,000 and Ksh80,000 as allowances. Therefore, that will really defeat the whole purpose why we are setting up this Fund for the purpose of affordable and institutional housing.

*Question, that the word to be left out  
be left out, put and negated)*

*(Clause 4 agreed to)*

*Clause 5*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Gathoni Wamuchomba, I have been told you are here to prosecute the amendment. The microphone is there. Prosecute it.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Give me two minutes to settle down.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba we had called you earlier but you were missing. I will drop this amendment.

Hon. Millie Odhiambo and Hon. Otiende Amollo are both not in the House. So, I will drop her amendments.

*(Proposed amendment by  
Hon. Millie Odhiambo-Mabona dropped)*

Let us move to the proposed amendments by the Chairperson.

#### Clause 5

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move: THAT, clause 5 of the Bill be amended—

- (a) by numbering the existing provision as “1”; and
- (b) by inserting the following new sub clause immediately after the renumbered sub clause (1)—

(2) Without prejudice to the generality of section 6, any business or company which complies with the provisions of section 5 shall not be liable to pay the levy under section 4(2)(b).

The import is to avoid double taxation for persons who are already paying the Affordable Housing Levy through the 1.5 per cent employer contribution. Without making this clarification, it would mean that businesses and corporations that are already paying 1.5 per cent will again pay 1.5 per cent of their gross income to the Affordable Housing Levy.

With that, I beg to move.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Question of the amendment proposed)*

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

We have a further proposed amendment by Member for Seme. If he is not in the House, it is dropped.

*(Proposed amendment by  
Hon. (Dr) James Nyikal dropped)*

Member for Kitutu Masaba, Hon Gisairo? Is he in the House? Give him the microphone.

**An Hon. Member:** It is dropped!

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): You have no right to tell me dropped yet I am here. Hon. Temporary Chairlady, I seek to amend Clause 7 of the Bill...

**The Temporary Chairlady** (Hon. Martha Wangari): We are on Clause 5, Hon. Clive.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): I support what has been passed in Clause 5.

**The Temporary Chairlady** (Hon. Martha Wangari): Alright, I will drop your amendment.

*(Proposed amendment by  
Hon. Clive Gisairo dropped)*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Turkana South, Hon. Ariko. Is he in the House?

**Hon. John Namoit** (Turkana South, ODM): Hon. Temporary Chairlady, my amendments under Clause 4 are the same as those under Clause 5.

**The Temporary Chairlady** (Hon. Martha Wangari): Prosecute the amendment on Clause 5.

**Hon. John Namoit** (Turkana South, ODM): I am not ready to prosecute it. Let me wait for the other Members.

**The Temporary Chairlady** (Hon. Martha Wangari): If you are not ready, I will drop it.

*(Proposed amendment by  
Hon. John Namoit dropped)*

Hon. Members, with that we conclude Clause 5.

*(Clause 5 as amended agreed to)*

Clause 6

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Githunguri.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, I do not have an amendment on the Order Paper.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Millie Odhiambo. She is absent.

*(Proposed amendment by  
Hon. Millie Odhiambo-Mabona dropped)*

Member for Seme.

*(Proposed amendment by  
Hon. (Dr) James Nyikal dropped)*

Member for Mathare.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 6 of the Bill be deleted.

The reason is that this clause is discriminatory to the effect that it seeks to exclude Cabinet Secretaries and create a notion that the Levy is to be paid by a certain category of Kenyans, while other Kenyans are protected. Therefore, I seek to delete that provision in the Bill. I so move.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. The amendment by Hon. Oluoch is a deletion.



*(Question of the amendment proposed)*

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

I will allow the Member for Embakasi West, Hon. Mark Mwenje. If not in the House, I will drop it.

*(Proposed amendment by  
Hon. Mark Mwenje dropped)*

The amendment by Hon. Ojiambo, the Member for Funyula is similar to the by Hon. Oluoch. So, it is also dropped.

*(Proposed amendment by  
Hon. (Dr) Ojiambo Oundo dropped)*

*(Clause 6 agreed to)*

*Clause 7*

**The Temporary Chairlady** (Hon. Martha Wangari): There is an amendment by Hon. Gathoni Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, you will forgive me because I do not have my card for now. That is why I am unable to access the microphone.

**The Temporary Chairlady** (Hon. Martha Wangari): I have already given you the microphone. Prosecute the amendment.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Allow me to drop the amendment for now. Thank you.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

**The Temporary Chairlady** (Hon. Martha Wangari): There is an amendment by the Member for Turkana South, Hon. John Namoit.

**Hon. Members:** Dropped!

**The Temporary Chairlady** (Hon. Martha Wangari): He has dropped it.

*(Proposed amendment by  
Hon. John Namoit dropped)*

The Member for Suba North? She is absent, and so it is dropped.

*(Proposed amendment by  
Hon. Millie Odhiambo-Mabona dropped)*

Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, in view of other droppings as they are being called - whatever that means - I drop my proposed amendment.

*(Proposed amendment by  
Hon. (Dr) Ojiambo Oundo dropped)*

*(Laughter)*

**The Temporary Chairlady** (Hon. Martha Wangari): We have proposed amendments by the Chairperson. Move the amendments, Hon. Kimani.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

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

Debt recovery.  
No. 29 of 2015

7. The levy shall be a debt due to the Government and shall be recoverable in accordance with the Tax Procedures Act, 2015.

This is to make all fines and penalties like for Pay As You Earn (PAYE) and all other statutory deductions to be similar to the Housing Levy. I beg to move.

*(Question of the amendment proposed)*

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

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

**The Temporary Chairlady** (Hon. Martha Wangari): The implication is that the proposed amendment by Hon. Oluoch and Hon. Clive Gisairo falls.

*(Proposed amendment by  
Hon. Anthony Oluoch dropped)*

*(Proposed amendment by  
Hon. Clive Gisairo dropped)*

*(Clause 7 as amended agreed to)*

*(Clause 8 agreed to)*

*Clause 9*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba will you take the same route?

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, this time round I am not ready to drop. I beg to move:

THAT, clause 9 of the Bill be amended by deleting paragraph (a).

The justification is that the Affordable Housing Levy is punitive to Kenyans who are faced with the high cost of living and their lives are difficult. The Levy also increases the cost

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of doing business in Kenya and may lead to businesses closing down. Further, there is no direct correlation between paying the Levy and owning a house...

**Hon. Kuria Kimani** (Molo, UDA): Point of order.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members. Order, Hon. Wamuchomba. There is a point of order from the Chairperson and we will hear him.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I want to give Hon. Wamuchomba benefit of doubt because she has just joined us now, but her justification has nothing completely to do with Clause 9 of the Bill. I think you should rule her completely out of order.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba, your amendment on Clause 9 as per the records is a deletion of the entire paragraph (a). Kindly move the right amendment as filed by the Speaker.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 9 of the Bill be amended by deleting paragraph (a).

**The Temporary Chairlady** (Hon. Martha Wangari): Go on.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): The justification is that the Affordable Housing Levy is punitive to Kenyans who are faced with high cost of living and their lives are difficult as we speak. Also, the levy increases the cost of doing business in Kenya and may lead to most businesses closing down or retrenching employees.

Further, there is no direct correlation between paying the Levy and owning a house. Therefore, I propose that this Clause be deleted.

*(An Hon. Member spoke off the record)*

**The Temporary Chairlady** (Hon. Martha Wangari): Wait, Hon. Chairperson.

*(An Hon. Member spoke off the record)*

Order, Members. I have the Bill here. Hon. Wamuchomba's amendment seeks to delete Clause 9(a); that is, a whole (a). So, she is perfectly in order.

*(An Hon. Member spoke off the record)*

Let me first of all propose the question.

*(Question of the amendment proposed)*

Now I can hear the Majority Leader.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, why we are lost on the Member for Githunguri's amendment is that Clause 9 talks about the monies that will be paid into the Fund. Clause 4 is the one that spoke about what she is speaking about: the Levy, and that Clause has already passed. Therefore, unless she had deleted Clause 4, then what she is saying makes absolutely no sense.

**The Temporary Chairlady** (Hon. Martha Wangari): The Leader of the Majority Party, order.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Because the Fund is already there, Hon. Temporary Chairlady, and I strongly oppose that particular amendment. These are things we say in funerals and in rallies, and not in legislation making.

**The Temporary Chairlady** (Hon. Martha Wangari): You are totally out of order, Hon. Leader of the Majority Party. Members, Part III of the Bill talks about the Fund. But Clause 9 is speaking about ‘there shall be paid into the Fund: (a) monies deducted or payable as the levy under this Act.’ So, she is perfectly in order.

We can have a few contributions on the same. Since there is none, I will put the question.

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

The import of that is that the amendment by Hon. Millie Odhiambo falls because it was similar.

*(Proposed amendment by Hon. Millie Odhiambo dropped)*

We will have the Chairpersons prosecute the Committee's amendments.

Hon. Chairperson, you have a proposed amendment on Clause 9?

**Hon. Kimani Kuria** (Molo, UDA): Yes.

Hon. Temporary Chairlady, I beg to move:

That Clause 9 of the Bill be amended—

- (a) by numbering the existing provision as “1”;
- (b) by inserting the following new paragraph immediately after paragraph (ca) voluntary contributions made under section 38;
- (c) by inserting the following new sub clause immediately after the renumbered sub clause (1)—
  - (2) Without prejudice to the generality of subsection 1(d) and (e), all of the proceeds of sale, rent, and interest shall be paid into the Fund.

This amendment is providing for voluntary contribution to be paid into the fund, and that proceeds also from the sale and lease of houses that are built through this Affordable Housing Programme are paid back to the Fund so that it is made a revolving fund.

Thank you.

*(Question of the amendment proposed)*

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

*(Clause 9 as amended agreed to)*

#### Clause 10

**The Temporary Chairlady** (Hon. Martha Wangari): We have Chairpersons who have an amendment? Hon. Ng’eno to move.

**Hon. Johana Kipyegon** (Emurua Dikir, UDA): Thank you, Hon. Temporary Chairlady,

I propose that Clause 10 be amended—

- (a) in subclause (1) by inserting the words “, institutional housing” immediately after the words “affordable housing”;
- (b) in subclause (2)—

- (i) by deleting the words “in all counties” appearing in paragraph (c);
  - (ii) by inserting a new paragraph immediately after paragraph (c)—
- “(d) facilitate development of institutional housing units;”

**The Temporary Chairlady** (Hon. Martha Wangari): Are you done?

**Hon. Johana Kipyegon** (Emurua Dikir, UDA): I am not done. The justification is that the amendment is to provide for the institutional housing, which was not in the previous Bill.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Question of the amendment proposed)*

Leader of the Majority Party.

**Hon. Kimani Ichung’wah (Kikuyu, UDA)**: Hon. Temporary Chairlady, I rise to support this particular amendment. You saw university students appear before the Committee during public participation. I see the Hon. Ariko, who is a Member of the Committee, remembers. One of the challenges that have been with our students in urban centres is lack of proper housing in our universities and in our TVET institutions. This creates a forum for our universities, TVETs and college students to access institutional housing being built purposely for students.

Two, our police force has suffered immensely since the change in government policy on housing when they started giving our police officers Housing Allowance. And they are given a housing allowance of between Ksh5,000 to Ksh9,000 depending on the rank. Well, you are serving in a town where on average rental houses go for between Ksh20,000 and Ksh30,000. Now, with institutional housing, the Government can now do institutional housing for police officers, teachers, and medical care staff around hospitals. They will afford since this is now affordable housing being done under this fund.

I strongly support and thank the Chairpersons of the Finance and Housing Committees for having taken into consideration many of the proposals that came through public participation.

**The Temporary Chairlady** (Hon. Martha Wangari): I said you use your cards, Members. Press the intervention. Hon. Stephen Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you very much, Hon. Temporary Chairlady. I also want to support that amendment and thank the Chairperson for that very quick thinking. In particular, I come from a county which has suffered a great deal because people working in the county live elsewhere. With this amendment, and when I am pitching to have a university set up in Nyamira at Senator Kebaso, this institutional housing is going to solve the problem of student housing, staff housing, and save the income leakages of workers within Nyamira County who are spending it in Bomet, Kisii, Homa Bay, and other neighbouring counties.

I support, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. Member for Matuga. Are you intending to speak on this one? Hon. Kemei Justice.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): I will come back to you, Hon. Kassim.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Temporary Chairlady. I want to support this amendment. Sigowet/Soin Constituency does not have a single Government Quarter. The police officers based in that sub-county do not have any single dwelling except dilapidated structures in Sondu. The teachers do not have dwellings. The new Kenya Medical Training College in Sigowet has no residential quarters. So, I support the

amendments so that we, the people who are disadvantaged in terms of housing, can host public servants and any other employee.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Matuga.

**Mhe. Kassim Tandaza** (Matuga, ANC): Asante Mhe. Mwenyekiti wa Muda. Ni jambo muhimu kwamba hizi nyumba ziweze kushughulikiwa. Sio kwa wale tu ambao wanafanya kazi ila pia kwa wale ambao hawana kazi haswa ilivyotangulizwa kwa watoto wa shule. Katika Kwale Kaunti kuna kituo cha Technical University cha Mombasa kule Mabokoni, lakini kwa miaka minne kimeshindwa kupata wanafunzi kwa sababu hakuna nyumba za wao kuweza kuishi pale. Kwa hivyo mfumo huu moja kwa moja utawezesha sehemu mbali mbali za Kenya kuweza kukua kwa kuwa kutakuwa na makaazi mema.

Asante Mwenyekiti wa Muda. Ninaunga mkono.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. Member for Tinderet.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Chairlady. This amendment is quite in order. If you go to many universities especially in large cities like Nairobi, students live even in slums; areas where there is very poor planning and water resources. Therefore, by allowing institutions to have these houses, it will enable the core functions, that is teaching and learning to take place in those institutions. I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I support the amendment. Unfortunately, when anticipating debate, I want the Chairman for the Committee to listen carefully. I think when we are defining institutional housing, we should extend this beyond Government pool housing. When we talk about Government pool housing, it is very restrictive. Many of us face requests from secondary schools to develop accommodation for the teachers and those who are allowed to stay in the boarding secondary schools.

I request him that when moving, under Clause 2, he needs to include boarding secondary school accommodation.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Kericho.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Chairlady. I support this amendment in a big way.

In Kericho County we have very old houses such that the teachers and nurses do not appreciate them. Not forgetting that the University of Kabianga is the main university that we have, but there are no houses even for the students. They live in rental houses and it causes a lot of problems. If we have this institutional housing, it will save us a lot of trouble in Kericho County.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Namoit.

**Hon. John Namoit** (Turkana South, ODM): Thank you, Hon. Temporary Chairlady. I rise to support this amendment.

The amendments came out from the pastoralist's community and specifically the people of Turkana County. The institutions in Turkana do not have these houses. I am saying that the Ministry of Education admitted 900 students in one of the secondary schools, and yet we do not have the right structures to accommodate these students. The people of Turkana do not need these houses, but our institutions like the Turkana University College do not have houses for our students. Basically, these amendments will support the people of Turkana County.

I support.

Thank you, Hon. Temporary Chairlady.

*(Question, that the words to be inserted*

*be inserted, put and agreed to)*

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

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

**The Temporary Chairlady** (Hon. Martha Wangari): I will allow the next proposed amendments by the Member for Mandera South Hon. Abdul Haro to prosecute his amendments.

**Hon. Abdul Haro** (Mandera South, UDM): Thank you, Hon. Temporary Chairlady, I will move an amended version of my earlier amendment. I beg to move:

THAT, Clause 10 of the Bill be amended in subclause (2) (b) by inserting the following words—

(b) or low monthly payment home loans where applicable,  
immediately after the words “low interest loans”

Thank you, Hon. Temporary Chairlady.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Chairman.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady we have consulted, and we agree with the amendments as proposed by Hon. Abdul Haro. This is to be able to provide for our Muslim brothers and sisters access to these funds by being Sharia compliant.

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

*(Clause 10 as amended agreed to)*

### *Clause 11*

**The Temporary Chairlady** (Hon. Martha Wangari): We have a proposed amendment by the Chairman, to be moved by Hon. Ng’eno.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you Hon. Temporary Chairlady, I beg to move:

Allocations out of the  
Fund.

11. (1) The Board may allocate out of the Fund, monies for the –
- (a) development and off-take of affordable housing programmes and projects; and
  - (b) development of institutional housing; and
  - (c) social and physical infrastructure.

(2) The monies may be allocated subject to the annual investment programme under section 11 B and the provisions of Part IIIA to the agencies set out in the Third Schedule.

(3) The monies may be allocated to county governments in accordance with the Public Finance Management Act, 2012 and on such conditions as may be prescribed by the Cabinet Secretary for the time being responsible for the National Treasury.

(4) Despite the provisions of subsection (2), the Board shall allocate out of the Fund—

(a) up to two percent of the monies to the collector for the collection of the Levy as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation of the Cabinet Secretary; and

(b) up to two percent of the monies to the Board for the administration of the Fund as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation of the Cabinet Secretary.

(5) The Third Schedule may be amended by notice in the *Gazette*.

Five-year affordable housing investment programme.

**11A.** (1) The Board shall develop a five-year affordable housing investment programme every five years.

(2) The Board shall submit the affordable housing investment programme referred to in subsection (1) to the Cabinet Secretary and the Cabinet Secretary for the time being responsible for the National Treasury for onward transmission to the Cabinet for approval.

(3) Upon approval of the affordable housing investment programme by the Cabinet, the Cabinet Secretary shall submit the approved affordable housing investment programme to the National Assembly.

Annual investment programme.

**11B.** (1) The Board shall prepare an annual investment programme drawn from the five-year affordable housing investment programme which shall include—

(a) the proposed affordable housing projects;

(b) the proposed institutional housing projects;

(c) the proposed allocation of monies out of the Fund;

(d) the proposed implementing agencies as set out in the Third Schedule.

(2) The Board shall submit the annual investment programme referred to in subsection (1) to the Cabinet Secretary.

(3) The Cabinet Secretary shall submit the annual investment programme to the National Assembly for approval before disbursing funds out of the Fund.

The justification for this is that there should be a prescribed formula of sub-dividing this money according to the agencies which are supposed to implement this Fund.

Thank you.

*(Question of the amendment proposed)*

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

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

*(Clause 11 as amended agreed to)*



**The Temporary Chairlady** (Hon. Martha Wangari): The import of this amendment is that the proposed amendments by Hon. Gathoni Wamuchomba, Hon. Ariko Namoit and Hon. Member for Funyula, falls.

*Clause 12*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Gathoni Wamuchomba.  
**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 12 of the Bill be deleted.

With your permission Hon. Temporary Chairlady, the National Housing Corporation should be the one that should administer the Fund owing to its unique and long experience in the management of such funds. Further, that would be cheaper instead of establishing another board. We cannot create a new board that is going to use the same money that we are being deducted for administrative purposes whereas we already have a body that is already entrenched in the Constitution of Kenya. Therefore, I submit.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Endebess.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Chairlady. Hon. Wamuchomba has proposed amendments to delete various clauses. I wonder why she is now proposing an amendment to collect money and give it to a certain board. It is rhetorical and funny. I oppose the amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Endebess, any Member can propose amendments to any Bill.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairlady, she was opposed to the collection of funds. She said that the Housing Fund is punitive and costly to the taxpayer. Now she wants the same money...

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Endebess, support or oppose the amendment, but do not say that she cannot propose an amendment.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairlady, I am giving the reason for opposing her amendment. She said that the Fund is scandalous and now she wants to give scandalous funds to the National Housing Corporation (NHC). I oppose her amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): We hear you. Member for Buuri, do you want to contribute to this amendment?

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Temporary Chairlady, you cannot kill yourself and then resurrect yourself.

*(Hon. Gathoni Wamuchomba stood in her place)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba, hold your horses. I will give you an opportunity to contribute. Member for Buuri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Temporary Chairlady, you cannot kill yourself and then come back to life. I oppose that amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Dagoretti North.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Hon. Temporary Chairlady, I support Hon. Wamuchomba in one way. It would be better for the House to agree to channel the funds

to one location for purposes of monitoring and reducing corruption. We must agree, as a House, to manage one fund.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Chairlady. Hon. Wamuchomba sits just behind me. She is making political statements with her proposals.

We came up with this Bill because the NHC failed to achieve its mandate. That is why we are coming up with a new law. For that reason, I oppose her amendment.

*(Loud consultations)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Members. I will give an opportunity to those who pressed the intervention button. Member for Mosop.

**Hon. Abraham Kirwa** (Mosop, UDA): Hon. Temporary Chairlady, I rise to oppose the amendment specifically because the NHC has failed. Coming up with an independent body to monitor this Fund is the right thing to do. I oppose the amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I rise to oppose the amendment. Hon. Pukose said that we have already collected the Levy and the money is going into a fund that is also allocating funds to other implementing agencies, including county governments. How will we use the NHC to give money to counties as proposed by Hon. Wamuchomba? The NHC has no modalities of giving money to counties and other implementing agencies, including the State Department that is currently engaged in the work of constructing affordable houses, including some in Githunguri.

I want to assure the people of Githunguri Constituency that the Affordable Housing Programme for Githunguri Constituency will be advertised within one week or so. Close to 2,200 houses, including a cultural centre within the constituency, will be constructed. I must thank the former Member of Parliament for Githunguri, Hon. Kago wa Lydia, who has gone out of his way to make sure that the people of Githunguri will not miss out on this opportunity to access jobs and affordable houses.

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority Party, we hear you. Order, Members. I will hear from Hon. Nyamai.

*(Hon. Gathoni Wamuchomba consulted loudly)*

Hon. Wamuchomba, I will give you one minute to contribute. Just hold your horses.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Chairlady. I oppose the amendment by Hon. Gathoni.

First, funds have already been collected and we will be over-legislating by identifying a specific institution where the funds should go. Secondly, it is about the moral authority. Hon. Gathoni totally rejected the collection of funds in the earlier amendment, therefore, it is morally wrong for her to propose this amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba, you have one minute.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, I rise to clear the air. The people of Githunguri, who overwhelmingly elected me, have a right to be represented in this House. They believed and trusted in me, and that is why I am in this House to represent them. The people of Endebess, who are represented by Hon. (Dr) Pukose, do not have more rights than the people of Githunguri. Therefore, nobody should lecture me in this House. I am rightfully here to speak as empowered by the people of Githunguri.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Members.

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

There is another amendment to this Clause by the Chairperson.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 12 of the Bill be amended –

(a) in sub-clause (3)(e) by inserting the words “through a competitive process” immediately after the word “appointed”;

(b) by inserting the following new sub-clause immediately after subclause 4-

“(4A) In appointing the members of the Board, the Cabinet Secretary shall-

(a) ensure that not more than two-thirds of the members are of the same gender;

(b) take into account regional balance;

(c) consider special and marginalised groups including youth, women and persons with disability.”

The import of this amendment is that it clarifies the recruitment of members of the Board so that it is through a competitive process. It also actualises the Constitution which has provisions for gender and regional balance.

*(Question of the amendment proposed)*

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

*(Clause 12 as amended agreed to)*

### Clause 13

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, Hon. Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, I withdraw the amendment because we have amended the previous clause.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. The amendment is withdrawn.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba withdrawn)*

Let us move to the proposed amendment to Clause 13 by the Chairperson.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended-

(a) by deleting sub-clause (1) and substituting therefore the following new sub-clause-

“(1) The object and purpose for which the Board is established is to oversee the development of affordable housing, institutional

housing and associated social and physical infrastructure in Kenya.”

(b) in sub-clause (2)-

(i) in paragraph (a) by deleting the words “maintenance, rehabilitation and” and inserting the words “institutional housing” immediately after the words “affordable housing”;

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

“(c) based on a five-year affordable housing investment programme and annual affordable housing investment programme, determine the allocation of financial resources required for the development of the affordable housing projects, institutional housing and associated social and physical infrastructure;”

(iii) by deleting paragraph (e);

(iv) by deleting paragraph (f); and

(v) in paragraph (i) by deleting the words “rehabilitation and maintenance” and inserting the words “institutional housing” immediately after the words “and projects”.

*(Question of the amendment proposed)*

*(Hon. Johana Kipyegon stood in his place)*

**The Temporary Chairlady** (Hon. Martha Wangari): Are you still on your feet, Hon. Chairman? I have already proposed the Question of the amendment, and now I want to put the Question.

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

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

The import of that amendment is that the proposed amendment by Hon. Millie Odhiambo is dropped.

*(Proposed amendment by Hon. Millie Odhiambo-Mabona dropped)*

*(Clause 13 as amended agreed to)*

*Clause 14*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, clauses 14 and 15 still go together with clause 13. I drop both of them.

*(Proposed amendment by Hon. Gathoni Wamuchomba dropped)*

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**Hon. Temporary Chairlady** (Hon. Martha Wangari): We have an amendment by Hon. (Dr.) James Nyikal which will be moved by the Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, clause 14 of the Bill be amended by deleting subclause (1) and substituting therefor the following new clause—

(1) A person qualifies to be appointed as the Chairperson of the Board if that person—

(a) holds a degree from a university recognised in Kenya.

(b) has experience in matters relating to housing, built environment, banking, finance or law.”

Hon. Temporary Chairlady, the import is to professionalise the management of the Fund. Thank you.

*(Question of the amendment proposed)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): I will give the first chance to the Chairman of the Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Chairlady. As Co-Chairpersons, we have consulted and we agree with the proposed amendment by Hon. (Dr) Nyikal and as moved by my good friend. This is to professionalise the academic qualifications and experience needed for the chairperson and members of the board.

Therefore, we support that amendment as proposed.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Member for Endebess, do you want to speak to this?

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Chairlady. As you may recall, the Leader of the Majority Party said that the proposal by Hon. Nyikal on the membership of the board is an improvement to what is in the Bill. I, therefore, support it.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): I have very many people on interventions, but I do not see any interest right now. Member for Dagoretti South, do you want to speak to this? No?

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

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

**Hon. Temporary Chairlady** (Hon. Martha Wangari): We have a proposed amendment by the Co-Chairpersons on Clause 14.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, our amendment was similar to that and that is why we yielded to their amendment. Our amendment is, therefore, dropped.

*(Proposed amendments by  
Hon. Kuria Kimani, Hon. Anthony Oluoch and  
Hon. Clive Gisairo dropped)*

*(Clause 14 as amended agreed to)*

*Clause 15*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): There is a proposed amendment by the Member for Githunguri.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, I said clauses 13, 14, 15 and 16 are dropped because they are aligned with Clause 13.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Thank you, Member for Githunguri. To be on record, that amendment is dropped.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 15 agreed to)*

*Clause 16*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by the Member for Githunguri has been dropped.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 16 agreed to)*

*Clause 17*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): The Member for Githunguri, you did not touch on clause 17. Are you ready to move the amendment?

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, not necessary because it is also dropped.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): It is dropped. So, we will prosecute it in the same manner.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 17 agreed to)*

*Clause 18*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Member for Githunguri then the Member for Suba North.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Dropped.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): I will prosecute it in the same manner.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 18 agreed to)*

Clause 19

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Member for Githunguri, is it a similar fate?

*(Hon. Gathoni Wamuchomba spoke off the record)*

Thank you.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 19 agreed to)*

Clause 20

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Member for Githunguri, be on record.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Dropped, Hon. Temporary Chairlady.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 20 agreed to)*

Clause 21

**Hon. Temporary Chairlady** (Hon. Martha Wangari): We have a proposed amendment by the Member for Githunguri.

*(Hon. Gathoni Wamuchomba spoke off the record)*

We have a problem with her microphone.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you.

Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

21(1) There shall be an administrator of the Fund who shall be competitively recruited and appointed by the National Housing Corporation, in consultation with the Cabinet Secretary, on such terms and conditions of service as shall be specified in the instrument of appointment or otherwise in writing from time to time.

Hon. Temporary Chairlady, since we have already made conclusions on the other clauses touching on the National Housing Corporation, I drop the amendment.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): It is well noted. We have a proposed amendment by the Co-Chairpersons. Hon. Kuria.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 21 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new clause—

“(2) A person qualifies to be appointed as the Chief Executive Officer if that person—

(a) holds a degree from a university recognized in Kenya;

(b) has at least ten years’ experience in a managerial capacity in built environment, finance, or law.”

This is providing for qualifications of the CEO.

*(Question of the amendment proposed)*

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

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

*(Proposed amendments by  
Hon. Anthony Oluoch and Hon. Clive Gisairo dropped)*

*(Clause 21 as amended agreed to)*

#### Clause 22

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Chairperson.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 22 (2) of the Bill be amended—

(a) by deleting paragraph (b) and substitute therefore the following new paragraph—

(b) preparing the annual work plan for the Fund for approval by the Board;

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

“(ja) subject to approval of the Board, authorise withdrawals out of the Fund;

(jb) ensure that money held in the Fund, including any earnings or accruals is spent only for the purpose for which the Fund is established;”

Hon. Temporary Chairlady, this is seeking to align the functions of the administrator of the Fund to the previous amendment providing for submission of annual affordable housing investment programmes by the board to the National Assembly for approval.

Further, the amendment seeks to harmonise the roles of the administrator with Section 24 of the Public Finance Management (PFM) Act, 2012.

*(Question of the amendment proposed)*



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

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

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Member for Githunguri, you have a proposed amendment on the same. Sorry, the import of carrying the Chairperson's amendment is that Hon. Wamuchomba's amendment falls.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 22 as amended agreed to)*

*(Clauses 23 and 24 agreed to)*

*Clause 25*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment is by Hon. Millie Odhiambo. She is not in the House, therefore, the amendment is dropped.

*(Proposed amendment by  
Hon. Millie Odhiambo-Mabona dropped)*

*(Clause 25 agreed to)*

*Clause 26*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, clauses 26 and 27 are aligned with what we have already handled. It stands dropped.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Thank you, Hon. Member.

Hon. Gathoni, before we move to the next amendment, to be on record that you have dropped the proposed amendment to Clause 26. Hon. Millie's amendment is also dropped.

*(Proposed amendments by Hon. Gathoni Wamuchomba  
and Hon. Millie Odhiambo-Mabona dropped)*

*(Clause 26 agreed to)*

*Clause 27*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba, you are on record that this amendment is also dropped. The Member for Seme is not in the House, and therefore, his amendment is also dropped.

*(Proposed amendments by Hon. Gathoni Wamuchomba  
and Hon. (Dr.) James Nyikal dropped)*

*(Clause 27 agreed to)*

*Clause 28*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Hon. Gathoni Wamuchomba, is this also affected?

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, clauses 28 and 29 are also affected. They stand dropped.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Thank you. To be on record, that amendment is dropped.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 28 agreed to)*

*Clause 29*

**The Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by the Member for Githunguri is dropped.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Clause 29 agreed to)*

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

Just to be certain, I know there are new clauses but this is not it.

*Clause 30*

**The Temporary Chairlady** (Hon. Martha Wangari): There is a proposed amendment by the Chairperson.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 30 and substituting therefor the following new clause-

30. A person or body corporate shall be eligible to be allocated an affordable housing unit subject to the requirements under section 31.

Hon. Temporary Chairlady, the import of the proposed amendment is to allow body corporates such as universities and colleges to take up some of these housing units as institutions.

*(Question of the amendment proposed)*

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

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

There was a proposed amendment by the Member for Funyula, but the import of this amendment is that your amendment falls.

*(Proposed amendment by Hon. (Dr) Ojiambo Oundo is dropped)*

*(Clause 30 as amended agreed to)*

### *Clause 31*

**The Temporary Chairlady** (Hon. Martha Wangari): Chairperson, there is a proposed amendment.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 31 be amended -

(a) in subsection (1) by deleting the words “to the relevant agency in a manner specified by that agency” and substitute therefor the words “to the Board in the specified manner.”

(b) in subsection (2) by-

(i) deleting paragraph (a) and substituting therefor the following new paragraph (a) –

(a) proof of requisite deposit as maybe prescribed by the Cabinet Secretary;

(ii) inserting the words “or such other form of identification as may be prescribed by the Cabinet Secretary” immediately after the word “identity card” in paragraph (b);

(iii) inserting the following new paragraph immediately after paragraph (b)-

(ba) copy of incorporation certificate in the case of a body corporate;

(c) in subsection (3) deleting the words “relevant agency” and substitute therefor the word “Board.”

Hon. Temporary Chairlady, the import of this proposed amendment is to make a further amendment to include the following: ‘And tax compliance certificate’ so that the people that apply for the affordable housing do not need to submit a KRA Pin number but would need to be tax compliant.

*(Question of the amendment proposed)*

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

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

*(Proposed amendments by  
Hon. (Dr) James Nyikal and Hon. John Namoit dropped)*

*(Clause 31 as amended agreed to)*

*Clause 32*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Seme is not in the House.

*(Proposed amendment by  
Hon. (Dr) James Nyikal dropped)*

There is an amendment by the Hon. Chairperson.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 32 of the Bill be amended by deleting the words “relevant agency “and substitute therefor the word “Board”, wherever it appears.

Hon. Temporary Chairlady, the import of this proposed amendment is to remove the agencies so that the board becomes the one ultimately responsible for the functions relating to matters affordable housing.

*(Question of the amendment proposed)*

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

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

*(Clause 32 as amended agreed to)*

*Clause 33*

**The Temporary Chairlady** (Hon. Martha Wangari): Chairperson.

**Hon. Johanna Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 33.

Hon. Temporary Chairlady the import of the proposed amendment is deletion of clauses 33, 34 and 35 because these contractual matters...

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson, you must execute per... This one is on Clause 33 only.

*(Question of the amendment proposed)*

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

*(Clause 33 deleted)*

*Clause 34*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson.

**Hon. Johanna Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 34.

*(Question of the amendment proposed)*

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

*(Clause 34 deleted)*

Clause 35

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson.

**Hon. Johanna Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Chairlady, I beg to move the following:

THAT, the Bill be amended by deleting Clause 35.

Hon. Temporary Chairlady, these are issues that can be dealt with through regulations and therefore do not need to appear on this particular Bill.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Question of the amendment proposed)*

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

*(Clause 35 deleted)*

We have a proposed amendment by Hon. Millie Odhiambo but, of course, it falls after the Hon. Chairpersons is carried.

Clause 36

**The Temporary Chairlady** (Hon. Martha Wangari): We have the Member for Turkana South. Are you in the House? If not, it is dropped.

*(Proposed amendment by Hon. John Namoit dropped)*

We have proposed amendments by the Hon. Chairpersons.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting the words “as follows—

(a) for social housing units, up to three percent or an administrative fee of an equivalent amount;

(b) for affordable housing units, up to three percent or an administrative fee of an equivalent amount; and

(c) for affordable market housing units, up to nine percent or an administrative fee of an equivalent amount.” and substituting therefor the words “at such rate as maybe prescribed by the Cabinet Secretary.”

Hon. Temporary Chairlady, the import of this proposed amendment is to recognise the interest which is contractual. The alternative is provided in the regulations, and therefore, it can wait for the regulations.

**The Temporary Chairlady** (Hon. Martha Wangari): We have a further amendment by the Member for Seme who is not in the House and, therefore, it is dropped.

*(Proposed amendment by  
Hon. (Dr) James Nyikal dropped)*

*(Question of the amendment proposed)*

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

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

We have Hon. Wamuchomba who has an amendment. You may prosecute it.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, I beg to move the following:

THAT, Clause 36 of the Bill be amended by deleting paragraph (c).

This is a consequential amendment arising out of deleting the definition ‘affordable market housing unit which might be sold at market rates.’ Also, this could be abused and frustrate the objective of the Bill and move away from the spirit of Article 43 of the Constitution. It is not the business of the Government to sell houses; it is the business of the Government to build infrastructure and facilitate stakeholders within the sector to sell or do activities around houses.

I, therefore, propose that we delete it as stated in my amendment.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. Chairman.

**Hon. Kuria Kimani** (Molo, UDA): On the amendment proposed by Hon. Wamuchomba, let me read verbatim what Clause 36 of the Bill says:

The interest rates or administration fee for a loan issued under this Act shall be payable on a reducing balance as follows—

- (a) For social housing units, up to 3 per cent or an administrative fee of an equivalent;
- (b) For affordable housing units, up to 3 per cent or an administrative fee of an equivalent amount; and
- (c) For affordable market housing units, up to 9 per cent or an administrative fee of an equivalent amount.

Clause 36 is just about the administrative fee. It has nothing to do with the offtake of affordable housing units.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

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

There is a proposed amendment by the Member for Suba North.

*(Proposed amendment by  
Hon. Millie Odhiambo-Mabona dropped)*

There is also a proposed amendment by the Member for Mandera South.

**Hon. Abdul Haro** (Mandera South, UDM): Hon. Temporary Chairlady, I beg to move: THAT, Clause 36 of the Bill be amended by inserting the words “where applicable” immediately after the words “under this Act”.

The import is to make sure that Muslims, who are also going to be mandatory contributors like all other Kenyans, participate fully in this Affordable Housing Scheme.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairman.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, we support the further amendment to the clause as proposed by Hon. Abdul Haro. As the Joint Committee, we have agreed with it to provide for Sharia compliance for our Muslim brothers and sisters.

**The Temporary Chairlady** (Hon. Martha Wangari): The Chairman has already prosecuted his amendment; this is Hon. Abdul Haro’s amendment. Your comment can only apply to this amendment. The Leader of the Majority Party, do you have the microphone?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairlady. We support this amendment. As Hon. Haro has said, it is just inserting the word ‘where applicable’ to take care of our Muslim brothers and sisters who usually do not pay interest on loans but have loan repayments. That is why we are using the words ‘where applicable’ to take care of that. We support.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. Member for Matuga.

**Hon. Kassim Tandaza** (Matuga, ANC): Ahsante sana Mhe. Mwenyekiti wa Muda. Ninaunga mkono hayo marekebisho kwa sababu kwetu jamii ya kiislamu sio kwamba ni haramu lakini ni dhambi kubwa ikija wakati wa kutoa ama kupokea riba. Ninaiunga mkono ili jamii yote ya waislamu pia nayo iweze kunufaika na huu mradi wa nyumba. Nikilizungumzia, ninajua kama sehemu za Pwani nyumba zinajengwa. Wengi ni waislamu na wangependa kuchukua hizi nyumba.

Ninaunga mkono hoja hiyo, kwamba swala la riba lisiguse waislamu; wawe na nafasi ya kuchukua kwa njia nyingine. Ahsante.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. Hon. Dekow.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you very much, Hon. Temporary Chairlady. We are in support of the amendment by Hon. Abdul Haro from Mandera South. I thank the Chairman and the Leader of the Majority Party for supporting the amendment to take care of the interest of the Muslim community who are also paying for this Fund.

I support. Thank you very much.

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

*(Clause 36 as amended agreed to)*

*Clause 37*

**Hon. Kuria Kimani** (Molo, UDA): I beg to move:

THAT, the Bill be amended by deleting Clause 37.

This amendment is to recognise that loan repayment is contractual and, therefore, there is no need to put this in law. It can be dealt with in regulations.

*(Question of the amendment proposed)*

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

*(Clause 37 deleted)*

Clause 38

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Seme, Hon. (Dr) Nyikal withdrew his amendment.

*(Proposed amendment by  
Hon. (Dr) James Nyikal withdrawn)*

Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, in view of the fact that my amendments under Clause 4 failed, I withdraw amendments under Clause 38.

*(Proposed amendment by  
Hon. (Dr) Ojiambo Oundo withdrawn)*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Funyula has withdrawn his amendment. Proposed amendment by the Chairperson.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the Bill be amended in Clause 38 by—

- (a) deleting the word “an agency” in sub-section (1) and substitute thereof the words “the Fund”; and
- (b) deleting the word “an agency” appearing in sub-sections (2) and (3) and substituting thereof the words “the Administrator of the Fund”.

This is to provide for the voluntary contribution to the Fund and this has to be managed by the administrator of the Fund.

I beg to move.

*(Question of the amendment proposed)*

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

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

*(Clause 38 as amended agreed to)*

Clause 39

**The Temporary Chairlady** (Hon. Martha Wangari): There are proposed amendments by the Chairperson.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 39 be amended by deleting subsection (4).



This provision is deleted because it is a breach of the right to information as enshrined in our Constitution.

**The Temporary Chairlady** (Hon. Martha Wangari): The amendment by Hon. Wamuchomba is similar to the Chairman's. It falls by the carrying of this one.

*(Question of the amendment proposed)*

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

*(Proposed amendment by Hon. Gathoni Wamuchomba dropped)*

*(Clause 39 as amended agreed to)*

#### *New Clause 40A*

THAT, the Bill be amended by inserting the following new clause immediately after Clause 40—

Other offences

40A. (1) A person commits an offence if the person—

(a) Fails to give information or gives inaccurate or misleading information or falsifies information or misrepresents information required under this Act;

(b) Having possession of, or control over, or access to any documents, information, returns or forms relating to applications or granting of loans, communicates anything contained therein—

(i) To any person other than a person to whom he is authorized by the Board to communicate it; or

(ii) Otherwise, than for the purposes of this Act.

(2) A person who contravenes the provisions of subsection

(1) Shall be liable, on conviction to a fine not exceeding ten million shillings or imprisonment of a term not exceeding five years, or to both.

*(The new clause was read a First time)*

**Hon. Kuria Kimani** (Molo, UDA): I beg to move that the New Clause 40A be now read a Second Time.

This amendment seeks to provide for the commensurate penalty for the misappropriation of funds and assets for the Fund. Therefore, this Bill provides for a penalty that does not consider the amount misappropriated. This clause is supposed to make it very punitive for anybody who attempts to misappropriate funds.

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

**The temporary Chairlady** (Hon. Martha Wangari): We had another amendment. The import is that the amendment by Hon. Gathoni Wamuchomba also falls by carrying this amendment.

*(Proposed amendment by Hon. Gathoni Wamuchomba dropped)*

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

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

*Clause 41*

**The Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by the Member for Seme is dropped. I will put the Question.

*(Proposed amendment by  
Hon. (Dr) James Nyikal dropped)*

*(Clause 41 agreed to)*

**Hon. Kuria Kimani** (Molo, UDA): There is a proposed amendment to Clause 41.

*(Hon. Kuria Kimani consulted the Clerks-at-the-Table)*

*Clause 42*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Member for Githunguri Constituency prosecute your amendment on Clause 42.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): I beg to move:

THAT, Clause 42 of the Bill be amended in sub-clause (1) by deleting the word “Board” appearing immediately after the words “in consultation with the” and substituting therefor the word “Corporation”.

This is because the National Housing Corporation should be the one administering the Fund owing to its unique and long experience. Further, this should be a cheaper way instead of establishing another board.

*(Question of the amendment proposed)*

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

**The Temporary Chairlady** (Hon. Martha Wangari): We have further proposed amendments. The amendment by the Member for Seme is dropped.

*(Proposed amendment by Hon. (Dr) James Nyikal dropped)*

The Member for Funyula Constituency, Hon. Wilberforce Oundo.

**Hon Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Chairlady, it was a consequence of amendments under Clause 4. Since it was lost, I stand to drop.

*(Proposed amendment by Hon. (Dr) Ojiambo Oundo dropped)*

**The Temporary Chairlady** (Hon. Martha Wangari): Proposed amendments proposed by the Chairman on Clause 42.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 42(2) of the Bill be amended by inserting the following new paragraphs immediately after paragraph (a)-

(ab) requisite deposit for the housing under section 31(2);

(ac) identification documents under section 31;

(ad) regulations under Part IIIA.

This is the provision for regulations being amended to deal with the 10 per cent deposit that was needed. After listening to Members of the public through a public hearing, the Joint Committee resolved to delete the requirement that those people who wanted to be allocated houses needed to deposit 10 per cent into the Fund. This is a deletion of the clause that required a 10 per cent deposit for one to be given an affordable house.

*(Question of the amendment proposed)*

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

*(Clause 42 as amended agreed to)*

#### Clause 43

**Hon. Kuria Kimani** (Molo, UDA): I beg to move:

THAT, the Bill be amended in Clause 43 –

(a) by deleting subsection (1) and substituting the following subsection-

(1) The Acts specified in the First column of the second schedule are amended in the manner specified in the second column.

(b) by inserting the following new sub-section immediately after subsection (1)-

(1A) Subject to subsection (1), the collector of the levy shall collect the levy and shall remit the monies into the Fund, once it is operationalized.

(c) by inserting the words “and social and physical infrastructure” immediately the words “Government on affordable housing”.

This amendment is to make additional consequential amendments to the other Act to allow the collector of the Levy under temporary basis to be the one administering this Fund as we wait for its operationalisation, and the boards getting into office.

**The Temporary Chairlady** (Hon. Martha Wangari): We do not want to ask where you went to primary school.

*(Laughter)*

*(Question of the amendment proposed)*

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

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

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

*(Clause 43 as amended agreed to)*

*New Part 29A*

THAT, the Bill be amended by inserting the following part immediately after Part III

*Part III A—Implementation of the Affordable Housing*

Allocation of land. 29A. The provisions of the Land Act, 2012 shall apply with regard to allocation of national or county government land.

*(The new part was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move the second reading of the new Part.

**Hon. Kuria Kimani** (Molo, UDA): I beg to move that New Parts 29A, 29B, 29C, 29D, 29E and 29F be read a Second Time.

**The Temporary Chairlady** (Hon. Martha Wangari): No! You will have to do one by one. Start with 29A.

**Hon. Kuria Kimani** (Molo, UDA): I beg to move that the New Part 29A be now read a Second Time.

The provisions of the Land Act of 2012 shall apply with regard to allocation of national or county government land.

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

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

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

**The Temporary Chairlady** (Hon. Martha Wangari): The amendment by Hon. Wamuchomba is similar to the Chairman's. Therefore, it falls by carrying this one.

*New Part 29B*

Agreement with national government agency.

29B. (1) The Fund may appoint a national government agency to develop affordable housing units and the associated social and physical infrastructure.

(2) Subject to the Public Finance Management Act, 2012, the Fund may disburse such monies to the national government agency for the performance of the functions under sub-section (1).

*(The new part was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairman, move the Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the New Part 29B be now read a Second Time.

This is the establishment of the other agencies, including government agencies, that can be used to implement the affordable housing programmes.

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

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

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

#### *New Part 29C*

Agreement for institutional housing.

29C. The Fund may enter into an agreement with a public institution for-

- (a) the development of institutional housing units; and
- (b) the repayment of the monies paid out of the Fund for the development of the institutional housing units.

*(The new part was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move the Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the New Part 29C be now read a Second Time.

This is a provision for institutional housing units.

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

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

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

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): On a point of order, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): What is out of order, Hon. Wamuchomba?

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, the most recent Order Paper does not contain what you are handling, that is, New Clauses 29A, 29B and 29C.

**The Temporary Chairlady** (Hon. Martha Wangari): There is a Supplementary Order Paper. I know you came in a bit late.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Hon. Temporary Chairlady.

*New Part 29D*

Agreement with private institutions.

29D. The Fund may enter into an agreement with a private institution to develop and construct affordable housing units and the associated social and physical infrastructure.

*(The new part was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move the Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the New Part 29D be now read a Second Time.

This is the provision giving the Fund mandate to enter into contracts with private institutions and developers for construction of affordable houses.

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

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

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

*New Part 29E*

Agreement for financing

29E. (1) The Fund may enter into an agreement with any approved institution or mortgage scheme to provide financing for the off-take of affordable housing units.

(2) Subject to the Public Finance Management Act, 2012, the Fund may disburse such monies to the approved institution as may be necessary for the performance of the function under subsection (1).

*(The new part was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move the Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the New Part 29E be now read a Second Time.

This is the provision that the Fund may enter into agreement with mortgage institutions for provision of affordable housing units.

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

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

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

*New Part 29F*

Community support

In the development of affordable housing units, the Board shall—  
(a) as far as possible ensure locally available materials are used;

(b) ensure labour is sourced from the local communities;

(c) where a project is near a university or technical vocational institution ensure that the students get internships or practical experience from the projects where affordable housing projects are carried out.

*(The new part was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move the Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the New Part 29F be now read a Second Time.

This is one of the issues that were raised during public participation. In the development of affordable housing units, the Board shall, as far as possible, ensure they use locally available materials. The labour used in the construction of these affordable housing units shall be sourced locally. Most importantly, they should make sure that students in universities, Technical and Vocational Education and Training (TVET) institutions and polytechnics get a chance to train in these units through internship and attachment.

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

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

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

*Insertion of New part IIIA*

*New Part 29A*

THAT, the Bill be amended by inserting the following new part immediately after Part III—

**PART IIIA- ROLES AND FUNCTIONS OF THE COUNTY GOVERNMENTS**

Roles and functions of county governments.

29A. The county governments shall—

(a) undertake functions assigned to county governments under part 2 of the Fourth Schedule to the Constitution in respect of county planning and development of housing;

(b) collaborate with the National Housing Corporation to undertake housing needs and demand for affordable housing schemes, design affordable housing units that meet the demands of the community and jointly implement the affordable housing scheme;

(c) set aside funds for development and improvement of rural housing and housing for the vulnerable members of the community.

*(The new part was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): This amendment will be moved by the Member for Funyula. Move the Second Reading.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I beg to move that the New *Part* 29A be now read a Second Time.

Let me give a background on this matter. First, we admit and accept that housing is part of the county governments. So, it is in order for us to prescribe exactly and precisely the function of the county governments in respect of this project. That is why I need to move a further amendment so that I retain what I have mentioned as New *Part* 29A(a). It says that the county governments shall undertake functions assigned to county governments under Part 2 of the Fourth Schedule to the Constitution in respect of county planning and development of housing.

New *Part* 29A(b) says that the county governments shall collaborate with the National Housing Corporation (NHC) to undertake housing needs and demands for affordable housing scheme, design affordable housing units that meet the demand of the local community. The import here is that whatever is considered as housing in Mt. Kenya or Nyeri will not be considered as housing in Wajir. This is the same thing in Limuru as compared to Sio Port. The housing scheme must be customised to the local community. The design must meet local community standards. In some communities, there is nothing wrong with a parent living in the same house with teenagers or older children. There is nothing wrong in some communities if a family shares a house with a married child. The Asian community has no problem with that while for other communities it is a problem.

I propose that I delete what is indicated as (c) and (d) because it has already been covered by the amendments moved by the Chairman. However, I request that you allow for the amendment recorded as (e) whereby we are embodying that the county governments make use of whatever funds they are given. The Sessional Paper on Housing Policy, 2015, identified rural housing as one of the greatest challenges that we have. We have inadequate and poor-quality housing. I move a further amendment that the county governments should set aside funds, so that we remove the prescription on the percentage allocated from the Fund for development and improvement of rural housing and housing for the vulnerable members of the community.

Further, I drop what is indicated in New *Part* 29A(f). I request to move the mentioned parts. Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

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



**The Temporary Chairlady** (Hon. Martha Wangari): I will allow Hon. Bowen to contribute.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Chairlady, I oppose the amendment by Hon. Oundo, especially when he says that the housing scheme should be done or customised in such a way that a house in Garissa or Mombasa is different. This is very awkward because we are seeking to standardise the housing scheme, including the manufacturing of building materials. For instance, we cannot have a door of a different size in Busia and another one in Elgeyo Marakwet. We need standardisation of the entire housing project in Kenya.

Hon. Temporary Chairlady, I oppose the amendment.

*(Applause)*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Endebess.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Chairlady. I have been keenly listening to Hon. Oundo and I oppose. He has said that a house in Sio Port should be customised so that it is not similar to a house in Limuru or Endebess. This will be unfair because the houses must be standardised. Even his house in Nairobi is not similar to the one he has in Sio Port. People want to live in a house that is habitable, standard and a modern built. So, I oppose.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Nyamai.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Chairlady. I also listened to Dr Oundo very keenly and I think he has complicated his amendments. It will affect the two layers of government and create bureaucracies in a simple matter. This is not about having customised houses in different places. Affordable housing is about bringing dignity and making people equal by providing a facility which was non-existent. Therefore, I oppose and call for standardisation.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, Ford-K): Having listened to my good brother, I think he missed something. We cannot have different houses. For example, in the Maasai region they build houses similar to a *manyatta* and in my place where many *wazungus* were living, they build different types of houses. That is impossible. I think it was a slip of the tongue on his part. So, I request him to drop that amendment so that we can move on. I oppose.

**The Temporary Chairlady** (Hon. Martha Wangari): You are going to vote on it. Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Temporary Chairlady. Hon. Prof is a good man who wants good things for his people but they want better things than he wants for them. They want good houses similar to those in Nairobi. So, he should not subject his people to lower standards of life. Just like he moved from his village and came to Nairobi where he is enjoying a good house, he should also allow them to take Nairobi to the village so they can enjoy what he is enjoying. I humbly oppose.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Dagoretti South.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Temporary Chairlady. The last person I would like to stand up and oppose is Hon. Oundo. The magic of affordable housing rests on three things: aggregation, standardisation, and specialisation. It goes beyond the construction and occupation of the houses. Remember, we want to engage our artisans so they are the ones furnishing these houses.

When you get an order for an entire project to build such houses, if they are standardised, it will mean better delivery by our artisans who will be doing the work. In fact, the pilot project on Park Road has proven that standardisation works magic, in the delivery of

furnishing, woodwork and fittings. This is because the order is given to an entity that can deliver and earn out of this affordable housing. This goes beyond construction and occupation. Unfortunately, I oppose the amendment by Hon. Oundo.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Temporary Chairlady. I think my good friend, Hon. KJ has kind of read my mind. I want to tell my good friend Hon. Oundo that when we were discussing about affordable housing, a majority of us in the Kenya Kwanza Coalition thought standardisation was a means of bringing their price down by having the windows, doors, and other items in the housing made in one particular manner. This is the only way to make affordable housing cheaper. A good example is the issue of customisation and designs. When you want to buy a designer cloth, definitely it will cost more. Once we achieve standardisation, we will achieve affordability. So, I oppose. I want to challenge my good friend and appeal to him to understand the intention of affordability in this housing programme. Thank you. I oppose.

*(Question, that the new part be read  
a Second Time, put and negatived)*

*New Clause 31 A*

**The Temporary Chairlady** (Hon. Martha Wangari): Let us have the Mover, Hon. Mwenje. He is not in the House. Therefore, it is dropped.

*(Proposed amendment by  
Hon. Mark Mwenje dropped)*

*New Clause 31 B*

**The Temporary Chairlady** (Hon. Martha Wangari): Again, by Hon. Mwenje who is not in the House. It is dropped.

*(Proposed amendment by  
Hon. Mark Mwenje dropped)*

*New Clause 40 A*

THAT, the Bill be amended by inserting the following new clause immediately after clause 40—

- Other offences. 40A. (1) A person commits an offence if the person--
- (a) fails to give information or gives inaccurate or misleading information or falsifies information or misrepresents information required under this Act;
  - (b) having possession of, or control over, or access to any documents, information, returns or forms relating to applications or granting of loans, communicates anything contained therein—
    - (i) to any person other than a person to whom he is authorized by the Board to communicate it; or
    - (ii) otherwise than for the purposes of this Act.

(2) A person who contravenes the provisions of subsection (1) shall be liable, on conviction to a fine not exceeding ten million shillings or imprisonment of a term not exceeding five years, or to both.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson, move Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that new Clause 40A be now read a Second Time.

This amendment is seeking to provide for the commensurate penalty for misappropriation of funds and assets of the Fund. Therefore, the Bill provides a penalty that is commensurate to the amount of money separated making it impossible or very punitive for anyone who may have intention of misappropriating these funds.

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

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

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

*New Clause 43 A*

THAT, the Bill be amended by inserting the following new clause—

Revocation of  
affordable  
Housing Fund  
Regulations.

43A. (1) All regulations in force immediately the commencement of this Act and applicable to affordable housing and voluntary contributions are hereby revoked.

(2) All monies which immediately before the commencement of this Act, that were held by the National Housing Corporation under the Housing Fund Regulations, 2018 shall vest in the Fund and shall be deposited into the Fund.

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(3) The National Housing Corporation shall account for and give a record of all contributions made under the Housing Fund Regulations, 2018.

(4) The administrator of the Fund shall notify the contributors and create an account for each contributor.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson, move Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the new clause 43 A be now read a Second Time.

The import is that funds that have, for example, been held in Boma Yangu Platform will now fall into a new fund. With that, I beg to move.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Chairlady. The amendment is well intentioned because of the consequences of such kind of changes made into law. I am apprehensive that by asking NHC to transfer the funds they collected as a consequence of the regulations of 2018, you are essentially incapacitating and killing them. This is the long-time consequence of the amendment. By the time you reorganise and give them funds to continue undertaking their functions, you will literally have put them in limbo yet they have ongoing contracts and arrangements.

Indeed, we have essentially killed one of the jewels that has transformed the urban residential landscape in this country. I am afraid we might be doing it for political expedience but we have essentially disorganised the housing sector in this country. So, on that score, I stand to oppose.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Buri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Chairlady. With all due respect to Prof, I think he did not get the gist of the amendment. It simply says that some money was collected before this Act which needs to be regularised. That is why the Chairperson gave an example of Boma Yangu. That is the fund he is talking about. It has nothing to do with incapacitating... That money is currently unutilised by the National Housing Corporation. Please get it right, Professor. For the first time, I have seen you go down in history for not getting the correct statement for the students.

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

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

#### *Schedule*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, Hon. Wamuchomba. Is she in the House?

**Hon. Members:** No.

**The Temporary Chairlady** (Hon. Martha Wangari): That will be dropped.

*(Proposed amendment by Hon. Gathoni Wamuchomba dropped)*

Next is the proposed amendment by the Chairperson.

**Hon. Kimani Kuria** (Molo, UDA): Hon. Temporary Chairperson, I beg to move that the Second Schedule be amended...

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson, it is the Schedule.

**Hon. Kimani Kuria** (Molo, UDA): The Second Schedule.

**The Temporary Chairlady** (Hon. Martha Wangari): No, the Schedule.

**Hon. Kimani Kuria** (Molo, UDA): This has several imports. One is the amendment of the Income Tax Act to make the Housing Levy a deductible expense for companies. Second, it seeks to further activate the Affordable Housing Relief for employees paying the Housing Levy. There is an amendment to the KRA Act to include the Affordable Housing Act of 2024 which the Kenya Revenue Authority is responsible for. This answers to...

**The Temporary Chairlady** (Hon. Martha Wangari): Sorry, Hon Chairperson. There is only one Schedule that is already in the Bill. The amendments you were to move...

*(The Temporary Chairlady consulted the Clerks-at-the-Table)*

Order, Hon. Members. Let us make that a bit neat.

*New Schedules*

THAT, the Bill be amended by renumbering the existing schedule as “First Schedule” and inserting the following new schedule immediately the “First Schedule”

Second Schedule

(s.43)

CONSEQUENTIAL AMENDMENTS

ACT	SECTION	AMENDMENTS
The Employment Act (No.11 of 2007)	S. 31B	Repeal
	S. 31C	Repeal
The Income Tax Act (Cap. 470)	S. 15 (2)	Insert the following new paragraph immediately after paragraph (g)- (ga) expenditure incurred by a person carrying on a business in payment of Affordable Housing Levy as provided under section 5 (b) of the Affordable Housing Act, 2024
	S. 30A	Insert the following subsection immediately after sub-section (1)- (1A) A resident individual who proves that in a year of income, the individual paid the affordable housing levy, shall for that year of income be entitled to the affordable housing relief
	Third Schedule, paragraph 9	Delete the word “three” and substitute therefor with the words one point five”
The Kenya Revenue Act (No.2 of 1995)	First Schedule, Part II	Insert the following paragraph immediately after paragraph 14; “15. The Affordable Housing Act,2024”

*(The new schedule was read a First Time)*

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**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Kimani Kuria** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the Second Schedule be now read a second time.

As I explained earlier, this Second Schedule also amends the Income Tax Act to make the Housing Levy a deductible expense for companies. That means when companies are paying for their corporation tax, the employer contribution becomes a tax allowable expense for corporation tax. Further, the employees who will be paying the Housing Levy will now qualify for the Affordable Housing Relief. This would reduce the tax burden that is on Kenyans' payslips. Thirdly, by amending the Kenya Revenue Authority Act to include the Affordable Housing Act of 2024, it will make KRA the authority responsible for the collection of the levy.

With that, I beg to move.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Member for Marakwet West.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Chairlady. I have read the Second Schedule and the first column talks about the consequential amendments on Sections 31(b) and 31(c) of the Employment Act No.11 of 2007.

*(Hon. Kimani Kuria consulted loudly)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson, kindly pay attention.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Chairlady, the purpose of this is to repeal Section 31 of the Employment Act of 2007. If you read the Employment Act closely, the Section provides for housing. It clearly provides that an employer is obligated to provide reasonable housing accommodation for its employees near their place of employment.

Secondly, an employer is obligated to pay an employee House Allowance or reasonable accommodation. If we repeal this provision in Section 31 of the current Act, it would mean that employers who are paying House Allowance will cease forthwith. It also means that the mortgages that are given by employers shall cease forthwith. This amendment will have dire consequences for those in the Public Service who are enjoying House Allowance and mortgages because they will no longer benefit from it. We should look at this to see whether Section 31(b) and (c) exist in the current Employment Act.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson.

**Hon. Kimani Kuria** (Molo, UDA): Hon. Temporary Chairlady, the Hon. Member refers correctly to Section 31 of the Employment Act but the sections that are being repealed on this Schedule are Sections 31(b) and (c). They were both introduced in the Finance Act of 2023. This is a provision that requires 1.5 per cent Housing Levy employee and employer contribution. The Hon. Member should not be worried at all. We are not repealing Section 31; we are repealing Section 31(b) and (c) as a consequence now that the new Housing Levy is anchored in this Affordable Housing Bill.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Marakwet West.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Chairlady, with a lot of respect to the Chairperson of the Departmental Committee on Finance and National Planning, he is talking of the Finance Act but this Schedule talks about the Employment Act No.11. Unless there is an amendment in respect to the Finance Act...

**The Temporary Chairlady** (Hon. Martha Wangari): We will listen to the Hon. Members. Hon. Kuria Kimani.

**Hon. Kimani Kuria** (Molo, UDA): Hon. Temporary Chairlady, with a lot of respect to my friend, the Member for Marakwet, any piece of legislation introduced, for instance, the Finance Act, will amend different Acts of Parliament. One of the Acts that was amended by the Finance Act is the Employment Act. In the same way, the Affordable Housing Bill is amending other sections of the law like the KRA Act and the Employment Act.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you. I support the proposal and explanation given by the Chairperson of the Departmental Committee on Finance and National Planning. Indeed, Section 31(b) and (c) was a creation of the Finance Act that we passed here in June, which contains the Housing Levy that is currently the subject before this House. Unless Section 31(b) and (c) is amended in consonance with the amendments we have today, then it will not be operational. I support the explanation given by the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): We must get it clear that the first introduction of the Housing Levy was through an amendment to the Employment Act, where we introduced Section 31(b) and (c). Believe it or not, this was the subject of litigation in court. The court told us that we do not have a good framework that deals with the Housing Fund. Now, through the enactment of this Bill, the amendments in the Finance Act and the Employment Act will become obsolete. The Chairperson has proposed that we delete Section 31(b) and (c).

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

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

*Third Schedule (s. 11)*

LIST OF AGENCIES FOR IMPLEMENTING THE AFFORDABLE  
HOUSING PROGRAMMES AND PROJECTS

1. County governments.
2. National Housing Corporation.
3. The Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund established under the Government Financial Management (Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund) Regulations 2006.
4. The State Department responsible for matters relating to affordable housing.
5. National Social Security Fund.
6. The private sector agencies as may be approved by the Board to support affordable housing and institutional housing.

*(The new schedule was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kuria Kimani, move Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the new Third Schedule be now read a Second Time.

This is a list of agencies that will be used to implement affordable housing programmes. It is a legal framework that even allows counties and the NHC to receive money from this Fund. The fears raised by Hon. Gathoni Wamuchomba and other colleagues have been addressed by this.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, allow me to support this. This Schedule now caters for many issues that some Members raised during the Second Reading, especially, on the Kenya Slum Upgrading programmes. Members also questioned the role of the county governments under this programme. Now county governments can access money from this Fund to implement their affordable housing or social housing programmes. This includes housing in our rural areas, which the Member for Funyula is passionate about.

I encourage our governors, especially those in far-flung areas of the country to formulate rural housing that suits the people in those areas. This includes Turkana County. The Member for Turkana South, Hon. Ariko said that they do not need housing. You can have rural housing that is relevant to the people in that area.

The Member for Githunguri talked about Kiamburi Slum in Kikuyu which will now be upgraded through the Kenya Slum Upgrading Programme on low-cost housing by accessing money from this Fund.

I take this opportunity to congratulate the Chairpersons of the Departmental Committee on Finance and National Planning and the Departmental Committee on Housing, Urban Planning and Public Works for listening to the people and curing this. I also congratulate both committees.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Funyula, you may proceed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Perhaps this is out of ignorance but the Chairperson needs to explain to the country why he has included the NSSF in this schedule yet they also collect an unexplained colossal sum of money. The main function of NSSF is to collect money for retirement benefits and to secure old age. Are we creating another avenue for corruption and swindling of public funds? We hide some of these things here so that the public is not aware. Kenyans should know the rationale and thinking behind including NSSF which has billions that have been stolen and misused in the past.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Tinderet, you may proceed.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Temporary Chairlady, I thank the Departmental Committee on Finance and National Planning for coming up with this Schedule. Various agencies led by the NHC have been carrying out this housing project. The NSSF is known for the various housing upgrades in the country. It is experienced. It has the money, ability and the expertise to do it. In the private sector, several entities carry out the implementation of housing projects in the country.

Therefore, this Third Schedule is inclusive. It is important for the implementation of the housing project. I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kuria Kimani.



**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairperson, before I reply to Hon. (Dr) Oundo, it is important to mention that as a result of these two schedules, the renumbering of the schedules is going to change.

The wisdom in having the NSSF and private entities is that this law is not trying to re-invent the wheel. The most important function of this law is to provide a framework for this Fund by making it a revolving fund. The Board of the Fund should not get into the business of building these affordable houses because this will be done by the listed agencies.

From the public hearing meetings, we learned that the NSSF and other private entities have been running very successful programmes. Some county governments have signed a memorandum of understanding (MoU) with the State Department of Public Works asking to implement the housing projects. This law is giving this Fund power and making it accessible to these institutions so that they can continue to do what they have been doing. We will benefit from the expertise and experience they have gained throughout the years by providing affordable houses to Kenyans.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Ugenya.

**Hon. David Ochieng'** (Ugenya, MDG): Thank you, Hon. Temporary Chairperson. I agree with Hon. Oundo on one thing. This affordable housing scheme will either succeed or fail depending on the discipline with which we implement it. Once we pass this, as a House, we must ensure that our oversight is laser-focused and no single cent is lost. This scheme was successful in Singapore and Malaysia because if one deviated even a single cent, they would be jailed for life. I want to remind the agencies listed in this Third Schedule and the implementors of this law that we will come for them.

In addition, I ask Members in this house not to get multiple houses. If you get one location, be content with that. Kenyans, once you get your single house, let the rest of the country also get theirs. Let us not be greedy and start amassing because we can. Thank you.

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

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

## Clause 2

**The Temporary Chairlady** (Hon. Martha Wangari): Chairperson, you have proposed amendments.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended —

(a) in subclause (1) —

(i) in the definition of the term “collector” by deleting paragraph (b);

(ii) by inserting the following new definition in its proper alphabetical sequence— “institutional housing” means housing that is adequate and affordable for public institutions such as universities, colleges, police, defence forces, government pool housing and prisons;

(b) in subclause (2) —

(i) in paragraph (a) by deleting the words “between eighteen and thirty” appearing immediately after the words “plinth area of” and substituting therefor the words “at least eighteen”;

(ii) in paragraph (b) by deleting the words “between thirty-six and eighty” appearing immediately after the words “plinth area of” and substituting therefor the words “at least thirty”;

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

(c) affordable middle-class housing unit with a plinth area of at least eighty square metres for middle to high income housing targeted at persons whose monthly income is over one hundred and forty-nine thousand shillings.

This is to remove the discretion of the Cabinet Secretary to appoint another collector other than the Kenya Revenue Authority. The amendment is also providing for definition of institutional housing.

*(Question of the amendment proposed)*

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

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

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

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

Member for Turkana South, you had a similar amendment to the Chairperson’s. It is, therefore, withdrawn. The amendment by the Member for Kututu Masaba is also withdrawn.

*(Proposed amendment by  
Hon. John Namoit withdrawn)*

*(Proposed amendment by  
Hon. Clive Gisairo withdrawn)*

Member for Githunguri.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, my amendment is withdrawn.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba withdrawn)*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Mathare. He is not in the House. The amendment is dropped. Member for Funyula.

*(Proposed amendment by  
Hon. Antony Oluoch dropped)*

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(c) in subclause (1)—

(v) by deleting the definition “affordable housing” and substituting therefor the following new definition—

“affordable housing” means housing that comprises a minimum two habitable rooms, separate cooking area and sanitary facilities and whose cost of acquisition or market rent payable is not more than ten times the annual mean income or thirty percent of monthly income of the residents in the county in which the housing is to be constructed;

(vi) by deleting the definition “Levy”;

(vii) by inserting the following definition in its proper alphabetical sequence— “scheme” means the National House Saving Scheme established under section 4;

(d) by deleting subclause (2).

This is to align the definition of affordable housing as provided for in the Sessional Paper of the National Housing Policy (2003), to align with the national best practices, United Nations (UN) Habitat and the rest on how we define affordable housing. For avoidance of doubt, I am proposing that we replace and say:

“affordable housing” means housing that comprises a minimum two habitable rooms, separate cooking area and sanitary facilities and whose cost of acquisition or market rent payable is not more than ten times the annual mean income or thirty per cent of monthly income of the residents in the county in which the housing is to be constructed.”

We borrow this from the international best practices, literature, and the classical definition of the UN Habitat. This is just to expand what already exists here to incorporate the new terminologies of determining affordable housing.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Chairperson of the Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, the feeling of the joint committee is that the definition as provided for in the Bill is sufficient and we do not need to be too prescriptive of how many rooms the affordable housing units should provide. The areas provided in the Bill for the three types of houses is sufficient. With that we disagree with Hon. Oundo's amendment.

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

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

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

**The Temporary Chairlady** (Hon. Martha Wangari): The amendments by Hon. Oluoch and Hon. Millie are dropped.

*(Proposed amendment by*

*Hon. Millie Odhiambo-Mabona dropped)*

*(Proposed amendment by Hon Oluoch dropped)*

*(Clause 2 as amended agreed to)*

*Long Title*

**The Temporary Chairlady** (Hon. Martha Wangari): Chairperson, do you have some amendments on it?

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to give effect to Article 43(1)(b) of the Constitution; to provide a framework for development and access to affordable housing and institutional housing; and for connected purposes”

This is an introduction of institutional housing to the title of the Bill to take care of the institutions that we defined when doing definitions on what institutional housing means.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Leader of the Majority Party.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairlady. I rise to support this amendment. As it has been said by the Chairperson, it now brings into the fold the institutional housing. Since I had prosecuted the case for institutional housing, I would only have wished the Departmental Committee on Housing, Urban Planning and Public Works and the Departmental Committee on Finance and National Planning considered something to do with job creation in the long title. This Bill is not only talking about affordable institutional and social housing, but also job creation. How I wish the Chairperson and the Committee were ingenious to bring in the question of wealth creation, the creation of new homeowners, and the value addition that will come with manufacturing of inputs into the housing projects in the long title.

Be that as it may, more important is the agenda of job creation. As I said, this Bill to me and to many of these people here, especially these Members of the Kenya Kwanza Coalition... We feel the burden of millions of young people who have no jobs. This Bill is about jobs.

May I re-emphasise this Bill has a lot to do with jobs and creation of employment. I want to congratulate the Hon. John Mbadi, Hon. Elisha Odhiambo, Hon. CNN and Member for Funyula, who withstood the intimidation that they had to go through not to be here to stand with the people of Kenya and their constituents who are languishing in poverty because they have no jobs. Hon. Prof Nyikal moved amendments that touch on this Bill because this is what legislators should be doing. It is better to be here to legislate than run away like cowards. I thank the Chairperson. I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Chairperson.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, the sentiments by the Hon. Leader of the Majority Party are very welcome. However, we did not feel the need to include that in the title because New Clause 29 (f) expressly provides that the development of the affordable housing units must ensure that they source labour and materials locally.

When we went to Vihiga during public hearings, the people told us they have bricks that are locally available. So, they did not want those houses to be built using machine cut stones that are not available in the community. They want those locally available materials to be used. We have also expressly provided 29 (f) (c) for students who are in vocational training colleges in polytechnics to get internship and attachment opportunities in this project. That is why we do not feel the need to provide that in the long title.

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

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

*(Long Title as amended agreed to)*

*Title*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wamuchomba, move your amendment.

*(Hon. Kimani Ichung'wah consulted Hon. Gathoni Wamuchomba)*

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Chairlady, the Leader of the Majority Party is distracting me. Please send Hon. Kimani Ichung'wah away from my desk.

**The Temporary Chairlady** (Hon. Martha Wangari): I could not see him there.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): I am here and wondering whether we are doing the same business with him. He is always coming to my desk to disrupt me.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Members. Order, Leader of the Majority Party. Hon. Wamuchomba, move your amendment.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): He came here with an intention to disrupt me.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Wamuchomba. You either move the amendment or drop it.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Let me drop it because I was not following the proceedings.

*(Applause)*

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Proposed amendment by  
Hon. Gathoni Wamuchomba dropped)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move reporting.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairlady. For the record, I was not distracting the Member of Githunguri.

*(Hon. Gathoni Wamuchomba spoke off the record)*

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): He came here and I told him that I am married. Let him stay at his desk.

*(Laughter)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I do not know who has the microphone. I can hear Hon. Member for Githunguri speaking. I know she has a penchant for me but I am not interested.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kimani Ichung'wah and Hon. Wamuchomba, please spare us the theatrics and move reporting.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Affordable Housing Bill (National Assembly Bill No.75 of 2023) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

## MOTION

### CONSIDERATION OF REPORT ON THE AFFORDABLE HOUSING BILL

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Affordable Housing Bill (National Assembly Bill No. 75 of 2023) and approved the same with amendments.

**The Temporary Speaker** (Hon. David Ochieng'): Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I request Hon. Owen Baya, the Deputy Leader of the Majority Party and Member for Kilifi North, to second the Motion for agreement with the report of the Committee of the whole House.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I second this for agreement. This is a very important piece of legislation that will move this country forward. I ask every Member who wishes this country well, to move it forward, create jobs and wealth for our young people, and modernise it, to support this very important piece of legislation.

I second.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you. Chair of the Committee. Sorry. Just a Minute. Let the Chair have a chance.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Speaker, I beg to move:

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THAT, the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the words “subject to recommittal of Clause 41.”

I request Hon. Njeri, the County Member of Parliament for Kirinyaga to second.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I note the proposed amendments to Clause 41. As it was, it was bad in law. Good faith is discretionary and is subject to interpretation. Inserting that all facts must be within the confines of law, ring-fences the funds from *ultra vires* abuse. I second.

Thank you.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you, Members.

*(Question proposed)*

*(Question put and agreed to)*

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Temporary Speaker (Hon. David Ochieng’) left the Chair]*

### IN THE COMMITTEE

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

#### THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILL NO. 75 OF 2023)

*(Recommittal of Clause 41)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members. This will be very short. Mover.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chair, I beg to move:

THAT, Clause 41 of the Bill be amended by inserting the words “and in accordance with the law” immediately after the words “good faith”.

Clause 41 reads:

“No matter or thing done by any person under this Act shall, if the matter or thing is done in good faith, render that person personally liable to any action, claim or demand whatsoever.”

We are amending this to include that, that particular person will have to act in accordance with the law. We want to cure the ambiguity. Even where they will give that information in good faith, it must be in accordance with the law. I want to thank Hon. Njeri, the County Member of Parliament for Kirinyaga for pointing this out and making sure that we adopt it in our amendments.

*(Question of the amendment proposed)*

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

*(Clause 41 as amended agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move reporting.  
The Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Affordable Housing Bill (National Assembly Bill No. 75 of 2023) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**The Temporary Speaker** (Hon. David Ochieng'): Order, Hon. Members. You may now take your seats.

## MOTION

### CONSIDERATION OF REPORT ON THE AFFORDABLE HOUSING BILL

*(Loud consultations)*

**The Temporary Speaker** (Hon. David Ochieng'): Order Members. Chairperson.

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Affordable Housing Bill (National Assembly Bill No. 75 of 2023) and approved the same with amendments.

**The Temporary Speaker** (Hon. David Ochieng'): Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Betty Maina to second the Motion for agreement with the report of the Committee of the whole House.

*(Laughter)*

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Betty Maina.

**Hon. Betty Maina** (Murang'a County, UDA): I second.

*(Laughter)*

From where I sit as Leader of the Minority Party, I second the Motion.

*(Laughter)*



**The Temporary Speaker** (Hon. David Ochieng’): You are not the Leader of the Minority Party.

*(Laughter)*

*(Question proposed)*

**Hon. Members:** Put the Question!

**The Temporary Speaker** (Hon. David Ochieng’): Is it the mood of the House that I put the Question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

## BILL

### *Third Reading*

#### THE AFFORDABLE HOUSING BILL (National Assembly Bill No.75 of 2023)

**The Temporary Speaker** (Hon. David Ochieng’): Mover.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Affordable Housing Bill (National Assembly Bill No.75 of 2023) be now read a Third Time.

Before I call Hon. Hilary to second, allow me to take this opportunity to thank all these Members, including all those seated on the Minority Party side—even those who were belatedly calling for Division like Hon. CNN— for their very active participation. This is the true spirit of democracy. Often, the majority have their way and the minority have their say. Democracy has been exercised in this House today. The majority of Members of Parliament who believe that this is an important agenda for our country and that we are dealing with a time bomb of millions of our youths who are unemployed are in this Sitting. We also have support of a few Members within the Minority Party.

Allow me to single out Member for Funyula, Hon. John Mbadi, Hon. Harrison Kombe and my good friend, Hon. Millie Odhiambo, who even in her absence and outside the country took time to propose amendments to this particular Bill, with a view to improve what we are legislating today. We also have Hon. (Dr) Nyikal who is a very diligent Member of this House. Hon. Haro took time with his Muslim brothers and sisters to ensure there are amendments that capture the spirit of Sharia Law. Even as we charge interests, we should not offend our Muslim brothers and sisters, as they prepare for the holy month of Ramadhan. Let me congratulate him and many Muslim brothers and sisters who are here today. As it has been said in the past, this is a House that debates and considers all matters that are of concern to the people.

**The Temporary Speaker** (Hon. David Ochieng’): Where is your card? I am trying to look for it. We ask you to be orderly. Go ahead.

*(Hon. Gertrude Mwanyanje spoke off the record)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Allow me to proceed and ignore the County Women Representative for Kilifi because she did not have time to propose amendments. As I was saying, this is a House of debate and the Kenya Kwanza administration values every Member. That is why, we supported Hon. (Prof) Oundo amendments which made sense and also Hon. (Dr) Nyikal amendments on the qualifications of the chairperson. I thank both of them because during the Second Reading, Hon. Oundo pointed out the gap that existed in the Bill on qualifications of the chairperson and Hon Nyikal picked that up and proposed an amendment.

That is how we legislate. We do not legislate by talking in television stations or funerals but on the Floor of this House. That is why I am congratulating Members of the Minority Party who have taken time unlike, many other cowards who opt to walk out believing they will intimidate their Members.

I must congratulate the Azimio Members in the House this afternoon because of withstanding intimidation and coercion not to do their work. This includes the Member for Kilifi, Hon. Mbeyu who withstood intimidation and ensured she is here to legislate for her people; the policemen and women in Kilifi to get affordable and social housing. Also, the students, teachers and health workers in Kilifi Sub-County Hospital to access institutional housing. I congratulate all these Members

Welcome back Hon. Nyikal. In your absence, I was congratulating you for being a very diligent Member of Parliament who takes his work seriously. You are a veteran Member of this House and we truly appreciate your input in this Bill. You actualised what you said during the Second Reading of this Bill regarding the qualifications of the chairperson, by bringing amendments to enrich what the proposer had provided.

Allow me to immensely congratulate Members of our Kenya Kwanza coalition. They went to every constituency together with the President and Deputy President in 2022 and promised the people of Kenya, that the housing agenda would be actualised under their administration.

I am happy, that we have a President who did not choose to do what is politically expedient or popular but what is right for this country. He chose to do what is good for millions of our young people who are jobless. As I said, when moving this Bill, it is about employment, creation of wealth, helping Kenyans to access affordable homes and creating new homeowners. Therefore, generating new wealth in our country. It will help our economy that was destroyed by those who told us today, that when they look back they feel like crying, to grow. I want to tell them that they have every reason to cry, if in 10 years they only built 1,900 houses. Now, you can see an administration which in less than a year has done close to 40,000 houses and is on the verge of accomplishing the promise to do a minimum of 200,000 units per year.

I want to thank all the Kenya Kwanza Members for their diligence and commitment. Not just to the manifesto they sold to the people of Kenya, but for the commitment to serve their constituents who they represent in this House. These are the heroes of our country because they have the feelings of their people at heart.

Sometimes back, we had a debate on the cost of living. When we talk about implementing Kenya Kwanza manifesto on production subsidies, others chose to don *sufurias* on their heads, Hon. Temporary Speaker.

As I said yesterday, *unga* is currently retailing at a low of Ksh114 from Ksh260. In the same breath, in another two or three years, the people of Kenya will bear us witness and we will stand vindicated that the decisions we have made today are right for this country. They are for posterity. They will secure the future of millions of our people. I must thank all these Members.

Finally, Hon. Temporary Speaker, this Bill creates opportunity for infrastructural projects across all our counties without exception. I am glad yesterday during the Second Reading, as we voted during the Division, the Member for Suba South, Hon. Caroli Omondi, was keen to note that the first phase of affordable housing in Homa Bay County is complete.

*(Applause)*

The media have reported to us that crime rates in Ruiru Constituency, in my own county of Kiambu — and the Member for Ruiru is here, he can bear me witness — are going down courtesy of this housing agenda and the jobs it creates. I want to tell the people of Kikuyu that the ground that has been broken between us and Kabete Constituency, 756 units will be done. We broke the ground a week ago and very soon they will see those houses coming up.

The Muguga Agri-City that people were speaking about — and I know there are naysayers who feel like crying and were in Kiambu County today instigating people to oppose this programme — will become a reality with a minimum of 14,000 houses. I must congratulate my good friend, the Member for Githunguri, because she did not just oppose this Bill; she proposed an amendment although she dropped all the amendments except one or two that were also defeated.

Allow me to also take this opportunity to assure the people of Githunguri Constituency in Kiambu County that they shall not be left behind. I must, again, thank Hon. Kago wa Lydia who has helped us in Githunguri Constituency to identify land to build over 2,000 housing units that will also incorporate a cultural centre for the Mau Mau freedom fighters who fought for our Independence and for our land. The people of Githunguri shall not and will never be left behind on account of retrogressive politics that you may find elsewhere.

We shall carry everybody aboard whether it is Homa Bay; whether it is Kikuyu; whether it is Karachuonyo; whether it is Turkana Central; and even the people of Nandi. I must thank Hon. Josses for his diligence to ensure that the people of Nandi benefit.

Hon. Temporary Speaker, with those many remarks, I wish to request Hon. Hillary Kosgei, my Member of Parliament in other quarters; Member for Kipkelion West, my ancestral home to now second.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Before you second, let us hear Hon. Wamuchomba. One minute.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Temporary Speaker, is Hon. Kimani Ichung’wah in order to congratulate me for having put forth amendments throughout this process, and then ice it with lies that I have dropped all of them and yet it is on record that I have not dropped all the amendments? It is not right. This is an honourable House where we speak the truth and the truth is backed up by facts. The *Hansard* is there showing that not all my amendments have been dropped. Is it in order for the Hon. Leader of the Majority Party, a leader we respect from Kiambu County and even in this House; the Member that we give a lot of respect for being the Leader of the Majority Party and a senior Member of this House, to put things that are not factual and true on the Floor of the House? And worst of all to attack a woman leader like myself?

**Hon. John Mbadi** (Nominated, ODM): On a point of order.

**The Temporary Speaker** (Hon. David Ochieng’): The Hon. Mbadi, what is out order?

**Hon. John Mbadi** (Nominated, ODM): Hon. Temporary Speaker, the last time I checked, our Standing Orders were still relevant. I do not know why this House is encouraging the Hon. Leader of the Majority Party to disparage other colleagues.

You can have political differences, but you cannot purport to use the Third Reading of a Bill to talk about your colleague and disparage her. It is in bad taste and wrong. You cannot use your privileges as the Hon. Leader of the Majority Party...

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order.

**Hon. John Mbadi** (Nominated, ODM): Hon. Temporary Speaker, I am on a point of order. You are the Hon. Leader of the Majority Party and yet you do not know the rules.

**The Temporary Speaker** (Hon. David Ochieng'): Go ahead, Hon. Mbadi. Go ahead with your point of order.

**Hon. John Mbadi** (Nominated, ODM): Hon. Temporary Speaker, if you listened to the Hon. Leader of the Majority Party speak, you realised that he continuously referred to the constituency of another Member.

*(Hon. Owen Baya spoke off the record)*

**The Temporary Speaker** (Hon. David Ochieng'): The Hon. Deputy Leader of the Majority Party, we will listen to Hon. Mbadi in silence.

**Hon. John Mbadi** (Nominated, ODM): You came in Parliament the other day my friend. You cannot teach me points of order.

*(Loud consultations)*

You came to Parliament the other day. Whether elected, you came the other day. I have been elected three times. You need to keep quiet when I am speaking. You will get your opportunity. Stop heckling.

*(Hon. Kimani Ichung'wah and Hon. Silvanus Osoro consulted loudly)*

**The Temporary Speaker** (Hon. David Ochieng'): Order, Hon. Mbadi! The Hon. Leader of the Majority Party and the Whip of the Majority Party, order! Hon. Mbadi, go on and finish your point of order so that we can proceed.

**Hon. John Mbadi** (Nominated, ODM): Hon. Temporary Speaker, we cannot have...

**The Temporary Speaker** (Hon. David Ochieng'): Can you proceed and prosecute your point of order. Remember to address the Hon. Temporary Speaker. Go ahead.

**Hon. John Mbadi** (Nominated, ODM): Hon. Temporary Speaker, the Hon. Leader of the Majority Party has no authority to misuse his position. That position you have does not belong... Whether you heckle me, I will talk. How many people have heckled me in this Parliament? Do I care? You can heckle me for whatever you want. You will not stop me from talking.

**The Temporary Speaker** (Hon. David Ochieng'): The Hon. Mbadi, you have 30 seconds to prosecute your point of order.

**Hon. John Mbadi** (Nominated, ODM): Hon. Temporary Speaker, the Hon. Leader of the Majority Party is out of order discussing Hon. Gathoni Wamuchomba and her constituency in this House. She represents that constituency by right. She was voted in.

*(Loud consultations)*

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Members, this is a very small matter. It shall be sorted this way. I have just confirmed from the Clerks-at-the-Table that on Hon. Wamuchomba's amendments, some were moved as required by law. I will request the

Hon. Leader of the Majority Party to address that matter as raised by her without casting aspersions and not going personally to her.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. If you listened carefully to me, I congratulated the Member for Githunguri for not only opposing the Bill, but also proposing amendments, some of which she dropped. It is also on record that many of her amendments were dropped. I have been seated here throughout.

The other thing I take offence with is that Hon. John Mbadi rose on a point of order. He is a ranking Member and he knows I respect him as a former Hon. Leader of the Minority Party. But he cannot rise on a point of order, claiming that I am disparaging a Member for stating a matter that is of fact, then uses the same opportunity to attempt to lecture my Hon. Deputy Leader of Majority Party that he came to Parliament the other day. The Hon. Deputy Leader of Majority Party and the Member for Kilifi North was duly elected by the people of Kilifi North now for a second term.

*(Applause)*

He was not brought here by anybody, he was brought here by the people of Kilifi North, unlike Hon. John Mbadi who was nominated by his own party having failed as a governor. You cannot disparage an elected Member of Parliament when you are nominated on the account of having failed as a governor.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you. We will let the matter rest Hon. Members. I will now call upon Hon. Hilary to Second the Motion.

*(Loud consultations)*

**Hon. Hilary Kosgei** (Kipkelion West, UDA): Thank you very much, Hon. Temporary Speaker. I wish to second this Motion and say that this is a great day for Kenya.

Studies have shown that by the year 2050, 65 per cent of the population of Kenyans will live in urban areas. What this Bill seeks to cure is another Kibra going into the future. Those who were not in the House and those who opposed this Bill are the ones who have benefited from exploiting Kenyans who live in slums as voting machines.

*(Applause)*

The Bible states in Mathew 7:16 that you will know them by their fruits. You do not expect people who benefit from slums to support such a noble idea. Therefore, I wish to congratulate every Member who has sat through the consideration of this Bill and helped this country to move forward. The coming generations will thank the House that passed this Bill for solving a generational problem.

Even as we create jobs, we look forward to rolling out the Affordable Housing Programme, even in my Kipkelion Constituency where land is already available for putting up houses. I ask the Executive to concentrate on first providing housing to those people who support the Affordable Housing Programme so that new converts follow later once they see the success of this project.

I want to congratulate Members of the Jubilee Party for standing with Kenyans to pass this important Bill. Kenya will never be the same. I also thank the President of the Republic of Kenya for scoring many firsts such as giving Kenyans affordable fertilisers, which led to bumper harvests. The Leader of the Majority Party has alluded to the fact that *unga* is currently retailing at between Ksh110 and Ksh140. Actually, it is between Ksh110 and Ksh114. These

are the benefits of an administration that has chosen to bite the bullet and do the right thing for the people of Kenya.

I beg to second. I thank the Members seated here today. History will vindicate you in the years to come.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. Order, Members.

*(Question proposed)*

Is it the mood of the House that I put the Question?

**Hon. Members:** Yes!

**The Temporary Speaker** (Hon. David Ochieng’): Thank you.

*(Loud consultations)*

I have confirmed that the House is properly constituted for purposes of making a decision.

*(Question put and agreed to)*

Hon. Members, I want to thank you very much for your patience this afternoon.

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

Hon. Members, the decision has already been made. We have just completed that process and the Bill has now been read a Third Time. Allow me to thank all of you for your patience and for being in the House for this momentous task. I thank Hon. Martha Wangari for overseeing the passage of this very difficult Bill.

Next Order.

## MOTION

### ADOPTION OF REPORT OF THE NATIONAL DIALOGUE COMMITTEE

THAT, this House adopts the Report of the National Dialogue Committee, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

*(Moved by Hon. Kimani Ichung’wah on 20.2.2024)*

*(Resumption of debate interrupted on 20.2.2024)*

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Peter Kihungi had a balance of four minutes.

**Hon. Peter Kihungi** (Kangema, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Report of the National Dialogue Committee. Dialogue was extremely necessary for this country because we had come out of a very difficult election period. I want to thank the two principals who agreed to sit down and think about the nation.

I support the issues that were raised by the National Dialogue Committee. These were issues of entrenching the National Government Constituencies Development Fund (NG-CDF) in the Constitution, the establishment of the Ward Development Fund, and the increase

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of the equitable revenue share for counties from 15 per cent to 20 per cent. There was also the issue of the re-constitution of the Independent Electoral and Boundaries Commission (IEBC), which is extremely critical. We need a consensus so that we can continue to improve its performance.

We have continually improved the IEBC because most of the issues that were raised were with regard to the presidential elections. However, we have almost perfected the election process of Members of County Assemblies (MCAs), Members of Parliament (MPs), senators and governors. If we agree on this issue of the IEBC, we will perform well.

My issue is on the annexures of the amendments to the Constitution. There is an amendment to the lengths of the terms of Members of Parliament and Senators, whereby the annexure states that a Senator should serve for seven years, and a Member of Parliament should serve for five years. That is an issue that can bring contention or division amongst Members. I wish the Committee would re-consider that amendment to Articles 102, 103 and 105 of the Constitution, which proposes to increase a Senator's term to seven years.

Secondly, it has been stated that the amendments to the Constitution will be made through a parliamentary initiative. Some Members of Parliament have raised issues on whether we will go for a referendum or work with Article 256 of the Constitution on the popular initiative by Parliament. I wish that we could come to a consensus and work with the popular initiative in Article 256 of the Constitution, through which Parliament can raise the two-thirds majority needed to amend the Constitution. We need to agree on contentious issues.

I propose that as we increase the 15 per cent allocation of the equitable revenue share for counties to 20 per cent, we should consider allocating that 5 per cent increase to the Ward Development Fund. We have offloaded national Government revenue through the NG-CDF and the equitable revenue share to counties. We must also offload the money going to counties because the more we give to counties, the more they increase the number of personnel. Therefore, that proposed 5 per cent increase for the equitable revenue share to counties should instead cater for the Ward Development Fund so that the money goes directly to development.

Therefore, my main issue is the increase of the length of the term of a Senator. I do not know who included that section but the annexures of the amendment indicate that Senators should serve for seven years, and other Members for five years. That should be looked at because it can raise issues.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Wanjiku Muhia. Hon. John Namoi. I have a dashboard that I look at, and I will follow it. Next is Hon. Beatrice Elachi

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to speak on this Report, and to appreciate the Committee, the President, and the former Prime Minister for agreeing that our country is greater than each one of us. I want us to appreciate the women of Kenya who made presentations. I appreciate the different clauses. Since a Senator's term will now be seven years, it will cure the issue of one becoming a governor, serving for 10 years and then coming back as a Senator to look into his or her accounts, which is ethically wrong.

I want to speak on the issue of the two-thirds gender rule. I appreciate what the Leader of the Minority Party and the Leader of the Majority Party said. They ensured that the National Dialogue Committee (NADCO) recommended that we achieve the two-thirds gender rule. We have to get rid of the current confusion. The introduction of the Report is very clear that we presented our recommendations at Bomas. Thereafter, different groups came in. Multi-sectoral working groups made presentations based on a formula. Therefore, based on the goodwill of the President, the 13<sup>th</sup> Parliament will achieve the two-thirds gender rule. I plead with this House to adopt the multi-sectoral report that deals with the formula, if it is presented in this House. We have not seen the other reports on how we will ensure that the seven-year-term for

Senators works, or how the Ward Development Fund will work, or how the IEBC will be entrenched in the Constitution.

As a woman, I plead with the leadership, the President and the former Prime Minister that when our report comes to the Floor of this House, we adopt it together with the Report of the National Dialogue Committee. The report is very clear and we need to adopt it. I plead with the National Assembly to work as a team and pass the two-thirds gender rule. I request the Departmental Committee on Justice and Legal Affairs to table the formula so that we can adopt it. I thank every man and champion who has stood up for this agenda.

When the Departmental Committee on Justice and Legal Affairs tables the omnibus proposals, the proposal for the two-thirds gender rule will be part and parcel of the proposals. We should not agree to go back to the days when there was a separate proposal to introduce the two-thirds gender rule. I plead with the House to support the recommendations by the Leader of the Majority Party and the Leader of the Minority Party. The National Assembly will let the women of this country know that we are one, and we are here to walk the journey together and develop our country.

It is very sad when women are told that they will have a balloon budget. Is it only the women? Why is it easy to give Senators a seven-year-term – as much I support that proposal – but very difficult to agree on the two-thirds gender rule proposal? I know that the proposal is in the Report. It will be very unfortunate for us to speak in different tongues on this Report with regard to the issue of the two-thirds gender rule. The President was very clear that this would be his achievement for the women of Kenya. Therefore, I support and plead that we appreciate the report when it comes.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. Member for Dagoretti South.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I thank you. I take this opportunity to thank the President and the Leader of the Opposition, the former Prime Minister, for finding the wisdom to serve the country, cool down temperatures and sit at the table and have a conversation about the posterity of this nation. The wise people tell us that when the debate is lost, that is when the argument sets in and that is when violence also sets in. But we are civilised people, so Kenya as a country can prosecute matters that we find to be a thorn in the flesh in a decent way. The National Dialogue Committee presented such a case. I also have to thank the leadership of the Leader of the Majority Party, Hon. Kimani Ichung’wah, and the leader of the Wiper Party for steering the ship to a stage where we have a report before us and we can debate it in this House.

One of the biggest achievements of NADCO is placing the problems in a place where they can find solutions. Some of the issues discussed at NADCO would not get a solution anywhere else. They could not get a solution in the streets or bars. Some of the issues needed legislative remedies and the only institution tasked with the responsibility is Parliament. This Report is now properly and procedurally before the right place so that this House can do as it will because it is guided by Articles 95 and 96 of the Constitution to do what we are doing.

We have just come out of the Third Reading of the Affordable Housing Bill, 2023. You remember that housing as an issue came up in the NADCO negotiations. There was push and pull about housing. Without going into the details that we have canvassed this afternoon, it is important to see how our deliberations were well informed by what was canvassed during the NADCO negotiations. Most importantly, NADCO gives us an opportunity, unlike the previous commissions that we have had in this country. We have had the Ndung’u Land Report, the Kriegler Report and the Truth, Justice and Reconciliation Commission (TJRC) Report. These reports are gathering dust because Kenyans at that point did not dare to face the devils that have bedevilled this country for decades.



It was during the Building Bridges Initiative (BBI) debate in this House that I said that if we had implemented the Ndung'u Land Report, recommendations by Kriegler or the TJRC report, we would not have needed BBI. The issues about land that had become historical had been canvassed in the Ndung'u Land Report. The issues of historical injustices have been canvassed by TJRC. Issues about election injustices were in the Kriegler Report. We, as a generation, now have an opportunity through this NADCO report to make things right.

I also take this opportunity to place it on the Floor of this House that the decision made by His Excellency the President must have taken a lot of magnanimity on his side. I am sure there are people on the side of the President who do not see the import of sitting down and negotiating with the Opposition. There must have been people who were breathing fire to the Leader of the Opposition, the very esteemed former Prime Minister Raila Amolo Odinga, telling him he should not sit down with opponents. Because of their wisdom, however, we now have a report before us.

I cannot end this debate without adding my voice in support of the candidature of the former Prime Minister of this country; a well-fitting member of the African community. He fits the bill to be the Chairman of the African Union. I have to say that he has my undivided support as he goes for that bid. I know that Kenya shall be behind him as he makes this bid for a continental seat so that his career will end on an esteemed note.

**The Temporary Speaker** (Hon. David Ochieng'): It is the Chairperson for the AU Commission that is open. Hon. Samwel Chepkonga, what is the point of order?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you. You know I am the Mr Point of Order in this House. I rise pursuant to Standing Order 83. You must not allow anybody to speak. Particularly in the group that started the 11<sup>th</sup> Parliament with me, like my very good friend Hon. Opiyo Wandayi. You should not allow them to stand on any point of order.

**The Temporary Speaker** (Hon. David Ochieng'): Mr Point of Order, what is out of order?

**Hon. Samuel Chepkonga** (Ainabkoi, UDA): I have a problem with my gadget. I have been pressing it and it keeps switching off. I do not know whether it does not like me yet I have been sitting here. I asked and they told me that it could not be seen. I have tried to intervene and it cannot be seen.

**The Temporary Speaker** (Hon. David Ochieng'): What we have decided this afternoon is that no Member will be allowed to speak just because they came and said that they have a card. I request you to approach the ICT and they will give you a new card if the one you have is not working. You come and log in. I will not allow any Member to speak if you do not have a card today.

Hon. Opiyo Wandayi, we cannot discuss the AU Commission job. Hon. Opiyo Wandayi, go ahead.

**Hon Opiyo Wandayi** (Ugunja, ODM): The Temporary Speaker is anticipating what I want to say. I really like the presentation of my very friend Hon. John Kiarie. He is my very good friend and spoke very eloquently as he always does. However, is he really in order to insinuate that Hon. Raila Amollo Odinga will be ending his political career by bidding for the AU Commission task? Where does he get the impression that Raila Odinga's political career is about to end? He is just 79 years old.

**The Temporary Speaker** (Hon. David Ochieng'): Did I hear Hon. Kiarie say that? Hon. John Kiarie, did you say that?

**Hon Opiyo Wandayi** (Ugunja, ODM): He said that.

**Hon. John Kiarie** (Dagoretti South, UDA): I would not want to dilute the honour that we are bestowing on the former Prime Minister, Hon. Raila Odinga. It is not lost to Members in this House, no less to the Leader of the Minority Party, that the Hon. Raila Odinga has had a very long and illustrious political career to the point that this would be the apex of his politics.

If he were able to ascend to be the Chairperson of the AU Commission, this would be the highest honour bestowed on a gentleman who has had an illustrious career. That does not amount to an upward displacement. I do not wish, in any way, to retire the Hon. Raila Amollo Odinga because his presence in the politics of the country and this continent is still needed. His service is still desired.

**The Temporary Speaker** (Hon. David Ochieng'): I do not believe that this House is suited to discuss any of the matters the two of you are aspiring over. We are ill-suited. We cannot determine anybody's fate, whether positive or negative, in that regard.

The next Member to speak on this matter is Hon. Ngusya of Mwingi West Constituency.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you for giving me this opportunity to add my voice on this matter of national dialogue. When we started demonstrations, you will recall that... Hon. Temporary Speaker, when demonstrations began across the country, I advocated for dialogue in many media houses. I thought it was the only way to help Kenyans.

At the outset, I take this opportunity to congratulate my party leader, Hon. Kalonzo Musyoka, for steering this Committee very well, in collaboration with Leader of the Majority Party, Hon. Kimani Ichung'wah. I also congratulate *Baba*, who accepted all the contents in this Report of the National Dialogue Committee.

I love the way the exercise was conducted throughout the country. There were consultations and very many people participated. The Committee filtered what is more critical in our country. We had proposed some issues which are in the Report. That is why I support it. The first issue is on the restructuring and reconstitution of the IEBC, which is already in limbo. We have one constituency which is not represented in this House. For us to do this, we must have a properly constituted and restructured IEBC very quickly. The idea of the expansion of the membership of IEBC from seven to nine members is a good idea. We should not witness what we saw in the last election again.

Secondly, there is the issue of the timeframe for resolution of presidential election petitions. The period will be increased from 14 days to 21 days. This is the period within which presidential election petitions will be resolved. When we have them, the Supreme Court is always under pressure most of the time. I can recall the recent petition where the Chief Justice, Martha Koome, was under pressure to meet the deadline. Sometimes when the Judiciary is under pressure to come up with a conclusive verdict on such an important matter, it needs a lot of time and consultation to make sure that each and every evidence is heard.

The other issue was entrenchment of funds into the Constitution. We have been in and out of courts many times on the legality of the NG-CDF and NGAAF. If we want to move out of frequent chaos, we must entrench these Funds in the Constitution. Every time, governors are used by people who have vested interests in this matter. We should put it to rest by entrenching the NG-CDF, NGAAF and the Senate Oversight Fund in the Constitution. If we do this, we will make progress on this matter.

The other issue, which is very important, is the establishment or entrenchment of state offices of the Leader of the Opposition. We only have the Leader of the Minority Party in this House, and Whip of the Minority Party. If Hon. Raila Amollo Odinga and Hon. Stephen Kalonzo Musyoka were in this House, we would have meaningful and good debates on matters of defending our democracy. That is why this country needs a properly funded office of the Leader of Opposition, complete with shadow cabinet secretaries to oversee the Executive, so that we check the excesses in the governance of this country.

There was also the issue of fidelity to the law on multi-party democracy. As a country, we should never allow it to die. We need as many political parties as possible to grow our democracy. That is why we should not only legislate on this matter but also have an

independent Registrar of Political Parties Commission to look into issues of management of political parties' funds.

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

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Temporary Speaker. I also take this opportunity to give my thoughts on the NADCO Report. I read it keenly and it has many proposals which we need to think about. The Committee was formed soon after some chaos were caused by one principal who said that his election was stolen. This brings me to my first point. We need to cure the curse of losers of presidential elections causing havoc and forcing this country to a standstill for the benefit of their coalition.

I believe while conversing about this Report, it is important that we have a continuous dialogue committee. I believe the Truth and Reconciliation Committee should always be there to continue with conversations about bringing people together whenever there is havoc, so that the issue of people going to the streets and putting *sufurias* on their heads can be put to an end. This will help this country. We should not only be conversing when there is chaos but also when the country is moving on well. The offices suggested in this Report must always bring conversations between the Minority Party and Majority Party.

In this Report, there are recommendations in terms of offices, like establishment of the Office of the Leader of the Official Opposition. We also need to think a lot about the size of the Government introduced in the Constitution. I believe in as far as Kenyans are working very hard to pay taxes, we have a humongous Government which is taking a lot of financial resources through Recurrent Expenditure and denying a very crucial part of development in this country.

The issue of entrenching development funds in the constitution, especially the NG-CDF, NGAAF and the proposed Ward Development Fund is something I welcome with both hands. I have seen many Members of County Assemblies (MCAs) begging their governors and singing praises to them so that they could survive. Not only should we give them Ward Development Fund, but this should be made autonomous and their activities clearly identified and funded directly from the budget. This will make them more effective and they will be able to carry out their duties of planning and oversight of the county governments.

As we move forward, we need to look into the issue of elections. It is unfortunate that after every election, there are chaos in this country. This House should have some discussion on how to completely cure the issue of plunging this country into chaos whenever there is a general election. Many countries we look up to also hold elections. If you go to a certain country, you do not notice or identify that an election is coming up or has just been concluded. I believe that will be the ultimate source of praise for the 13<sup>th</sup> Parliament and the NADCO Committee. I also propose a continuous NADCO engagement. I believe we should see how this conversation...

**The Temporary Speaker** (Hon. David Ochieng'): Thank you. Hon. Members, let me just mention that this Motion has a balance of 28 minutes. In those 28 minutes, I request that if given a chance, conduct self-regulation so that I can allow four Members on each side. If you use three minutes, it will enable us to balance the interests shown by Members.

The next chance goes to the Member for Emurua Dikirr.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my thoughts to this Motion. I thank the Members who were dealing with this matter at the Bomas of Kenya, especially the Leader of the Majority Party and the acting Leader of the Opposition, Hon. Kalonzo Musyoka. I am one of the few Kenyans who wish that in every election, there is transparency and conclusive determination of who wins the election. That can only be done through a free and fair election. We have had this committee conducting this activity because in every election, there has always been a serious contest. These are some issues we must put to rest.

Among my contentions with the proposals made by this committee is IEBC. If it were possible, I would wish that we allowed IEBC to work like courts. Sometimes we believe that if we appointed members from parties as representatives in IEBC, maybe it would do some justice. It has been done before but nothing came out of it. If you look at the courts, the Chief Justice and the rest of the Supreme Court judges are appointed. They go through rigorous interviews and eventually get appointed to serve in those courts. They are never seen to be serving a particular person, whether it is the ruling Government or the Opposition. The Supreme Court has always been universal in its rulings. That is because we have sober people who are held in high esteem in those positions. I do not understand why we cannot also afford the same opportunity to IEBC Commissioners. Let us allow IEBC officials to go through the same rigorous interviews as Supreme Court Judges and allow them to work. The day we allow parties to propose candidates to those positions, it will be the end of IEBC – which is supposed to be an independent Commission.

Additionally, the proposal to have NG-CDF and NGAAF in our supreme law is very important. Their functions have always been vital to us and to the people we serve.

On the question of boundaries, I do not know how we are going to do it but at times our taxpayers are overburdened. If we want to correctly serve our people, let us increase funds to the constituencies. This can be done using the one-man one-shilling formula. That will serve our country. We do not have to bury our heads in the sand. It is a reality. There are constituencies with a population of over 300,000 while others have only 20,000.

On the question of Senators, I do not mind the seven-year or even ten-year term. After all, they are elders. We do not have any problems. Kindly, add me more minutes to speak on the two-thirds gender rule.

I have never understood why we cannot use a 50-50 per cent rule on appointive positions. The elective positions are different because they depend on what people want. How do you force people to elect leaders based on gender? Given an opportunity, I would propose that this House returns to the parliamentary system of governance where we had ministers sitting here and were answerable to the people who elected them. If I get the opportunity, I will amend this proposal to include Cabinet Secretaries. Let us reintroduce the position of the Prime Minister, who will also sit in this House. We should have four strong positions in the country: the President, the Prime Minister, the Vice-President and the Leader of the Opposition Party. These positions will serve the country correctly. I hope to bring an amendment to that effect.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Molo.

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Temporary Speaker. I beg to add my voice to the debate on the NADCO Report. This Report hopes to solve the conflicts that we experience after every election. Sadly, we have to fold our country every time we go for elections because we tend to leave our brains at home and start looking at each other as enemies. The campaign period is a long political process during which very few Government projects are implemented. Businesses and investors take a backseat because they do not know what will happen during elections. After elections, we waste almost a year before normalcy is restored. Therefore, in a five-year term, the Government only has three years to deliver because the other two years are wasted on the political contest. If this Report fixes this problem, then it is a step towards the right direction.

The review of boundaries is also critical. We are seeing the possibility of adjusting our boundaries by adding more wards. For instance, we all feel that Sachangwan should be a ward in Molo Constituency. This Report will give us a chance to review that.

We welcome the move to entrench the NG-CDF and other development funds in the Constitution. The importance of the NG-CDF cannot be overstated. I am a product of NG-CDF. My secondary and university education was supported by bursaries. I also laud the inclusion of the NGAAF in the Constitution. We all have seen what County Members of

Parliament have done with the allocations they receive. Most of them have been propelled into other elective positions by this. For example, the former Women Representative for Homa Bay County is now doing an amazing job as the Governor of the same county. This is also a great step towards the right direction.

On the creation of Office of the Official Leader of Oppositions, sometimes I feel it is unfair to ask the opposition leaders to propose better ways of doing things because they do not have the mechanism or the resources to do that. The creation of this Office will include a shadow cabinet that will mirror the processes of Government, and that will challenge Government programmes by suggesting better options.

Lastly, on the two-thirds gender rule, I strongly believe in women's leadership. I have a daughter, and I believe that they deserve equal chances. Our current landscape of political competition creates an unfair environment for women. Therefore, the entrenchment of the two-thirds gender rule in our Constitution, not just the leadership office but for other...

*(Hon. Kuria Kimani's microphone went off)*

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Kuria, your time is up. Member for Marakwet West. I said I would grant an opportunity to four Members from each side. I want to deal with one side first.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to contribute on this important Report. I rise to support the Report for the following reasons.

One of the issues that came out very clearly in this Report is that of the IEBC. There was a recommendation that the panel be expanded from seven to nine. As a country, we find ourselves in a situation where we have never been. We are in a constitutional crisis in as far as IEBC is concerned.

This House is not fully constituted because we lost the Member for Banisa Constituency. A Member of Parliament is elected to this House to represent, legislate and oversee government operations. As we speak, that particular constituency is not represented. Therefore, it does not have a Member who will oversee, represent and legislate on their behalf. If the law allowed for holding of briefs, we would have a Member from a nearby constituency holding brief for that constituency. It is a crisis that we must resolve and the only way is to adopt this Report and initiate a constitutional amendment so that we fully constitute the IEBC.

The issue of 'winner takes it all' is what has given us a crisis in this country and has led to election disputes. I fully support the creation of the Office of the Leader of Official Opposition so that any person who gets the second highest number of votes becomes the leader of Opposition. Finally, it is unfortunate and regrettable that the two-thirds gender rule was not factored in the report. This is something that should have been considered. They have tried in many occasions to bring it as a single item but it has never been passed. I hope we shall cure it through an amendment in the Constitution using any other means apart from this Report.

Hon. Temporary Speaker, for those reasons, I rest my case.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you. Next is the Member for Seme.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. Let me start by appreciating the principals who allowed this to happen. Let me also appreciate the Leader of the Majority Party, and the Leader of the Minority Party for the effort they have put in this work. The most important thing about this Report is that the Committee was started when the country was actually burning. Whatever we may think about it, it actually brought some little harmony and peace in the country. What will be important is that when we implement it, we must be sincere to the Report. We have said we

will pass it as it is, but that is about the Report. There are many other elements that will come after that. If we lose that sincerity and commitment to the welfare of the country, we will go back to where we were. That is the most important thing about this Report.

Looking at the restructuring of the of the IEBC and other electoral rules, it is important to have Parliament, political parties, churches and even the Law Society of Kenya (LSK) involved in the selection panel. It is a good thing. However, all that area has about nine legislative proposals. If we go to that and use the rule of supermajority that we have here without looking at the interests of the country, we will miss it again. So, we must continue with the sincerity and not just use the rule of supermajority without details and looking at issues and the interests of the country.

On the issue of the delimitation of boundaries, we are actually in a crisis because we passed the existing law with too much haste. So, the proposal of 10 to 20 years instead of 8 to 12 years, and providing that Parliament can change it, is good. If we put that in our legal and constitutional structure, it will be okay.

Hon. Temporary Speaker, let me say something about the two-thirds gender rule. It is a clear indication of what we, politicians, think – that, we can solve technical problems. We will not put in figures to be achieved by an electoral process that cannot work. The only option is to go to Articles 90 and 177 of the Constitution of Kenya as applied to County Assemblies. That is what will help us.

The proposal to entrench in the constitution the development funds – the NG-CDF, Ward Fund and the NGAAF – is very good. The NG-CDF has shown how funds can be used effectively.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Magarini.

**Hon. Harrison Kombe** (Magarini, ODM): Ahsante, Mheshimiwa Spika wa Muda, kwa kunipatia nafasi niongeze sauti yangu kwenye mjadala huu. Kwanza, ningependa kuwapongeza wahusika wakuu kwa kuona ni bora kuileta nchi yetu iwe kitu kimoja kwa njia ya kuanzisha mchakato huu.

Ninaiunga mkono taarifa ya NADCO, haswa kile kipengee cha kuweza kupata theluthi moja ya Wabunge kuwa wa jinsia ya kiume au kike.

Ikizingatiwa idadi ya wanaochaguliwa, ningependekeza hivi: ile tofauti iliyopo baada ya uchaguzi ambayo inahitajika kujaza lile pengo ijazwe theluthi moja ya jinsia kwa kugawiwa vyama vinavyowakilishwa bungeni. Tukifanya hivyo, tutaweza kujaza pengo la Wabunge wa jinsia hiyo ambayo ina upungufu. Tutakuwa tumetatua suala hilo la theluthi moja ya jinsia. La sivyo, itatuchukua miaka na mikaka kuweza kupata suhulu ya jambo hili.

Pia, ninawapongeza wanakamati kwa kuweka NG-CDF katika Katiba yetu. Ni muhimu pia kuwa na hazina ya kata. Hazina hiyo itasaidia pakubwa kusuluhisha mvutano ambao huonekana kati ya Magavana na wawakilishi wa wadi. Hata hivyo, hazina hiyo haifai kuwekwa bila mpangilio. Hazina ya NG-CDF ina mpangilio na inasimamia vitengo.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Elgeyo Marakwet.

*(Hon. Makali Mulu signalled the Temporary Speaker)*

Just a minute, Member for Marakwet. Hon. Makali Mulu, I can see you signalling me but I cannot see your card on the screen of my dashboard.

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

Could you please approach the Table? In the meantime, go ahead, Hon. Caroline.

**Hon. Caroline Ng’elechei** (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for giving the people of Elgeyo Marakwet this opportunity. Since I have

patiently waited to debate, I will zero-in to the two-thirds gender rule. I want to speak loudly about it because I do not want ladies to be left behind in that debate. We have a problem in this country because whenever we talk about two-thirds, people always look at the ladies. It is not just ladies, but they never think that it can be their daughters. I have sat in this House for over 30 minutes. I am the only lady present but only men have been speaking. I have not been given an opportunity to represent even the ladies who are not here.

Having said that, I support the Report and thank the President because he is so passionate about the two-thirds gender rule. There are some things that we should try to bring equity to. We should ensure that all the genders are well represented in this House.

Let me talk about the NGAAF and the NG-CDF. Many people in our constituencies depend on the NG-CDF, especially for the bursaries for school going children. A long time ago, before the start of NG-CDF, I used to see Members of Parliament and communities fundraising for children from needy families to go to school. Since the inception of the NG-CDF and the NGAAF, many children from needy families have been able to access education. Even some Members of this House are beneficiaries of the two funds. These funds should be enshrined in the Constitution.

It is also good that we have the Official Opposition Leader in the House. Many times, Members in the opposition lose direction and interest in the business of the House. They have their Party Whip and their Leader of the Minority Party but they do not have their Official Opposition Leader. Therefore, they tend to relax. We need the opposition to ensure that the Government is kept in check. So, it will be good if we have the Official Opposition Leader and the Prime Minister in this House so that every time issues arise the majority and the minority can be well represented.

**The Temporary Speaker** (Hon. David Ochieng’): The Member for Embakasi West.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Temporary Speaker. First of all, let me take this opportunity to commend the team that did this Report, led by the Leader of the Majority Party and His Excellency Kalonzo Musyoka. I want to thank the President and the former Prime Minister, Raila Odinga for giving the country an opportunity to talk to one another. We have an opportunity to amend the Constitution through this Report. Through this Report, proper public participation was conducted where members of the public contributed.

The reconstitution of the IEBC is very important. We need to hold by-elections very urgently but we need an IEBC that is respected in this country. There is the issue of boundaries review. In my constituency, there are two areas, namely; Uhuru and Tena that have always wanted their own wards.

The position of Leader of the Opposition is welcome but it must be well resourced. I like it that the Chair of the Departmental Committee on Finance mentioned this matter. The Office of the Leader of Opposition should be independent and respected. It should not be a position to be given, and micromanaged, by the Executive. It must truly be a position that can bring proper opposition in our country.

On the issue of staggered elections and senators serving different terms, I disagree with it. We will keep our country in perpetual campaign mode if we go that direction. If we will have elections after five years, and then someone else has their election after two or seven years, it will mean that we will be campaigning throughout. That is one thing that this Report is trying to cure. How can we manage elections and ensure that we finish with them and get back to the issue of building our country?

On the issue of sanity of political parties, we need the Office of the Registrar of Political Parties to be restructured. Those of us who were in the Jubilee Party, and were elected through the Azimio Coalition were harassed and forced to exit the coalition that brought us to Parliament. Therefore, there must be sanity in political parties but it is also important that the

Office of the Registrar of Political Parties exists for the future of our country so that there is proper democracy in this country.

On presidential election petitions, I know it has been proposed that they be disposed of within 21 days. We must learn from the USA elections of 2020. We saw President Donald Trump disputing the election results, and despite the uprising that was there, he exhausted all the recourse avenues. He went to court and his petition took time. We need more than 21 days. We need 30-45 days so that our Supreme Court can thoroughly go through the petitions and ensure that the decision it takes is acceptable to all parties. Last year, we had an issue. Whether we like it or not, we must have a referendum because we are changing the functions of Parliament.

Finally, we still consider this Report incomplete because it failed to consider the cost of living. However, the natural cost of things is now taking effect, and you are seeing it as it is out there.

With those remarks, I support the Report.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Ainabkoi.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker.

First, I thank Hon. Mwenje for being candid and admitting that the cost of living is no longer an issue because the cost of *unga* has come down due to natural forces, which he admits is as a result of the reduction of the price of fertilizers. We now have sufficient *ugali* in our homesteads.

I want to congratulate the team that came up with the NADCO Report. I had an opportunity to appear as the Co-Chair of the Joint Committee for both the National Assembly and the Senate in regard to constitutional amendments that were proposed by this House – entrenchment in the Constitution of the NG-CDF and the NGAAF, and on the question of ensuring that we remove all senseless cases. There are people who just earn money. They have become professionals in suing NG-CDF. I know of one party which has sued the NG-CDF 10 times. It has become a profession for him. Unfortunately, the courts do not award costs when they lose cases. The entrenchment of NG-CDF in the Constitution will completely obliterate and affricate the purported public litigation interest cases.

Secondly, I support this Report because of the convergence of thoughts in respect to the IEBC. I hope we are going to remove what we saw when I was a Commissioner of the Parliamentary Service Commission (PSC), where we were given names of people to be appointed to the panel; and on the other hand, those people who were appointed to the panel were also given names of those who were to be appointed to the Commission. That is why we had a stalemate in the Commission. We wanted to advertise but we were told we could not, and that those were the people we were to appoint. The others purported to advertise and were told to pick so-and-so. The process, therefore, became flawed because they were partisan. We, therefore, hope that this thing will completely remove the partisanship that we saw.

We thank the Chairs of the Departmental Committees on Housing, Urban Planning and Public Works, and Finance and National Planning because the affordable housing programme is in this NADCO Report. I do not know why people walked out yet it is a consensus thing. I want to thank and congratulate the NADCO team for coming up with affordable housing as a theme in the Report.

I support.

**The Temporary Speaker** (Hon. David Ochieng’): Members, before I call upon the Mover to reply, I want the Member for Kitui Central to have the last bite of the cherry.

**Hon (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker for giving me this opportunity. As you have noted, I had inserted my card thinking that it was reflected at your end. Unfortunately, it was not. I will be brief.



I want to start by congratulating the two Principals – the President and the Hon. Raila Amolo Odinga for agreeing to have this team sit. Secondly, I congratulate and thank the Co-Chairs – my Party Leader, Hon. Kalonzo Musyoka; and the Leader of the Majority Party, Hon. Kimani Ichung’wah for steering this process to the end.

There are three or four areas which are critical. As a House, we need to prioritise them. One is the reconstitution of IEBC. The way things are, it is important that this House takes this matter seriously so that within a short time, we act on it to, firstly, streamline electoral reforms and, secondly, sort out the matter of delimitation of boundaries because it is already overdue.

The second issue is that of the Ward Development Fund. If there is anything that we can do as a House to help this country it is to create the Ward Development Fund, which will be patronised by MCAs. The creation of Ward Development Fund is important because the oversight role of the county assemblies has been compromised to some extent because MCAs do not have a fund that they oversee or patronise. A majority of them seem to have no courage to go against governors’ wishes. As we think about the Ward Development Fund, we must tie it very closely to the financial autonomy of county assemblies so that they are financially autonomous as the National Parliament is when you compare it with the Executive.

The third issue is that of political parties. Members of political parties should be disciplined such that if one is elected under a certain political party, they should serve under it for five years. Otherwise, if one decides to change his or her party, he or she should go back to his or her constituents and seek a fresh mandate. In that case, there will be discipline within our political parties.

The last issue is that of entrenchment of the NG-CDF and the NGAAF in the Constitution. That is important because it will ensure that there is equitable distribution of development in the country. The NG-CDF has served this country very well and because of that, we should ensure that it does not matter which side of the political divide you belong to. At the end of the day, every part of this country will be developed because all Kenyans are serious taxpayers. As long as you pay taxes, your region is entitled to development.

With those remarks, I support.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, debate on this matter is spent in terms of time. Therefore, I call upon the Mover to reply.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, as I reply, I plead with you to allow me to donate at least one minute to Hon. Naisula Lesuuda, who has just come back. We welcome her back profusely. I also want to donate one minute to my friend, the Member for Yatta to crown all the contributions and then I will conclude.

**The Temporary Speaker** (Hon. David Ochieng’): There is a request from this side as well. Do you want to give one minute to a Member from this side?

**Hon. Opiyo Wandayi** (Ugunja, ODM): If I should donate one more minute, it will only be to Hon. Kagombe. Is that okay? The Member for...

**The Temporary Speaker** (Hon. David Ochieng’): ...Garissa Township.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Is that the Member for Garissa Township? Is that a new Member? That is why I do not know him well.

**The Temporary Speaker** (Hon. David Ochieng’): I will allow each Member one minute to contribute.

**Hon. Opiyo Wandayi** (Ugunja, ODM): One minute each.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Naisula Lesuuda.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Temporary Speaker. I also thank the Leader of the Minority Party for giving me that one minute. I will not waste it. I will go directly to the point. I support the Report of the National Dialogue Committee.

I just want to bring to the attention of this House that we have been struggling with the two-thirds gender rule as a country since the 11<sup>th</sup> Parliament, the 12<sup>th</sup> Parliament and now the 13<sup>th</sup> Parliament. As you will recall, the last Parliament was declared unconstitutional by the Judiciary because of our not attaining the two-thirds gender rule.

I just want to bring to the attention of the Leader of the Minority Party and the Leadership of this House that the multi-sectoral report that was recommended for tabling in this House should not come as a separate Bill or report but should be attached to the NADCO Report. Otherwise, we will just take it as lip service from the Leader of the Minority Party that you are not willing for us to meet the two-thirds gender rule as Parliament.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Robert Basil.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. I also thank the Leader of the Minority Party for giving me this opportunity. Creating an Office of the Leader of the Official Opposition is important. The stability of this country is critical. We have always seen the winner of the elections taking it all but now we want stability for the country.

The two-thirds gender rule has been a thorny issue for very long. We need to think of how we can actualise it as a country.

The third issue is that of the IEBC. The country is currently in an awkward position because we cannot conduct any elections simply because we do not have a functioning IEBC.

I support this Report.

**The Temporary Speaker** (Hon. David Ochieng’): Barrow.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you, Leader of the Minority Party and the Temporary Speaker, for giving me this opportunity.

First, I congratulate the team that came up with this Report. Secondly, I thank the leadership of this country, spearheaded by the President and the former Prime Minister, who have shown good leadership in terms of making sure that the country is together. This country has faced many challenges due to elections.

In 2007, this country almost went to the dogs. The same happened in 2017 and 2022. This is a good example for some of us, as young leaders that, as a country, there is a line that we must not cross so that our country does not go to the dogs. It is also a good example to the rest of Africa. If you look around the region, Sudan is one example. The leadership in that country did not see the line they should not cross. For that, I support this Report.

Second is the issue of NG-CDF, NGAAF and the ward-based programmes. Members of the County Assembly are not in a position, as leaders, to oversee the governors and the leadership at the county level. Everybody in this country understands and appreciates the importance of NG-CDF. Therefore, ring-fencing it within the Constitution is a very important thing.

With those remarks, I support.

**The Temporary Speaker** (Hon. David Ochieng’): Mover to reply.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, thank you very much for your indulgence.

First and foremost, let me thank my colleagues from across the political divide for supporting this Motion almost unanimously. They lent their support to this Motion without exception. All of you who spoke to this Motion supported it, and that is very encouraging. I cannot forget to thank the leadership of the two coalitions out there for having appealed to their Members and encouraged them to support this Motion in the manner that they have done. That is the spirit in which this country needs to move forward. A country that speaks to itself and within itself is a country that prospers.

Secondly, it is now the duty of this House again. If and when we pass this Motion, because I am sure we shall do so by way of voting; what is going to remain is the processing of the legislative proposals that are attendant to the NADCO Report. My plea is that the

processing of those instruments needs to be fast-tracked. As we speak, it is really disheartening that because of the dysfunction of the IEBC, the great constituency of Banissa in Mandera County has not been represented in this House for almost a year. They have not had the benefit for their representative to contribute to such an important Motion that marks the turning point in the political history of this country for sure.

How I wish we fast-tracked the processing of these legislative proposals so that, at least, we reconstitute IEBC in the manner that it has been provided for in the NADCO Report so that IEBC can execute its constitutional mandate within the timelines provided for, especially the conduct of the by-elections both at the constituency and at the ward level. A number of wards are also vacant as we speak because they are missing the ward representatives.

A lot has been said about the two-thirds gender principle. The last time was by my friend, Hon. Lesuuda. I want to reiterate what I said when I was seconding this Motion.

In the wisdom of the NADCO, it was recommended that the multi-sectoral working group that was dealing with the two-thirds gender question be allowed to conclude its work within the timeframe that it had been allocated. Whatever recommendations emanate from that multi-sectoral working group shall form part of the NADCO Report. That is regardless of when those recommendations will land in this House. That is the principle. It may not be apparent on the face of that report but that is the principle. The spirit of the NADCO Report is that whatever recommendations that multi-sectoral working group shall come up with shall form part of the report and be treated in the same manner as the other recommendations of the NADCO Report. That should give some comfort to our colleagues, lady Members of Parliament and indeed the women folk across the country.

Secondly, the matter of the cost of living remains an outstanding issue. We agreed to disagree and that is really very healthy. We agreed to disagree within the NADCO that the matter of cost of living be left pending since there was no consensus. The Azimio side's progressive recommendations or proposals were shot down. Therefore, we left it to the Kenya Kwanza side, which is in control of the Government, to see to it that they reduce the cost of living. I am hoping they will do so. This is a ticking time bomb.

I can see there is manipulation of the exchange rate through manipulation of the Eurobond. That is a story for another day. I will be coming back to deal with it later. I hope Kenya Kwanza will deal with the cost of living. Otherwise, it will consume you in the fullness of time.

Finally, as I conclude, please add me five minutes to conclude. Let me say that God has been very kind to this country...

**The Temporary Speaker** (Hon. David Ochieng'): Add him time to conclude.

**Hon. Opiyo Wandayi** (Ugunja, ODM): God has been extremely kind to Kenya. Any time we are on the verge of falling into the precipice, the Almighty God has always pulled us back. We must get to learn from these experiences that, indeed, getting into dialogue with your political opponent cannot be a sign of weakness. On the contrary, it is a sign of strength. If you can dialogue with your political opponent, it shows that you have got the strength and...

**Hon. Duncan Mathenge** (Nyeri Town, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng'): What is out of order, Hon. Mathenge?

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Hon. Temporary Speaker, is the Hon. Leader of Minority Party in order to mislead this House by saying that there is manipulation of the exchange rate? He should table evidence to that effect or withdraw that statement.

*(Hon. Mbadi spoke off the record)*

**The Temporary Speaker** (Hon. David Ochieng’): Order, Hon. Mbadi. Hon. Wandayi, would you substantiate what you said?

**Hon. Opiyo Wandayi** (Ugunja, ODM): If I am to engage in argument or...

**The Temporary Speaker** (Hon. David Ochieng’): Order! This is a matter of grave concern to the public. You cannot just get away with it like that. You either substantiate your statement on manipulation of the currency or you withdraw that statement.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, I think in this House, you and I have been lucky to have been here for some time. We have been here since 2013. It cannot be out of order for an Hon. Member to express his opinion about what is happening in the exchange rate market. It cannot be out of order. My opinion is that the current movement in the exchange rate is as a result of manipulation, which is tied to the Eurobond. That is a matter of opinion.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Wandayi, as the presiding officer for today, I insist because this is a matter that is of concern to the public and you know it. You know the impact of your statement. So, you either table evidence to that effect or you withdraw that statement.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, allow me to bring the evidence at the soonest time possible. I do not have it here right now. I will bring it on Tuesday next week at 2.30 p.m.

**The Temporary Speaker** (Hon. David Ochieng’): Do you know what our rules state if you do not have the evidence?

**Hon. Opiyo Wandayi** (Ugunja, ODM): No.

**The Temporary Speaker** (Hon. David Ochieng’): Our rules state that you alone are responsible for the truthfulness of the charges that you make on the Floor of the House. If you do not have that evidence with you, I request that you withdraw your statement and conclude your remarks.

**Hon. Opiyo Wandayi** (Ugunja, ODM): The evidence is in hard form. I did not bring it with me. If you give me time, I will be able to substantiate my claims with documents. Is that too difficult?

**The Temporary Speaker** (Hon. David Ochieng’): I order you, Hon. Wandayi, to withdraw your statement that the currency is being manipulated. If you do not have that evidence currently, I order that you withdraw that statement.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, to make matters easy, I will suspend my statement for now and on Tuesday at 2.30 p.m., I will come back with a load of evidence, if that will suffice.

**The Temporary Speaker** (Hon. David Ochieng’): Go ahead and suspend it.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Fine. I hereby suspend my statement that the exchange rate is being manipulated until I am able to carry the load of evidence and bring it here to substantiate what I have said.

With those very many remarks, I beg to reply. May God bless you.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Give Hon. Chepkonga the microphone.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Temporary Speaker, I rise pursuant to Standing Order 53(3), which states:

“53(3) Despite paragraph (2), the Speaker may, on the request of a Member, defer the putting of the Question to the following day in which case the Speaker shall thereupon nominate a time at which the Question shall be put.”

Would I be in order to request you to defer this matter and appoint a time tomorrow to put the Question?

**The Temporary Speaker** (Hon. David Ochieng’): Thank you very much. The decision on this matter and, therefore, the putting of the Question will be done in the next sitting, which is tomorrow.

*(Putting of the Question deferred)*

Next Order.

### QUORUM

**Hon. GG Kagombe** (Gatundu South, UDA): On a point of order, Hon. Temporary **The Temporary Speaker** (Hon. David Ochieng’): Member for Gatundu South, what is out of order?

**Hon. GG Kagombe** (Gatundu South, UDA): Thank you, Hon. Temporary Speaker. I happen to have the benefit of sitting in the Public Accounts Committee, and the Report that Hon. Mbadi is about to table is one that we have tirelessly worked on. He is holding a voluminous document that he has to go through. He is a ranking Member of this House and he has been working the whole day. It is now about 8.00 O'clock. He is tired and he needs to execute this Motion. From the look of things, it will suffice to say that under Standing Order 35, it will not be very good to execute that matter right now with the current quorum.

I beg that we suspend that matter and call the House due to lack of quorum. We should stop that business and deal with it tomorrow.

**The Temporary Speaker** (Hon. David Ochieng’): You are out of order.

**Hon. GG Kagombe** (Gatundu South, UDA): I rose under Standing Order 35 to point out that we have no quorum to execute that matter.

**The Temporary Speaker** (Hon. David Ochieng’): I order that the Quorum Bell be rung for five minutes.

*(The Quorum Bell was rung)*

### ADJOURNMENT

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, the ringing of the Bell has not borne much fruit. Therefore, the House stands adjourned until tomorrow, Thursday, 22<sup>nd</sup> February 2024 at 2.30 p.m.

The House rose at 7.55 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi