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REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION (2023)

COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND

REPORT ON THE VETTING OF HON GABRIEL KAGO MUKUHA  
FOR APPOINTMENT AS A DIRECTOR OF THE NATIONAL  
GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND  
BOARD

November, 2023

Directorate of Audit, Appropriations and Other Select Committees  
Clerk's Chambers  
National Assembly  
Parliament Buildings  
NAIROBI

THE NATIONAL ASSEMBLY	
DATE: 07 NOV 2023	
DAY: TUESDAY	
TABLED BY:	HON. MUSA SIRMA, EGH, MP CHAIRPERSON
CLERK-AT THE TABLE:	INZORU MWANGI

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## **ABBREVIATIONS**

DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
HELB	-	Higher Education Loans Board
HR	-	Human Resource
KRA	-	Kenya Revenue Authority
MP	-	Member of Parliament
NASC	-	National Assembly Select Committee
NG-CDF	-	National Government Constituencies Development Fund
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval) Act, 2011

## **CHAIRPERSON'S FOREWORD**

The Speaker of the National Assembly conveyed a Message from the Cabinet Secretary for the National Treasury and Economic Planning, Prof. Njuguna Ndung'u on the nomination of Hon. Gabriel Kago Mukuha for appointment as a member of the Board of the National Government Constituencies Development Fund Pursuant to Standing Order No. 42 (4) of the National Assembly on Thursday, 12<sup>th</sup> October, 2023.

Pursuant to Standing Order 42 3(c), the name was referred to the Select Committee on National Government Constituencies Development Fund for consideration.

The Committee undertook approval hearings on Tuesday, 31<sup>st</sup> October, 2023 in compliance with the Constitution, the National Government Constituencies Development Fund Act, 2015, the Public Appointments (Parliamentary Approval) Act, 2011 and the National Assembly Standing Orders.

I take this opportunity to thank all Members of the Committee for their dedication to duty, the offices of the Speaker and that of the Clerk of the National Assembly for according the Committee the necessary logistical and technical support during the approval hearings. Further, the Committee wishes to thank all the stakeholders who facilitated the approval hearings.

On behalf of Members of the Select Committee on National Government Constituencies Development Fund and pursuant to Standing Order 199 and section 50(5) (d) of the National Government Constituencies Development Fund Act, 2015, it is my pleasure and duty to table to the House the Committee's Report on the approval hearing of Hon. Gabriel Kago Mukuha for appointment as a Board Director of the National Government Constituencies Development Fund.



**Hon. Musa Sirma Cherutich, CBS, M.P.**

**Chairperson**

**Committee on National Government Constituencies Development Fund**

## EXECUTIVE SUMMARY

In line with the provisions of Section 15 of the National Government Constituencies Development Fund Act, 2015, Sections 3 and 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Cabinet Secretary for the National Treasury and Economic Planning vide a letter reference *TNTP/SDP/4/52/(39)* dated 12<sup>th</sup> October, 2023 submitted the name of Hon. Gabriel Kago Mukuha for appointment as a member of the Board of the National Government Constituencies Development Fund.

The Speaker conveyed the Message to the House on Thursday 12<sup>th</sup> October, 2023 and subsequently, committed the name of the nominee to the Select Committee on National Government Constituencies Development Fund for consideration.

The Committee carried out approval hearings in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituencies Development Fund Act, 2015 and the National Assembly Standing Orders.

In compliance with Article 118 (1) (b) of the Constitution and Section 6 (4) of the Public Appointments (Parliamentary approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the Nation and Standard newspapers on Wednesday, 18<sup>th</sup> October, 2023.

In the advertisement, the general public was notified of the nomination, submission of memoranda on the suitability of the nominee pursuant to Section 6 of the Public Appointments (Parliamentary Approval) Act, 2011. Further the advert notified the public on the date, place and time for the approval hearing that was undertaken on Tuesday, 31<sup>st</sup> October, 2023 in Committee Room on 5<sup>th</sup> Floor, Continental House, Parliament Buildings starting from 10.00 a.m.

The nominee was also notified through the same advertisement to submit clearance certificates from the following agencies: the Ethics and Anti-Corruption Commission, the Kenya Revenue Authority, the Higher Education Loans Board, the Directorate of Criminal Investigations and Office of the Registrar of Political Parties.

By close of business on Thursday, 26<sup>th</sup> October 2023, the Committee had not received any memoranda contesting or in support of the suitability of the nominee.

The Committee undertook the approval hearing for the nominee on Tuesday, 31<sup>st</sup> October, 2023 and observed that he met the threshold for appointment as a director to the National Government Constituencies Development Fund Board as stipulated in Section 15 (1) (e) of the National Government Constituencies Development Fund Act, 2015 and Section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011.

The Committee therefore recommends that the House **APPROVES** the nomination of Hon. Gabriel Kago Mukuha for appointment as a Director to the Board of the National Government Constituencies Development Fund.

## **1.0 PREFACE**

### **1.1 Establishment and Mandate of the Committee**

1. The Select Committee on National Government Constituencies Development Fund (NG-CDF) is a statutory Committee established in accordance with the provisions of Section 50 of NG-CDF Act, 2015 whose functions include:
  - (i) Overseeing the implementation of the NG-CDF Act, 2015 and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to the Act with respect to the quantum of funds repayable into the Fund in accordance with Section 4 of the Act;
  - (ii) Overseeing the policy framework and legislative matters that may arise in relation to the Fund;
  - (iii) Reviewing the framework set out for the efficient delivery of development programmes financed through the Fund;
  - (iv) Considering and reporting to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under this Act; and
  - (v) Carrying out any other functions relevant to the work of the Fund.



## 1.2 The Membership of the Committee

The Committee comprises of the following Members –

S/NO.	MEMBER	CONSTITUENCY	PARTY
1.	<b>The Hon. Musa Sirma Cherutich, E.G.H, MP(Chairperson)</b>	Eldama Ravine	UDA
2.	<b>The Hon. Eng. Tandaza Kassim Sawa, MP (Vice-Chairperson)</b>	Matuga	ANC
3.	The Hon. (Dr.) Ogolla Gideon Ochanda MP	Bondo	ODM
4.	The Hon. Owuor Joshua Aduma, MP	Nyakach	ODM
5.	The Hon Akuja Protus Ewesit, MP	Loima	UDA
6.	The Hon Elachi Beatrice CBS, MP	Dagoretti North	ODM
7.	The Hon.Mukhwana Titus Khamala, MP	Lurambi	ODM
8.	The Hon. Mwalyo Joshua Mbithi, MP	Masinga	ODM
9.	The Hon. Nyamita Mark Ogolla, MP	Uriri	ODM
10.	The Hon. Owino John Walter, MP	Awendo	ODM
11.	The Hon Oyula Joseph H. Maero, MP	Butula	ODM
12.	The Hon. Wambilianga Catherine, MP	Bungoma (CWR)	FORD-K
13.	The Hon. Gisairo Clive Ombane, MP	Kitutu Masaba	ODM
14.	The Hon. Kiprono Mutai Alfred, MP	Kuresoi North	UDA
15.	The Hon. Machele Mohamed Soud, MP	Mvita	ODM
16.	The Hon. Maina Jane Njeri, MP	Kirinyaga (CWR)	UDA
17.	The Hon. Nduyo Susan Ngugi, MP	Tharaka Nithi (CWR)	UDA
18.	The Hon Antony Njoroge, MP	Kieni	UDA

### 1.3 Committee Secretariat

3. The secretariat supporting the Committee is comprised of the following parliamentary officers:

- |                               |   |                               |
|-------------------------------|---|-------------------------------|
| 1) Mr. Erick Nyambati         | - | Ag. Senior Clerk Assistant    |
| 2) Mr. Mohamed Jelle          | - | Clerk Assistant III           |
| 3) Ms. Sharon Koskei          | - | Clerk Assistant III           |
| 4) Ms. Peninnah Simiren       | - | Legal Counsel II              |
| 5) Mr. Chelang'a Rotich Maiyo | - | Research & Policy Analyst I   |
| 6) Mr. Yakub Ahmed            | - | Media relations officer       |
| 7) Ms. Felistus Muiya         | - | Public Communications Officer |
| 8) Ms. Patience Mbithi        | - | Hansard Reporter              |
| 9) Ms. Eva Kaare              | - | Sergeant-at-arms              |

## **2.0 BACKGROUND**

4. The National Government Constituencies Development Fund Board (hereinafter referred to as “the Board”) is established pursuant to Section 14 of NG-CDF Act, 2015 as a body corporate.

### **2.1 Composition of the Board**

5. The Board of Directors consists of the following, as provided in Section 15 of the NG-CDF Act, 2015–
  - (a) the Principal Secretary in the Ministry for the time being responsible for matters relating to national economic policy and planning or a designated alternate, not being below the level of Director of Planning;
  - (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a designated alternate not being below the level of Deputy Director of Budget;
  - (c) the Attorney-General or a designated alternate not being below the level of Senior State Counsel;
  - (d) the Principal Secretary in the Ministry responsible for matters relating to education or a designated alternate not being below the level of Director;
  - (e) seven other persons, three of whom shall be of the opposite gender and at least one shall be a person with disability, qualified in matters relating to finance, accounting, engineering, economics, community development, public affairs, project management, education, security or law appointed by the Cabinet Secretary with the approval of the National Assembly; and
  - (f) the Chief Executive Officer who shall be an ex-officio member without a right to vote.

### **2.3 Functions of the Board**

6. The functions of the Board are provided for under section 16 of the NG-CDF Act, 2015 as follows:
  - (a) to consider project proposals submitted by various constituencies in accordance with the Act, approve for funding those project proposals that are consistent with the Act and disburse funds to the respective constituency operations account with respect to the approved projects;
  - (b) to ensure timely and efficient disbursements of funds to every Constituency;
  - (c) to ensure efficient management of the Fund;
  - (d) to co-ordinate the implementation of inter-constituency projects;
  - (e) to receive and address complaints that may arise from the implementation of the Fund;
  - (f) to encourage best practices in the implementation of projects;
  - (g) to administer the funds and assets of the Board in such a manner and for such purpose as shall promote the best interest of the Board in accordance with the Act to ensure efficient management of the fund; and
  - (h) to perform such other duties as the Board may deem necessary from time to time for the proper management of the Fund.

### **3.0 LEGAL FRAMEWORK OF THE APPROVAL HEARING**

- 3 In considering the nominee for appointment as a Board Director of NG-CDF the Committee considered the provisions of the Constitution, the NG-CDF Act, 2015, the Public Appointments (Parliamentary Approval) Act, 2011 and the Leadership and Integrity Act, 2012.

#### **3.1 Constitutional and statutory requirements in Parliamentary Approval of Public Appointments**

- 4 Chapter 6, Article 10, Article 118, and Article 124(4) of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, the Leadership and Integrity Act, 2012 and the National Government Constituencies Development Fund Act, 2015 provide a framework for the conduct of parliamentary approval of public appointments

##### **3.1.2 The Public Appointments (Parliamentary Approval) Act, 2011**

- 5 Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 provides for issues which the National Assembly is supposed to consider in relation to any nomination. These include:
  - (a) the procedure used to arrive at the nominee;
  - (b) any constitutional or statutory requirements relating to the office in question; and
  - (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made.
- 6 In addition, Section 6 of the same Act provides direction on the conduct of approval hearings. These include:
  - a) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background as per Section 6(7).
  - b) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate as per Section 6(8).
  - c) Any person may, prior to the approval hearing, and by written statement on oath (affidavit), provide the Clerk(s) with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated as per Section 6(9).
  - d) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall lapse as per Section 6(10).
- 7 The period for consideration of nomination is prescribed in the Public Appointments (Parliamentary Approval) Act, 2011. Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the Committee shall consider the nomination and table the report to the House for debate and decision within twenty-eight (28) days from the date on which the notification of nomination was given.

- 8 Section 9 of the Public Appointments (Parliamentary Approval) Act, 2011 stipulates that where the House does not meet the prescribed timelines, the nominees shall be deemed to have been approved.
- 9 Pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011 the criteria for vetting is comprehensively contained in the Questionnaire in the Schedule to the Act. The Questionnaire allows the Committee to obtain information on, among other things:
- a) Name of the nominee to enable the Committee to ascertain the regional background and ethnicity of the nominee.
  - b) Gender of the nominee to enable the Committee to ascertain the gender of the nominee. This is to ensure compliance with Article 27(8) that requires the State to take measures to ensure that no more than two-thirds of members of appointive bodies shall be of the same gender.
  - c) Age of the nominee to enable the Committee to ascertain compliance with the provisions of Article 55 of the Constitution on the inclusion of the youth in public appointments.
  - d) Nationality of the nominee to enable the Committee to ascertain the nationality of the nominee. This is to ensure compliance with Article 78 of the Constitution which requires certain State officers to be Kenyan Citizens. However, it is worth noting that members to the National Government Constituencies Development Fund Board are not State officers under Article 260 of the Constitution.
  - e) Educational background of the nominee.
  - f) The employment record of the nominee.
  - g) Honours or awards given to the nominee.
  - h) Membership of the nominee to professional bodies.
  - i) Public office and political affiliations held by the nominee—to enable the Committee to ascertain whether the nominee holds office in a political party. This is to ensure compliance with Article 77(2) of the Constitution which precludes appointed State officers from holding office in a political party.
  - j) Information on whether the nominee has been removed from office under Article 75 of the Constitution which prohibits a State officer who has been removed from office under Article 75 (3) of the Constitution from holding any other State office.
  - k) Nominee's finances.
  - l) Outside commitments that the nominee intends to undertake while in office (if appointed). Article 77(1) of the Constitution prohibits a full-time State officer from participating in any other gainful employment.
  - m) Tax compliance status of the nominee.
  - n) Potential conflict of interest—Article 75(1) of the Constitution bars State officers from engagements or associations that may give rise to conflict between official or public duties and personal interests.
  - o) Whether a nominee has been charged in a court of law in the past three years; and
  - p) Whether a nominee has been adversely mentioned in a report of Parliament or a Commission of Inquiry in the past three years.

- q) The Questionnaire is largely formulated based on Constitutional and statutory requirements for State officers and other considerations that are of importance to enable determination on the suitability of a nominee.

### **3.1.3 Chapter Six on Leadership and Integrity**

10 The Committee, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity outlined under Chapter Six of the Constitution. In particular, the Committee took cognizance of the following provisions-

- 1) Article 73(2) of the Constitution provides that the guiding principles of leadership and integrity include-
  - (a) Selection on the basis of personal integrity, competence and suitability, or election in free and fair elections.
  - (b) Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices.
  - (c) Selfless service based solely on the public interest demonstrated by—
    - (i) Honesty in the execution of public duties;
    - (ii) The declaration of any personal interest that may conflict with public duties;
    - (iii) Accountability to the public for decisions and actions; and
    - (iv) Discipline and commitment to service to the people.
- 2) Article 75(1) of the Constitution requires a state officer, whether in public or private life, to behave in a manner that avoids conflict between personal interest and public official duties. Article 75(3) of the Constitution prohibits a state officer who has been removed from office under that Article from holding any other State office.
- 3) Article 77(1) of the Constitution prohibits a full-time State officer from participating in any other gainful employment.
- 4) Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.
- 5) Article 78 (1) of the Constitution disqualifies persons who are not Kenyan citizens and persons holding dual citizenship from appointment as State officers.

### **3.1.4 Article 10(2) of the Constitution on national values and principles of governance**

11 Article 10 (2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

### **3.1.5 Article 118 of the Constitution**

12 Article 118 of the Constitution obligates Parliament to conduct its business in an open manner, and that its sittings and those of its committees shall be in public; and that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees. It also provides that Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion

### **3.1.6 Article 124(4) of the Constitution on parliamentary approval of public appointments**

13 Article 124(4) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a committee of the relevant House; the committee's recommendation shall be tabled in the House for approval; and the proceedings of the committee and the House shall be in public.

### **3.1.7 The Leadership and Integrity Act, 2012**

14 Article 73 (2) of the Constitution provides that the guiding principles of leadership and integrity include –

- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- (c) selfless service based solely on the public interest, demonstrated by —
  - (i) Honesty in the execution of public duties; and
  - (ii) The declaration of any personal interest that may conflict with public duties.
- (d) Accountability to the public for decisions and actions; and
- (e) Discipline and commitment in service to the people.

15 In addition, Section 10 of the Leadership and Integrity Act, 2012 provides that a State officer shall, to the best of their ability:

- (a) carry out the duties of the office efficiently and honestly;
- (b) carry out the duties in a transparent and accountable manner;
- (c) keep accurate records and documents relating to the functions of the office; and
- (d) report truthfully on all matters of the organization which they represent.

### **3.1.8 National Government Constituencies Development Fund Act, 2015**

16 Section 15 (1) (e) of the NG-CDF Act, 2015 provides that the NG-CDF Board shall consist of seven other persons, three of whom shall be of the opposite gender and at least one shall be a person with disability, qualified in matters relating to finance, accounting, engineering, economics, community development, public affairs, project management, education, security or law.

#### **4.0 THE APPROVAL HEARING**

17 The Committee on National Government Constituencies Development Fund of the National Assembly conducted an approval hearing of the nominee to ascertain his suitability for the position proposed and made an appropriate recommendation to the House. The following activities preceded the approval hearing;

##### **4.1 Notification to the Nominee**

61. By a letter dated 18<sup>th</sup> October, 2023 *Ref: NA/DAA&OSC/NG-CDF/2023(40)* the Clerk of the National Assembly, pursuant to Section 6 of the Public Appointments (Parliamentary Approval), Act 2011, notified the nominee of the date, time and venue for the approval hearing. The nominee was further required to -

- (a) present his original identity card, academic and professional certificates and other relevant testimonials. Additionally, the nominee was requested to bring clearance certificates from the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Higher Education Loans Board, Directorate of Criminal Investigations and the Office of the Registrar of Political Parties.
- (b) fill and present to the Committee the questionnaire in the Schedule of the Public Appointments (Parliamentary Approval) Act, 2011.

##### **4.2 Notification of the Public**

18 Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, provides that any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

19 On 18<sup>th</sup> October, 2023, the Clerk of the National Assembly placed an advertisement in the Nation and Standard newspapers inviting members of the public to present written statements on oath referred to in Section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011. The written statements were to be submitted on or before Thursday, 26<sup>th</sup> October, 2023 at 5:00 p.m.

20 Pursuant to Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and the National Assembly Standing Orders, the same advertisement notified the public that the Select Committee on National Government Constituencies Development Fund would conduct approval hearings on Tuesday, 31<sup>st</sup> October, 2023.



### 4.3 Clearance and Compliance Requirements

21 Following the referral of the nomination to the Committee, the Clerk of the National Assembly requested information on the nominee from the following statutory agencies:

	<b>Institution</b>	<b>Nature of the information sought</b>
1.	Ethics & Anti-Corruption Commission	Compliance with Chapter 6 of the Constitution
2.	Kenya Revenue Authority	Tax compliance
3.	Higher Education Loans Board	Loans obligation
4.	Directorate of Criminal Investigations	Any criminal charge or conviction
5.	Office of the Registrar of Political Parties	Membership in any political party

22 The Clerk of the National Assembly received responses from various State agencies as follows-

- (a) by a letter dated **25<sup>th</sup> October, 2023**, Ref: *KRA/5/1002/5(9869)*, the Kenya Revenue Authority indicated that the nominee was tax compliant;
- (b) by a letter dated **25<sup>th</sup> October, 2023**, Ref: *DCI/CRO/SEC/6/7/2/A/VOL XIII/110*, the Directorate of Criminal Investigations indicated that the nominee applied for police clearance certificate and the same was genuinely issued;
- (c) by a letter dated **30<sup>th</sup> October 2023**, Ref: *HELB/RR/112009/280*, the Higher Education Loans Board indicated that the nominee was not a beneficiary of HELB.
- (d) by a letter dated **25<sup>th</sup> October 2023**, Ref: *EACC.7/10/5 VOL XXV (211)*, the Ethics and Anti-Corruption Commission indicated that the nominee were not under any investigation, nor have they been recommended for any prosecution; and
- (e) by a letter dated **24<sup>th</sup> October, 2023**, Ref: *RPP/ORG/34 VOL VII (39)*, the Office of the Registrar of Political Parties indicated that the nominee was not an official of any registered political party.

23 Additionally, during approval hearing, the nominee also presented before the Committee his clearance certificates from the aforementioned institutions.

### 4.4 Approval hearing of the Nominee

24 In conducting the approval hearing, the Committee was guided by the Constitution, the NG-CDF Act, 2015, the Public Appointments (Parliamentary Approval) Act, 2011, the Leadership and Integrity Act, 2012 and the National Assembly Standing Orders.

25 The Committee considered the nominee's academic qualifications, employment record and work experience, membership to relevant professional associations, public office, political activities and affiliations, potential conflict of interest, suitability to the position, tax

compliance, integrity and other thematic areas relevant to the duties and responsibilities of Board Directors of NG-CDF.

- 26 Hon. Gabriel Kago Mukuha appeared before the Select Committee on National Government Constituencies Development Fund on Tuesday 31<sup>st</sup> October, 2023 at 10.30 a.m for the approval hearing. He informed the Committee that:

#### **4.4.1 Nominee background**

- 27 He is a Kenyan citizen by birth with ID No 13843754 , born in 1975 in Githunguri ;Kiambu County and does not hold any dual citizenship.

#### **4.4.2 Academic and Professional qualifications**

- 28 He holds a Bachelor degree in Business Administration from Presbyterian University and a Diploma in General Agriculture from Pwani University.

#### **29 Employment Record and Work Experience.**

- 30 He is an immediate former Member of Parliament of Githunguri Constituency, Kiambu County having served from 2017- 2022.

- 31 His experience as a former Member of Parliament gives him a better understanding on the role of the Board and interpreting the NG-CDF Act, 2015 and its relevant regulations to perform duties of the NG-CDF Board better.

#### **4.4.3 Integrity and Leadership**

75. He has never been adversely mentioned in any investigatory report of Parliament or any other Commission of Inquiry in the last three years. He further submitted before the Committee hard copies of clearance certificates from the Ethics and Anti-Corruption Commission, the Higher Education Loans Board, the Directorate of Criminal Investigations, the Kenya Revenue Authority and the Office of the Registrar of Political Parties.

#### **4.4.4 Financial Net Worth**

76. His net worth was estimated at one hundred million Kenya shillings (Kshs. 100M).

#### **4.4.5 Professional Associations**

77. He is not a member of any professional association

#### **4.4.6 Conflict of Interest**

78. He does not intend to vie for any political seat in the future and as such does not foresee any situation that could cause a conflict of interest in the execution of his duties.

#### **4.5 Key Issues Arising from the Vetting Process**

79 The Committee posed several questions to the nominee on his knowledge of the NG-CDF and other cross-cutting issues that would affect the performance of the Board.

##### **4.5.1 Functional assignment as provided in the Constitution**

32 The nominee underscored the importance of understanding the provisions of the Fourth Schedule to the Constitution on distribution of functions and where such functions are not expressly provided then they are treated as National Government functions and eligible for funding from the NG-CDF. He further informed on the need for a framework for determining such functions to avoid duplication of functions with the County Governments.

##### **4.5.2 Current allocation to the NG-CDF**

33 The nominee appreciated the current Fund allocation of 2.5% of the National Government share of revenue as allocated by the Division of Revenue Act annually. He noted that the societal impact attributed to the Fund in various sectors including education, security and environment and that there is need to increase the allocation to at least 5% to improve socio-economic development across the country.

##### **4.5.3 Supreme Court Judgment on the constitutionality of the Fund**

34 The nominee reiterated that the Fund is a National Government Fund that is utilized to support implementation of National Government functions and there is need to protect its existence. He noted that there is an apparent need to entrench the Fund into the Constitution to protect it from further litigation.

35 Further, he regretted that Members of parliament have always been tainted negatively in relation to the Fund by media, a matter that he attributed to lack of accurate information on how the Fund is run. He called for responsible reporting by the media and promised that given chance to serve in the Board, he will ensure that Board will hold seminars with media to apprise them on the NGCDF Act.

36 He emphasised on the need to operate within the provisions of the NGCDF Act and respect the provided structures to ensure seamless operations with no audit queries.

#### **5.0 COMMITTEE OBSERVATIONS**

37 Having conducted an approval hearing pursuant to Section 6(7) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee made the following specific observations regarding the suitability of the nominee for appointment as a member of the NG-CDF Board. That;

## 5.1 SPECIFIC OBSERVATIONS

- 38 The Cabinet Secretary for the National Treasury and Economic Planning vide a letter reference *TNTP/SDP/4/52/(39)* dated 12<sup>th</sup> October, 2023 submitted the name of Hon Gabriel Kago Mukuha for appointment as a director of the Board of the National Government Constituencies Development Fund as provided in section 15(1)(e) of the NG-CDF Act, 2015.
- 39 He is a Kenyan citizen, born in Githunguri, Kiambu County on 2<sup>nd</sup> September, 1975, and is married with children.
- 40 On matters relating to professional training and experience, Hon. Gabriel Kago Mukuha is a trained Agriculturalist and worked as an educator with vast knowledge and competence in public affairs as evidenced by his stint as a member of Parliament for Githunguri Constituency demonstrating that he is qualified in matters relating to finance, community development, public affairs, project management and education in accordance with section 15(1)(e) of the NG-CDF Act, 2015.
- 41 On matters relating to personal integrity, he meets the requirements of Chapter Six of the Constitution on Leadership and Integrity. He tabled clearance certificates from Ethics and Anti-corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigation (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties (ORPP). The Committee also received written communication from each Agency verifying each clearance certificate.
- 42 He is a former Member of the National Assembly having served for one term. His experience as a Member of Parliament gives him an edge in understanding the role of the Board and interpreting the NG-CDF Act, 2015 and its relevant regulations to perform duties of the NG-CDF Board in compliance with section 6(7) of the Public Appointments (Parliamentary Approval) Act, 2011 and section 15(1) (e) of the NG-CDF Act, 2015.
- 43 The nominee demonstrated knowledge on topical, policy and technical issues touching on the NG-CDF Fund and has the requisite abilities, qualification and experience to serve as a director in the NG-CDF Board.
- 44 The nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) relating to conflict of interest, Article 76 relating to financial probity, and Article 77 relating to restriction on activities of State officers.

## 5.2 GENERAL OBSERVATIONS

- 45 The process of nomination of Hon Gabriel Kago Mukuha was in line with the Constitution, and the National Government Constituencies Development Fund Act, 2015.
- 46 No memoranda were received from the public in contest of the nomination of Hon Gabriel Kago Mukuha for appointment as a member of the National Government Constituencies Development Fund Board.

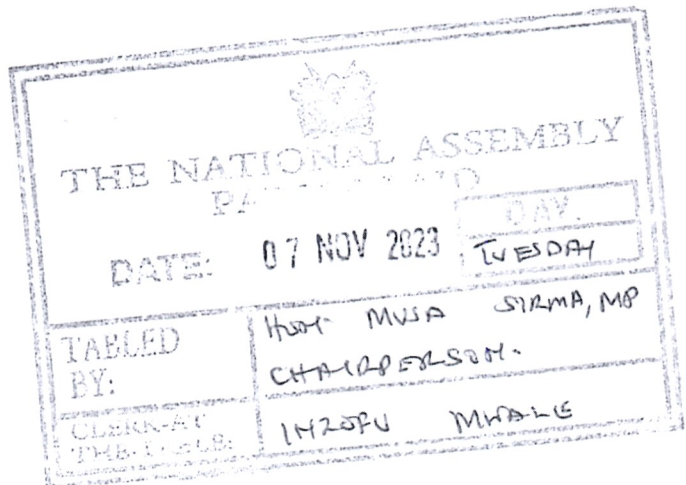
## 6.0 COMMITTEE RECOMMENDATION

47 Having complied with the requirements under the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituencies Development Fund Act, 2015, and the Leadership and Integrity Act, 2012, the Committee recommends that pursuant to section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011, the National Assembly **APPROVES** the appointment of Hon. Gabriel Kago Mukuha as a director of the National Government Constituencies Development Fund Board.

Sign.....  ..... Date..... 7/11/2023.....

**Hon. Musa Sirma Cherutich, CBS**  
**Chairperson**

**Committee on National Government Constituencies Development Fund**



# APPENDIX 1



- c) the Attorney-General or a designated alternate not being below the level of Senior State Counsel;
- d) the Principal Secretary in the Ministry responsible for matters relating to education or a designated alternate not being below the level of Director;
- e) seven other persons, three of whom shall be of the opposite gender and at least one shall be a person with disability, qualified in matters relating to finance, accounting, engineering, economics, community development, public affairs, project management, education, security or law appointed by the Cabinet Secretary with the approval of the National Assembly; and

(2) In nominating or approving the appointment of a person as a member of the Board under sub-section (1), the Cabinet Secretary and the National Assembly shall take into account gender equity and the regional diversities of the people of Kenya.

(3) The Cabinet Secretary shall appoint the chairperson of the Board from among the seven persons appointed in accordance with paragraph (e) of subsection (1).

(4) The names and curriculum vitae of the persons nominated to be appointed as members of the Board pursuant to paragraph (e) of subsection (1) shall, before appointments are made, be submitted to the National Assembly for approval.

In view of the above, the current members of the Board are:

- 1) Hon. Olago Oluoch, CBS – *Chairperson*
- 2) Abdiaziz Bulle Yarrow
- 3) Maria Lekoloto (PWD)
- 4) George Ole Meshuko
- 5) Hon. Janet Teiya (PWD); and
- 6) Masitsa Naomi Shionga

In light of the foregoing, we note that one vacancy still exists in the membership of the NGCDF. Consequently, it is notified that **Hon. Gabriel Kago Mukuha** has been nominated for appointment as a member of the National Government Constituencies Development Fund.

In that regard, we convey herewith the candidate's curriculum vitae and testimonials to aid in the consideration and approval of the nominee by the Legislature.

Your kind attention to this matter will greatly oblige.

Yours

**Njuguna Ndung'u, Ph.D., CBS**  
**CABINET SECRETARY**

**Copy to: Mr. Felix K. Koskei**  
Chief of Staff &  
Head of the Public Service  
Executive Office of the President  
\*\*\*\*\*



**Hon. Ichung'wah A. Kimani, MP, MGH**  
Majority Leader  
The National Assembly  
Parliament Building  
**NAIROBI**

**Mr. Samuel J. Njoroge**  
Clerk  
The National Assembly  
Parliament Building  
**NAIROBI**

A handwritten signature in black ink, appearing to read 'Samuel J. Njoroge', with a large, stylized flourish at the end.

# CURRICULUM VITAE

GABRIEL KAGOMBE KITHA  
P.O. BOX 1816-00200  
NAIROBI  
TEL. +254 722 806033  
EMAIL: gabsmukuha@gmail.com

## PERSONAL DETAILS

Date of Birth: 2<sup>nd</sup> September, 1975  
Gender: Male  
Religion: Christian  
Marital Status: Married  
Languages: English, Kiswahili & Kikuyu

## CAREER AMBITIONS

- ❖ To achieve the highest standards in whatever I undertake to do while acknowledging the contribution of others.
- ❖ I also strive to provide a vision for the future by establishing an environment of continuous improvement, opportunities for people to grow both personally and professionally and to be that person others choose to follow.

## CAREER SUMMARY

**2017- 2022:** Elected Member of the National Assembly of Kenya (MP..) Githunguri Constituency.

**2017-2022:** Patron NG-CDF Githunguri, KeRRA Githunguri, C.A.C.C. and Uwezo fund Committee Githunguri.

**2005-2017:** Poultry and Dairy farming at Emigab Dairy Farm.

**September 1999-2004:** Biology & Agriculture teacher at Gitwe Girls High School.

ACADEMIC BACKGROUND	Dates	CERTIFICATE AWARDED
Presbyterian University of East Africa	2010-2013	Bachelor of Business Administration (second upper class division)

Pwani University	1996-1999	Diploma in General Agriculture
Kanjai Primary school	1991	K. C. P. E
Miiri Primary school	1983-1990	
St. Joseph's High School Githunguri	1992-1995	K. C. S. E

#### TRAINING/AWARD/SEMINAR

❖ Garden State Dairy <i>New Jersey, USA</i>	2014
❖ Dairy Training Institute <i>Naivasha, Kenya</i>	2011
❖ Diploma in Sales and Marketing	2005
❖ Diploma in Counselling	2001

#### AWARDS/ACCOMPLISHMENTS/MEMBERSHIP

2017-2022:	House Committee Member on Agriculture and Livestock
2020-2022:	House Committee Member on Implementation
2021	Honorary Citizenship, Great State of <i>Nebraska, USA</i>

- ❖ I adequately fulfilled the mandate given by Githunguri people during my tenure by representing them in the National assembly;
- ❖ Successfully advocated for reforms in the tea and coffee sector. Coffee bill 2020 & Tea Bill amendments which was harmonized with ministry bill,
- ❖ State visits Nebraska, USA and hosting the US delegation in Githunguri, Kenya. with aim of marketing Kenyan speciality coffee.
- ❖ I also drove development agenda in Githunguri by improving quality of life of residents through;
- ❖ Financial empowerment of women groups and young people.
- ❖ lobbied for tarmacking of 9 roads, construction of level V Githunguri hospital, construction of the 1<sup>st</sup> ever Technical Institute in Githunguri, drilling of over 13 water boreholes, streetlights projects, school projects, security projects and agricultural interventions among others.

- ❖ Initiating community development interventions mainly by responding and supporting community needs for example during covid-19 outbreak in 2020 we were able to produce and distribute 2ply community masks to locals within my constituency

#### KEY SKILLS

- ❖ Good leadership skills
- ❖ Market research and analysis
- ❖ Youth development
- ❖ Proficiency in Planning, organisation and budgeting
- ❖ Nurturing and relationship building skills.
- ❖ Problem solving and adaptability.
- ❖ Great negotiation skills.

#### REFEREES

1. Josephine Wanjiru Gicho  
Retired Principal Gitwe Girl's High school  
0722 516050
2. Prof. Simon Gicharu  
Chairman, Mount Kenya University  
0722 470264
3. Robert Kinyanjui Gicho  
0722 858175

# APPENDIX 2

12 OCT 2023


**INTERNAL MEMO**

TO : Director, Audit, Appropriation & Other Select Committees  
FROM : Head of the Table Office Department  
DATE : 12<sup>th</sup> October, 2023  
SUBJECT: MESSAGE FROM THE EXECUTIVE

① Eric Nyambati  
Committee to  
consider  
16/10

On Thursday, 12<sup>th</sup> October 2023, the Hon. Speaker conveyed a Message from the Executive regarding the nomination of a Member to the National Government Constituencies Development Fund Board, pursuant to Standing Order 42.

Enclosed herewith, please find the said Message for your necessary action.

  
Wanjiru Ndindiri  
Encls.

② Lucy Kwathi  
to N/A  
16/10/23

Copy: Clerk of the National Assembly  
Deputy Clerks  
Director, Legislative & Procedural Services  
Chief Librarian/ Deputy Director, Information & Research Services

5



**REPUBLIC OF KENYA**  
**THIRTEENTH PARLIAMENT – (SECOND SESSION)**  
**THE NATIONAL ASSEMBLY**  
**MESSAGES**

**MESSAGE FROM THE EXECUTIVE**

\_\_\_\_\_ (No.002 of 2023) \_\_\_\_\_

**ON**  
**NOMINATION OF A MEMBER TO THE NATIONAL GOVERNMENT**  
**CONSTITUENCIES DEVELOPMENT FUND BOARD**


---

**Honourable Members,**

1. Pursuant to the provisions of Standing Order 42(4), I wish to report to the House that I have received a Message from the Cabinet Secretary for the National Treasury & Economic Planning regarding the nomination of a person for appointment to the National Government Constituencies Development Fund Board.
2. In the Message, **Honourable Members**, the Cabinet Secretary conveys that, in exercise of powers conferred to him by section 15(1)(e) of the National Government Constituencies Development Fund Act, 2015, he has nominated **Hon. Gabriel Kago Mukuha** as a member of the National Government Constituencies Development Fund Board. The Cabinet Secretary now seeks the approval of the nominee by the House.
3. **Honourable Members**, Standing Order 45 provides that, upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant Committee for consideration. In this regard, I hereby refer the Message from the Cabinet Secretary, together with the curriculum vitae, and other testimonials of the nominee to the Select Committee on National Government Constituencies Development Fund for consideration.

4. **Honourable Members**, in considering the nominee, the Committee should take note of the provisions of section 8 of the Public Appointments (Parliamentary Approval) Act, 2012, which requires the National Assembly to undertake the approval exercise **within twenty-eight (28) days.**
5. The Committee is therefore expected to forthwith commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings. Upon conclusion, the Committee is to table its report, to enable the House to consider the matter within the statutory timelines.

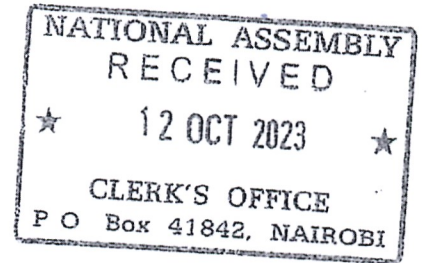
**I thank you!**

  
**THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Thursday, 12<sup>th</sup> October 2023



REPUBLIC OF KENYA



**THE NATIONAL TREASURY AND ECONOMIC PLANNING  
STATE DEPARTMENT FOR ECONOMIC PLANNING**

Telegraphic Address: 22921  
Finance – Nairobi  
FAX NO. 310833  
Telephone: 2252299  
*When Replying Please Quote*

THE NATIONAL TREASURY  
P O BOX 30007- 00100  
NAIROBI

Ref:TNTP/SDP/4/52/(39)

Date:16<sup>th</sup> August 2023

**Hon. Moses F. M. Wetangula, EGH**  
Speaker  
The National Assembly  
Parliament of Kenya  
Parliament Building  
**NAIROBI**

Dear

**NOMINATION OF A MEMBER OF THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND BOARD**

Reference is made to the above subject.

The National Government Constituencies Development Fund is established under the National Constituencies Development Fund Act, 2015 (NG-CDF Act, 2015) to provide mechanisms for supplementing implementation of the National Government Development Agenda at the Constituency level. **Section 15(2) of the NG-CDF Act, 2015** mandates the Cabinet Secretary, the National Treasury and Economic Planning to appoint Board members upon approval by the National Assembly. Currently there are four vacant positions in the Board.

Section 15(1) – (4) of the NG-CDF Act, 2015 states that: -

(1) The Fund shall be administered by a Board of Directors which shall consist of—

- a) the Principal Secretary in the Ministry for the time being responsible for matters relating to national economic policy and planning or a designated alternate, not being below the level of Director of Planning;
- b) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a designated alternate not being below the level of Deputy Director of Budget;
- c) the Attorney-General or a designated alternate not being below the level of Senior State Counsel;

d) the Principal Secretary in the Ministry responsible for matters relating to education or a designated alternate not being below the level of Director;

e) seven other persons, three of whom shall be of the opposite gender and at least one shall be a person with disability, qualified in matters relating to finance, accounting, engineering, economics, community development, public affairs, project management, education, security or law appointed by the Cabinet Secretary with the approval of the National Assembly; and

(2) In nominating or approving the appointment of a person as a member of the Board under sub-section (1), the Cabinet Secretary and the National Assembly shall take into account gender equity and the regional diversities of the people of Kenya.

(3) The Cabinet Secretary shall appoint the chairperson of the Board from among the seven persons appointed in accordance with paragraph (e) of subsection (1).

(4) The names and curriculum vitae of the persons nominated to be appointed as members of the Board pursuant to paragraph (e) of subsection (1) shall, before appointments are made, be submitted to the National Assembly for approval.

In view of the above, the current members of the Board are:

- 1) Hon. Olago Oluoch, CBS – *Chairperson*
- 2) Abdiaziz Bulle Yarrow
- 3) Maria Lekoloto (PWD)
- 4) George Ole Meshuko
- 5) Hon. Janet Teiya (PWD); and
- 6) Masitsa Naomi Shionga

In light of the foregoing, we note that one vacancy still exists in the membership of the NGCDF. Consequently, it is notified that **Hon. Gabriel Kago Mukuha** has been nominated for appointment as a member of the National Government Constituencies Development Fund.

In that regard, we convey herewith the candidate's curriculum vitae and testimonials to aid in the consideration and approval of the nominee by the Legislature.

Your kind attention to this matter will greatly oblige.

Yours



**Njuguna Ndung'u, Ph.D., CBS**  
**CABINET SECRETARY**

**Copy to: Mr. Felix K. Koskei**  
Chief of Staff &  
Head of the Public Service  
Executive Office of the President  
**NAIROBI**

**Hon. Ichung'wah A. Kimani, MP, MGH**  
Majority Leader  
The National Assembly  
Parliament Building  
**NAIROBI**

**Mr. Samuel J. Njoroge** \*  
Clerk  
The National Assembly  
Parliament Building  
**NAIROBI**

Approval hearing on  
a nominee for appointment

# APPENDIX 3



REPUBLIC OF KENYA  
**THE NATIONAL ASSEMBLY**  
THIRTEENTH PARLIAMENT - SECOND SESSION (2023)

IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF THE NOMINEE FOR  
APPOINTMENT AS A MEMBER OF THE NATIONAL  
GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BOARD

**NOTIFICATION OF APPROVAL HEARING AND INVITATION TO SUBMIT AFFIDAVITS**

**WHEREAS**, pursuant to the provisions of section 15(4) of the National Government Constituencies Development Fund Act, 2015 and sections 3 and 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Cabinet Secretary for the National Treasury and Economic Planning notified the National Assembly of the nomination of **Hon. Gabriel Kago Mukuha** for appointment as a **member of the National Government Constituencies Development Fund Board**;

**FURTHER WHEREAS**, on Thursday, 12<sup>th</sup> October, 2023 the Speaker of the National Assembly referred the nomination together with the *curriculum vitae* and testimonials of the nominee to the Select Committee on National Government Constituencies Development Fund to conduct an approval hearing and report to the House pursuant to Standing Order 45(1) of the National Assembly Standing Orders;

**AND FURTHER WHEREAS**, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation in the legislative and other business of Parliament and its Committees and section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that "*any person may prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated*";

**IT IS NOTIFIED** that pursuant to the provisions of **Article 118(1)(b) of the Constitution** and **Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011**, the **Committee on National Government Constituencies Development Fund** shall conduct an approval hearing (vetting) of the nominee for appointment as a member of the National Government Constituencies Development Fund Board on **Tuesday, 31<sup>st</sup> October, 2023** in the **Mini-Chamber, County Hall, Parliament Buildings** at **10:00 a.m.**

**IN COMPLIANCE** with Article 118(1)(b) of the Constitution and Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee on National Government Constituencies Development Fund hereby invites members of the public to submit any representations they may have, by way of written statements on oath (*affidavits*) with supporting evidence contesting the suitability of the nominee for appointment as a member of the National Government Constituencies Development Fund Board.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to [ena@parliament.go.ke](mailto:ena@parliament.go.ke); to be received **on or before Thursday, 26<sup>th</sup> October, 2023 by 5.00 p.m.**

**IT IS FURTHER NOTIFIED THAT the nominee is required to—**

1. appear for the approval hearing with his original identity card, academic and professional certificates and other relevant testimonials; and
2. obtain letters/certificates of compliance from the following institutions—
  - a. **Ethics and Anti-Corruption Commission;**
  - b. **Kenya Revenue Authority;**
  - c. **Higher Education Loans Board;**
  - d. **Directorate of Criminal Investigations; and,**
  - e. **Office of the Registrar of Political Parties.**

S. NJOROGE  
**CLERK OF THE NATIONAL ASSEMBLY**

18<sup>th</sup> October, 2023

*For the Welfare of Society and the just Government of the People*

# APPENDIX 4



THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK

P. O. Box 41842-00100  
Nairobi, Kenya  
Main Parliament Buildings

Telephone: +254202848000 ext. 3300  
Email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)  
[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote

REF: NA/DAA&OSC/NG-CDF/2023/(40)

18<sup>th</sup> October, 2023

**Hon. Gabriel Kago Mukuha**  
**P.O BOX 1816-00200**  
**NAIROBI**

Dear Sir,

**RE: INVITATION FOR VETTING BY THE COMMITTEE ON NATIONAL  
GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND**

Following your nomination for appointment as a Board Member of the National Government Constituencies Development Fund, the Committee on National Government Constituencies Development Fund of the National Assembly hereby invites you for vetting pursuant to Section 6 (3) of the Public Appointments (Parliamentary Approval) Act 2011 on **Tuesday, 31<sup>st</sup> October, 2023 at 10:00 a.m** in the **Mini Chamber, 1<sup>st</sup> Floor County Hall, Parliament Buildings.**

In this regard, you are required to fill in the attached questionnaire and return it on or before **Thursday, 26<sup>th</sup> October, 2023 at 5:00 p.m.**

During the vetting, you will be required to bring originals of your national identity card, academic and Professional certificates and any other relevant testimonials. Kindly also bring letters/certificates of clearance from the following institutions-

1. Ethics and Anti-Corruption Commission;
2. Kenya Revenue Authority (Tax Compliance Certificate);
3. Higher Education Loans Board;
4. Directorate of Criminal Investigation; and
5. Office of the Registrar of Political Parties.



The officer responsible for facilitating this matter is Mr. Erick Nyambati, who may be contacted on 0724066202 or email: [nyambati08@gmail.com](mailto:nyambati08@gmail.com).

Yours sincerely,



SERAH M. KIOKO, MBS

For: CLERK OF THE NATIONAL ASSEMBLY

SCHEDULE  
[Section 6(8).]

**CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR  
APPOINTMENT TO PUBLIC OFFICE BY PARLIAMENT  
QUESTIONNAIRE**

Notes:

- a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where parliamentary approval is required.
- b) The questionnaire shall be used by the relevant parliamentary committee to vet a nominee appearing before the committee in the process of parliamentary approval.
- c) The questionnaire shall be filled and submitted by the nominee to the relevant parliamentary committee through the Clerk of the relevant House of Parliament on or before a date set by the committee.
- d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- e) Any form of canvassing by a nominee shall lead to disqualification.
- f) The nominee must answer all the questions.

1. Name: (State full name)..... GABRIEL KAGO MUKUHA
2. Position: (State office to which you have been nominated).  
BOARD OF DIRECTOR NGCSF
3. Sex: ..... MALE
4. Date of Birth: (State year and place of birth)..... 02/09/~~2002~~ 1975
5. Marital Status: ..... MARRIED
6. Daytime phone number: ..... 0722 806033
7. Mobile phone number: ..... 0722 806033
8. Email Address: ..... gabsmukuha@gmail.com
9. ID Number: ..... 13843754
10. PIN Number: ..... A003977013X

11. Nationality: KENYAN
12. Postal Address: 2128 KIAMBU
13. Town/City: KIAMBU
14. Knowledge of Languages: (Specify Languages): KIKUYU ENGLISH SWAHILI
15. Education: (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).

- 1) THE PRESBYTERIAN UNIVERSITY OF EAST AFRICA - JULY 2010 TO SEPTEMBER 2013  
ATTAINED BACHELOR OF BUSINESS ADMINISTRATION SECOND CLASS HONOURS
- 2) KILIFI INSTITUTE OF AGRICULTURE/PWANI UNIVERSITY  
CERTIFICATE IN GENERAL AGRICULTURE  
1996 TO 1998

**Employment Record:** (List in reverse chronological order all government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant).

- 1) MEMBER OF PARLIAMENT - GITHUNGURI  
CONSTITUENCY 12<sup>th</sup> PARLIAMENT 2017-2022
- 2) EMGAB DAIRIES - SOLE PROPRIETOR  
POULTRY AND DAIRY FARMING LTD
- 3) HIGH SCHOOL TEACHER, GITWE  
GIRLS HIGH SCHOOL

16. Honours and Awards: (List any scholarships, fellowships, honorary degrees, academic or professional honours, honorary society memberships, military awards and any other special recognition for outstanding service or achievement and in respect of each, state the date of award and the institution or organization that made the award).

- 1) HONORARY CITIZENSHIP - HONORARY NEBRASKA  
CITIZEN UNITED STATES OF AMERICA
- 2) CERTIFICATES OF MERIT IN PERFORMANCE GITWE GIRLS  
HIGH SCHOOL
- 3) AWARDS OF ATTENDING GARSON STATE DAIRY NEW JERSEY  
USA

.....  
.....  
17. **Professional Association** (where applicable): (List all professional associations of which you are or have a member and give any positions held and the respective dates when each such position was held).

N/A

18. **Memberships:** (List all professional, business, fraternal, scholarly, civic, charitable or other organizations, (other than those listed in response to Question 16) to which you belong or have belonged).

WALYBIA FOUNDATION - CHAIRPERSON

19. **Published Writings:**

(a) List the titles, publishers and dates of books, articles, reports, letters to the editor, editorial pieces or other published materials you have authored or edited.

N/A

(b) Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of any bar association, committee, conference or organization of which you were a member.

20. **Public Office, Political Activities and Affiliations:**

(a) List chronologically any public offices you have held or are currently holding, including the terms of service and whether such positions were elected or appointed.

N/A

(b) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities. Also include any linkage you have to a political party at present.

- 1) CAMPAIGNED FOR GITHUNGURI PARLIAMENTARY SEAT IN 2017 AND WON
- 2) CAMPAIGNED FOR GITHUNGURI PARLIAMENTARY SEAT IN 2022 AND LOST

(c) Have you ever been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution?

N/A

(d) Have you ever been adversely associated with practices that depict bias, favouritism or nepotism in the discharge of public duties?

N/A

21. **Deferred Income/Future Benefits:** (List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, etc).

N/A

22. **Outside commitment during service in office:** (Do you have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office? If so explain).

.....  
NO SUCH PLANS  
.....

23. **Sources of Income:** (List sources and mounts of all income received during the calendar year preceding your nomination and in the current calendar year).

.....  
1) RENTAL HOUSE - 280,000 £  
2) DAIRY FARM - 120,000 £  
.....

24. **Tax Status:** (State whether you have fully complied with your tax obligations to the State up to the end of the financial year immediately preceding the nomination for appointment).

.....  
I AM A TAX COMPLIANT CITIZEN  
.....  
.....

25. **Statement of Net Worth:** (State your financial net worth)

.....  
~~100,000,000 £~~ ONE HUNDRED MILLION  
100,000,000 £  
.....

26. **Potential Conflict of Interest:**

(a) Identify the family members or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to rise.

.....  
N/A  
.....  
.....

(b) Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

.....  
TO ALWAYS DECLARING ANY PERSONAL  
INTEREST AND OPT NOT TO PARTICIPATE  
.....

27. **Pro-Bono/Charity Work/donation to charity:** (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed and the amount of time devoted to each).

# APPENDIX 5



**THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK**

P. O. Box 41842-00100  
Nairobi, Kenya  
Main Parliament Buildings

Telephone: +254202848000 ext. 3300  
Email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)  
[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote  
REF: NA/DAA&OSC/NG-CDF/2023/(42)

18<sup>th</sup> October, 2023

**Mr. Twalib Mbarak, CBS**  
Chief Executive Officer  
Ethics and Anti-Corruption Commission  
P.O. Box 61130-00200  
**NAIROBI**

Dear Sir,

**RE: APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD  
MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND**

The National Assembly is in receipt of letter Ref.No. TNTP/SDP/4/52/(39) dated 12<sup>th</sup> October, 2023 from the Cabinet Secretary, the National Treasury and Economic Planning communicating the nomination of **Hon Gabriel Kago Mukuha of ID. No. 13843754**, as a Member of the Board of the National Government Constituencies Development Fund.

The name has been committed to the Committee on National Government Constituencies Development Fund for consideration and reporting to the House in line with Sections 15(4) and 50(d) of the NG-CDF Act, 2015.

The Committee is required to vet the nominee for appointment in accordance with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

Further, the Committee is mandated to consider whether the nominee meets constitutional and statutory requirements relating to the office in question as provided for under Section 7(b) of the Public Appointments (Parliamentary Approval) Act, 2011.

The purpose of this letter is to request you to provide any report touching on the integrity of the nominee as set out in Chapter Six of the Constitution that may be in the possession of the Commission.



The information should reach the Office of the Clerk of the National Assembly, on or before Thursday, 26<sup>th</sup> October, 2023. A soft copy of the report may be emailed to [cna@parliament.go.ke](mailto:cna@parliament.go.ke)

The officer responsible for facilitating this matter is Mr. Erick Nyambati, Committee Clerk who may be contacted on 0724066202 or email: [nyambati08@gmail.com](mailto:nyambati08@gmail.com)

Yours sincerely,



SERAH M. KIOKO, MBS

For: CLERK OF THE NATIONAL ASSEMBLY



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OFFICE OF THE CLERK**

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When replying, please quote  
REF: NA/DAA&OSC/NG-CDF/2023/(41)

18<sup>th</sup> October, 2023

**Mr. Amin Mohamed Ibrahim**  
The Director, Directorate of Criminal Investigations (D.C.I)  
P.O. Box 30036-00100  
**NAIROBI**

Dear Sir,

**RE: APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD  
MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND**

The National Assembly is in receipt of letter Ref.No. TNTP/SDP/4/52/(39) dated 12<sup>th</sup> October, 2023 from the Cabinet Secretary, the National Treasury and Economic Planning communicating the nomination of **Hon Gabriel Kago Mukuha** of ID. No. 13843754, as a Member of the Board of the National Government Constituencies Development Fund.

The name has been committed to the Committee on National Government Constituencies Development Fund for consideration and reporting to the House in line with Sections 15(4) and 50(d) of the NG-CDF Act, 2015.

The Committee is required to vet the nominee for appointment in accordance with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

Further, the Committee is mandated to consider whether the nominee meets constitutional and statutory requirements relating to the office in question as provided for under Section 7(b) of the Public Appointments (Parliamentary Approval) Act, 2011.

In this regard, the Committee requests that you provide information on whether the nominee has been adversely mentioned in any investigations undertaken by the D.C.I. The information should reach the Office of the Clerk of the National Assembly on or before **Thursday, 26<sup>th</sup> October, 2023**. A soft copy of the report may be emailed to [cna@parliament.go.ke](mailto:cna@parliament.go.ke).

The officer responsible for facilitating this matter is **Mr. Erick Nyambati**, who may be contacted on 0724066202 or email [nyambati08@gmail.com](mailto:nyambati08@gmail.com).

Yours sincerely,



**SERAH M. KIOKO, MBS**

**FOR: CLERK OF THE NATIONAL ASSEMBLY**



**THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK**

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When replying, please quote

**REF: NA/DAA&OSC/NG-CDF/2023/(43 )**

**19<sup>th</sup> October, 2023**

**Mr. Humphrey Wattanga Mulongo**

Commissioner General  
Kenya Revenue Authority

**NAIROBI**

Dear Sir,

**RE: APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD  
MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND**

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Further, the Committee is mandated to consider whether the nominee meets constitutional and statutory requirements relating to the office in question as provided for under Section 7(b) of the Public Appointments (Parliamentary Approval) Act, 2011.

The purpose of this letter is to request you to provide a report on tax compliance of the nominee. The information should reach the Office of the Clerk of the National Assembly, on or before **Thursday, 26<sup>th</sup> October, 2023**. A soft copy of the report may be emailed to [cna@parliament.go.ke](mailto:cna@parliament.go.ke).

The officer responsible for facilitating this matter is **Mr. Erick Nyambati**, Committee Clerk who may be contacted on **0724066202** or email: [nyambati08@gmail.com](mailto:nyambati08@gmail.com).

Yours sincerely,



**SERAH M. KIOKO, MBS**

**For: CLERK OF THE NATIONAL ASSEMBLY**



**THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK**

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[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

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When replying, please quote

**REF: NA/DAA&OSC/NG-CDF/2023/(43 )**

**19<sup>th</sup> October, 2023**

**Mr. Humphrey Wattanga Mulongo**

Commissioner General  
Kenya Revenue Authority

**NAIROBI**

Dear Sir,

**RE: APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD  
MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND**

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The name has been committed to the Committee on National Government Constituencies Development Fund for consideration and reporting to the House in line with Sections 15(4) and 50(d) of the NG-CDF Act, 2015.

The Committee is required to vet the nominee for appointment in accordance with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

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The officer responsible for facilitating this matter is **Mr. Erick Nyambati**, Committee Clerk who may be contacted on **0724066202** or email: [nyambati08@gmail.com](mailto:nyambati08@gmail.com).

Yours sincerely,



**SERAH M. KIOKO, MBS**

**For: CLERK OF THE NATIONAL ASSEMBLY**



THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK

P. O. Box 41842-00100  
Nairobi, Kenya  
Main Parliament Buildings

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[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote  
REF: NA/DAA&OSC/NG-CDF/2023/(45)

18<sup>th</sup> October, 2023

Ms. Anne N. Nderitu, MBS  
Registrar  
Office of the Registrar of Political Parties  
Lions Place, Waiyaki Way  
P.O. Box 1131-00600  
**NAIROBI**

Dear *Madam*,

**RE: APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD  
MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND**

The National Assembly is in receipt of nomination of Hon Gabriel Kago Mukuha of ID.No. 13843754 as a Member of the Board of the National Government Constituencies Development Fund.

The name has been committed to the Committee on National Government Constituencies Development Fund for consideration and reporting to the House in line with Sections 15(4) and 50(d) of the NG-CDF Act, 2015.

The Committee is required to vet the nominee for appointment in accordance with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

Further, the Committee is mandated to consider whether the nominee meets Constitutional and Statutory requirements relating to the office in question as provided under Section 7(b) of the Public Appointments (Parliamentary Approval) Act, 2011.

The purpose of this letter is to request you to provide information on whether the nominee holds an office in a political party in Kenya.



The information should reach the Office of the Clerk of the National Assembly, on or before Thursday, 26<sup>th</sup> October, 2023. A soft copy of the report may be emailed to [cna@parliament.go.ke](mailto:cna@parliament.go.ke).

The officer responsible for facilitating this matter is Mr. Erick Nyambati, Committee Clerk who may be contacted on 0724066202 or email: [nyambati08@gmail.com](mailto:nyambati08@gmail.com).

Yours sincerely,



SERAH M. KIOKO, MBS

For: CLERK OF THE NATIONAL ASSEMBLY

# NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL" Nairobi  
Email: [director@cid.go.ke](mailto:director@cid.go.ke)  
Tel: 02034331, 0202603724.



MAZINGIRA HOUSE  
KIAMBU ROAD  
P.O. Box 30036-00100,  
NAIROBI.

(i) DAN  
26/10/23

## DIRECTORATE OF CRIMINAL INVESTIGATIONS

DCI/CRO/SEC/6/7/2/A/VOL.XIII/110

(ii) ERICK 25<sup>th</sup> October 2023

The Clerk of the National Assembly  
Main Parliament Buildings,  
P. O. Box 41842-00100,  
**NAIROBI**

PLEASE  
CLEAR  
FOR  
26/10/23

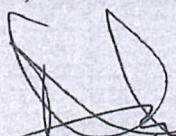
### APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND

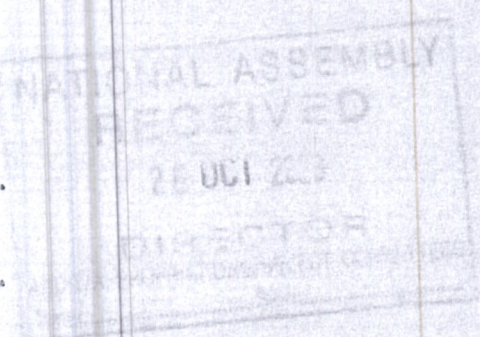
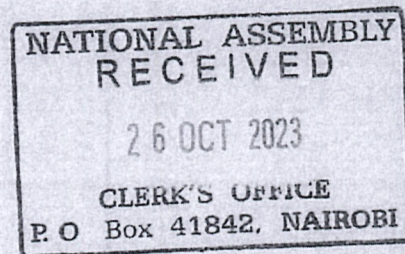
Reference is made to your letter NA/DAN/OSC/NG-CDF/2023/(41) dated 18<sup>th</sup> October 2023 on the above subject.

We write to confirm that the below named person applied for police clearance certificate and was genuinely issued.

S/NO.	NAME	ID/NO.	DCI REF. NO.	DATE OF ISSUE
1.	Hon. Gabriel Kago Mukuha	13843754	PCC-J5TMJK75	01/04/2022

It is deemed that as at the date of issuance of the police clearance certificate to the applicant, there were negative results from both our nominal index and criminal database.

  
N. Ireri Kamwende, MBS, 'ndc' (K)  
For: **DIRECTOR OF CRIMINAL INVESTIGATIONS**



(ii) 1. Erick  
Please do  
AAA  
30/10/23



(i) DAA OSC  
27/10

**ETHICS AND ANTI-CORRUPTION COMMISSION**

**INTEGRITY CENTRE** (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya  
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000  
FAX: 254 (020) 2240954 EMAIL: [eaacc@integrity.go.ke](mailto:eaacc@integrity.go.ke) WEBSITE: [www.eacc.go.ke](http://www.eacc.go.ke)

When replying please quote:

**Our Ref: EACC.7/10/5 VOL XXV (211)**



**26<sup>th</sup> October 2023**

**Mr. Samuel J. Njoroge**  
Clerk of the National Assembly  
Clerk's Chambers  
Main Parliament Buildings  
P O Box 41842 - 00100  
**NAIROBI**

Dear Mr. Njoroge,

**RE: APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND**

Your letter referenced NA/DAA&OSC/NG-CD/2023/(42) dated 18<sup>th</sup> October 2023, on the above subject matter refers.

Please note that the Commission has not undertaken any investigations pursuant to its mandate nor has it recommended prosecution against Hon. **Galriel Kago Mukuha** of ID No. **13843754**.

The information provided herein is based on records available as of **26<sup>th</sup> October 2023**.

Yours Sincerely

**Abdi A. Mohamud, MBS**  
**Deputy Chief Executive Officer**  
**FOR: SECRETARY/CHIEF EXECUTIVE OFFICE**  
LK/R

**NATIONAL ASSEMBLY  
RECEIVED**  
27 OCT 2023  
CLERK'S OFFICE  
P.O. Box 41842, NAIROBI



**KENYA REVENUE AUTHORITY**

ISO 9001:2015 CERTIFIED

**Office of the Commissioner General**

(ii) ERICK  
Please  
deal  
FAA

06/11/23

KRA/5/1002/5(9869)

25<sup>th</sup> October 2023

(i) D/AASC  
Please deal  
02/11/23

(iii) I. ENYON  
2. 20/11/23

Please  
note

FAA  
06/11/23

Mr. Samuel Njoroge  
Clerk of the National Assembly  
P. O. Box 41842 - 00100  
Parliament Buildings  
**Nairobi**

Dear Clerk,

**APPROVAL HEARING ON NOMINEE FOR APPOINTMENT AS A BOARD MEMBER OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND**

Reference is made to your letter Ref: NA/DA&OSC/NG-CDF/2023/(43) dated 19<sup>th</sup> October 2023 in respect to the above subject.

The tax compliance status for clearance of Hon. Gabriel Kago Mukuha shortlisted for the position of Board Member of the National Government Constituencies Development Fund is as follows:

No.	Name	ID/ Passport Number	Pin Number	Compliance Status
1.	Gabriel Kago Mukuha	13843754	A003977013X	Compliant

Yours sincerely,

**Humphrey Wattanga**  
**COMMISSIONER GENERAL**

NATIONAL ASSEMBLY  
RECEIVED  
01 NOV 2023  
DEPUTY CLERK S. KIOKO  
P. O. Box 41842-00100, NAIROBI

NATIONAL ASSEMBLY  
RECEIVED  
01 NOV 2023  
CLERK'S OFFICE  
P. O. Box 41842, NAIROBI