

Approved for tabling in the House.

REPUBLIC OF KENYA

But SNA  
8/6/2022



THE NATIONAL ASSEMBLY



12<sup>TH</sup> PARLIAMENT – SIXTH SESSION - 2022

REPORT OF THE SELECT COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

ON

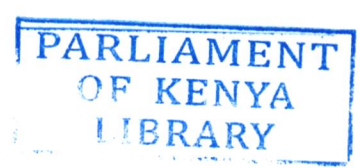
INSPECTION VISIT TO CONSTITUENCY/COUNTY OFFICES IN UASIN GISHU AND NANDI COUNTIES

FROM 25<sup>TH</sup> TO 28<sup>TH</sup> APRIL 2022

|                             |   |
|-----------------------------|---|
| THE NATIONAL ASSEMBLY       |   |
| DATE: 08 JUN 2022 Wednesday |   |
| TABLED BY:                  | Chair Person, Committee Members Services & Facilities |
| CLERK AT THE TABLE:         | Mwina W. MW   |

DIRECTORATE OF AUDIT, APPROPRIATIONS AND OTHER SELECT COMMITTEES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

JUNE, 2022



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## **FOREWORD**

The Parliamentary Service Commission is established under Article 127 of the Constitution of Kenya (2010). The Article confers on the Commission the responsibility of providing services and facilities to ensure efficient and effective functioning of Parliament. Further, Article 127(6) (e) (I) bestows upon the Commission the duty of carrying out activities that are necessary for the well-being of the Members and Staff of Parliament both in the capital city and at constituency offices.

It is against this backdrop that the National Assembly Standing Order No. 212B established the Select Committee on Members' Services and Facilities which is charged with the mandate of receiving and considering the views of Members of the National Assembly on the services and facilities provided to them by the Commission for their benefit and well-being. The Committee is also charged with advising and reporting on all matters connected to these services and facilities.

On its own motion, during its 6th sitting held on Thursday, 31st March, 2022, the Committee resolved to undertake inspection visits to selected Constituencies in the Counties of Uasin-Gishu and Nandi. The visit took place from 25<sup>th</sup> to 28<sup>th</sup> April, 2022. The objective of the inspection visit was to establish the status of quality of services and facilities extended by the Commission to serving Members of Parliament and by extension, the constituents of the respective counties. This report is therefore a summary of the findings of the inspection tour and recommendations for improvement of service delivery.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and writing of this report. The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support provided. It is indeed, my pleasant duty and privilege, on behalf of the Select Committee on Members' Services and Facilities, to present this Report to the House for consideration.

The Hon. Christopher Aseka, MP

**Chairperson, Select Committee on Members' Services and Facilities**



## **1.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

The Select Committee on Members' Services and Facilities is established under the National Assembly Standing Order No. 212B and charged with the mandate of receiving and considering the views of Members of the National Assembly on the services and facilities provided to them by the Commission.

The Committee is also charged with advising and reporting on all matters connected to these services and facilities. It is therefore the forum through which the Members of the National Assembly channel their views regarding their welfare to the Commission.

### **1.1 COMMITTEE MEMBERSHIP**

The Select Committee on Members' Services and Facilities was constituted by the House on Thursday, December 14, 2017, reconstituted on February 21, 2018 and further re-constituted on February 2022. Currently, the Committee comprises the following Members:

|                         |   |
|-------------------------|---|
| <b>Chairperson:</b>     | The Hon Christopher Wangaya Aseka, MP   |
| <b>Vice Chairperson</b> | The Hon. (Eng.) Thuddeus K. Nzambia MP  |
| <b>Members:</b>         | The Hon. Samuel Moroto Chumel, MP       |
|                         | The Hon. Kimani Ichung'wa, CBS, MP      |
|                         | The Hon. Beatrice Nkatha, MP            |
|                         | The Hon. Charity Kathambi Chepkwony, MP |
|                         | The Hon. Elisha Odhiambo, MP            |
|                         | The Hon. Elsie Muhanda, MP              |
|                         | The Hon. Rehema Hassan, MP              |
|                         | The Hon. Rigathi Gachagua, MP           |
|                         | The Hon. Walter Owino, MP               |
|                         | The Hon. Generali Nixon Korir, M.P.     |
|                         | The Hon. Bernard Otieno, MP             |



## 1.2 COMMITTEE SECRETARIAT

Ms. Wanjiru Mwaura  
Principal Clerk Assistant II  
**Head of Secretariat**

Ms. Sylvia Ocharo Mutabari -  
**Hansard Reporter/Clerk Assistant III**

Dr. Kefa Omoti Misuko  
**Principal Research Officer**

Ms. Emma Essendi -  
**Legal Counsel I**

Ms. Winnie Kiziah  
**Media Relations Officer**

Ms. Zainabu Wario  
**Serjeant-At-Arms**

## 2.0 BACKGROUND

1. The Parliamentary Service Commission is established under Article 127 of the Constitution. Article 127(6) (a) confers on the Commission the responsibility of providing services and facilities to ensure the efficient and effective functioning of Parliament. Article 127(6) (e) (I) of the Constitution further bestows upon the Commission the constitutional duty of performing functions that are necessary for the well-being of the Members and Staff of Parliament.
2. Parliament has a wide range of Members' facilities including but not limited to: buildings, parking bays, gymnasium, office equipment (such as computers and photocopying facilities), office furniture and fittings, committee rooms; and mortgage and car loan facilities. Pursuant to the provisions of Article 127 of the Constitution, the Commission extends an array of services to Members such as cleaning services, telephone services, printing services, medical services, catering services, security services, information services, library services and catering services. The Commission is mandated to ensure that these services and facilities are extended.
3. The National Assembly Standing Order No. 212B establishes the Select Committee on Members' Services and Facilities which is charged with the responsibility of receiving and considering the views of Members of the National Assembly on the services and facilities provided to them by the Commission for their benefit and well-being. The Committee is also charged with advising and reporting on all matters connected to these services and facilities. The Committee is therefore the forum through which the Members of the National Assembly channel views regarding their welfare to the Commission.
4. The main reason for the establishment of the Committee in the National Assembly was to allow for a mechanism for handling matters which were otherwise handled informally under the *Speaker's Kamukunji*. This therefore, formalizes deliberations on matters of interest to Members and provides a channel through which the issues can find their way to the House by way of a Report.
5. At its 6th sitting held on Thursday, 31st March, 2022, the Committee resolved to undertake an inspection visit to selected Constituencies in the Counties of Uasin-Gishu and Nandi to assess and

collect views on the quality of services and facilities extended by the Commission and propose recommendations for areas of improvement, if any.

6. Specifically, the Constituency and county engagement activity were aimed at the following objectives:

- i) To assess the quality of office infrastructure;
- ii) To determine adherence to staff support programs such as the National Hospital Insurance Fund (NHIF), National Social Services Fund (NSSF) and tax compliance;
- iii) To determine challenges experienced by staff while undertaking their roles in the said offices; and
- iv) To provide an opportunity for the staff to apprise the Committee on solutions that should be provided by the Parliamentary Service Commission for effective and efficient service delivery to members.

7. This report highlights the scenarios in the county/constituency offices of Members visited in terms of the staff establishment, the challenges faced in running the said offices and ultimately the recommendations to address the challenges noted.

8. The constituency offices visited include:

1. Office of the Member of Parliament for Moiben Constituency – Uasin Gishu County
2. Office of the Member of Parliament for Kesses Constituency – Uasin Gishu County
3. Office of the County Woman Member of Parliament for Uasin Gishu County
4. Office of the Member of Parliament for Nandi Hills Constituency
5. Office of the County Woman Member of Parliament for Nandi County



### **3.0 INSPECTION VISIT TO CONSTITUENCY AND COUNTY OFFICES IN TO COUNTY OF UASIN-GISHU**

9. The Committee visited the County of Uasin Gishu on 26<sup>th</sup> of April 2022. The inspection visit commenced with courtesy calls to the Offices of the County Commissioner, Mr. Stephen Kihara and the County Deputy Governor Mr. Daniel Chemno both of whom apprised the Committee on the state of affairs in the region. The delegation comprised of:

1. The Hon Christopher Wangaya Aseka, MP - Chairperson
2. The Hon. Samuel Moroto Chumel, MP
3. The Hon. Beatrice Nkatha, MP
4. The Hon. Charity Kathambi Chepkwony, MP
5. The Hon. Elsie Muhanda, MP
6. The Hon. Bernard Otieno, MP
7. Mr. Benjamin Magut- Senior Clerk Assistant
8. Ms. Sylvia Ocharo- Hansard Reporter/ Delegation Secretary
9. Dr. Kefa Omoti- Principal Research Officer
10. Ms. Winfred Kiziah- Media Relations Officer
11. Ms. Zainab Wario- Sergeant At Arms

#### **3.1 Remarks by the Chairperson**

During the visit, the Chairperson stated that:

1. The Select Committee on Members' Services and Facilities is established under the National Assembly Standing Orders and is mandated with the responsibility of receiving and reviewing the concerns of Members with regard to services and facilities availed by the Parliamentary Service Commission (PSC) for their benefit and well-being.
2. The Committee oversees the facilities available to Members including but not limited to, parliament buildings, the health club at parliament, the constituency and county offices for members of the National Assembly, the quality and quantity of catering services in parliament,

works proactively to ensure upcoming buildings cater for members' needs and meet their expectations.

3. The Committee also oversees the operations of the Parliamentary Service Commission, being the entity tasked by the constitution - Article 127 (6) (a) - to provide services and facilities to ensure the efficient and effective functioning of parliament.
4. The Committee also ensures that the emoluments of Members and their staff, both in the Nairobi and constituency offices are processed on time.
5. The Committee uses the following methodologies in execution of its mandate:
  - a) Benchmarking to establish new ideas and practices
  - b) Inspection visits to constituency and county offices for members
  - c) Direct contact with members of parliament to receive their concerns and complaints

### **3.2 Remarks by the Deputy Governor, Uasin Gishu**

6. The Deputy Governor, Uasin Gishu County H.E Daniel Chemno stated that:
  - (i) The Governor, Uasin Gishu County, H.E Jackson Mandago was away in Nairobi on official duties. He gave his apologies for not being able to meet the Committee during its visit.
  - (ii) The county government in conjunction with the county assembly was replicating what was happening at the national level with respect to the facilities available to Members of the County Assembly who had both offices at the county headquarters and the ward level.
  - (iii) There was need for all arms of government at both levels of government to work collaboratively to ensure proper and efficient service delivery to Kenyan citizens.
  - (iv) He also noted that it was important for former Members of Parliament to be paid pension at the end of their tenure.

### **3.3 Office of the County Woman Member of Parliament - Uasin Gishu**

7. The delegation visited the Office of the Woman Member of Parliament for Uasin Gishu County, Hon. Gladys Boss Shollei, MP on Tuesday 26<sup>th</sup> April, 2022 at 10.00 am.

### **3.4 Remarks by the Chairperson**

8. The Chairperson briefed the sitting on the mandate of the Committee and the rationale behind the site visits. He then invited the constituency staff to brief the delegation on the staff, facilities and challenges at the office.

### **3.5 Presentation by the Office Manager for the County Woman Member of Parliament for Uasin Gishu County**

9. Members received a briefing by the County Coordinator Ms. Caren Lagat who was accompanied by 6 (six) sub county office managers, as follows-
  - i. Ms. Linda Jepchirchir – Office Manager
  - ii. Ms. Angela Jerono – Turbo Subcounty Office Clerk
  - iii. Mr. Reuben Kurgat – Soy Subcounty Office Clerk
  - iv. Ms. Audrey Chemutai – Moiben Subcounty Office Clerk
  - v. Mr. Benard Sang – Kesses Subcounty Office Clerk
  - vi. Ms. Grace Lebo - Kapsaret Subcounty Office Clerk
10. Members learnt that besides the main office located at the Central business District of Eldoret City, the County Woman Member of Parliament also leased office space in all the 6 sub-county headquarters and had plans to acquire office space at the ward level. She had operationalized offices in every sub county and was funding the same from personal resources. There was need for the Parliamentary Service Commission to consider funding such devolved office structure.
11. Members were informed of the following challenges:
  - a) Delayed salaries for constituency staff occasioned by delayed release of funds by the Parliamentary Service Commission
  - b) Frequent queries and penalties for non-compliance to Kenya Revenue Authority (KRA), National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF) timelines and regulations
  - c) Small office space for Constituency staff because of the fixed constituency allocations
  - d) Low understanding of the role of County Woman member of Parliament as opposed to Members of Parliament who represents Constituencies and have a say in allocation and utilization of National Government Constituency Development Fund (NGCDF)



### **3.6 Moiben Constituency**

12. The delegation visited the Office of the Member of Parliament for Moiben Constituency, Hon. Silas Tiren, MP on Tuesday 26<sup>th</sup> April, 2022 at 11.00 am.

### **3.7 Remarks by the Chairperson**

13. The Chairperson briefed the sitting on the mandate of the Committee and the rationale behind the site visits. He then invited the constituency staff to brief the delegation on the staff, facilities and challenges at the office.
14. Members were received by the Constituency Manager, Mr. David Keino, who was accompanied by the following staff:
- |       |                            |   |                             |
|-------|----------------------------|---|-----------------------------|
| i.    | Mr. David Kiprop Keino     | - | Constituency Office Manager |
| ii.   | Ms. Colletah Chepkosgei    | - | Deputy Constituency Manager |
| iii.  | Mr. Walter Kipkoech Ronoh  | - | Personal Assistant          |
| iv.   | Ms. Caroline Chepngeno     | - | Secretary                   |
| v.    | Mr. Symon Kipruto Sawe     | - | ICT Officer                 |
| vi.   | Mr. Wycliffe N. Nyamoringo | - | Youth Officer               |
| vii.  | Mr. Reuben Kibet Cheboi    | - | Communications Officer      |
| viii. | Ms. Lindah Chepchirchir    | - | Office Assistant            |
15. Members were apprised of the following challenges facing the officers-
- i. Limiting office space;
  - ii. Lack of medical cover for staff members;
  - iii. Mobility challenges for persons with disabilities since the office is located on the 2<sup>nd</sup> floor of a building that has no lifts nor elevators; and
  - iv. Undisposed office stores that take up space for other activities.

### **3.8 Kesses Constituency**

16. The delegation visited the Office of the Member of Parliament for Kesses Constituency, Hon. Dr. Swarup Mishra, MP on Tuesday 26<sup>th</sup> April, 2022 at 12.00 pm.

17. In the Kesses office, the Committee was received by a team of officers led by Mr. Geoffrey Kiptanui the Personal Assistant to the Hon. Dr. Swarup Mishra, MP. He was accompanied by the following staff –

- |       |                     |   |                      |
|-------|---------------------|---|----------------------|
| i.    | Mr. Willam Talam    | – | Constituency Manager |
| ii.   | Mr. Boaz Busienie   | - | County Coordinator   |
| iii.  | Mr. James Njoroge   | – | Assistant Manager    |
| iv.   | Mr. Joseph Keino    | - | Clerk                |
| v.    | Ms. Faith Chepkorir | - | Secretary            |
| vi.   | Ms. Peris Kemboi    | - | Secretary            |
| vii.  | Mr. Victor Rop      | - | Driver               |
| viii. | Mr. Issac Kurgat    | - | Driver               |
| ix.   | Mr. Michael Saillel | - | Security             |
| x.    | Mr. Edwin Biwott    | - | Security             |
| xi.   | Ms. Mary Kioko      | - | Messenger            |

### **3.9 Remarks by the Chairperson**

18. The Chairperson briefed the sitting on the mandate of the Committee and the rationale behind the site visits. He then invited the constituency staff to brief the delegation on the staff, facilities and challenges at the office.

19. The team informed Members of challenges such as:

- i. Delays in funds disbursement from treasury which led to penalties by KRA, NSSF and NHIF;
- ii. Too much paperwork required which led to possibilities of error and further delay of funds release to the Constituency Office;
- iii. Unpaid leave allowance for some members of staff for a period of 2 year; and
- iv. Minimal/negligible annual salary increments for employees.

#### **4.0 INSPECTION VISIT TO COUNTY OF NANDI**

20. The Committee visited the County of Nandi on 27<sup>th</sup> of April 2022. The inspection visit commenced with courtesy calls to the Offices of the County Commissioner, Mr. Herman Shambi and the County Deputy Governor Dr. Yulita Cheruiyot both of whom apprised the Committee on the state of affairs in the region and that Nandi is the source of Champions.

##### **4.1 Remarks by the Deputy Governor, Nandi**

21. The Deputy Governor, Nandi County H.E Dr. Yulita Cheruiyot informed the Delegation that the Governor, Nandi County, H.E Stephen Sang was away on official duty. She gave his apologies for not being able to meet the Committee during its visit. In his remarks he stated as follows:

- (i) The county government in conjunction with the county assembly was replicating what was happening at the national level with respect to the facilities available to Members of the County Assembly who had both offices at the county headquarters and at the ward level.
- (ii) There was need for all arms of government at both levels of government to work collaboratively to ensure proper and efficient service delivery to Kenyan citizens.

##### **4.2 Nandi County**

22. The scheduled visits to the following offices did not materialize due to the unavailability of the Member of Nandi Hills Constituency and County Woman Member of Parliament as they were engaged in the party primaries for the August 2022 general elections:



## 5.0 GENERAL OBSERVATIONS

23. The Committee considered the discussion held during the inspection visits to Uasin Gishu and Nandi County and arising from the deliberations, the Committee made the following observations:

- (i) There was need to design a mechanism that shall ensure the salaries and other emoluments of the staff in the county/constituency offices of members are disbursed on time.
- (ii) There was need to enhance the emoluments of the staff working at the county/constituency offices in order to cushion the staff from the ever-escalating cost of living and to motivate them.
- (iii) Based on Members engagement with the Staff at constituency offices it was noted that there was need for training to enhance their skills and competencies.
- (iv) There was need to equip the county/constituency offices of members with state-of-the art ICT equipment like computers, scanners and internet connectivity in order to enhance the effectiveness of the staff and members in discharge of their mandate. The allocation should be made available immediately the term of Parliament commences and should also be enhanced .
- (v) A number of constituency offices are poorly accommodated in buildings that are not accessible to people living with disabilities.
- (vi) Some Constituency offices continue to house obsolete office furniture and equipment awaiting completion of disposal procedures
- (vii) There is low level of awareness among members of the public and constituencies Staff on the various roles of Members of Parliament in accordance with Article 94 of the Constitution of Kenya.
- (viii) Because of the penalties imposed by KRA, NHIF and NSSF due to late submission of documents and statutory returns, a number of Constituency offices are in debt and cannot therefore obtain certificates of compliance from the concerned institutions.

## 6.0 GENERAL RECOMMENDATIONS

24. The Committee made the following recommendations to the House:

- (i) The PSC should urgently engage the National Treasury to come up with a mechanism that shall ensure the salaries and other emoluments of the staff in the county/constituency offices of members are disbursed on time. This will ensure that the low staff morale is addressed and also avoid the unnecessary penalties on staff due to late submission of statutory deductions like NSSF and NHIF.
- (ii) The emoluments of the staff working at the county/constituency offices should be enhanced by the PSC to cushion the staff from the ever-escalating cost of living and to motivate them adequately.
- (iii) The PSC should direct the Centre for Parliamentary Studies and Training to develop a curriculum for Continuous training and capacity building for staff of Constituency offices of Members. The training of staff should be conducted within three months of reconstituting the 13<sup>th</sup> Parliament.
- (iv) The PSC should equip the county/constituency offices of members with the state of the art ICT equipment like computers, scanners and internet connectivity to enhance the effectiveness of the staff and members in the discharge of their mandate.
- (v) The PSC should develop standard guidelines for leasing office space for Members at the constituency/ county level. This will ensure that the offices are housed in spaces that meet the standards and expectations of a Member of Parliament. The constituency budgetary allocation should also be enhanced to enable the leasing of better office space.
- (vi) PSC should constitute an inspection and disposal committee to develop disposal procedures for the obsolete equipment to free up constituency office spaces.
- (vii) There was a need to mount civic education programmes to create awareness of the roles of Members of Parliament at the county and constituency levels.
- (viii) The PSC should shoulder any penalties accrued due to late disbursements of funds to constituencies.

**THE HON. CHRISTOPHER ASEKA, MP**  
**CHAIRPERSON**

**SELECT COMMITTEE ON MEMBERS' SERVICES AND FACILITIES**

**SIGNATURE:** .....

**DATE** ..... 8/6/22

## **ANNEXTURE**

- 1. Minutes of the 9<sup>th</sup> Sitting**
- 2. Adoption Schedule**



**MINUTES OF THE NINTH SITTING OF THE SELECT COMMITTEE ON MEMBERS' SERVICES AND FACILITIES HELD ON FRIDAY 3<sup>RD</sup> JUNE, 2022 IN SERENA HOTEL, MOMBASA COUNTY AT 10.00 AM.**

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**PRESENT**

1. The Hon. Christopher Wangaya Aseka, MP. - **Chairperson**
2. The Hon. (Eng). Nzambia Thuddeus Kithua, MP. - **Vice Chairperson**
3. The Hon. Benard Otieno Okoth,MP.
4. The Hon. Charity Kathambi Chepkwony, MP.
5. The Hon. Elisha Odhiambo, MP.
6. The Hon. Walter Owino, M.P
7. The Hon. Samwel Moroto Chumel, MP.

**APOLOGIES**

- 1 The Hon. Swarup Ranjan Mishra, MP.
- 2 The Hon. Beatrice Nkatha Nyaga, MP.
- 3 The Hon. Kimani Ichung'wah, MP.
- 4 The Hon. Generali Nixon Kiprotich Korir, M.P.
- 5 The Hon. Rigathi Gachagua,MP.
- 6 The Hon. Ezekiel Machogu Ombaki, MP.
- 7 The Hon. Rehema Hassan, MP.
- 8 The Hon. Generali Nixon Kiprotich Korir, M.P.

**IN ATTENDANCE**

**COMMITTEE SECRETARIAT**

1. Ms.Wanjiru Mwaura - Principal Clerk Assistant II
2. Ms. Sylvia Ocharo-Mutabari - Hansard Reporter III/Committee Clerk
3. Ms. Zainab Wario - Serjeant At Arms

## **AGENDA**

1. Prayers
2. Preliminaries/Introductions/Communication from the Chair
3. Confirmation of the previous minutes
4. Any Other Business
5. Adjournment/ Date of the next meeting

### **MIN. NO. NA/SC-MSF/2022/039: PRELIMINARIES**

The meeting was called to order at 10.05 am and commenced with word of prayer.

### **MIN. NO. NA/SC-MSF/2022/040: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of the minutes of the previous sitting were deferred to a later date.

### **MIN. NO. NA/SC-MSF/2022/041: CONSIDERATION AND ADOPTION OF REPORT OF THE SELECT COMMITTEE ON MEMBERS' SERVICES AND FACILITIES ON INSPECTION VISIT TO CONSTITUENCY/COUNTY OFFICES IN UASIN GISHU AND NANDI COUNTIES FROM 25<sup>TH</sup> TO 28<sup>TH</sup> APRIL 2022**

Members were taken through the Report on Inspection Visit to Constituency/County Offices in Uasin Gishu and Nandi Counties by the secretariat. The Members deliberated on the Report and adopted it. It was proposed and seconded by Hon. (Eng). Nzambia Thuddeus Kithua, MP and Hon. Benard Okoth, MP respectively.

### **MIN. NO. NA/SC-MSF/2022/042: CONSIDERATION AND ADOPTION OF LEGACY REPORT FOR THE SELECT COMMITTEE ON MEMBERS' SERVICES AND FACILITIES FOR 12<sup>TH</sup> PARLIAMENT (2017-2022).**

Members were taken through the Legacy Report by the secretariat. The Members deliberated on the Report and adopted it. It was proposed and seconded by Hon. Samwel Moroto Chumel, MP and Hon. Benard Okoth, MP respectively.

### **MIN. NO. NA/SC-MSF/2022/043: ANY OTHER BUSINESS**

The Committee proposed to undertake an inspection visit to the New Office Block on Tuesday June 7, 2022 at 12.00 pm.

**MIN. NO. NA/SC-MSF/2022/044: ADJOURNMENT/ DATE OF NEXT MEETING**

There being no other business, the meeting was adjourned at One O'clock. The next meeting will be held on notice.

**SIGNED**.......... **DATE** ..........

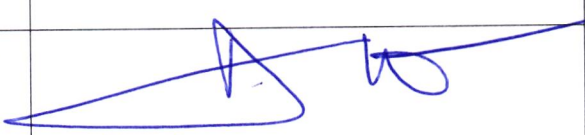

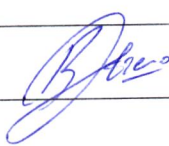

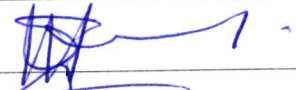
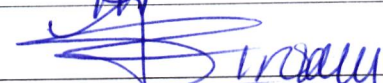
**THE HON. CHRISTOPHER WANGAYA ASEKA, MP.  
(CHAIRPERSON)**

REPUBLIC OF KENYA



**NATIONAL ASSEMBLY**  
**SELECT COMMITTEE ON MEMBERS' SERVICES AND FACILITIES**  
**ADOPTION SCHEDULE**

On this **4<sup>th</sup> day of June 2022**, the Honourable Members of the Select Committee on Members' Services and Facilities do hereby affix their signatures to this Report on the **Inspection Visits of Constituency Offices in Uasin Gishu and Nandi Counties** held from April 25 to 28, 2022 to affirm their adoption for consideration by the House-

|     | <b>MEMBER</b>   | <b>SIGNATURE</b>   |
|-----|---|--|
| 1.  | The Hon. Christopher Wangaya Aseka, MP-<br><b>Chairperson</b>           |    |
| 2.  | The Hon. (Eng). Nzambia Thuddeus Kithua,<br>MP- <b>Vice-Chairperson</b> |    |
| 3.  | The Hon. Ezekiel Machogu Ombaki, M.P.                                   |  |
| 4.  | The Hon. Kimani Ichung'wah, M.P.  |  |
| 5.  | The Hon. Beatrice Nkatha Nyaga, M.P.                                    |  |
| 6.  | The Hon. Benard Otieno Okoth, MP  |  |
| 7.  | The Hon. Charity Kathambi Chepkwony,<br>M.P.                            |  |
| 8.  | The Hon. Swarup Ranjan Mishra, M.P.                                     |  |
| 9.  | The Hon. Elisha Odhiambo, MP  |  |
| 10. | The Hon. Elsie Muhanda, MP  |  |
| 11. | The Hon. Generali Nixon Kiprotich Korir,<br>M.P.                        |  |
| 12. | The Hon. Rehema Hassan, M.P.  |  |
| 13. | The Hon. Rigathi Gachagua, M.P.   |  |
| 14. | The Hon. Samwel Moroto Chumel, M.P.                                     |  |
| 15. | The Hon. Walter Owino, MP   |  |



Approved for tabling in the House.

Blat  
SNA  
8/6/2022.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT-SIXTH SESSION

-----  
SELECT COMMITTEE ON IMPLEMENTATION

EXIT REPORT  
FOR  
12TH PARLIAMENT (2017-2022)

|                       |                                      |
|-----------------------|--------------------------------------|
| THE NATIONAL ASSEMBLY |                                      |
| DATE:                 | 08 JUN 2022 Wed.                     |
| TABLED BY:            | Hon. James Okello, MP<br>Member, COI |
| CLERK AT THE TABLE:   | Miriam W. Mwangi                     |

DIRECTORATE OF AUDIT, COMMITTEES  
CLERK'S CHAMBERS  
NATIONAL ASSEMBLY  
PARLIAMENT BUILDINGS  
NAIROBI

JUNE 2022



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## **CHAIRPERSON'S FOREWORD**

The Select Committee on Implementation scrutinizes resolutions of the House (*including adopted Committee Reports*), petitions, and the undertakings given by the National Executive. It examines whether such decisions and undertakings have been implemented within sixty (60) days provided for in the National Assembly Standing Orders and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay in full implementation provided.

The Committee in the course of achieving its mandate, wrote to the various Ministries, Departments and Agencies requesting for implementation status of resolutions, petitions, and adopted committee reports passed by the House. The Committee held meetings with various stakeholders, received both oral and written submissions. The Committee also carried out field visits to ascertain the progress of implementation of various reports. The Committee's achievements are highlighted in this report.

The Committee registers its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for facilitating the achievement of its mandate and the production of this report.

Pursuant to Standing Order 200 (A) of the National Assembly Standing Orders, it is, therefore, my pleasant duty and privilege, on behalf of the Select Committee on Implementation, to lay this report on the Table of the House.

**Hon. Moitalel Ole Kenta, MP**

## **1.0 PREFACE**

### **1.1 Establishment of Committee**

1. The power of each House of Parliament to establish committees and to make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees is provided under Article 124 of the Constitution of Kenya, 2010.
2. The National Assembly Standing Orders has established various committees of the House with distinct mandates. These Committees under the Directorate of Audit, Appropriations and Other Select Committees play a pivotal role of facilitating the National Assembly fulfill its constitutional mandate of allocation of national revenue, appropriation of funds and oversight over national revenue, expenditure and State organs.
3. The Committee on Implementation is a select committee of the House established pursuant to Standing Order 209 of the National Assembly Standing Orders.

### **1.2 Mandate of the Committee**

4. The Committee is mandated to:
  - (i) Scrutinize the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the National Executive and examine—
    - a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
    - b) whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
  - (ii) The Committee may propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.
  - (iii) The mandate of the Committee is further enhanced by the provisions of Article 153(4) (b) of the Constitution that requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.
  - (iv) In discharge of its mandate, the Committee oversees all arms of Government; the Executive, the Legislature and the Judiciary.



### 1.3 Committee Membership

5. The Committee comprises of the following Members:

#### **Chairperson**

Hon. Moitalel Ole Kenta, MP  
Narok North Constituency

#### **Orange Democratic Movement**

#### **Vice Chairperson**

Hon. Godfrey Osotsi, MP  
Nominated

#### **Amani National Congress**

#### **Members**

Hon. Moses Kuria, MP  
Gatundu South Constituency  
**Jubilee Party**

Hon. Alois Lentoimaga, MP  
Samburu North Constituency  
**Jubilee Party**

Hon. (Dr.) James Murgor, MP  
Keiyo North Constituency  
**Jubilee Party**

Hon. Joash Nyamache Nyamoko MP  
North Mugirang'o Constituency  
**Jubilee Party**

Hon. John Njuguna Wanjiku, MP  
Kiambaa Constituency  
**UDA Party**

Hon. Paul Odalo Abuor, MP  
Rongo Constituency  
**Orange Democratic Movement**

Hon. Hassan Oda Hulufu, MP  
Isiolo North Constituency  
**Kenya Patriots Party**

Hon. Nelson Koech, MP  
Belgut Constituency

Hon. Paul Simba Arati, MP  
Dagoretti North Constituency  
**Orange Democratic Movement**

Hon. Benjamin Dalu Tayari, MP  
Kinango Constituency  
**Orange Democratic Movement**

Hon. Johnson Many Naicca, MP  
Mumias West Constituency  
**Orange Democratic Movement**

Hon. John Muchiri Nyaga, MP  
Manyatta Constituency  
**Jubilee Party**

Hon. Richard Onyonka, MP  
Kitutu Chache South  
Constituency  
**Ford Kenya**

Hon. Feisal Abdallah Bader, MP  
Msambweni Constituency  
**Independent**

Hon. Michael Thoya Kingi, MP  
Magarini Constituency  
**Orange Democratic Movement**

Hon. Gabriel Kago Mukuha, MP  
Githunguri Constituency

**Jubilee Party**

Hon. Joshua Mbithi Mwalyo, MP  
Masinga Constituency

**Wiper Democratic Movement-Kenya**

Hon. Peter Kimari, MP  
Mathioya Constituency

**Jubilee Party**

Hon. Silvanus Osoro, MP  
South Mugirang'o Constituency

**Kenya National Congress**

**Jubilee Party**

Hon. Charles Ngusya Nguna, MP  
Mwingi West Constituency

**Wiper Democratic Movement  
Kenya**

Hon. Jared Okello, MP  
Nyando Constituency

**Orange Democratic Movement**

**6. Changes within the Committee membership during the term: -**

The following were changes in membership during the term:

1. Hon. (Dr.) Daniel Kamuren Tuitoek, MP - Dec 2017- July 2020
2. Hon. Generali Nixon Korir, MP - Dec 2017- July 2020
3. Hon. John Waluke Koyi, MP - Dec 2017- July 2020
4. Hon. George Theuri, MP - Dec 2017- July 2020
5. Hon. Onesmas Kimani Ngunjiri, MP - Dec 2017- July 2020
6. Hon. Francis Munyua Waititu, MP - Dec 2017- Feb 2021  
(Deceased)
7. Hon. Joseph Wathigo Manje, MP - Dec 2017 – Feb 2021
8. Hon. Owen Yaa Baya, MP - Dec 2017- May, 2021
9. Hon. Moses Kairie Kuria, MP - July 2020 to Date
10. Hon. Joash Nyamache Nyamoko, MP - July 2020 to Date
11. Hon. Peter Kiamri Kihara, MP - July 2020 to Date
12. Hon. John Muchiri Nyagah, MP - July 2020 to Date
13. Hon. Gabriel Kago Muguha, MP - July 2020 to Date
14. Hon. Feisal Abdallah Bader, MP - Feb 2021 to Date
15. Hon. Benjamin Dalu Tayari, MP - May 2021 to Date
16. Hon. John Njuguna Wanjiku, MP - October 2021 to Date



#### **1.4 Committee Secretariat**

7. The Secretariat supporting the Committee comprises the following staff:

Ms. Tracy Chebet Koskei  
**Senior Clerk Assistant /Head of the Secretariat**

Mr. Abdirahman Gele Hassan  
**Clerk Assistant II**

Ms. Mercy Wanyonyi  
**Legal Counsel II**

Dr. Donald Manyala  
**Research Officer II**

Ms. Winnie Kizia  
**Media Relations Officer**

Ms. Jane Serem  
**Audio Officer**

Mr. Moses Kariuki  
**Sergeant-at-Arms**

## **BACKGROUND INFORMATION**

### **2.1 Legal framework**

8. Article 93 (1) of the Constitution of Kenya establishes Parliament of Kenya which consists of the National Assembly and the Senate. Further, Article 95 provides for the role of the National Assembly amongst others to:
  - (i) deliberate on and resolve issues of concern to the people;
  - (ii) enact legislations;
  - (iii) determine allocation of national revenue between the two levels of governments; the National government and County governments;
  - (iv) appropriate funds for expenditure by the national government and national State organs;
  - (v) exercise oversight over national revenue and its expenditure;
  - (vi) exercise oversight over State organs; and
  - (vii) review the conduct in the office of the President, Deputy President and other State officers and initiate the process of removal from office.
9. In addition, Article 124 of the Constitution empowers Parliament to establish Committees and to make Standing Orders for orderly conduct of its proceedings including the proceedings of its Committee.
10. The National Assembly Standing Orders has established various Committees of the House with distinct mandates.
11. The Committee on Implementation is a select committee of the House established pursuant to Standing Order 209 of the National Assembly Standing Orders.
12. Article 153(4) (b) of the Constitution which requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.

## 2.0 ACHIEVEMENTS

### 3.1 Committee Sittings

13. In the discharge of its mandate, the Committee held a total of two hundred and forty eight (248) sittings as follows: *(First session 2017)-One (Second session 2018)-82; (Third session 2019)-67; (Fourth session 2020)-35; (Fifth session 2021)-53; (Sixth session 2022)- 10.*

### 3.2 Oversight

14. Oversight of State organs is amongst the roles assigned to the National Assembly under Article 95 of the Constitution. In fulfillment of this role, the Committee considered the following business.

### 3.2 Public Petitions

15. During the 12<sup>th</sup> Parliament, the Committee considered the following Public petitions:

*16.1 Petition by **Kenafri**c Industries Limited on the Implementation of the recommendations in the report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the crisis facing the sugar industry in Kenya.*

- The Departmental Committee on Agriculture, Livestock and Cooperatives in its report adopted in the 11th Parliament on the crisis facing the sugar industry had recommended that the Company's import licence for imported raw sugar be cancelled, without giving the Company an opportunity to be heard. This resulted in the Sugar Directorate delaying the issuance of their import licence for 2018/2019.
- The Speaker ruled it necessary to afford Kenafri Industries Limited, a chance to present its case for reconsideration as well as offer the House an opportunity to remedy a procedural oversight.
- The Committee acted as an appellate forum for Kenafri Industries Limited to present submissions on its petition to be heard as it had been denied the opportunity to make submissions to the Committee on Agriculture, Livestock and Cooperatives in its inquiry as per the Speaker's Communication.
- The Committee tabled its report in October 2018 and recommended that the House reconsiders its resolution made on 24th February 2016 and expunges the name "Kenafri Industries Limited".

*16.2 Petition by **Shree Sai** Industries Limited regarding reconsideration of House resolution regarding implementation status of the Report of the*

*Departmental Committee on Agriculture, Livestock and Cooperatives on the crisis facing the sugar industry in Kenya.*

- a. The National Assembly, on 26<sup>th</sup> February 2016, adopted the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the crisis facing the sugar industry in Kenya.
- b. The report listed Shree Sai Industries Limited as one of the companies that imported sugar into the country during the period 2013/2014, without a permit from the Kenya Sugar Board. Shree Sai Industries Limited alleged that its business was adversely affected since the Kenya Sugar Board declined to renew its sugar importation license owing to the negative mention of the company in the report.
- c. The company petitioned the National Assembly in November 2019, alleging that they had been condemned unheard since they were not given an opportunity to appear before the Committee and respond to charges against them.
- d. The petitioner reiterated that they had imported sugar into the country in 2012 and 2016 only and it was therefore erroneous for it to have been listed among the companies that imported sugar into the country in 2013/2014, without any factual basis.
- e. The Committee observed that the Departmental Committee on Agriculture, Livestock & Cooperatives did not give Shree Sai Industries Limited an opportunity to respond to the charges against them.
- f. Having perused through the report of the Departmental Committee on Agriculture, Livestock & Cooperatives, the Committee on Implementation could not ascertain how and why Shree Sai Industries was listed in the report as one of the entities that imported sugar into the country in 2013/14.
- g. The Committee tabled its report on 5th August 2020, and recommended that the House considers rescinding its resolution and expunging Shree Sai Industries Limited from its records as contained in paragraph 90 (e) of the report of the Departmental Committee on Agriculture, Livestock & Cooperatives on the sugar crisis in the country.



### **3.0 COMMITTEE PERFORMANCE FOR THE PERIOD DEC 2017 – JUNE, 2022**

17. The Committee considered the following House resolutions during the 12<sup>th</sup> Parliament categorized:

***1. First report on the Implementation status of adopted Committee Reports, Petitions, Legislations and House resolutions***

18. The report was tabled on 16th August, 2018 and contained the following reports and House resolutions:

**A. MINISTRY OF WATER AND SANITATION**

- (i) Resolution on the provision of clean and safe water to all public facilities;
- (ii) Petition on the management of Ewaso Nyiro river resources by Water Resources Management Authority;
- (iii) The Hydrologists Act, 2016;
- (iv) The Water Act, 2016.

**B. MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY**

- (i) The resolution to upgrade Kitale Technical Training Institute to Wamalwa Kijana University of Science and Technology;
- (ii) The Kenya Qualification Act, 2013;
- (iii) The Technical and Vocational Education and Training Act, No. 29 of 2013.

**C. MINISTRY OF LABOUR AND SOCIAL PROTECTION**

- (iv) Sessional Paper No. 6 of 2014 on National Children Policy

**D. MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT**

- (i) Resolution for the provision of service lanes
- (ii) Sessional Paper No. 3 of 2017 on Government guarantee in support of restructuring Kenya Airways
- (iii) The Civil Aviation (Amendment) Act, 2016
- (iv) International Interest in Aircraft Equipment Act, 2013
- (v) Bilateral Air services Agreement between Kenya and Ghana, and the Agreement between Kenya and Niger
- (vi) Protocol on development and operation of the Standard Gauge Railway
- (vii) Report of the Public Investments Committee on its inquiry into the procurement and financing of the construction of the Standard Gauge Railway Phase 1 Mombasa – Nairobi

**E. MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER AFFAIRS**

- (i) The Public Service Commission Act, 2017
- (ii) The Public Service (Values and Principles) Act, 2014



- (iii) The Public Service, Superannuation Scheme Act, 2012
- (iv) Petition for reinstatement into the Public Service and payment of Mr. Raphael Kiviti I.D No. 3543931/ Force No. P/N 209190
- (v) Report on the alleged irregularities in the rolling out of the Civil Servants Out-Patient Medical Insurance Scheme

F. THE NATIONAL TREASURY AND PLANNING

- (i) A petition on VAT levied on tips and gratuity in the hospitality industry
- (ii) A petition on waiver of Taxes levied on new material used in the production of sanitary towels
- (iii) Proceeds of Crime and Anti-money Laundering Act, 2017
- (iv) The Insurance Amendment Act, 2017
- (v) The Competition Act, 2016
- (vi) The Banking (Amendment) Act, 2016
- (vii) Public Procurement and Asset Disposal Act, 2015
- (viii) The Excise Duty Act, 2015
- (ix) The Tax Procedures Act, 2015
- (x) The Miscellaneous Fees and Levies Act, 2015
- (xi) The Insurance (Amendment) Act, 2014
- (xii) The Value Added Tax (Amendment) Act, 2014
- (xiii) The Tax Appeals Tribunal Act, 2013
- (xiv) The Kenya Deposit Insurance Act, 2012
- (xv) The Capital Markets (Amendment) Act, 2011
- (xvi) The Central Depositories (Amendment) Act, 2011
- (xvii) The Unclaimed Financial Assets Act, 2011
- (xviii) The National Payment System Act, 2011

G. THE MINISTRY OF EAST AFRICA COMMUNITY AND NORTHERN CORRIDOR DEVELOPMENT

- (i) Report of the Committee on Regional Integration on East Africa Community Peace and Security Protocol and the Mutaula Peace and Security Pact
- (ii) A Petition on delayed payment of benefits for the former employees of the defunct East African Community
- (iii) The Protocol for the establishment of the EAC Monetary Union

H. THE MINISTRY OF AGRICULTURE AND IRRIGATION

- (i) A Resolution for the establishment of a fund for fishermen to give them grants which among others will assist them to buy fishing gear
- (ii) A resolution to create coastal and Inland training institution to build the capacity of fishing communities
- (iii) The resolution that cane millers provide mandatory payment to cane farmers within fourteen (14) days upon delivery
- (iv) The Protocol on the establishment of the EAC Monetary Union
- (v) The Resolution on the establishment of Livestock Insurance Fund

- (vi) The report of the Departmental Committee on Finance and Trade on the privatization of the Public Sector Owned/Controlled Sugar companies (Nzoia Sugar Company, Chemelil Sugar Company, Muhoroni Sugar Company and Miwani Sugar Company)
- (vii) Petition on the election of Chairperson of the Agricultural Society of Kenya
- (viii) Petition on the establishment of strategic reserves for long life powdered milk
- (ix) Petition on lifting of the ban for the sale and export of the raw macadamia
- (x) Petition on the alleged changed of the management model at the Kenya Tea Development Agency
- (xi) Petition on the lifting of the ban on consumption of foods derive from GMOs and issuance of a permit to conduct field trials of Bt. Maize;
- (xii) The Fisheries Development and Management (FMDA) Act, 2016
- (xiii) Fertilizer and Animal Foodstuffs (Amendment) Act, 2015
- (xiv) Agriculture and Food Authority Act, 2013
- (xv) Crop Act, 2013
- (xvi) Kenya Plant Health Inspectorate Service Act, 2012
- (xvii) The Veterinary Surgeons and paraprofessionals Act, 2011
- (xviii) The Animal Technicians Act, 2010

#### I. MINISTRY OF INFORMATION, COMMUNICATIONS AND TECHNOLOGY

- (i) The Kenya Information Communication (Amendment) Act, 2013
- (ii) The Media Council Act, 2013
- (iii) The Publication of Electoral Opinion Poll Act, 2012

#### J. MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

The Power of Mercy Act, 2011

#### K. MINISTRY OF DEFENCE

- (i) The Report on continued occupation of Migingo and Ugingo Islands in Lake Victoria by Uganda security forces
- (ii) Kenya Defence Forces Amendment Act, 2016
- (iii) The Kenya Regiment (Territorial Force) Repeal) Act, No. 40 of 2016
- (iv) The Prohibition of Anti-personnel Mines Act, 2015
- (v) Kenya Defence Forces Act, 2012

#### L. OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE

- (i) Companies (Amendment) Act, 2018
- (ii) The Legal Aid Act, 2016
- (iii) The WITNESS Protection (Amendment) Act, 2016
- (iv) The Companies Act, 2015



- (v) The Insolvency Act, 2015
- (vi) The Marriage Act, 2014
- (vii) The Victim Protection Act, 2014
- (viii) The National Centre for International Arbitration Act, 2013
- (ix) Kenya Law Reform Commission Act, 2013
- (x) Leadership and Integrity Act, 2012
- (xi) Kenya School of Law Act, 2012
- (xii) The Mutual Legal Assistance Act, 2011
- (xiii) The Limited Liability Partnership Act, 2011
- (xiv) The Witness Protection (Amendment) Act, 2010

#### M. MINISTRY OF FOREIGN AFFAIRS

- i. Report on the Continued Occupation of Migingo and Ugingo islands by Uganda Security Forces.
- ii. The Treaty Making and Ratification Act, 2012.

#### **2. Report on the implementation status of the Scrap Metal Act, 2015**

The Act has been operationalized.

#### **3. Report on the implementation status of the Report of the Departmental Committee on Health on the allegations of sexual assault, breakdown of equipment, surgical mix-up and general operations of the Kenyatta National Hospital; the resolution on establishment of a National Health Referral Hospital in Mombasa County; and the resolution on declaration of cancer as a national disaster and establishment of a cancer fund**

19. The Committee tabled its report in August 2018 and recommended that:-

- 1) The Ministry of Health begins the process of declaring Cancer a National Disaster as it awaits funding;
- 2) The Ministry should look into the effectiveness of the cancer centre with a view to improving its efficiency and effectiveness;
- 3) In view of the concern that training organized by partners is mainly based on policy already in place and that there is little motivation in moving money to train in non-communicable diseases, the Ministry should take measures to align the health policy with the country's requirements on training of oncologists and the need to increase the number of specialists; and
- 4) The Ministry requests for the required financial resources to implement the resolutions through the Departmental Committee on Health.

***4. The implementation status of the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives' on the crisis facing the sugar industry in Kenya***

***5.2<sup>nd</sup> Omnibus Report on submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House***

20. The Committee tabled its 2<sup>nd</sup> Omnibus Report on submissions from stakeholders regarding the implementation status of Legislations, Petitions and Resolutions passed by the House on 30<sup>th</sup> June, 2021.

21. The report covered six (6) motions, four (4) adopted committee reports and nineteen (19) reports on petitions. Some of the House resolutions have been implemented, while for others, the implementation was ongoing.

**A. Motions**

- (i) Resolution that the National Government formulates and implements a policy on the criteria for recruitment and remuneration of Village Elders.
- (ii) Resolution that all Disciplined Forces should give first priority to National Youth Service (NYS) graduates during recruitment.
- (iii) Resolution on the review of terms and conditions for recruitment, remuneration and deployment of National Police Reservists in arid and semi-arid (ASALs) areas.
- (iv) Resolution that the Government exercises its power to protect Kenya from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded including through the establishment of a naval force to man the Lake Victoria Waters.
- (v) Resolution on the Fast-tracking of the Implementation of National Employment Authority (NEA) Act.
- (vi) Resolution on the Establishment and Maintenance of an integrated up-to-date database of persons seeking employment;

**B. Adopted Committee Reports**

- (i) The Report on the Ratification of the East African Community Protocol on Cooperation in Meteorological Services.
- (ii) Report on the East African Community Protocol on Information and Communication Technology Networks.
- (iii) Report on an inspection visit to the Isebania One Stop Border Post.

- (iv) Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resource Management and Logging Activities in Kenya.
- (v) Inquiry into Procurement and Implementation of the Excisable Goods Management (EGMS) System for Printing, Supply and Delivery of Security Revenue Stamps Complete with Track and Trace System, and an Integrated Production Accounting System by the Kenya Revenue Authority.
- (vi) Report on Sessional Paper No.1 of 2017 on the National Land Use Policy from the Ministry of Lands and Physical Planning

### **C. Reports on Petitions**

- (i) Report on Petition on the challenges in the implementation of the Social Assistance Programme, Samburu North Constituency by the Hon. Alois M. Lentoimaga, M.P.
- (ii) Petition on the proposed demolitions of buildings for purposes of expansion of Likoni-Lunga Lunga Road.
- (iii) Petition on the construction of speed bumps and the establishment of rumble strips between Madeya and Rangala Trading centers along Kisumu-Busia Highway.
- (iv) Petition for the erection of bumps and construction of a footbridge at Kangoro Bus Stop along Embu-Meru Highway.
- (v) Petition on the upgrading of Old Mombasa Road/Maasai Road A, B & C in Nairobi County to bitumen standards to ease the movement of people, goods and services.
- (vi) Petition on the erection of speed bumps along Kakamega-Mumias Road.
- (vii) Petition on decongestion of Bomas –Ongata; Rongai – Kiserian Road.
- (viii) Petition on the delayed carpeting of a section of the Meru-Maua Road from Farm to Murera gate, Meru National Park.
- (ix) Petition on the delayed reconstruction of Kabani-Kangundo Bridge along Thwake River.
- (x) Petition on the deplorable state of Karatina-Jambo Road.
- (xi) Petition on tarmacking of the Gatiguu/McVast-Matangani-Ithanga-Kirathani-Mayuuya/ Ng'ang'a- Makuyu Road.



- (xii) The Report on a Petition on behalf of residents of Mowlem Ward, Embakasi on irregular allocation of land L.R. 11379/3.
- (xiii) The Report on a Petition on Rectification of Records in the Register for Land Parcel Number Igembe/Ndoleli/Athina/Ruujiine/2554.
- (xiv) The Report of the Departmental Committee on Lands on the Petition on the resettlement of Ntirimiti Subuiga Squatters on land parcels No.s 2806/3 (Subuiga Bosnia) and 2822/3 (Ntirimiti Settlement Scheme).
- (xv) Report of the Departmental Committee on Environment and Natural Resources on the Public Petition regarding implementation of delocalization policy by the Teachers' Service Commission.
- (xvi) Report of the Departmental Committee on Environment and Natural Resources on the Petition regarding lifting of the ban on logging and harvesting of the Mangroves in Lamu County.
- (xvii) Report of the Departmental Committee on Environment and Natural Resources on a petition on alleged impending demolition on buildings along the Mtandawanda –Kizingitini Road in Pate Island.
- (xviii) Report of the Departmental Committee on Energy on the Petition on Oil marketers Companies involved in the supply and distribution of Jet A1 Fuel.
- (xix) Report of the Departmental Committee on Health on the Petition regarding fraudulent Medical Bill issued by MP Shah Hospital on Account of treatment of the Late Matilda Anyango.

**6. 4<sup>th</sup> Omnibus Report on submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House**

22. The Committee tabled its 4<sup>th</sup> Omnibus Report on submissions from stakeholders regarding the implementation status of Legislations, Petitions and Resolutions passed by the House on Thursday, 8<sup>th</sup> July, 2021. The report covered one (1) motion, three (3) committee reports and four (4) reports on petitions. Some of the House resolutions have been implemented, while for others, the implementation is ongoing.

- (i) Report of the Departmental Committee on Lands on its consideration of the Petition on De-Gazettment of Forest Land in Kuresoi North Constituency;
- (ii) Report of the Departmental Committee on Labour and Social Welfare on its visit to Riyadh, Saudi Arabia on a fact-finding mission on the welfare of migrant Kenyan Workers in the Kingdom of Saudi Arabia;

- (iii) Report of the Public Investments Committee on its inquiry into the safety of Ferries as observed in the Audited Accounts of the Kenya Ferry Services for the Financial Year 2016/17;
- (iv) Report of the Departmental Committee on Lands on its consideration of the petition on the unlawful occupation of ancestral land by KDF School of Artillery (78 Tank Battalion);
- (v) Report of the Departmental Committee on Lands on its consideration of the petition on the unlawful displacement of residents, loss of property and closure of schools in Ntoroni Sub-location in Tharaka Constituency;
- (vi) Report of the Departmental Committee on Lands on its inquiry into a complaint by Kamiti Anmer Forest Squatters Association regarding allocation of land L.R No. 8390 in Kamiti Anmer Forest;
- (vii) Resolution on the development of policy measures to ensure one hundred percent (100%) transition from Secondary to Tertiary Education.
- (viii) The Report of the Departmental Committee on Justice and Legal Affairs on the State of the Judiciary and the Administrative of Justice for FY 2016/17 and FY 2017/18.
- (ix) Operationalisation of the Small Claims Court Act No.2 of 2016.

***7. Report on the implementation status of the report of the Departmental Committee on Labour and Social Welfare on deplorable working conditions of workers at Kwale Sugar Company***

23. The Committee tabled a report on the status of implementation of the Report on the petition regarding deplorable working conditions of workers at the Kwale International Sugar Company Limited, on Thursday 26<sup>th</sup> November 2020. In its report, the Committee recommended THAT: -

- (1) Kwale International Sugar Company Limited expedites the payment of wage arrears of Kshs. 3. 69 million arising from non-compliance with Legal Notice No. 91 of 2015 and further ensures that employees are paid all their dues as per the agreed terms of employment;
- (2) Kwale International Sugar Company Limited ensures total compliance to all the laws/ regulations pertaining to employment;
- (3) The Directorate of Occupational Safety and Health under the Ministry of Labour and Social Protection should ensure the payment of pending compensation claims to work related injuries totaling to Kshs. 5,493,709; and
- (4) On squatters living on Kwale International Sugar Company Limited land, the Committee proposes that KISCOL and the local leadership hold a dialogue in order to find an amicable solution as the company had expressed willingness to allocate some parcels of land to the squatters.



**8. *Report on the Implementation status of the resolution of the House regarding the conditional approval of Ms. Mwendu Mwinzi for appointment as Ambassador of Kenya to Seoul, South Korea***

24. The Departmental Committee on Defence and Foreign Relations tabled a report before the House in May 2019 and recommended that Ms. Mwendu Mwinzi be appointed as an Ambassador to Seoul, South Korea, subject to upon appointment and before taking office, renounce her USA citizenship.

25. The Committee held a meeting with and later received written submissions from the Ministry of Foreign Affairs. The Committee thereafter prepared a report that was tabled before the House on 27<sup>th</sup> November, 2019.

26. In its report, the Committee advised the House to rescind its resolution made on 6<sup>th</sup> June, 2019 which approved the nomination of Ms. Mwendu Mwinzi for appointment as an Ambassador to Seoul, South Korea, subject to her renouncing her citizenship to the United States of America before taking up the appointment.

**9. *Report on the implementation status of the report on the inquiry into complaints of environmental pollution by London Distillers Kenya***

27. The Committee adopted its report regarding the implementation status of the report of the Departmental Committee on Environment and Natural Resources on Inquiry into complaints of environmental pollution by London Distillers Kenya Limited, on Sunday, 29<sup>th</sup> August, 2021.

**10. *Report on the implementation status of the report of the Departmental Committee on Lands regarding land issues in Taita Taveta County***

28. The Committee tabled its report regarding the implementation status of the report on land issues in Taita Taveta County, on September 29<sup>th</sup> 2021, and made the following recommendations: -

- (1) The Ministry of Lands and Physical Planning should complete the adjudication process of 6,000 acres excised from the Teita Sisal Estate to the squatters in Taita Taveta County;
- (2) The Ministry of Lands and Physical Planning should submit a list of all beneficiaries of the land surrendered by the Estate;
- (3) The Ministry of Lands and Physical Planning, the National Land Commission and the County Government of Taita Taveta should engage the local community for concurrence in extension and renewal of leases for Teita Sisal Estate; and
- (4) The Directorate of Criminal Investigations to investigate the activities Mwasima Mbuwa Welfare Association for fraudulent

activities targeting the squatters and members of the public and if found culpable, be subjected to due legal process.

## **11. Third Report on submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House**

29. The Committee tabled its Th Report on submissions from stakeholders regarding the implementation status of Legislations, Petitions and Resolutions passed by the House, on Saturday 28<sup>th</sup> August 2021. The report was tabled before the House on Tuesday 28th September, 2021. The report contains the implementation status of the following reports and House resolutions:

### *MINISTRY OF HEALTH*

- (i) The resolution that the Government urgently establishes programmes and interventions to encourage the uptake of counselling services among individuals, families and communities to mitigate the effects of mental health disorders;
- (ii) The resolution that the Government institutionalizes diagnostic testing for Diabetes in workplaces and community setting, provides for education, prevention and subsidized routine diabetes screening and treatment and put in place measures to ensure an effective diabetes care system at all levels of health care.

### *MINISTRY OF DEFENCE*

- (iii) Report of the Departmental Committee on Lands on the inquiry into land acquisition by Kenya Defence Forces for Establishment of Forward Operating Base in Narok County.

### *MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES*

- (iv) Resolution on registration of farmers and formation of farmers and Agribusiness entities;
- (v) Report of the Departmental Committee on Agriculture, Livestock and Fisheries on the Inquiry into the challenges faced by the Coffee Research Institute.

### *KENYA MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BOARD*

- (vi) Report on the Report of the Departmental Committee on Education and Research regarding its consideration of the Petition regarding the release of examination results for Mr Nicky Odongo Lubanga by the Kenya Medical Laboratory Technicians and Technologists Board.

### *NATIONAL LAND COMMISSION*



- (vii) Report of the Departmental Committee on Energy on its consideration of the Public Petition regarding demolition of Houses in Chokaa, Mihango area, Embakasi East Constituency by the Kenya Power Limited.

*MINISTRY OF TRADE, INDUSTRIALISATION & ENTERPRISE DEVELOPMENT*

- (viii) The resolution that the Government puts in place measures to bridge the huge Trade Deficit.

*REPORTS OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE*

- (ix) The Report of the Special Funds Accounts Committee Report on the Examination of the Report of the Auditor-General on the Financial Statements for the Political Parties for the Year Ended 30th June 2017;
- (x) The Report of the Special Funds Accounts Committee Report on the Examination of the Report of the Auditor-General on the Financial Statements for Uwezo Fund for the Financial Year 2016/2017.

*OTHER REPORTS ON PETITIONS*

- (xi) Report of the Departmental Committee on Education and Research regarding its consideration of the petition regarding the alleged failure by TSC to promote Teachers in Samburu County and its environs;
- (xii) Report of the Departmental Committee on Education and Research regarding its consideration of the petition regarding non-payment of hardship allowance to Teachers in Taita Taveta County.

***12. Report on the implementation status of the report of the Departmental Committee on Health regarding the Kenyatta University Teaching & Referral Hospital Project***

30. The Committee tabled its report on 30<sup>th</sup> September, 2021 and recommended that—

- 1) The Cabinet Secretaries for Education and Health should ensure that Kenyatta University has full access to the Kenyatta University Teaching, Research and Referral Hospital facilities, as envisaged, for use by its College of Health Sciences, which comprises schools of Medicine, Pharmacy, Nursing, Public Health, and Dentistry.
- 2) H.E. the President should revoke Legal Notice No. 4 of 2019 and revert the Kenyatta University Teaching, Research and Referral Hospital to a University Hospital.

**13. Report on the implementation status of the report of the Departmental Committee on Finance and National Planning on its inquiry in the optimization of revenue at the Port of Mombasa**

31. The Committee tabled its report on 2<sup>nd</sup> December, 2021.

**14. Report on implementation status of:-**

1. *The report of the Departmental Committee on Lands on its consideration of the petition on irregular renewal of leases of land by Del Monte Kenya Limited; and*
2. *The report of the Departmental Committee on Lands on its consideration of the petition by former workers of the Late Mayer Jacob Samuels regarding the invasion and eviction of the workers from their land in Roysambu Constituency by the Kenya Defence Forces.*

32. The Committee tabled its report before the House on 22nd December, 2021 and recommended that: -

- 1) The lease for L.R No. 12158, which resulted from the amalgamation of L.R No. 10741, L.R. No. 10862, L.R No. 11146, L.R No. 11312 and L.R No. 2953 should be reverted to the Government of Kenya and declared as public land and allocated to Kandara Residents Association for their settlement;
- 2) In consultation with the National Land Commission, the Ministry of Lands and Physical Planning should allocate the Land excised from Del Monte Kenya Limited to Kandara Residents Association and County Governments of Muranga and Kiambu in the ratio of 70:30 respectively as per the National Land Commission's Gazette Notice 1995 of 2019;
- 3) The Inspector General of Police should ensure that the Directorate of Criminal Investigations does investigate the officers in the Ministry of Lands and Physical Planning who may have caused loss of public funds by effecting fraudulent transactions relating to L.R. No. 5875/2.

**15. Fifth Report on submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House**

33. The Committee adopted its 5<sup>th</sup> Omnibus Report on submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House, on The report was tabled before the House on 7<sup>th</sup> June, 2022 The report addresses implementation status of the following House resolutions:-

- (i) Report of the Departmental Committee on Communication, Information and Innovation on its consideration of the public petition regarding provision of Toll- Free Numbers in Government;



- (ii) Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Petition Regarding Encroachment into The Nairobi National Park;
- (iii) Report of the Departmental Committee on Lands on its consideration of a Petition by Residents of Hospital Ward, Mathare Constituency regarding Imminent eviction of residents by the Kenya Police Service;
- (iv) Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Petition regarding the payment of salary arrears for staff of the Postal Corporation of Kenya;
- (v) Report of the Departmental Committee on Labour and Social Welfare on its consideration of the public petition by the Kenya Association of the Retired Officers regarding improved terms For Pensioners in Kenya;
- (vi) Report of the Departmental Committee on Environment and Natural Resources on its inquiry into the Death of Eleven Black Rhinos after translocation to the Tsavo East National Park Sanctuary; and
- (vii) Report of the Departmental Committee on Health on the consideration of the public petition regarding the withdrawal of harmful chemical pesticides in the Kenyan market.

**16. *Sixth Omnibus report on submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House***

34. The report was tabled on 7<sup>th</sup> June, 2022 and gave the implementation status of the following reports:
- (i) The report of the Departmental Committee on Lands on its consideration of the Public Petition by East Mau Forest Evictees regarding settlement of East Mau Forest Evictees;
  - (ii) The report of the Departmental Committee on Administration and National Security on its consideration of the Public Petition No. 41 of 2021 regarding recognition of the Pemba people of Kenya as citizens of the Republic of Kenya;
  - (iii) The report of the Departmental Committee on Energy on its consideration of the Petition regarding water supply constraints caused by Kenya Power Tariffs in Kilifi County;
  - (iv) The report of the Departmental Committee on Lands on its consideration of the Petition by residents of Vota, Mua Ward in Machakos Town Constituency regarding the obstruction of a public road (Konza-Katumani Road);
  - (v) The report of the Departmental Committee on Lands on its consideration of the Petition by residents of Ikolomani Constituency regarding delayed compensation of landowners for the expansion of Sigalagala-Musoli-Bukura Butere Road; and

(vi) The report of the Departmental Committee on Finance and National Planning (11th Parliament) on its consideration of the Petition on payment of terminal dues to the former employees of Pan Paper Mills Company.

(vii) Submission by the National Treasury on the implementation status of the Report Of The Special Funds Accounts Committee on the Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Nairobi City County Financial Years 2013/14, 2014/15 and 2015/16.

**17. *The Report on Implementation status of the report of the Public Investments Committee on its consideration of the Special audit report on procurement of pre-export verification of conformity to standard services for used motor vehicles, mobile equipment and used spare parts by the Kenya Bureau of Standards***

35. The report was tabled on 8<sup>th</sup> June, 2022.



#### **4.0 COMMITTEE'S UNCOMPLETED BUSINESS**

##### **5.1 Report of the Public Investments Committee on its consideration of the special report on the Ronald Ngala Utalii College project in Kilifi County**

36. The Committee commenced to appraise itself on the implementation status of the Report of the Public Investments Committee on its consideration of the special report on the Ronald Ngala Utalii College project in Kilifi County.
37. The Committee was concerned over the delayed progress of the project and the high-accumulated interest paid to contractors and consultants for the project.
38. Following the intervention of the Committee, a phased approach for the project was adopted. The phased construction is on-going.
39. Further, the Ministry of Tourism and Wildlife informed the Committee that it was seeking for a public private partnership to fund the other pending aspects of the project.
40. The Committee resolved to give the Ministry of Tourism more time to finalize the project and thereafter submit a conclusive report to the House.

##### **5.2 The Special Report by the Public Investments Committee on the recapitalization and balance sheet restructuring of Telkom Kenya Limited**

41. During the Committee's scrutiny of the Special Report by Public Investments Committee on the recapitalization and balance sheet restructuring of Telkom Kenya, it met with stakeholders like the Ministry of ICT, the National Treasury and the Privatization Commission. The proposed merger between Airtel Kenya and Telkom Kenya Ltd as an emerging issue came up during consideration of the matter. It was through the sustained objections of the Committee as well as the then ongoing investigations by DCI on the recapitalization process among others which contributed to the halting of the proposed merger until investigations were concluded.
42. The Ethics and Anti-Corruption Commission informed the Committee that it had undertaken its investigation and forwarded the findings to the Office of the Director of Public Prosecutions.

##### **5.3 Report on the petition by residents of Sabaki Ward, Magarini Constituency regarding dispossession of ancestral land**

43. The Committee received submissions from EACC regarding the implementation status of the Report on the petition by residents of Sabaki Ward, Magarini Constituency on the dispossession of ancestral land.
44. The Committee was yet to receive an adequate response/submissions from the Ministry of Lands and Physical Planning, and the National Lands Commission.

#### **5.4 Report of the Departmental Committee on Lands regarding ownership of Mombasa Cement land**

45. The Committee held meetings with the Ministry of Lands and Physical Planning and, the National Land Commission. The Committee also inspected Mombasa Cement premises and held meetings with the Managing Director of the Company and other stakeholders to consider the implementation status of the report.
46. The Committee however notes that the matter is in court and therefore was unable to conclude on the matter.

#### **5.5 Report regarding the implementation status of the Report of the Departmental Committee on Energy on its consideration of the Petition on the compensation of Flood victims in Garsen Constituency**

47. The Committee met with the Kenya Electricity Generating Company (Kengen) regarding the implementation status of the aforementioned report. The Committee was yet to receive a detailed implementation status from the relevant stakeholders.
48. However, the Ministry of Energy and Kengen during their appearance in the meetings submitted that they could not compensate victims of flood because floods were a natural occurrence. However, the Ministry requested more time to have consultations with the petitioners and the local community before submitting a report to Parliament.

#### **5.0 CHALLENGES**

49. The following are some of the challenges the Committee experienced:-

- 1) Some of the resolutions adopted by the House are not Specific, Measurable, Attainable and Timely (SMART). They do not indicate a specific action, a specific person or institution responsible for the action and a time frame within which the action is expected. The general nature of resolutions and recommendations of adopted reports make follow-up a challenging task.
- 2) Some of the House resolutions were not accompanied by the requisite budget provisions, making it difficult for the Ministries, Departments and Agencies to implement them.
- 3) The Committee's mandate is too wide making it difficult for it to follow up and ensure implementation of every adopted committee reports, petitions and legislations passed by the House.

## 7.0 RECOMMENDATIONS

50. The Committee makes the following recommendations towards enhancing its effectiveness as a watchdog committee of the House;

- 1) The House should consider the financial implications of resolutions before committing them for implementation and should allocate adequate funds to the implementing bodies.
- 2) The National Assembly should develop an online tracking tool for the implementation of House resolutions as a matter of priority for effective follow up of implementation of House resolutions.
- 3) The National Assembly should enhance its scrutiny of Laws, resolutions and motions to ensure that resolutions passed are implementable.
- 4) The House and by extension committees should ensure that all resolutions passed are SMART, to ensure that they are implemented and for effective follow up of the same.

Signed



Date

08/06/2022.

**Hon. Moitalel Ole Kenta, MP, Chairperson  
Committee on Implementation**



## **Appendix I**

### **Adoption List**



The National Assembly



12<sup>th</sup> Parliament-6<sup>th</sup> Session-2022

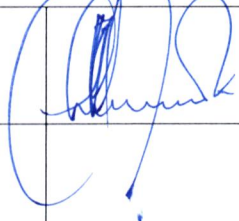

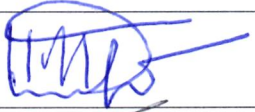

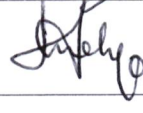
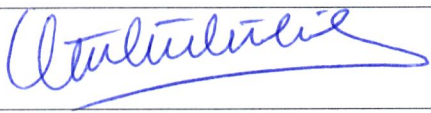
**Committee on Implementation**

**We, the Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted the Legacy/Exit Report. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.**

**Venue:** *5<sup>th</sup> floor Committee Room, Continental House*

**Date:** *Tuesday 7<sup>th</sup> June 2022*

| S/NO. | NAME  | SIGNATURE        |
|-------|---|------------------|
| 1.    | The Hon. Moitalel Ole Kenta, MP – <b>Chairperson</b>  |                  |
| 2.    | The Hon. Godfrey Osotsi, MP – <b>Vice Chairperson</b> |                  |
| 3.    | The Hon. Richard Onyonka, MP                          |                  |
| 4.    | The Hon. Alois Musa Lentoimaga, MP                    |                  |
| 5.    | The Hon. Moses Kiarie Kuria, MP                       |                  |
| 6.    | The Hon. Feisal Abdalla Bader, MP                     | <i>Virtually</i> |
| 7.    | The Hon. (Dr.) James Kipkosgei Murgor, MP             | <i>Virtually</i> |
| 8.    | The Hon. Gabriel Kago Mukuha, MP                      |                  |
| 9.    | The Hon. Johnson Manya Naicca, MP                     |                  |

|     |                                     |   |
|-----|-------------------------------------|---|
| 10. | The Hon. Joash Nyamache Nyamoko, MP |    |
| 11. | The Hon. John Muchiri Nyagah, MP    |   |
| 12. | The Hon. Paul Simba Arati, MP       |   |
| 13. | The Hon. Charles Ngusya Nguna, MP   |   |
| 14. | The Hon. Benjamin Dalu Tayari, MP   |    |
| 15. | The Hon. Peter Kimari Kihara, MP    |   |
| 16. | The Hon. Hassan Oda Hulufu, MP      |    |
| 17. | The Hon. Jared Okello, MP           |   |
| 18. | The Hon. Joshua Mwalyo Mbithi, MP   |  |
| 19. | The Hon. Michael Thoya Kingi, MP    |   |
| 20. | The Hon. Nelson Koech, MP           |   |
| 21. | The Hon. John Njuguna Wanjiku, MP   |  |
| 22. | The Hon. Paul Abuor, MP             |   |
| 23. | The Hon. Silvanus Osoro, MP         |   |

Committee Clerk

Name... Tracy Chobot Kuske .....

Tracy Kuske .....

(Signature)

Date... 07/06/22 .....

## **Appendix II**

### **Minutes of the Select Committee on Implementation**

**MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON IMPLEMENTATION  
HELD ON TUESDAY, 7<sup>TH</sup> JUNE, 2022, IN 5<sup>TH</sup> FLOOR COMMITTEE ROOM,  
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10.00 A.M.**

**PRESENT**

1. The Hon. Moitalel Ole Kenta, MP – **Chairperson**
2. The Hon. Godfrey Osotsi, MP - **Vice Chairperson**
3. The Hon. Alois Musa Lentoimaga, MP
4. The Hon. Benjamin Dalu Tayari, MP
5. The Hon. Gabriel Kago Mukuha, MP
6. The Hon. (Dr.) James Kipkosgei Murgor, MP
7. The Hon. Feisal Bader, MP
8. The Hon. Jared Okello, MP
9. The Hon. Hassan Hulufo, MP
10. The Hon. Joash Nyamache Nyamoko, MP
11. The Hon. John Njuguna Wanjiku, MP
12. The Hon. Joshua Mbithi Mwalyo, MP

**ABSENT WITH APOLOGIES**

1. The Hon. Paul Simba Arati, MP
2. The Hon. Johnson Many Naicca, MP
3. The Hon. John Muchiri Nyagah, M.P
4. The Hon. Richard Onyonka, MP
5. The Hon. Moses Kuria, MP
6. The Hon. Nelson Koech, MP
7. The Hon. Paul Odalo Abuor, MP
8. The Hon. Charles Ngusya Nguna, MP
9. The Hon. Peter Kihara, MP
10. The Hon. Michael Kingi, MP
11. The Hon. Silvanus Osoro, MP

**IN-ATTENDANCE**

**COMMITTEE SECRETARIAT**

- |                            |   |                        |
|----------------------------|---|------------------------|
| 1. Ms. Tracy Chebet Koskei | - | Senior Clerk Assistant |
| 2. Mr. Abdirahman Hassan   | - | Second Clerk Assistant |
| 3. Dr. Donald Manyala      | - | Research Officer II    |
| 4. Ms. Jane Serem          | - | Audio Officer          |



**MIN.NO.NA/COI/2022/034: PRELIMINARIES**

The Chairperson called the meeting to order at twenty minutes past ten o'clock (10.20 a.m.) and said a word of prayer. The agenda for the meeting was adopted, as proposed and seconded by the Hon. Joshua Mbithi Mwalyo, MP, and the Hon. Jared Okello, MP, respectively.

**MIN.NO.NA/COI/2022/035: CONFIRMATION OF THE PREVIOUS MINUTES**

Minutes of the Ninth Sitting held on Tuesday, 17<sup>th</sup> May, 2022 were confirmed as a true record of the proceedings having been proposed by the Hon. Godfrey Osotsi, MP and seconded by the Hon. John Njuguna Wanjiku, MP, respectively.

**MIN.NO.NA/COI/2022/036: MATTERS ARISING**

There were no matters that arose from the confirmations of the Minutes of the previous Sitting.

**MIN.NO.NA/COI/2022/037: CONSIDERATION AND ADOPTION OF THE FIFTH REPORT ON SUBMISSIONS FROM STAKEHOLDERS REGARDING THE IMPLEMENTATION STATUS OF INQUIRIES, PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE**

The Committee considered and adopted the Fifth Report on submissions from stakeholders regarding the implementation status of inquiries, petitions and resolutions passed by the House, having been proposed and seconded by the Hon. Hassan Hulufu, MP and the Hon. Joash Nyamache Nyamoko, MP, respectively.

The Committee made the following observations and recommendations:

**Observations**

- 1) A majority of the House resolutions require financial obligations for adequate implementation to be carried out by the Executive, thus there is a need for the appropriation of funds to ensure House resolutions are implemented as directed; and
- 2) Government officials in the Executive seem not to be implementing House resolutions promptly thus causing matters to delay unnecessarily longer.

**Recommendations**

- 1) The National Treasury should ensure appropriation of funds for implementation of House resolutions is done within one financial year following the adoption of a House resolution for the public to derive the intended benefit; and
- 2) Government Agencies and Departments directed to implement a House resolution should endeavor to fit in their work plans and deliver within the stipulated timeframe, failure to which sanctions shall be imposed on the responsible officials.

**MIN.NO.NA/COI/2022/038: CONSIDERATION AND ADOPTION OF THE SIXTH REPORT ON SUBMISSIONS FROM STAKEHOLDERS REGARDING THE IMPLEMENTATION STATUS OF INQUIRIES, PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE**

The Committee considered and adopted the Fifth Report on submissions from stakeholders regarding the implementation status of inquiries, petitions and resolutions passed by the House, having been proposed and seconded by the Hon. Hassan Hulufu, MP and the Hon. Alois Musa Lentoimaga, MP, respectively.

The Committee made the following observations and recommendation:

- 1) Some of the House resolutions were not accompanied by the requisite budget hence making it difficult for Ministries, Departments, and Agencies to implement them; and
- 2) Some Agencies were not able to follow up on and implement some recommendations of the House due to the outbreak of the Covid-19 pandemic.

The Committee subsequently recommended that respective committees and the House should consider the financial implications of resolutions before committing them for implementation; and should allocate adequate funds to the implementing agencies.

**MIN.NO.NA/COI/2022/039: REPORT ON IMPLEMENTATION STATUS OF THE REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON CONSIDERATION OF THE SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY (PVOC) TO STANDARD SERVICES FOR USED MOTOR VEHICLES, MOBILE EQUIPMENT AND USED SPARE PARTS BY THE KENYA BUREAU OF STANDARDS**

The Committee considered and adopted the Report on implementation status of the Public Investments Committee on consideration of the special audit report on procurement of pre-export verification of conformity to standard services for used motor vehicles, mobile equipment and used spare parts by the Kenya Bureau of Standards, having been proposed and seconded by the Hon. Joshua Mbithi Mwalyo, MP and the Hon. Feisal Bader, MP, respectively.

The Committee made the following observations and recommendation:

**Observations**

- 1) MD KEBS, Lt. Col (Rtd.) Bernard Njiraini obtained orders staying implementation of the PIC recommendations against himself as a person and is still in office;
- 2) PPRA established that there was a prima facie case for debarment of M/S EAA Company Limited and M/S Auto Terminal Japan Limited in accordance with regulation 22(5) (a) of the Public Procurement and Asset Disposal Regulations, 2020 and the Debarment Committee had



already issued a Notice of Intended Debarment for falsification of information and documents contrary to section 41(1)(d) of the Public Procurement and Asset Disposal Act, 2015; and

- 3) The Directorate of Criminal Investigations has carried out investigations and forwarded the file to the Office of the Director of Public Prosecution recommending action against M/S EAA Company Limited and M/S Auto Terminal Japan Limited.

The Committee subsequently recommended that the Office of the Director of Public Prosecutions expedite the process of preferring charges against both M/S EAA Company Limited and M/S Auto Terminal Japan.

**MIN.NO.NA/COI/2022/040:      CONSIDERATION AND ADOPTION OF THE LEGACY REPORT FOR THE SELECT COMMITTEE ON IMPLEMENTATION FOR THE PERIOD 2017-2022**

The Committee considered and adopted the Committee's Legacy Report for the period 2017-2022, having been proposed and seconded by the Hon. Godfrey Osotsi, MP and the Hon. Benjamin Dalu Tayari, MP, respectively.

The Committee made the following recommendations:

- 1) The House should consider financial implications of resolutions before committing them for implementation, and should allocate adequate funds to the implementing bodies.
- 2) The National Assembly should develop an online tracking tool for the implementation of House resolutions as a matter of priority for effective follow up of implementation of House resolutions.
- 3) The National Assembly should enhance its scrutiny of Laws, resolutions and motions to ensure that resolutions passed are implementable.
- 4) The House and by extension committees should ensure that all resolutions passed are SMART, to ensure that they are implemented and for effective follow up of the same.

**MIN.NO.NA/COI/2022/041:      ADJOURNMENT**

The meeting was adjourned at Quarter to one O'clock (12:45 p.m.).

Sign.....  


Date.....  
08/06/2022.

**Hon. Moitalel Ole Kenta, MP - Chairperson**