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STANDING COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING

REPORT ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)

PAPERS LAID	
DATE	05/12/2024
TABLED BY	Majority leader
COMMITTEE	Roads Transportation and Housing
CLERK AT THE TABLE	Cherop

Hon. Speaker You may approve for tabling MA 29/11/2024

03/12/24

Clerk's Chambers, The Senate, First Floor, Parliament Buildings, NAIROBI.

NOVEMBER, 2024

APPROVED RT. HON. SEN AMASON J. KING

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LIST OF ABBREVIATIONS

CAF - County Assemblies Forum

CBS - Order of the Chief of Burning Spear

CoG - Council of County Governors

EGH - Order of the Elder of Golden Heart

MP - Member of Parliament

NCA - National Construction Authority

PREFACE

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Standing Committee on Roads, Transportation and Housing is established under standing order 228(3) and the Fourth Schedule of the Senate Standing Orders and is mandated to **consider all matters relating to transport, roads, public works, housing, construction and maintenance of roads, rails and buildings, seaports and communication.**

In undertaking its mandate, the Committee oversees the following ministries, State Departments and agencies:

MINISTRY OF ROADS AND TRANSPORT

- i. **State Department of Roads** which has the following agencies-
 - (a) Kenya Roads Board;
 - (b) Kenya National Highways Authority;
 - (c) Kenya Urban Roads Authority;
 - (d) Kenya Rural Roads Authority;
 - (e) Kenya Institute of Highways and Building Technology;
 - (f) Kenya Institute of Technology;
 - (g) Engineers Board of Kenya; and
 - (h) Mechanical and Transport Fund.

- ii. **State Department for Transport** which has the following institutions -
 - (a) Kenya Railways Corporation;
 - (b) Kenya Railways Training School;
 - (c) Northern Corridor Transit and Transport Coordination;
 - (d) Lamu Port South Sudan Ethiopia Transport Corridor Authority;
 - (e) Kenya Airports Authority;
 - (f) Kenya Civil Aviation Authority;
 - (g) East African School of Aviation;

- (h) Kenya Ports Authority;
- (i) National Transport and Safety Authority;
- (j) The Nairobi Metropolitan Area Transport Authority; and
- (k) The Railway City Development Authority.

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

a) State Department for Housing and Urban Development which has the following institutions-

- (a) National Housing Corporation;
- (b) National Housing Development Fund;
- (c) Civil Servants Housing Scheme Fund; and
- (d) Estate Agents Registration Board.

b) State Department for Public Works which has the following institutions-

- (a) National Construction Authority;
- (b) Kenya Building Research Centre;
- (c) The National Building Inspectorate;
- (d) Board of Registered Architects and Quantity Surveyors;
- (e) Contractors and Builders Retention Fund; and
- (f) Building Surveyors Registration Board.

MINISTRY OF MINING, BLUE ECONOMY AND MARITIME AFFAIRS

a) State Department for Shipping and Maritime Affairs which has the following institutions-

- i. The Kenya National Shipping Line;
- ii. Kenya Maritime Authority; and
- iii. Bandari Maritime Academy.

The Committee also works closely with the Council of Governors (CoG) and the County Assemblies Forum (CAF).

MEMBERSHIP OF THE COMMITTEE

The membership of the Committee is comprised of the following Senators-

- | | |
|-------------------------------------------------|---------------------------|
| 1. Sen. Paul Karungo Thangwa, MP | - Chairperson |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | -Member |
| 4. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP | -Member |
| 5. Sen. Enoch Kii Wambua, MP | -Member |
| 6. Sen. Moses Otieno Kajwang', CBS, MP | -Member |
| 7. Sen. John Kinyua Nderitu, MP | -Member |
| 8. Sen. Mohamed Said Chute, MP | -Member |
| 9. Sen. Edwine Watanya Sifuna, MP | -Member |

CHAIRPERSON'S FOREWORD

Mr. Speaker Sir,

The National Construction Authority (Amendment) Bill, 2022 (National Assembly Bills No. 59 of 2022) was published *vide* Kenya Gazette Supplement No.189 of 2022 and passed without amendments in the National Assembly on 26th October, 2023. The Bill was then referred to the Senate and read a First Time on Thursday, 7th December, 2023.

Thereafter, pursuant to standing order 145 of the Senate Standing Orders, the Bill was committed to the Standing Committee on Roads Transportation and Housing for consideration and to facilitate public participation.

The Bill seeks to amend Section 17 of the National Construction Authority Act by inserting a new subsection to provide for affirmative action for women, youth and persons with disabilities by providing for exemption in the registration of contractors for this category of persons.

Mr. Speaker Sir,

In compliance with the provisions of Article 118(1) (b) of the Constitution and standing order 145(5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. An advertisement was published in the Daily Nation and Standard newspapers on Friday, 9th December, 2023 inviting members of the public to submit written memoranda to the Committee on the Bill. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.

Mr. Speaker Sir,

The Committee received memoranda from the stakeholders listed below and prepared a matrix containing the stake holder's views -

- (a) Ministry of Lands, Public Works, Housing and Urban Development-State Department for Public Works;
- (b) Council of Governors; and

(c) Architects Alliance.

The Committee considered submissions from the stakeholders and recommends that the Senate approves the Bill with the proposed amendments.

Mr. Speaker Sir,

I take this opportunity to acknowledge the time and considerable effort made by stakeholders who submitted their memoranda to the Committee. I also wish to express my gratitude to Members of the Committee for their thoughtful insights and contributions towards the amendment of the Bill.

Further, the Committee thanks the Office of the Speaker and the Clerk of the Senate for the support extended to the Committee in facilitating the process that led to the production of this report.

Mr. Speaker Sir,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on Roads, Transportation and Housing on the National Construction Authority (Amendment) Bill, 2022 (National Assembly Bills No. 59 of 2022).

Signed.......... Date..........

SEN. PAUL KARUNGO THANG'WA, MP

CHAIRPERSON,

**STANDING COMMITTEE ON ROADS, TRANSPORTATION AND
HOUSING**

CHAPTER ONE: INTRODUCTION

Introduction

1. The National Construction Authority (Amendment) Bill, 2022 (National Assembly Bills No. 59 of 2022) was published *vide* Kenya Gazette Supplement No.189 of 2022 and passed in the National Assembly without amendments on 26th October, 2023. A copy of the Bill is annexed as ***Appendix 2***.
2. Pursuant to Article 110(4) of the Constitution, the Bill was then referred to the Senate for consideration and was read a First Time on Thursday, 7th December, 2023. The Bill thereafter stood committed to the Senate Standing Committee on Roads, Transportation and Housing for consideration.
3. The Bill proposes to amend Section 17 of the National Construction Authority Act, Cap 118 by inserting a new subsection by exempting women, youth and persons with disabilities who apply to be registered by the Board as contractors from paying the prescribed registration fee where -
 - a) the business is a start-up business venture;
 - b) the fee does not exceed fifteen thousand shillings by providing for a limit in the registration fee for contractors for startup business venture of persons who fall under this category.

Overview of the National Construction Authority Act, Cap 118

4. The National Construction Authority Act, Cap 118 provides for the establishment, powers and functions of the National Construction Authority and for connected purposes.
5. Part I of the Act provides for the short title of the Act and gives meaning to words and terms used in the Act.
6. Part II of the Act provides for the establishment of the National Construction Authority, its functions and powers, creation and membership of the Board of the Authority. It also provides how a vacancy in the membership of the Board would arise, the manner in which the Board conducts its business, remuneration of members of the Board and gives authority to delegate any function or duty of the

Board to its Committees, a member of the Board, officer, employee or agent of the Board. It further creates the office of the Executive Director and staff of the Board and provides for co-option of members of the Board and powers to establish committees.

7. Part III provides for the requirements for registration of contractors (local and foreign), meaning of the term-contractor, provides for procedure and manner of application for registration as a contractor. It further provides for the content of the register of contractors, publication of register of contractors and maintenance of a list of contractors. It also provides for inquiries to be undertaken by the Board into the conduct of contractors, appointment of investigating officers and allows for mandatory inspections of construction sites. In addition, it gives the Board the power to suspend a contractor and delete the name of a contractor for the register of contractors.
8. Section 17 under Part III, which is proposed for amendment, provides for the process and requirements for registration of contractors and also gives the Board powers and reasons to deny registration to any contractor. It further prescribes the process and documentation that is to be used upon registration of a contractor.
9. Part IV provides for establishment of an Appeals Board and to determine matters that any complaint against a decision by the Board. It also provides for the qualifications of members of the Appeals Board and the manner in which they are appointed. Further, it mandates the Appeals Board to make Rules with respect to filing, hearing and disposal of appeals and other matters before it and provides that the expenses of the Appeals Board be catered for by the respect Ministry.
10. Part V provides for financial provisions of the Authority such as funds as the sources of revenue/income, imposition of a levy of 0.5% of the value of a contract for contracts that exceed Ksh. 5 million. It also provides for the period of a financial year, procedure for preparation of annual estimates and creates a National Construction Authority Fund where all sources of revenue for the Authority are paid into and provides the manner in which accounts and audit of books and record of account of income, expenditure and assets, and investment of funds of the Authority are done.

11. Part VI provides for miscellaneous issues such as seal of the Authority, protection of the Authority from liability, the officer's authority to sign official documents of the Authority, power to make Regulations, power of the Cabinet Secretary to dissolve the Board and suppression.

CHAPTER TWO: PUBLIC PARTICIPATION ON THE BILL

12. The National Construction Authority (Amendment) Bill, 2022 (National Assembly Bills No. 59 of 2022) was read a First Time in the Senate on Thursday, 7th December, 2023 and thereafter stood committed to the Senate Standing Committee on Roads, Transportation and Housing for consideration.
13. Pursuant to the provisions of Article 118(1) (b) of the Constitution and Standing Order 140 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill.
14. In this regard, the Committee published an advertisement in the Daily Nation and Standard Newspapers on Saturday, 9th December, 2023 inviting members of the public to submit written memoranda to the Committee on the Bill.
15. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill. A copy of the advertisement is annexed to this Report as *Appendix 3*.
16. In response to the said invitations, the Committee received written submissions from –
 - a) Ministry of Lands, Public Works, Housing and Urban Development, State Department for Public Works;
 - b) Council of Governors; and
 - c) Architects AllianceCopies of stakeholder submissions are attached to this report as *Appendix 4*. Additionally, a matrix analysing the stakeholder submissions is annexed as *Appendix 6*.
17. The Committee proceeded to consider the Bill extensively, together with the stakeholder submissions received thereon.

CHAPTER THREE: OVERVIEW OF STAKEHOLDERS SUBMISSIONS

The Council of Governors

18. The Council of Governors supports the Bill as it seeks to safeguard the rights and promote the welfare of women, youth and persons with disabilities to become contractors with the knowledge that they will have exemptions from paying registration fees.
19. The Council further supports the Bill as the provision is in tandem with Articles 27, 54 and 55 of the Constitution which promote inclusivity, equality, and the protection of the rights of women, youth and persons with disabilities.

The Ministry of Lands, Public Works, Housing and Urban Development-State Department for Public Works

20. The Ministry supported the Bill because the amendment seeks to-
 - a) Provide for the recognition of women, youth and persons with disabilities as marginalized groups and cushion them from paying a registration fee ranging from Ksh. 5,000.00 to Ksh. 50,000.00, which can be prohibitive to startup businesses.
 - b) Exempt the annual renewal of licences to upcoming contractors which currently adds to the high business costs for contractors and fines those without a valid license; and
 - c) Exempt women, youth and persons with disabilities from paying registration fees which will transform the economy by creating a business-friendly environment for the targeted start up business ranging from those in constructing roads and buildings, installation solar systems, telecommunications sector, plumbing and installation of security surveillance systems among others.

The Architects Alliance

21. The Architects Alliance submitted as follows-

- a) The Architects Alliance (TAA) is an organisation of progressive Architects offering leadership and expertise towards attainment of safe, healthy and sustainable physical environments;
- b) (TAA) supported the Bill as the amendment was progressive and it acknowledged the unique challenges that the underrepresented groups such as women, youth and persons with disabilities faced in the construction industry;
- c) the Bill aligns with the Constitutional principles of equality and non-discrimination and fosters a more inclusive and diverse landscape within the construction sector. Implementation of the amendment would also address historical disparities and propel positive change in the construction industry;
- d) TAA proposed an amendment to define the term “*startup business venture*” within its context. The justification given for the proposal was that it would provide clear parameters for eligibility thereby ensuring that the exemption appropriately applies to businesses in their initial stages of operation. This would ensure the Bill’s effectiveness and the fair implementation of its intended objectives.

The Committee accepted the proposal.

CHAPTER FOUR: COMMITTEE OBSERVATIONS

4.1 Committee Observations on the Bill

22. Having considered the National Construction Authority (Amendment) Bill, 2022 (National Assembly Bills No. 59 of 2022) and the submissions from Stakeholders on the Bill, the Committee observed that-

- a) The Ministry of Lands, Public Works, Housing and Urban Development, Council of Governors and the Architects Alliance were in support of the Bill; and
- b) There was need to provide for a definition of the term '*startup business venture*' so as to ensure that only the targeted category of persons being women, youth and persons living with disability, benefited.

CHAPTER FIVE: COMMITTEE RECOMMENDATIONS

5.1 Committee Recommendations on the Bill

23. The Committee recommends that the Bill be approved with the amendment that the term “*start-up business venture*” be defined as a business that is registered in the lowest National Construction Authority class categories as follows -

- a. NCA6 with registration of Ksh. 15,000 and value limit of the project to undertake of up to ksh. 50,000,000
- b. NCA 7 with registration of ksh. 10,000 and value limit of the project to undertake of up to Ksh. 20,000,000
- c. NCA 8. with registration of ksh. 5,000 and value limit of the project to undertake of up to Ksh. 10,000,000

LIST OF APPENDICES

Appendix 1	Minutes of the Standing Committee on Roads, Transportation and Housing
Appendix 2	The National Construction Authority (Amendment) Bill, 2022 (National Assembly Bills No. 59 of 2022)
Appendix 3	Advertisement published in the <i>Daily Nation</i> and <i>Standard</i> newspapers on Friday, 9 th December, 2023
Appendix 4	Matrix of the submissions received by the Committee on the Bill
Appendix 5	Committee stage amendment to the Bill
Appendix 6	Copies of stakeholder submissions on the Bill

SPL/130/2024

Clerk's Chambers

Senate

NAIROBI

5th December, 2024

PAPER LAID

Mr. Speaker Sir,

**I beg to lay the following Paper on the Table of the Senate, today,
5th December, 2024;**

Report of the Standing Committee on Roads, Transportation and Housing on its consideration of the National Construction Authority (Amendment) Bill (National Assembly Bills No. 59 of 2022)

***(The Chairperson, Standing Committee on Roads,
Transportation and Housing)***



MINUTES OF THE FIFTY SEVENTH SITTING OF THE STANDING COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING HELD ON THURSDAY, 15TH FEBRUARY, 2024 AT 11.00 A.M. AT THE LAKE TURKANA ROOM, KICC BUILDING.

PRESENT

- | | |
|-----------------------------------------------|---------------|
| 1. Sen. Paul Karungo Thangwa, MP | - Chairperson |
| 2. Sen. (Rtd)Justice Stewart Madzayo, CBS, MP | - Member |
| 3. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member |
| 4. Sen. Enoch Kiiio Wambua, MP | - Member |
| 5. Sen. Edwin Watanya Sifuna, MP | - Member |
| 6. Sen. Mohamed Said Chute | - Member |

ABSENT WITH APOLOGY

- | | |
|---------------------------------|--------------------|
| 1. Sen. Peris Tobiko, CBS, MP | -Vice –Chairperson |
| 2. Sen. John Nderitu, MP | -Member |
| 3. Sen. Moses Kajwang', CBS, MP | - Member |

SECRETARIAT

- | | |
|-----------------------|-----------------------------|
| 1. Mr. Charles Ngatia | - Clerk Assistant I |
| 2. Ms. Peris Mukuria | - Clerk Assistant III |
| 3. Ms. Sombe Toona | - Legal Counsel I |
| 4. Mr. Ian Otieno | - Audio Officer |
| 5. Mr. John Lekampule | -Assistant Sergeant-At-Arms |
| 6. Mr. Caleb Njogu | -Intern |

MIN/SEN/RTH/332/2024

PRELIMINARIES

The meeting was called to order at twenty-two minutes past Eleven O'clock and commenced with a word of prayer by Sen. Paul Karungo Thangwa, MP.

MIN/SEN/RTH/333/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was proposed by Sen. Enoch Kio Wambua, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP as follows –,

1. Prayer;
2. Adoption of the Agenda;

3. Confirmation of the Minutes of the 51st, 52nd, 53rd and 55th meetings;
4. Matters Arising from the Minutes of the previous meetings;
5. Consideration of the National Construction Authority (Amendment) Bill, 2022 (National Assembly Bill No. 59 of 2022) (*Committee Paper No. 43*).
6. Consideration of Legislative Proposal on the Street Naming and Property Addressing System Bill, 2023 by Sen. Fatuma Dullo, CBS, MP (*Committee Paper No. 44*);
7. Any Other Business; and
8. Adjournment and date of the next meeting.

MIN/SEN/RTH/334/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Fifty First meeting held on Thursday, 16th November, 2023 were confirmed as a true record of the deliberations having been proposed by Sen. Edwin Watenya Sifuna, MP and confirmed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP.

Minutes of the Fifty Second meeting held on Tuesday, 21st November, 2023, were confirmed as a true record of the deliberations having been proposed by Sen. Edwin Watenya Sifuna, MP and seconded by Sen. (Rtd) Justice Stewart Madzayo, EGH, MP.

Minutes of the Fifty Third meeting held on Thursday, 23rd November, 2023 were confirmed as a true record of the deliberations having been proposed by Sen. (Rtd) Justice Stewart Madzayo, EGH, MP and seconded by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP.

Minutes of the Fifty Fifth meeting held on Tuesday, 28th November, 2023 were confirmed as a true record of the deliberations having been proposed by Sen. Mohamed Said Chute, MP and seconded by Sen. Edwin Watenya Sifuna, MP.

Minutes of the Fifty sixth meeting held on Thursday, 30th November, 2023 were confirmed as a true record of the deliberations having been proposed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Enoch Kii Wambua, MP.

MIN/SEN/RTH/335/2024

MATTER ARISING FROM THE MINUTES OF PREVIOUS MINUTES

1. Minutes of the 52nd Sitting

Ex-Min No. /SEN/RTH/335/2024

Meeting with stakeholders on to deliberate on Road Safety in Kenya

The Committee was informed that the meeting with stakeholders on road safety was not conclusive due time limitation and the Committee was expected to schedule another

engagement with more stakeholders especially those from road agencies so as to address the issue of road design being a contributor to road accidents.

2. Minutes of the 53rd Sitting

Ex-Min No. SEN/RTH/313/2023

MEETING WITH THE MANAGEMENT OF KENYA AIRPORTS AUTHORITY

The Committee was informed that the Kenya Airports Authority had not submitted the information requested by the Committee.

The Committee was further informed that the Committee was expected to schedule a visit to the airports in the country to inspect the measures taken by the management of KAA to ensure scheduled maintenance of infrastructure at the airports is undertaken.

3. Minutes of the 56th Sitting

a) **Ex Min. No. SEN/RTH/329/2023**

Meeting with the Governor, Marsabit County to Respond to Statements

The Committee noted that the Governor, Marsabit County had not submitted responses to the information sought by the Committee despite having committed to do so by 15th December, 2023, and resolved to invite the Governor to a meeting on Thursday, 29th February, 2024 to respond to-

- a) Statement by Sen. Mohamed Chute, MP regarding the status of construction of an abattoir in Segal area, Marsabit County; and
- b) Supplementary information to a Statement by Sen. Mohamed Chute, MP. regarding the status of construction of Bonkole Resort in Marsabit County.

b) **Ex Min. MIN/SEN/RTH/330/2023**

Meeting with the Governor, Kajiado County on a Petition concerning access to Title Deeds for Properties bought at Jamii Bora Estate, Kisaju, Kajiado County

The Committee was informed that Jamii Bora Charitable Trust had submitted copies of documents that they sent to the County Government of Kajiado as requested by the Committee. The Committee observed that the County Government would then be expected to undertake a review of the land rates due on the two parcels of land that Jamii Bora estate was built on and thereafter facilitate the process of approval of the subdivision plan.

The Committee noted that the Petition had taken too long to conclude and therefore there was need to conclude the Petition. The Committee resolved to hold a

concluding meeting with all stakeholders in order to agree on what all parties were required to do to ensure that title deeds for the properties were issued. The Committee would schedule a date for the meeting.

c) Ex. Min. No. SEN/RTH/324/2023

Meeting with the Governor, Nairobi
City County to Respond to an Inquiry
and a Statement

The Committee was informed that the Governor, Nairobi County paid the fine of Ksh. 500,000.00 on 14th February, 2024 via banker cheque in favour of **The Senate** instead of **Senate** and was requested to draw another cheque in favour of **Senate**.

The Committee resolved to invite the Governor, Nairobi County to a meeting on Tuesday, 27th February, 2024 to respond to -

- a) A Statement by Sen. (Dr.) Boni Khalwale, CBS, MP regarding the status of operation of the Green Park Terminus and the upgrade project of Uhuru Park and Central Park, Nairobi County; and
- b) Information sought by the Committee on the urban renewal plan for Eastlands Area, Nairobi County.

MIN/SEN/RTH/335/2024

CONSIDERATION OF THE NATIONAL
CONSTRUCTION AUTHORITY (AMENDMENT)
BILL, 2022 (NATIONAL ASSEMBLY BILL NO. 59
OF 2022) (COMMITTEE PAPER NO.43)

Members were informed that the National Construction Authority (Amendment) Bill, 2022 (National Assembly Bills No.59 of 2022) was read for a First Time on Thursday, 7th December, 2023 and committed to the Committee. The Committee had subsequently requested for submissions of memoranda and had received submissions from the following stake holders-

- (a) Ministry of Lands, Public Works, Housing and Urban Development, State Department for Public Works;
- (b) Council of County Governors; and
- (c) Architects Alliance.

Members were briefed that the Bill seeks to amend the National Construction Authority Act by amending Section 17 of the Act by inserting the following new subsections immediately after subsection (2), that-

Despite subsection (2), women, youth and persons with disabilities who apply to be registered by the Board as contractors shall be exempted from paying the prescribed registration fee where-

- a) The business is start-up business venture; and

b) The fee does not exceed fifteen thousand shillings.

The Committee considered the proposed amendments to the Bill from stakeholders and observed that the term "start-up business venture" should be defined in the Bill. The Committee resolved that the "start-up business venture" be defined as that business that is registered in the lowest National Construction Authority class category.

MIN/SEN/RTH/336/2024

CONSIDERATION OF LEGISLATIVE
PROPOSAL ON THE STREET NAMING AND
PROPERTY ADDRESSING SYSTEM BILL, 2023
BY SEN. FATUMA DULLO, CBS, MP
(COMMITTEE PAPER NO. 44)

Consideration of a Legislative Proposal on street naming and property addressing system Bill, 2023 by Sen. Fatuma Dullo, CBS, MP was deferred to the next meeting in order to give the Sponsor of the Legislative Proposal an opportunity to attend ng and present her views to the Committee.

MIN/SEN/RTH/337/2024

ANY OTHER BUSINESS

1. The Committee observed the need to change the approach of consideration of Statements and proposed to invite Senators who requested Statements to a meeting that would so as gather all supplementary information to the Statement so that when the response to the Statement was sought from government agencies it would be conclusive and therefore reduce the time taken to conclude on consideration of Statements.
2. Members were requested to support a Bill that seeks to amend the Power and Privileges Act so as to enhance the fine of those persons fond culpable for failure to honour Summons from ksh. 500,000 to Ksh. 2,000,000 and also to give Parliament the power to arrest persons and compel the appearance of witnesses before Parliament or its Committees.

MIN/SEN/RTH/338/2024

ADJOURNMENT AND DATE OF THE NEXT
MEETING

There being no other business, the meeting was adjourned at twenty-two minutes past Twelve O'clock.

SIGNED.....

(CHAIRPERSON: SEN. PAUL KARUNGO THANGWA, MP)

DATE..... 20/02/2024



MINUTES OF THE FIFTY-EIGHTH SITTING OF THE STANDING COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING HELD ON TUESDAY, 20TH FEBRUARY, 2024 AT 11.00 A.M. AT THE LAKE TURKANA ROOM, KICC BUILDING.

PRESENT

- | | |
|-----------------------------------------------|---------------|
| 1. Sen. Paul Karungo Thangwa, MP | - Chairperson |
| 2. Sen. (Rtd)Justice Stewart Madzayo, CBS, MP | - Member |
| 3. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member |
| 4. Sen. Edwin Watenya Sifuna, MP | - Member |
| 5. Sen. John Nderitu, MP | - Member |
| 6. Sen. Mohamed Said Chute , MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---------------------------------|--------------------|
| 1. Sen. Peris Tobiko, CBS, MP | -Vice –Chairperson |
| 2. Sen. Enoch Kiiio Wambua, MP | - Member |
| 3. Sen. Moses Kajwang', CBS, MP | - Member |

SECRETARIAT

- | | |
|-----------------------|-----------------------|
| 1. Mr. Charles Ngatia | - Clerk Assistant I |
| 2. Ms. Peris Mukuria | - Clerk Assistant III |
| 3. Ms. Sombe Toona | - Legal Counsel I |
| 4. Mr. Ian Otieno | - Audio Officer |
| 5. Ms. Lucy Mwaniki | - Serjeant-At-Arms |
| 6. Mr. Caleb Njogu | - Intern |

MIN/SEN/RTH/339/2024

PRELIMINARIES

The meeting was called to order at half past Eleven O'clock and commenced with a word of prayer by Sen. Paul Karungo Thangwa, MP.

MIN/SEN/RTH/340/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was proposed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP and seconded by Sen. John Nderitu, MP as follows –

1. Prayer;
2. Adoption of the Agenda;

3. Confirmation of the Minutes of the 57th meeting;
4. Matters Arising from the Minutes of the 57th meeting;
5. Consideration of Committee Amendments on the National Construction Authority Bill (National Assembly Bills No.59 of 2022) (*Committee Paper No.43 B*);
6. Consideration of a Legislative Proposal on street naming and property addressing system Bill, 2023 by Sen. Fatuma Dullo, CBS, MP (*Committee Paper No.44*);
7. Consideration of the Public Transport (Motorcycle Regulation) Bill ,2023 (Senate Bills No. 38 Of 2023) (*Committee Paper No.42*);
8. Any Other Business; and
9. Adjournment and Date of the Next Meeting.

MIN/SEN/RTH/341/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Fifty Seventh (57th) meeting held on Thursday,15th February, 2024 were confirmed as a true record of the deliberations having been proposed by Sen. Edwin Watenya Sifuna, MP and seconded by Sen. (Rtd)Justice Stewart Madzayo, CBS, MP.

MIN/SEN/RTH/342/2024

MATTERS ARISING

a) **Ex Min. No. SEN/RTH/329/2023**

Meeting with the Governor, Marsabit County to Respond to Statements

The Committee rescheduled the meeting with the Governor, Marsabit County from Thursday, 29th February, 2024 to Tuesday, 5th March, 2024.

b) **Ex. Min. No. SEN/RTH/324/2023**

Meeting with the Governor, Nairobi City County to Respond to an Inquiry and a Statement

The Committee was informed that the Senate was in receipt of the correct banker's cheque for the fine of Ksh. 500,000.00 from the Governor, Nairobi County on 16th February, 2024.

MIN/SEN/RTH/343/2024

CONSIDERATION OF COMMITTEE AMENDMENTS TO THE NATIONAL CONSTRUCTION AUTHORITY BILL (NATIONAL ASSEMBLY BILLS NO.59 OF 2022) (COMMITTEE PAPER NO.43 B)

The Committee unanimously adopted the National Construction Authority Bill (National Assembly Bills No.59 of 2022) and further made the following amendment to the Bill-
The Committee considered the Committee Amendments on the National Construction Authority Bill (National Assembly Bills No.59 of 2022) which sought to amend the Bill as follows, that the act be amended in section 2 by inserting the following new definition immediately after the definition of "registrar"-

“Start-up business venture” means an entity seeking to be registered under section 17.

The Committee resolved that the “start-up business venture” be defined as that business that is registered in the lowest NCA class categories as follows -

NCA6 with registration of ksh. 15,000 and capability of up to ksh. 50,000,000

NCA 7 with registration of ksh. 10,000 and capability of up to ksh. 20,000,000

NCA 8. with registration of ksh. 5,000 and capability of up to ksh. 10,000,000

MIN/SEN/RTH/344/2024

**CONSIDERATION OF LEGISLATIVE
PROPOSAL ON THE STREET NAMING AND
PROPERTY ADDRESSING SYSTEM BILL, 2023
BY SEN. FATUMA DULLO, CBS, MP
(COMMITTEE PAPER NO. 44)**

The Committee considered a Legislative Proposal on street naming and property addressing system Bill, 2023 by Sen. Fatuma Dullo, CBS, MP. Members were informed that the proposal sought to provide procedures and guidelines for creating a county addressing system and for this purpose, naming and addressing of streets and public places in counties.

The Bill aims at improving service delivery at the county level and aid in modernization of the counties. The bill will also help in preserving the history and heritage of the counties and serve as means of honoring persons who have made significant contributions to the history, culture, image and development of the country.

The Committee resolved that the Legislative Proposal be published with the following amendments –

1. PART IV - ESTABLISHMENT OF COUNTY ADDRESSING SYSTEMS COMMITTEES

Clause 20 (a) provides that the county executive committee member responsible for communication shall be the chairperson.

The Committee noted that not all county governments had a county executive responsible for communication and recommended that the clause be amended to provide that-

the county executive committee member responsible for urban planning/development shall be the chairperson.

2. PART III-THE NATIONAL ADDRESSING FRAMEWORK

Clause 17(2) which states that a holder of address data who fails to comply with this section of this Act commits an offence.

The Committee noted that the clause did not provide for a penalty on the same and resolved that the penalty for the offense be provided for under *Clause 35*.

MIN/SEN/RTH/345/2024

CONSIDERATION OF PUBLIC TRANSPORT
(MOTORCYCLE REGULATION) BILL ,2023
(SENATE BILLS NO. 38 OF 2023) (COMMITTEE
PAPER NO.42)

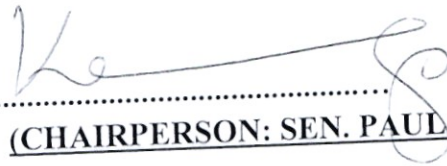
Consideration of Public Transport (Motorcycle Regulation) Bill, 2023 (Senate Bills No. 38 of 2023) was deferred to Thursday, February, 29th March, 2023.

MIN/SEN/RTH/346/2024

ADJOURNMENT AND DATE OF THE NEXT
MEETING

There being no other business, the meeting was adjourned at twenty-five minutes past Twelve O'clock.

SIGNED.....



DATE...29/02/2024

(CHAIRPERSON: SEN. PAUL KARUNGO THANGWA, MP)



MINUTES OF THE EIGHTY FOURTH SITTING OF THE STANDING COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING HELD ON FRIDAY, 14TH JUNE, 2024 AT THE SERENA BEACH RESORT & SPA, MOMBASA AT 2.00 P.M. .

PRESENT

- | | |
|------------------------------------------------|--------------------|
| 1. Sen. Paul Karungo Thangwa, MP | - Chairperson |
| 2. Sen. Peris Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. (Rtd) Justice Stewart Madzayo, EGH, MP | - Member |
| 4. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member |
| 5. Sen. Moses Kajwang', CBS, MP | - Member |

APOLOGIES

- | | |
|----------------------------------|----------|
| 1. Sen. Mohamed Said Chute , MP | - Member |
| 2. Sen. Edwin Watinya Sifuna, MP | - Member |
| 3. Sen. Enoch Wambua, MP | - Member |
| 4. Sen. John Kinyua Nderitu, MP | - Member |

SECRETARIAT

- | | |
|--------------------------|-------------------------------|
| 1. Ms. Mary Chesire | - Ag. Director, DSEC |
| 2. Mr. Charles Ngatia | - Clerk Assistant I |
| 3. Ms. Peris Mukuria | - Clerk Assistant III |
| 4. Mr. Sombe Toona | - Legal Counsel I |
| 5. Ms. Christine Isemeck | - Research Officer III |
| 6. Mr. Lemeteki Lorinyu | - Media Relations Officer III |
| 7. Mr. Mohamed Ibrahim | - Sergeant-at Arms |
| 8. Mr. Simon Muinde | - Audio Officer |

MIN/SEN/RTH/480/2024

PRELIMINARIES

The meeting was called to order at Twenty-Four minutes past Two O'clock and commenced with a word of prayer by Sen. Paul Karungo Thangwa, MP.

MIN/SEN/RTH/481//2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Peris Tobiko, CBS, MP and seconded by Sen. (Rtd) Justice Stewart Madzayo, EGH, MP as follows –

1. Prayer;

2. Adoption of the Agenda;
3. Confirmation of the Minutes of the 81st and 82nd meetings;
4. Matters Arising from the Minutes of 81st and 82nd meetings;
5. Consideration of Committee Paper No.43C on consideration and adoption of the Report on the National Construction Authority Bill (National Assembly Bills No.59 of 2022);
6. Consideration of Committee Paper No.59 on response by the County Government of Mombasa on Resolutions on a petition concerning eviction and demolition of Buxton Estate, Mombasa;
7. Any Other Business; and
8. Adjournment and Date of the Next Meeting.

MIN/SEN/RTH/482/2024

CONFIRMATION OF MINUTES

Minutes of the Eighty First (81st) meeting held on 28th May, 2024 were confirmed as a true record of the deliberations having been proposed by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Peris Tobiko, CBS, MP.

Minutes of the Eighty Second (82nd) meeting held on 30th May, 2024 were confirmed as a true record of the deliberations having been proposed by Sen. (Rtd) Justice Stewart Madzayo, EGH, MP and seconded by Sen. Peris Tobiko, CBS, MP.

MIN/SEN/RTH/483/2024

MATTERS ARISING

- a) **EX- MIN/SEN/RTH/472/2024 - MEETING WITH THE MANAGING DIRECTOR, KENYA NATIONAL HIGHWAY AUTHORITY (KeNHA)**

Statement sought by Sen. Samson Cherarkey, MP regarding the construction of six interchangers on the Nairobi's Western Bypass.

Members were informed that the Committee was in receipt of supplementary information sought from KeNHA on bank guarantees that were used as retention money for the EPC contract by China Road and Bridge Corporation and would be scheduled for consideration.

Status of budgetary allocation for compensation of the affected persons for the Mombasa Gate bridge project financed by JICA

The secretariat was tasked to confirm whether KeNHA secured adequate budget in the FY 2024/2025 to settle the balance of land acquisition costs for Mombasa Gate Bridge project estimated at Ksh. 16.54 billion.

MIN/SEN/RTH/484/2024

CONSIDERATION OF COMMITTEE PAPER NO. 43C ON CONSIDERATION AND ADOPTION OF

THE REPORT ON THE NATIONAL
CONSTRUCTION AUTHORITY BILL, 2022
(NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

The Committee was taken through the proposed Committee Stage Amendments of the National Construction Authority Bill, 2022 (National Assembly Bills No.59 Of 2022) which sought to amend the National Construction Authority Act by amending Section 2 by inserting the following new definition immediately after the definition “Registrar” –

“ start up” means an entity seeking to be registered under section 17 in the category NCA 6, NCA 7 or NCA 8.

Members considered the draft report on the Bill and adopted it for tabling in the Senate having been proposed by Sen. Moses Kajwang’, CBS, MP and seconded by Sen. Peris Tobiko, CBS, MP.

MIN/SEN/RTH/485/2024

CONSIDERATION OF COMMITTEE PAPER NO.
59 ON RESPONSE BY THE COUNTY
GOVERNMENT OF MOMBASA ON
RESOLUTIONS ON A PETITION CONCERNING
EVICTION AND DEMOLITION OF BUXTON
ESTATE, MOMBASA

The Committee was informed of receipt of a status of implementation of resolutions of the Senate in respect of a Petition concerning eviction and demolition of Buxton Estate, Mombasa County by the County Government of Mombasa.

The Committee considered the status report on implementation of resolutions and observed that the County Government had made progress on implementation of the resolutions. The Committee resolved that the status report on implementation of the resolutions be shared with the Petitioners.

MIN/SEN/RTH/486/2024

ADJOURNMENT AND DATE OF THE NEXT
MEETING

There being no other business, the meeting was adjourned at Eighteen minutes past Three O’clock.

SIGNED.....

DATE..... 06/08/2024

(CHAIRPERSON: SEN. PAUL KARUNGO THANGWA, MP)



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS

(Bill No. 59 of 2022)

**THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL, 2022**

(A Bill published in the Kenya Gazette Supplement No. 189 of 2022 and passed by the National Assembly, without amendments, on October 26th, 2023)

N.A./B/No. 59/2022

**THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL, 2022**

A Bill for

**AN ACT of Parliament to amend the National
Construction Authority Act and for connected
purposes**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Construction Authority (Amendment) Act, 2022. Short title.

2. The National Construction Authority Act is amended in section 17 by inserting the following new subsection immediately after subsection (2)— Amendment of section 17 of No.41 of 2011.

(2A) Despite subsection (2), women, youth and persons with disabilities who apply to be registered by the Board as contractors shall be exempted from paying the prescribed registration fee where —

- (a) the business is a startup business venture; and
- (b) the fee does not exceed fifteen thousand shillings.

The National Construction Authority (Amendment) Bill, 2022

I certify that this printed impression is a true copy of the Bill as passed by the National Assembly on Thursday, 26th October, 2023.



Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.


Speaker of the National Assembly

Vision Strategic re-engineering of NYS to enhance capacity and become financially sustainable

Ruto bold move to reposition NYS as jobs marketplace

It will be a pool of trained, one-stop-shop, ready-to-deploy Kenyans

BY BONIFACE MWANGI

President William Ruto yesterday rolled out his vision for the National Youth Service (NYS), announcing the setting aside of 80 per cent of military and police slots to the graduates, as well as a condition that all Kenyans to be sent to other countries for work must go through pre-deployment training at the NYS.

This, coupled with a plan to recruit at least 100,000 youth every year, will balloon the mandate and size of the NYS, the paramilitary training unit run by the state.

Setting aside 80 per cent of all military, police, forest rangers and other security services' slots

to NYS graduates was a decision of the powerful National Security Council (NSC), Dr Ruto said.

"The NSC has decided that going forward that 80 per cent of all security recruitment will be from NYS. They will form part of KDF, KWS, KFS," Dr Ruto said.

He spoke in Gilgil Nakuru County during the passing out of 10,521 graduates.

The NSC supervises Kenya's security organs, civilian and military is chaired by the President. Its other members are the Deputy president, Chief of the KDF, the Attorney General, Inspector General of Police National Intelligence Service Director, and Cabinet Secretaries in charge of Defence, Foreign Affairs and Internal Security.

The announcement by president Ruto is part of the government's plan to leverage on institutions like NYS which has a strong record in managing youth programmes.

Additionally, the state is finalising plans to have NYS train Kenyans to go for jobs abroad in bid to boost diaspora remittances.

There are job opportunities for Kenyans in Asia, Europe which the government has begun to exploit to ease the pressure of youth unemployment in the country, the President noted.

"We are negotiating with Germany, Saudi Arabia and eight other countries on export of labour. NYS will be the central organisation for pre-deployment training so that Kenyans understand what to do when they go out as export labour. As part of NYS modernisation, the unit will continue to participate in many fields to support civil works, dam desilting, and agriculture as they have done it in an exemplary way before," Dr Ruto announced.

Last week, a task force formed to look into the welfare of police, prisons and NYS recommended



National Youth Service Huduma springs drinking water purifier plant in Lugari, Kakamega County, produces 40,000 litres daily. The youth train to work anywhere in the world. Photo: Isaac Waite

take up greater numbers of trainees, position it on the path of financial sustainability through revenue generation, thereby creating the conditions to support the expansion of enrolment to 100,000 young people annually," Dr Ruto said.

The head of state also promised to ensure his administration allocates Sh7.5 billion from the Sh30 billion negotiated in India earlier in the week to modernise NYS equipment as well as the progressive expansion of NYS trainees recruitment to 100,000 annually beginning next year.

Public Service Cabinet Secretary Moses Kuria singled out the state agency's pillar of commercialisation, which seeks to create a service that is sustainable and doesn't need exchequer support.

"We promise to present you with a dividend cheque at the 2025 passing-out parade in appreciation for your assistance (President Ruto) in kicking off our transformation agenda under the NYS re-engineering program. We'll see to it that the NYS is self-sufficient," CS Kuria said.

Additionally, he said, the National Employment Authority is partnering with NYS to provide jobs for these young people to get jobs abroad. "We have already deployed 40 servicemen and women to the UK for readily available jobs," the CS said.

mwangiboni2022@gmail.com

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | SECOND SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sitting of the Senate held on Thursday, 7th December, 2023, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.


In accordance to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to the email addresses of the respective Committee indicated at the fourth column below, to be received on or before **Friday, 22nd December, 2023 at 5.00 p.m.**

Bill	Committee Referred To	Email Address
a) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022)	Standing Committee on Labour and Social Welfare	laboursocialwelfarecomm.senate@parliament.go.ke
b) The National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022)	Standing Committee on Roads, Transportation and Housing	roadstranshousingcomm.senate@parliament.go.ke
c) The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@parliament.go.ke

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>

J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.



Kenya Power

RESULTS OF ELECTION OF DIRECTORS

During the Annual General Meeting of The Kenya Power and Lighting Company Plc held on Friday, 8th December 2023, the following were elected as directors of the Company:

(i) **Directors appointed by the National Treasury being the Holder of Class B Ordinary Shares:**

- Cabinet Secretary, the National Treasury
- Principal Secretary, State Department of Energy
- Joy Brenda Masinde
- Logan Hambrick
- Eng. Albert Mugo

(ii) **Directors elected by Holders of Class A Ordinary Shares, being holders of Ordinary Shares other than the National Treasury:**

	Name	Votes Garnered
1	Eng. James Rege	104,973,082
2	Ruth Muirure	104,741,307
2	Dr. Caleb Bwauma	104,325,030
3	Ezekiel Saina	90,677,153

I. BORE
COMPANY SECRETARY

8th December 2023

D/Al
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Concerns as number of girls sitting exams drops

- ▶ Number of male candidates increased by 100,579 compared to females at only 72,130
- ▶ CS says male candidates performed better than their female counterparts.

MIKE KIHAKI, NAIROBI

Members of Parliament have raised concerns over the decline in the number of female students sitting national examinations.

National Assembly's education committee said the number of boys who sat this year's Kenya Certificate of Primary Education (KCPE) was higher than girls.

"We have noted in the past especially between 2013 and 2022, there has been some improvement in gender parity in these exams," Manderu South MP Haro Abdul stated.

He added that, "This year it looks like there is a reversal in gender

875
NUMBER of boys who scored A in the 2023 KCPE exams.

271
NUMBER of girls who scored A in the exam.

parity where boys have out-shined girls," Abdul said.

The legislator regretted that the government was doing little to remedy the problem of girls accessing basic education and their retention.

According to Kenya National Examinations Council, out of 689,798 pupils who registered for this year's KCPE examination, 685,017 sat the papers.

The number of male candidates

increased by 100,579 compared to their female counterparts at only 72,130 in comparison with last year.

While announcing the results, Education CS Ezekiel Machogu this year had the highest number of candidates since it was the last KCPE examination before the transition to Competency Based Curriculum.

"It was not a natural population. They took advantage of the window we gave to register for the examination. It affected the normal gender parity," he said.

Turkana, Garissa, Wajir and Mandera counties indicated a huge gap of between 56 to 62 per cent in favour of male students.

The data also indicate that in all counties apart from Tana River, Kakajado, Busia, Isiolo, and Nairobi female candidates were slightly more than male by less than one percent.

However, Machogu said male candidates performed better than their female counterparts. About 875 boys scored A against 271 girls, some 1,962 girls and 4,445 boys scored A.

MARITIME

Murkomen directs agency to ensure seafarers' safety

Roads and Transport Cabinet Secretary Kipchumba Murkomen has directed the Kenya Maritime Authority to certify all lake users and seafarers to ensure safety.

Speaking when he presided over the launch of standards of training, certification and watch keeping for seafarers at the Railway Training Institute Marine School in Kisumu, Mr Murkomen said this will ensure a sustainable blue economy.

The CS also witnessed the signing of an MoU between Kenya Railways and Kenya Utalii College.

"This partnership will enable graduates to access job opportunities in the marine sector and cruise ship industry. The school will also contribute to the enhancement of safety in our inland waters, especially Lake Victoria and other water bodies," the CS noted.

Murkomen spoke at a time scores of lives have been lost following El Nino rains that have affected North Eastern, Upper and Lower Eastern, Nyanza and the Coast.

He said the launch of the courses, which were developed through collaboration with International Maritime

Organisation and Kenya Maritime Authority was a major milestone in the journey towards realising a sustainable Blue Economy and expanding its contribution to national development.

"These standards will also facilitate quality management and safety of Kenya's water ways which will in turn promote regional integration and trade," the CS said.

Murkomen said the government is focused on efficient utilisation of water bodies, including Lake Victoria and has undertaken several initiatives towards revamping blue economy.

He added: "I salute the 12 graduands in the first cohort of this important safety training programme. As a former university lecturer, I know what innovation, creativity and energy young Kenyans can bring to the labour market when given a chance to acquire knowledge and skills."

Also present were Kisumu Governor Anyang Nyong'o, Kenya Railways chairman Mohamed Abdi, Kenya Railways MD Philip Mainga, Kenya Utalii College chairman David Omusotsi and Kenya Maritime Authority Director General John Omingo. [Jacob Ngetich]

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | SECOND SESSION

THE SENATE

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c) The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@parliament.go.ke

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J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.



RESULTS OF ELECTION OF DIRECTORS

During the Annual General Meeting of The Kenya Power and Lighting Company Plc held on Friday, 8th December 2023, the following were elected as directors of the Company:

- (i) Directors appointed by the National Treasury being the Holder of Class B Ordinary Shares:
 1. Cabinet Secretary, the National Treasury
 2. Principal Secretary, State Department of Energy
 3. Joy Brenda Masinde
 4. Logan Hambrick
 5. Eng. Albert Mugo
- (ii) Directors elected by Holders of Class A Ordinary Shares, being holders of Ordinary Shares other than the National Treasury:

	Name	Votes Garnered
1	Eng. James Rege	104,973,082
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2	Dr. Caleb Bwauma	104,325,030
3	Ezekiel Saina	90,677,153

I. BORE
COMPANY SECRETARY

8th December 2023

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STAKEHOLDER VIEWS ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2022
(NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
1.	2	COG & SDPW& AA	The Council supports the Bill on the grounds that it is in tandem with Article 27, 54 and 55 of the Constitution which promote the inclusivity, equality, and the protection of the rights of women, youth and persons with disabilities. In addition, the proposal also fosters diversity and inclusivity in the construction sector.	
2.		AA	<u>Proposal</u> Define startup business venture by defining the parameters for eligibility <u>Rationale</u> This will ensure the Bill applies only to the intended beneficiaries thereby enhancing the Bill's effectiveness and the fair implementation of its intended objectives.	

Stakeholders

- (a) The Council of County Governors (CoG);
- (b) Ministry of Lands, Public Works, Housing and Urban Development -State Department of Public Works (SDPW); and
- (c) The Architects Alliance.

19th February, 2023

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE NATIONAL CONSTRUCTION
AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59
OF 2022)**

NOTICE is hereby given that Sen. Karungo Thang'wa, the Chairperson of the Senate Standing Committee on Roads, Housing and Transportation, intends to move the following amendment to the National Construction Authority (Amendment) Bill (National Assembly Bills No. 59 of 2022), at the Committee Stage –

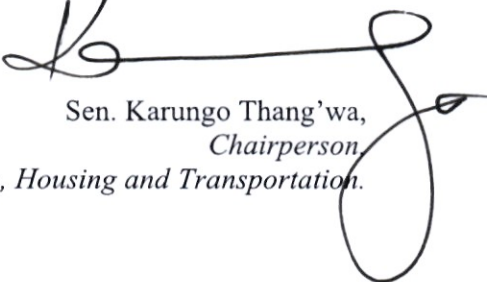
NEW CLAUSE

Amendment of
section 2 of Cap.
18.

THAT the Act be amended in Section 2 by inserting the following new definition immediately after the definition “Registrar” –

“ start up” means an entity seeking to be registered under section 17 in the category NCA 6, NCA 7 or NCA 8;

Dated 24th July 2024.


Sen. Karungo Thang'wa,
Chairperson,
Standing Committee on Roads, Housing and Transportation.



COUNCIL OF GOVERNORS

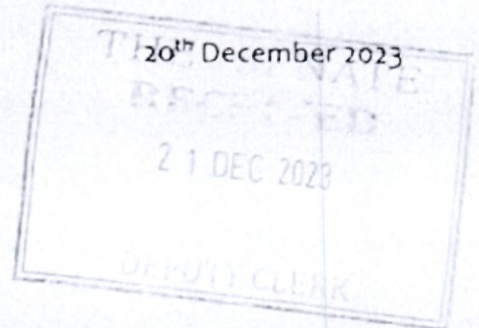
Westlands Delta House 2nd Floor, Wariyaki Way
P.O. BOX 40401-00100,
Nairobi

Tel (020) 2403314, 2403313
E mail: info@cog.go.ke

Our Ref: COG/2/13 Vol.32 (79)

Mr. J. M. Nyegenye, CBS
The Clerk of the Senate
Parliament Buildings,
Nairobi

20 DEC 2023



Dear Mr. Nyegenye

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

The above matter refers.

The Council of Governors has reviewed the National Construction Authority (Amendment) Bill, 2022 (National Assembly Bill no. 59 of 2022).

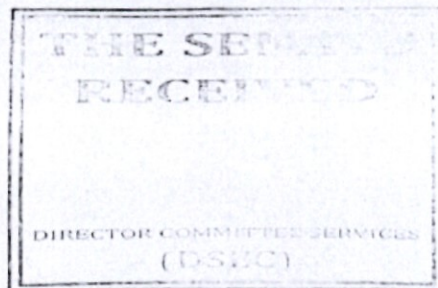
The Council wishes to express its support of the proposed amendment as it seeks to safeguard the rights and promote the welfare of women, youth, and persons with disabilities by encouraging women, youth and persons with disabilities to become contractors with the knowledge that they will have exemptions when it comes to paying for registration fees.

Further, the Council supports the Bill on the ground that it is in tandem with the constitutional provisions enshrined under Articles 27, 54, and 55 of the Constitution which promote inclusivity, equality, and the protection of the rights of women, youth, and persons with disabilities..

Please accept our highest esteem and regards.

Yours sincerely,

Mary Mwiti
Chief Executive Officer



DSFC

kindly deal -

Eg
22/12/2023

lead clerk Roads

kindly deal 27/12/2023



**MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN
DEVELOPMENT
STATE DEPARTMENT FOR PUBLIC WORKS**

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Ngong Road, Nairobi
Hotline: +254 726 123 123
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Tel +254 (0) 20 2718050
Fax +254 (0) 20 272 4470

Our Ref: PW/A/100/1/60
Your Ref: TBA

22nd December, 2023

The Clerk of the Senate

Clerk's Chambers
Parliament Building
P.O. Box 41842-00100
NAIROBI

**COMMENTS ON THE NATIONAL CONSTRUCTION AUTHORITY
(AMMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**

Reference is made to your letter Ref. SEN/DSEC/RTH/CORR/2023/166 dated 13th December, 2023 on the above subject.

Kindly find attached comments for the National Construction Authority (Amendment) Bill 2022 (National Assembly Bills No. 59 of 2022).

Nichif

Qs. N. M. Mutua
FOR: PRINCIPAL SECRETARY

Encl.



**MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN
DEVELOPMENT**

STATE DEPARTMENT FOR PUBLIC WORKS

**COMMENTS ON THE NATIONAL CONSTRUCTION AUTHORITY
AMMENDMENT BILL (2022)**

The NCA Act is amended in section 17 by inserting the following new subsection immediately after subsection (2)

(2A) Despite subsection (2) women, youth and persons with disabilities who apply to be registered by the board of contractors shall be exempted from paying the prescribed registered fee where –

- (a) The business is a startup business venture; and**
- (b) The fee does not exceed fifteen thousand shillings.**

The registration of Contractors brings in resources and allows for expenditures which are absolutely critical for the Government to generate resources. Contractors pay a registration fee that ranges from Kenya Shillings 5,000 to Sh50,000 a charge which can be prohibitive to startups. Renewal of the licenses which is done annually adds to the high business costs for the Contractors. Further, Contractors found practicing without a valid license risk a fine of up to One Million Shillings or three years in jail or both.

Registration of Contractors is a key plank that the NCA relies on to weed out rogue contractors in a bid to ensure the safety and quality of buildings, roads and other structural works that they deliver. Registration fees are likely to benefit men more than women, but overlook the fact that it is predominantly women who provide unpaid care to the extended family (children, senior family members, etc). These challenges are exacerbated among women, who face numerous gender-based, cultural and social based challenges when accessing finance. Financial institutions also face several challenges in lending to these businesses.

NCA wishes to exempt business startup ventures for women, youth and persons with disabilities. The move by NCA will benefit the startup companies and give them a chance to do business. NCA will be committed to transforming the

economy by creating a business-friendly environment. The amendment seeks to provide for the recognition of women, youth and persons living with disabilities as marginalized groups and cushion them from the burden of paying the registration fee.

The targeted startups range from those involved in constructing roads and buildings, installing solar systems, telecommunications sector, plumbing and installation of Security Surveillance Systems among others.



Our Ref: T.B.A

Your Ref: T.B.A

Date: 5th January 2024

The Senate

Clerk's Chambers

Parliament Buildings

P. O. Box 41842 – 00100,

Nairobi, KENYA

Email: clerk.senate@parliament.go.ke

Dear Sir,

**RE: VIEWS ON THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2022
(NATIONAL ASSEMBLY BILL NO. 59 OF 2022)**

Greetings from The Architects Alliance (TAA)!

Reference is made to the above subject matter and to your letter dated 19th December 2023 wherein you requested us to share our views regarding the National Construction Authority (Amendment) Bill, 2022 (“the Bill”).

TAA is a collective of progressive Kenyan Architects, spearheading the profession’s crucial role of pressing for a better society. Our organization offers leadership and lends expertise towards the attainment of safe, healthy and sustainable physical environments.

We wish to express our support for the Bill as the proposed amendment is a progressive initiative. The acknowledgment of the unique challenges faced by these underrepresented groups (women, youth and persons with disabilities [PWDs]) in the construction sector is a commendable step towards inclusivity and economic empowerment. Historically marginalized, women, youth, and PWDs have often encountered barriers hindering their participation in the construction industry. This proposed exemption not only recognizes these challenges but actively works towards dismantling the barriers by facilitating a smoother and easier registration process for their companies with the Board. By affording special considerations to these groups, the Bill not only aligns with principles of equality and non-discrimination as enshrined in our Constitution but also fosters a more inclusive and diverse landscape within the construction sector. It is a welcome move that reflects a commitment by the government to creating opportunities for underrepresented entrepreneurs. TAA fully endorses its implementation to address historical disparities and propel positive change in the construction industry.

Expressing support for the Bill, we would recommend a minor amendment to **start-up business venture** within its context. Clarifying this term will provide for eligibility, ensuring that the exemption appropriately applies to businesses in stages of operation. This precision will contribute to the Bill's effectiveness and the fair attainment of its intended objectives.

forward to passage of the Bill.

FOR AND BEHALF OF THE ARCHITECTS ALLIANCE

A handwritten signature in black ink, appearing to be 'Sylvia Kasanga', written over a light blue rectangular background.

Sen. Arch. Sylvia Kasanga
Chairperson