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5/8/26

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 AUG 2026	
TABLED BY:	Hon. Ken Chonges, MP
CLERK-AT THE-TABLE:	Irene Nduku



**PARLIAMENT
OF KENYA
LIBRARY**

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON LABOUR

**REPORT ON THE CONSIDERATION OF THE COUNTY ASSEMBLY SERVICES
(AMENDMENT) BILL (SENATE BILL NO. 34 OF 2023) SPONSORED BY
SENATOR CHUTE MOHAMED SAID, MP**



**CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

AUGUST, 2026



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LIST OF ABBREVIATIONS AND ACRONYMS

CAF	-	County Assemblies Forum
CBS	-	Chief of the Order of the Burning Spear
DAP-K	-	Democratic Action Party Kenya
KANU	-	Kenya African National Union
KLRC	-	Kenya Law Reform Commission
MBS	-	Moran of the Order of the Burning Spear
MP	-	Member of Parliament
OAG	-	Office of the Attorney-General and Department of Justice
ODM	-	Orange Democratic Movement
SOCATT(K)	-	Society of Clerks at the Table in Kenyan Legislatures
UDA	-	United Democratic Alliance



LIST OF ANNEXURES

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- Annexure 2: Minutes
- Annexure 3: County Assembly Services (Amendment) Bill (*Senate Bill No. 34 of 2023*)
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- Annexure 6: Memoranda by Stakeholders



CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Labour on the consideration of the County Assembly Services (Amendment) Bill (Senate Bill No. 34 of 2023) by Sen. Chute Mohamed Said, MP. The Bill was read a First Time in the House on **Tuesday, 27th May 2025** and was thereafter committed to the Committee in line with Standing Order 127(1) of the National Assembly Standing Orders.

The Bill seeks to amend the County Assemblies Act No. 24 of 2017 to clarify the procedure for removal of a member of the County Assembly Service Board. Additionally, the Bill proposes to provide for a procedure for the suspension of a Clerk of the County Assembly taking into account principles of fair administrative action. In this respect, the Bill proposes to set out the pendency of a suspension. Further, the Bill seeks to ensure that the Clerk of a County Assembly exercises effective control over the staff of the Assembly in order to ensure the efficient running of the respective legislature.

In compliance with Article 118(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Committee placed an advertisement in the print media on 24th June 2025 inviting the public to submit memoranda by way of written statements on the Bill. The memoranda were to be received on or before **4th July 2025** at 5.00 pm (East African Time).

In addition, the Committee, vide letters, Ref. No. *NA/DDC/LAB/2025/025* dated 23rd July 2025 requested key Stakeholders to share their written memoranda by Friday, **1st August 2025**.

By the close of the submission deadline, the Committee had received three (3) memoranda. The Kenya Law Reform Commission, the County Assemblies Forum and the Society of Clerks at the Table in Kenyan Legislatures gave their views on the Bill, which the Committee considered as contained in Part Three of this Report.

I take this opportunity to thank and commend the Honourable Members of the Committee for their devotion and commitment to duty; the Offices of the Speaker and the Clerk of the National Assembly for providing leadership and direction; and finally, the Committee Secretariat for its technical and logistical support.

Hon. Speaker, on behalf of the Departmental Committee on Labour and pursuant to the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the County Assembly Services (Amendment) Bill (Senate Bill No. 34 of 2023)

Hon. Kiti Richard Ken Chonga, MP
Chairperson



PART ONE

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Labour is established under Standing Order 216 and is mandated to, among others, “to vet and report on all appointments where the Constitution or any other law requires the National Assembly to approve, except those under Standing Order 204.”

1.2 Subject Matter

2. The subject matter of the Departmental Committee on Labour is stated in the Second Schedule of the National Assembly Standing Orders and includes, among others, “labour, human capital and remuneration, trade union relations and public service”.
3. In executing this mandate, the Committee oversees the following Ministries, Departments, and Agencies (MDAs):
 - i) The State Department for Public Service and Human Capital Development (Under the Ministry of Public Service, Human Capital Development and Special Programmes) and its Autonomous and Semi-Autonomous Government Agencies which include;
 - a) Kenya School of Government; and
 - b) Institute of Human Resource Management
 - ii) The State Department for Labour and Skills Development (Under the Ministry of Labour and Social Protection) and its Autonomous and Semi-Autonomous Government Agencies, which include;
 - a) National Industrial Training Authority (NITA);
 - b) National Productivity and Competitiveness Centre (NPCC);
 - c) Kenya National Labour Board and the Wages Council;
 - d) National Employment Authority (NEA);
 - iii) Public Service Commission; and
 - iv) Salaries and Remuneration Commission.

1.3 Committee Membership

4. The Departmental Committee on Labour comprises the following Members:

Chairperson

Hon. Richard Kiti Chonga, CBS, MP
Kilifi South Constituency

ODM Party

Vice-Chairperson

Hon. Fabian Kyule Muli, MP
Kangundo Constituency

GDDP

Members

Hon. Omboko Milemba, CBS, MP
Emuhaya Constituency

ANC Party

Hon. Joseph Samal Lomwa, MP
Isiolo North Constituency

Jubilee Party

Hon. George Aladwa Omwera, MP
Makadara Constituency

ODM Party

Hon. Njoroge, Mary Wamaua MP
Maragua Constituency

UDA Party

Hon. Dorice Aburi Donya, MP
Kisii County

WDM-K

Hon. Wachira, Rahab Mukami, MP
Nyeri County

UDA Party

Hon. Lilian Chebet Siyoi, MP
Trans Nzoia County

UDA Party

Hon. James O. K'Oyoo, MP
Muhoroni Constituency

ODM Party

Hon. Ernest Ogesi Kagesi, MP
Vihiga Constituency

ANC Party

Hon. Catherine Wambiliaga, MP
Bungoma County

FORD-K

Hon. Amina Dika Abdullahi, MP
Tana River County

KANU

Hon. Patrick Simiyu Barasa, MP
Cherangany Constituency

DAP-K Party

Hon. Peter Irungu Kihungi, MP
Kangema Constituency

UDA Party



1.4 Committee Secretariat

5. The Committee Secretariat comprises the following technical staff:

Ms. Hellen Ekadeli
Senior Clerk Assistant / Head of Secretariat

Ms. Colletah Sigilai
Principal Legal Counsel II

Ms. Jael Ayiego
Clerk Assistant III

Mr. Joseph Ndirangu
Fiscal Analyst I

Ms. Wambui Nyachae
Research Officer III

Ms. Mercy Mayende
Media Relations Officer III

Mr. Timothy Chiko
Research Officer III

Ms. Yasmin Hassan
Assistant Serjeant-At-Arms II



PART TWO

2.0 OVERVIEW OF THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILL NO. 34 OF 2023)

2.1 Background

6. The Bill seeks to amend the County Assembly Services Act, No. 24 of 2017 to clarify on the procedure for removal of a member of the County Assembly Service Board. Additionally, the Bill proposes to provide for a procedure for the suspension of a Clerk of the County Assembly taking into account principles of fair administrative action. In this respect, the Bill proposes to set out the pendency of a suspension. Further, the Bill seeks to ensure that the Clerk of a County Assembly exercises effective control over the staff of the Assembly in order to ensure the efficient running of the respective legislature.
7. The Bill was read a First Time in the House on Tuesday, 27th May 2023 and was thereafter committed to the Committee in line with Standing Order 127(1) of the National Assembly Standing Orders.

2.2 Summary of Legal Provisions

8. The Bill seeks to amend the County Assemblies Act (Cap.) as follows:
 - (a) **Clause 2** of the Bill proposes to insert the “administrative” after “procedural” to ensure that the Act covers both procedural and administrative functions of county assemblies.
 - (b) **Clause 3** of the Bill proposes a detailed petition process for the removal of a Board Member
 - (c) **Clause 4** of the Bill clarifies that the Clerk of a county assembly is responsible to a County Assembly Service Board, and not to the chairperson of a County Assembly Service Board.
 - (d) **Clause 5** of the Bill proposes to assign a Clerk of a County Assembly power to exercise supervisory control over county assembly staff.
 - (e) **Clause 6** of the Bill introduces a new section 22A to provide for a fair procedure for suspending a Clerk of a County Assembly
 - (f) **Clause 7** of the Bill seeks to provide the timeline for responding to allegations by a Clerk of a County Assembly and the threshold for a County Assembly resolution for removal requires support of two-thirds of members.
 - (g) **Clause 8** of the Bill seeks to safeguard the rights of staff on secondment.



PART THREE

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 Legal Framework on Public Participation

9. Article 118 (1)(b) of the Constitution provides that:

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

10. The National Assembly Standing Order 127 (3) and (3A) stipulates that:

“(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including-

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

3.2 Memoranda Received on the Bill

11. Pursuant to the aforementioned provisions of the law, the Committee placed an advertisement (*Annexure 4*) in the print media on 24th June 2025 inviting the public to submit memoranda by way of written statements on the Bill on or before 4th July 2025 at 5.00 pm (East African Time).
12. Further, the Committee vide letters, Ref. No. NA/DDC/LAB/2025/025 dated 23rd July 2025 requested key Stakeholders to share their written memoranda by Friday, 1st August 2025. (*Annexure 5*).
13. The Committee received three (3) memoranda from KLRC, CAF and SOCATT-K. The memoranda are annexed to this report as *Annexure 6*.
14. SOCATT (K) submitted memoranda in full support of the Bill while KLRC and CAF submitted memoranda with proposed amendments as follows:

Clause 3

15. **KLRC** proposed deletion of Clause 3(b), submitting that the procedure for the removal of a board member is outlined under Section 58 of the County Government Act, 2012 and that members of the Board serve on the basis of contract.

Clause 4

16. **KLRC** proposed deletion of the clause and submitted that the Chairperson of the Board is mandated to hold the Secretary accountable for discharge of their responsibilities.
17. **CAF** proposed deletion of the clause and submitted that the deletion of the words "chairperson of the Board and the" from Section 17(2), would result in the Secretary being responsible solely to the Board.
18. **CAF** submitted that the existing dual accountability of the Secretary to both the Chairperson and the Board constitutes a vital check-and-balance mechanism, and that its removal diminishes the checks and balances within the organisational hierarchy.

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19. The elimination of the reporting responsibility to the Chairperson risks creating a scenario in which the Secretary operates without direct oversight, with the attendant risk of unilateral decision-making not necessarily aligned with the best interests of the County Assembly.
 20. The proposed reporting structure departs from established governance norms, under which a chief executive or administrative officer ordinarily reports to both a board and its chairperson.
 21. The amendment concentrates authority within the Board, with the attendant risk of unchecked decision-making, contrary to the fundamental principle that checks and balances underpin good governance.

Clause 5

22. **KLRC** proposed deletion of section 19 and submitted that the principal Act requires clarification with respect to the duties of the Clerk. It proposed that the clause be redrafted as follows;

"Section 19 (1) The Clerk shall be responsible for —

- (a) Carrying into effect the decisions of the County Assembly*
- (b) Day-to-day administration and management of the County Assembly*
- (c) Supervision of the staff in the County Assembly*

(2) perform such other duties as may be assigned by the County Assembly."

Clause 7

23. **CAF** proposed deletion of the clause stating that the substitution of section 20 with section 22 undermines a ground for the removal of the Clerk relating to the Clerk's obligation to act under the direction of the Speaker, thereby compromising the constitutional balance of powers under Article 178 of the Constitution.
24. **CAF** submitted that the amendment weakens the constitutional authority of the Speaker over the Clerk and disrupts the hierarchical structure within the County Assembly, in which the Speaker plays a central role in directing the Clerk's actions.
25. It further submitted that the amendment places the Clerk under the direction of the Board rather than the Speaker, contrary to the constitutional framework establishing the authority and independence of the Speaker.
26. It also submitted that, notwithstanding the enhancement of due process through the introduction of a more detailed removal procedure involving charges, responses, and a select committee, the amendment risks introducing complexities that could be exploited for arbitrary action against the Clerk without adequate safeguards.

Clause 8

27. **KLRC** proposed deletion of the clause and submitted that there was a need to maintain a consistent standard for the County Governments regarding all staff designations involved in secondment in order to conform to the national standard outlined in Section 37 of the Public Service Commission Regulations, 2019.



PART FOUR

4.0 Committee Observations

28. Upon reviewing the **Bill** and the submissions received, the **Committee** made the following observations:

- i. The Committee noted that the procedure for the removal of a board member is outlined under Section 58 of the County Government Act, 2012.
- ii. The Bill seeks to assign a Clerk of a County Assembly power to exercise supervisory control over county assembly staff. Further, there should be uniformity of both procedural and administrative functions of Clerks of County Assemblies, and the functions should be limited to the Legislative Arm of the County Governments.
- iii. There is a need for clear guidelines/ provisions for payment of remuneration and benefits of the officers on secondment by the primary employer or the receiving entity and guidelines on terms of secondment, including timelines and preservation of the primary employment terms.
- iv. On amendment of Section 25 of the principal Act, the Committee observed that the provision might disadvantage the Primary employer, noting that the host organisation benefits from the officer's expertise and skill.
- v. Highlighting cases of abuse of secondment in both levels of government, which involve irregular transfer of staff, the Committee noted the need for legal provision to guide secondment. It will enhance protection of officers on secondment, ensure uniformity and ensure that secondment is guided by the need for skills transfer or critical support.
- vi. On the proposed amendment to the functions of the Secretary, the Committee noted that the amendment will streamline the reporting structure of the Clerk of the County Assembly, ensuring that the Clerk is directly accountable to the County Assembly Service Board (CASB) rather than to the Chairperson of the board.

PART FIVE

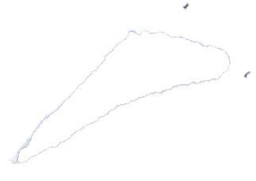
5.0 Committee Recommendation

29. The Committee, having considered the County Assembly Services (Amendment) Bill (Senate Bill No. 34 of 2023) and the submissions from members of the public and stakeholders, recommends that the House **approves the Bill** with amendments as contained in the Schedule of Amendments forming PART SIX of this report.

SIGNED: DATE: 05/8/2023

HON. KITI RICHARD KEN CHONGA, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 AUG 2023	
DAY: WEDNESDAY	
TABLED BY:	HON. KEN CHONGA, MP
CLERK-AT-THE-TABLE:	IRENE NDUKU



PART SIX

6.0 Schedule of Amendments

30. In view of the observations made, the Committee proposed the following amendments to the Bill—
31. **CLAUSE 3**
THAT, clause 3 be amended by deleting Clause 3(b) of the Bill
32. **CLAUSE 5**
THAT, Clause 5 of the Bill be amended by;
 - i) deleting the proposed amendment to section 19(1) and;
 - ii) inserting the following subsection immediately after subsection 19 (1)—

“(2) Perform such other duties as may be assigned by the County Assembly.”
33. **CLAUSE 7**
THAT, clause 7 of the Bill be deleted.
34. **CLAUSE 8**
THAT, clause 7 of the Bill be deleted.