



REPUBLIC OF KENYA

Approved
Bosch
1st Dec. 2022

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIRST SESSION – 2022
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES

REPORT ON THE APPROVAL HEARINGS OF:

1. MR. ALFRED K'OMBUNDO, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR TRADE;
2. MR. ABUBAKAR HASSAN, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR INVESTMENT PROMOTION;
3. MR. JUMA MUKHWANA, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR INDUSTRY;
4. MR. PATRICK KIBURI KILEMI, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR COOPERATIVES; AND
5. MS. SUSAN MANGENI, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR MICRO SMALL & MEDIUM ENTERPRISES (MSMEs) DEVELOPMENT

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER 2022

THE NATIONAL ASSEMBLY

DATE: 01 DEC 2022 THURSDAY

CHAIR, DC - TRADE, INDUSTRY & COOPERATIVES
HON. JAMES GAKOYA

Benson Inzo

LIST OF ABBREVIATIONS AND ACRONYMS

CEO	-	Chief Executive Officer
CRB	-	Credit Reference Bureau
DCI	-	Directorate of Criminal Investigations
EAC	-	East African Community
EACC	-	Ethics and Anti-Corruption Commission
FDI	-	Foreign Direct Investments
H.E.	-	His Excellency
HELB	-	Higher Education Loans Board
HSC	-	Head of State Commendation
ICT	-	Information Communication Technology
KIPPRA	-	Kenya Institute for Public Policy Research and Analysis
KPCU	-	Kenya Planters Cooperative Union
KRA	-	Kenya Revenue Authority
MSMEs	-	Micro Small and Medium Enterprises (MSMEs)
NEPAD	-	New Partnership for Africa's Development
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval) Act
USA	-	United States of America
UNDP	-	United Nations Development Programme
UON	-	University of Nairobi

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CHAIRPERSON'S FOREWORD

This Report contains proceedings of the Departmental Committee on Trade, Industry and Cooperatives during the approval hearings of Mr. Alfred K'OMBUNDO, nominee for appointment as Principal Secretary, State Department for Trade; Mr. Abubakar Hassan, nominee for appointment as Principal Secretary, State Department for Investment Promotion; Mr. Juma Mukhwana, nominee for appointment as Principal Secretary, State Department for Industry; Mr. Patrick Kiburi Kilemi, nominee for appointment as Principal Secretary, State Department for Cooperatives; and Ms. Susan Mangeni, nominee for appointment as Principal Secretary, State Department for MSMEs Development as requested by H.E. the President and communicated to the House by the Speaker on Thursday, 3rd November 2022.

Pursuant to Article 155(3) (b) of the Constitution, Section 5 of the PAPAA and Standing Order 45(1), H.E. the President notified the National Assembly of the nomination of fifty-one (51) Principal Secretaries to various State Departments vide a letter dated 2nd November 2022. The Hon Speaker vide a communication made on Thursday, 3rd November 2022 conveyed to the House the Message from H.E. the President and subsequently referred names of the nominees, curricula vitae, and the report of the selection panel on their recruitment to Departmental Committees for approval hearings. While referring the matter to the Committees, the Speaker directed that the Committees undertake the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.

In compliance with Article 118 (b) of the Constitution and section 6 (4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4th November 2022 informing the public of the nomination, date, time and place of the approval hearing. He also invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominees in conformity with section 6 (9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The memoranda were to be received on or before Friday, 11th November 2022 at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum for or against the nominee's suitability.

The Clerk of the National Assembly also wrote to Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP) seeking references and background checks relating to the suitability of the nominee.

The nominees appeared before the Committee on Monday, 14th November 2022 and 30th November, 2022 for vetting. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominees; any constitutional or statutory requirements relating to the office in question and suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the State Departments.

Committee Recommendation

The Committee having held approval hearings of the nominees regarding their suitability, observed that due process was followed on the recruitment process as provided for under Article 155(3) (b) of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee therefore recommends that the National Assembly **APPROVES** the nomination of Mr. Alfred K'OMBUNDO, nominee for appointment as Principal Secretary, State Department for Trade; Mr. Abubakar Hassan, nominee for appointment as Principal Secretary, State Department for Investment Promotion; Mr. Juma Mukhwana, nominee for appointment as Principal Secretary, State Department for Industry; Mr. Patrick Kiburi Kilemi, nominee for appointment as Principal Secretary, State Department for Cooperatives; and Ms. Susan Mangeni, nominee for appointment as Principal Secretary, State Department for Micro Small and Medium Enterprises (MSMEs) Development.

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker, Office of the Clerk of the National Assembly, Office of the Director Departmental Committees and the Committee Secretariat for the logistical support extended during the vetting process.

In addition, the Committee thanks the nominees for their cooperation during the vetting process. Finally, the Committee appreciates KRA, EACC, DCI, HELB and ORPP for providing references as well as background checks relating to the suitability of the nominees.

I acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the task within the required timelines.

On behalf of the Departmental Committee on Trade, Industry and Cooperatives, and pursuant to Article 155(3)(b) of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199(6), it is my pleasant duty to present the Report of the Committee on the approval hearings of Mr. Alfred K'OMBUNDO, nominee for appointment as Principal Secretary, State Department for Trade; Mr. Abubakar Hassan, nominee for appointment as Principal Secretary, State Department for Investment Promotion; Mr. Juma Mukhwana, nominee for appointment as Principal Secretary, State Department for Industry; Mr. Patrick Kiburi Kilemi, nominee for appointment as Principal Secretary, State Department for Cooperatives; and Ms. Susan MANGENI, nominee for appointment as Principal Secretary, State Department for MSMEs for debate and adoption by the House.



Hon. James Gakuya, MP.

Chairperson, Departmental Committee on Trade, Industry and Cooperatives

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Trade, Industry and Cooperatives is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- iii. on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. To study and review all legislation referred to it;*
- v. To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
- viii. To examine treaties, agreements and conventions;*
- ix. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. To examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, Trade, including securities exchange, consumer protection, pricing policies, commerce, industrialization including special economic zones, enterprise promotion and development, Micro, small & medium enterprise (MSMEs), and small and medium enterprise (SMEs), intellectual property, industry standards, anti-counterfeit and cooperative development.
3. In executing its mandate, the Committee oversees the Ministry of Trade Investments & Industry and the Ministry of Cooperatives & Micro Small and Medium Enterprises (MSME).

1.3 Committee Membership

4. The Departmental Committee on Trade, Industry and Cooperatives was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon. James Mwangi Gakuya, MP
Embakasi North Constituency
UDA Party

Vice-Chairperson

Hon Kitany Jebet Marianne, MP
Aldai Constituency
UDA Party

Members

Hon. Dr. Oundo Wilberforce Ojiambo, MP
Funyula Constituency
ODM Party

Hon. Adagala Beatrice Kahai, MP
Vihiga Constituency
ANC Party

Hon. Githinji Robert Gichimu, MP
Gichugu Constituency
UDA Party

Hon. Hassan Kulow Maalim, MP
Banissa Constituency
UDM Party

Hon. Kamene Joyce, MP
Machakos Constituency
WDM Party

Hon. Mwalyo Joshua Mbithi, MP
Masinga Constituency
Independent Member

Hon. Oluoch Anthony, MP
Mathare Constituency
ODM Party

Hon. Guyo Adhe Wario, MP
North Horr Constituency
KANU Party

Hon. Korir Adams Kipsanai, MP
Keiyo North Constituency
UDA Party

Hon. Maina Mwago Amos, MP
Starehe
JP Party

Hon. Sakimba Parashina Samwel, MP
Kajiado South Constituency
ODM Party

Hon. Wanaina Antony Njoroge, MP
Kieni Constituency

UDA Party

Hon. Waithaka John Machua

Kiambu Constituency

UDA Party

1.4 Committee Secretariat

The Committee is facilitated by the following staff:

Nebert Ikai Lomechu
Clerk Assistant II/Head of Secretariat

Mr. Kimathi Samson Timothy
Clerk Assistant III

Ms. Doreen Karani
Senior Legal Counsel

Ms. Loice Olesia
Fiscal Analyst III

Mr. Mr.Arkan Ali Mumin
Research Officer III

Ms. Mercy Mayende
Media Relations Officer

Mr. Josphat Bundotich
Serjeant-At-Arm

Mr. Onesmus Kiragu
Senior Serjeant-At-Arms

Mr. John Mungai
Audio Recording Officer

CHAPTER TWO

2 BACKGROUND INFORMATION

2.1 Legal Framework

5. Article 155 of the Constitution provides that:

155. (1) There is established the office of Principal Secretary, which is an office in the public service.

(2) Each State department shall be under the administration of a Principal Secretary.

(3) The President shall—

(a) nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and

(b) with the approval of the National Assembly, appoint Principal Secretaries.

(4) The President may re-assign a Principal Secretary.

(5) A Principal Secretary may resign from office by giving notice, in writing, to the President.

In light of this, H.E. the President nominated fifty-one (51) persons for appointment as Principal Secretaries to various State Departments. The President nominated the following persons for appointment as Principal Secretaries for State Department for Trade, Investment Promotion, Industry, Cooperatives and MSMEs Development;

- i. Mr. Alfred K'OMBUNDO, nominee for appointment as Principal Secretary, State Department for Trade;
- ii. Mr. Abubakar Hassan, nominee for appointment as Principal Secretary, State Department for Investment Promotion;
- iii. Mr. Juma Mukhwana, nominee for appointment as Principal Secretary, State Department for Industry;
- iv. Mr. Patrick Kiburi Kilemi, nominee for appointment as Principal Secretary, State Department for Cooperatives; And
- v. Ms. Susan Mangeni, nominee for appointment as Principal Secretary, State Department for MSMEs Development

6. The Departmental Committee on Trade, Industry and Cooperatives has been assigned the role of conducting the vetting of the aforesaid nominees.

7. The following Articles of the Constitution and statutes/provisions will be paramount to the Committee as it executes this mandate:
- i. The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
 - ii. The Public Service Commission Act (No. 10 of 2017) on recommendation for Appointment of Principal Secretaries;
 - iii. Article 10 of the Constitution on the National Values and Principles of Governance;
 - iv. Chapter 6 of the Constitution on Leadership and Integrity;
 - v. Article 77 of the Constitution on Restriction on Activities of State Officers;
 - vi. Article 78 of the Constitution on Dual Citizenship;
 - vii. Article 118 of the Constitution on Public Participation;
 - viii. Article 232 of the Constitution on Values and Principles of Public Service;
 - ix. The Leadership and Integrity Act (Cap. 182);
 - x. The Public Service (Values and Principles) Act (No. 1A of 2015); and
 - xi. The Public Officer Ethics Act (Cap. 183).

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

8. Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. These issues include:
- i. the procedure used to arrive at the nominee;*
 - ii. any constitutional or statutory requirements relating to the office in question; and*
 - iii. the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*
9. During the approval hearing, section 6 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) provides important points, viz:
- i. An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7), PAPAA);
 - ii. The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8), PAPAA);
 - iii. Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9), PAPAA); and
 - iv. A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10), PAPAA).

The Public Service Act (No. 10 of 2017)

10. Section 47 (2) of the Public Service Act (No. 10 of 2017) provides qualifications that one must have so as to be eligible for appointment as a Principal Secretary. These are:
- i. be a citizen of Kenya;
 - ii. hold a degree from a university recognised in Kenya;

- iii. has at least ten (10) years relevant professional experience, five (5) years of which should have been in a leadership position or at a top management level in the public service or private sector;
- iv. possess general knowledge of the organisation and functions of Government;
- v. demonstrates an understanding of the goals, policies and developmental objectives of the nation;
- vi. has demonstrable leadership and management capacity including knowledge of financial management and strategic people management; and
- vii. meets requirements of Chapter Six of the Constitution.

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

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

Chapter 6 of the Constitution (Leadership and Integrity)

12. There are important provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a State officer (a Principal Secretary being a state officer under Article 260 of the Constitution) is a public trust to be exercised in accordance to the Constitution, demonstrate respect for the people, bring honour to the nation and dignity to the office and promote public confidence in the integrity of the office. Also, the State officer shall have the responsibility to serve the people, rather than the power to rule them.
13. The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 77 of the Constitution (Restriction on activities of State officers)

14. Article 77 of the Constitution provides that a full-time State officer shall not participate in any other gainful employment and that any appointed State officer shall not hold office in a political party.

Article 78 of the Constitution on citizenship and leadership

15. Article 78 of the Constitution states that a person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya. It also provides that a State officer or a member of the defence forces shall not hold dual citizenship.

Article 118 of the Constitution on public access and participation

16. Article 118 of the Constitution provides that:

1. *Parliament shall:*

- a) *conduct its business in an open manner, and its sittings and those of its committees shall be in public; and*
- b) *facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*

2. *Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.*

Article 232 of the Constitution on Values and Principles of Public Service

17. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

The Leadership and Integrity Act (Cap. 182)

18. The Leadership and Integrity Act provides a number of obligations to a State officer. These are, among others: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to abuse of office, not misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, conflict of interest etc.

The Public Service (Values and Principles) Act

19. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, observance of rule of law. (Applies in future upon appointment)

The Public Officer Ethics Act (Cap. 183)

20. The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using office as a venue for soliciting or collecting harambees; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favouritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, submission of declaration of income, assets and liabilities once every two years (section 26). (Applies in future after appointment).

2.2 Qualifications for appointment as Principal Secretary

21. In conducting the approval hearings, the Committee was guided by Article 155 (3) (b) of the Constitution, section 47 (2) of the Public Service Commission Act and the provisions of Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

2.3 Message from H.E. the President

22. H.E. the President on **2nd November 2022** communicated the names of the nominees for appointment to the positions of Principal Secretary State Department for Trade, Principal Secretary State Department for Industry, Principal Secretary State Department for Investments, Principal Secretary State Department for Cooperatives and Principal Secretary State Department for Micro, Small and Medium Enterprise to the Speaker for approval by the National Assembly pursuant to Article 155 (3). The Speaker in his communication from the Chair issued on **Tuesday, 3rd November 2022** and pursuant to Standing Order No. 42 referred the names to the Departmental Committee on Trade, Investments and Cooperatives to conduct approval hearings and report within twenty-eight (28) days.

2.4 Speaker's Communication and Committal to the Committee

23. Pursuant to the provisions of Standing Order No. 42, the Speaker of the National Assembly on **Tuesday, 3rd November 2022** communicated to the House the message from H.E. the President regarding the nominees for appointment as Principal Secretaries for various State Departments. The Speaker informed the House that H.E. the President was seeking approval of the National Assembly on the said nominations before the nominees' appointment.
24. In accordance with Standing Order 45(1), the Speaker read the Message from H.E. the President and referred the names of the nominees, their curricula vitae and report of the Selection Panel on the recruitment process to the Departmental Committee on Trade, Investments and Cooperatives to conduct approval hearings.
25. While referring the matter to the Committee, the Speaker directed that the Committee undertakes the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.
26. In addition, the Speaker directed that approval hearings should commence on Monday, 14th November 2022 and end on Friday, 18th November 2022. Thereafter, the reports should be tabled in the House not later than Tuesday, 22nd November 2022 so as to enable the House to consider the reports within the statutory timelines.
27. However on 15th November, 2022, the Employment and Labour Relations court in constitution petition No.E186 of 2022,(Dr Magare Gikenyi Versus The President of the Republic of Kenya and 55 Others) and in Constitution Petition No. E192 of 2022 (Law Society of Kenya versus The National Assembly and 4 Others), granted Conservatory Orders temporarily staying the vetting process pending interparty hearings scheduled for 21st November ,2022;
28. On Tuesday 29th November 2022, the Court paved way for the resumption of vetting process noting that the petitions were baseless, frivolous, vexatious and premature. Consequently the

Speaker lifted the suspension on vetting of the persons nominated to serve as Principal Secretary and directed that all departmental committee to conclude the vetting proceeding and table their respective reports by the end of the morning sitting 1st December 2022 to pave way for consideration of various approval motions by the House.

2.5 Notification to the Public

29. Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.
30. The Clerk of the National Assembly on **Friday, 4th November 2022** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval hearings, as provided for by Article 118 (1) (a) (b) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), which allows public participation in committee proceedings. The notification gave provision for the submission of memoranda, by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominees, by **Friday, 11th November 2022 at 5.00 pm (East African Time)**. At the close of the submission deadline, the Committee had not received any memorandum for or against the suitability of the nominees.

2.6 Notification to the Nominee

31. The Clerk of the National Assembly vide an advert placed in the print media on Friday, 4th November 2022 and letters Ref. NA/DDC/A&L/VETT/2022/001 and Ref. NA/DDC/A&L/VETT/2022/002 informed the nominees of the nomination by H.E. the President and requested them to appear for vetting by the Departmental Committee on Trade, Investments and Cooperatives on **Monday, 14th November 2022 and Tuesday 15th November 2022** in Committee Room 9, Main Parliament Building. The Clerk of the National Assembly further requested the nominees to bring with them their clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and Office of the Registrar of Political Parties (ORPP)
32. However the approval hearing scheduled for **Tuesday 15th November 2022** was stayed and resumed on 30th November 2022 as a result of the petition discussed in paragraph 27 and 28.

2.7 Clearance Requirements

33. The Clerk of the National Assembly wrote to the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI) requesting for tax, education loans, integrity, affiliation to political parties and criminal record status of the nominees. The following institutions wrote back to the National Assembly clearing the nominees, KRA (letter Ref. KRA/5/1002/5(8179) dated 14th November 2022); DCI (letter Ref. DCI/CRO/SEC/6/7/2/A/VOL.XI/208 dated 10th November 2022); EACC (letter Ref. EACC.7/10/5 VOL XXI (70) dated 11th November 2022); HELB (letter Ref. HELB/RR/112009/190 dated 10th November 2022); and ORPP (letter Ref: RPP/ORG/34 VOL. VI (41) dated 10th November 2022).

2.8 Report of the Selection Panel on the Nomination of Principal Secretaries

34. Pursuant to Article 155 (3) (a) of the Constitution, the Public Service Commission invited applications from suitably qualified persons for the position of Principal Secretary. The advertisement was published in the print media, Kenya Gazette No. 10536 and on the Commission's Website on 7th September 2022 with a closing date of 20th October 2022.
35. On 20th September 2022, the Commission extended the advertisement period by seven (7) days. The advertisement period lapsed on 27th September 2022 with a total of nine thousand one hundred and fifty-four (9,154) persons submitting applications for consideration.
36. Four hundred and seventy-seven (477) candidates were shortlisted from 3rd to 6th October 2022 and a further review done on 7th October 2022 to bring the shortlist to five hundred and eighty-five (585) candidates so as to cater for gender, marginalised/minority groups and PWDs pursuant to Article 232 (1) (h) of the Constitution. Interviews for the shortlisted persons were conducted from 12th to 22nd October 2022.
37. The Public Service Commission adhered to all provisions of the Constitution in the process of advertising, shortlisting and interviewing the candidates including, merit, gender, ethnic and regional balance.

2.9 Committee proceedings

38. The Committee having received the names of the nominees was obligated to conduct approval hearings and make determination of the nominees' suitability or otherwise within twenty-eight (28) days as provided for in section 8 (1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
39. The Committee held 7 sittings during which it examined and reviewed the nominees' certificates, testimonials as well as conducted approval hearings.

CHAPTER THREE

3 APPROVAL HEARINGS

40. The Committee conducted approval hearings for the nominees on **Monday, 15th November 2022 and Wednesday 30th November 2022**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Public Service Act and the Standing Orders.
41. The Committee examined the nominees using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominees:
 - a. Academic qualifications
 - b. Employment record and work experience
 - c. Professional association
 - d. Public office, political activities and affiliations
 - e. Potential conflict of interest
 - f. Suitability to the position
 - g. Tax compliance
 - h. Vision and leadership
 - i. Integrity
 - j. Expectations and Key priorities

3.1 Mr. Alfred K' Ombudo

Mr. K'OMBUNDO was orally interviewed by the Committee and responded to questions during vetting as follows:

3.1.1 Personal Background

Mr. K'OMBUNDO is a Kenyan citizen of identity card number 21240418 and was born in 1979 in Kisumu County.

3.1.2 Educational Background

42. He holds a Master's of Science in Business Administration from USIU; a Diploma in Legal Practice from Kenya School of Law and a Bachelor's of Law Degree from University of Nairobi.
43. He sat for his Kenya Certificate of Secondary Education (KCSE) examination in 1996 at Alliance high school and Kenya Certificate of primary education (KCPE) examination at Aga Khan Primary School

3.1.3 Work experience/career progression

44. Mr. K'OMBUNDO has worked in the private sector for most of his career life with some working experience in the public sector in the following capacities:
- i. In 2019 to date, He was the Lead Consultant for Sustainable Development Hub at International Trade Centre (ITC) in Nairobi with frequent visits to Uganda, Tanzania, Burundi and Rwanda.
 - ii. From 2015 to 2019, he was a Senior Economist/Trade & Investment Policy Specialist at USAID East Africa Trade and Investment Hub in Nairobi & frequent visits to Uganda, Tanzania, Burundi and Rwanda.
 - iii. He was a coordinator, EAC Common Market Scorecard (CMS) Delivery Team (April 2013 – April 2015) & Coordinator EAC Investment Climate Program (Dec 2009 – Apr 2015) World Bank Group in Nairobi & frequent visits to Uganda, Tanzania, Burundi and Rwanda.
 - iv. From 2008 to 2009, he was also an Associate Director/Head of Research at Prosperity Capital Management (Africa) Ltd in Nairobi & frequent visits to Uganda, Tanzania, Zambia, South Africa and Egypt
 - v. From 2006 to 2008, he was the head of Trade & Private Sector Development at United Nations Development Programmes in Maputo, Mozambique.
 - vi. He was also the Programme Manager, Infrastructure Development & Governance from 2004 to 2005 in New Partnership for African Development (NEPAD) based in Kenya & frequent visits to Uganda, Tanzania, Rwanda and Eritrea.
 - vii. He was seconded to UNDP Kenya, NEPAD/UNDP Nigeria & NEPAD Kenya in 2005.
 - viii. From 2002 to 2004, He was an Investment Officer (Consultant) of Kenya Investment Authority (KIA), Ministry of Trade & Industry in Kenya.

3.1.4 Professional Associations & Affiliations

45. Mr. Alfred is professionally affiliated with the following Professional Memberships:
- i. Advocate of the High Court of Kenya;
 - ii. Member, Law Society of Kenya;
 - iii. Member, Lecturer at Chandaria School of Business & USIU;

3.1.5 Honors and Awards

46. Mr. K'OMBUNDO has received several awards including:
- i. Top 40 under 40 Kenyans 2011 and 2013 (*this is annual selection of the most influential and progressive personalities who have left a mark in corporate **Kenya** and in business.*)
 - ii. Africa Directors Staff Award, World Bank, 2014

- iii. Knowbel Award for Innovation, World Bank, 2014
- iv. Choiseul 100 Economic Leaders, 2014,2016 and 2017

3.1.6 Clearance Requirements

47. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.1.7 Other issues under consideration

48. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

3.1.7.1 Schedule of Public Appointments

49. He stated that was Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, commission or integrity related Report or investigations and had never served as a leader in any Political Party. He stated that he had a

Net worth

The nominee stated that his net worth is Kenya Shilling 203 Million

3.1.7.2 Leadership and Integrity

50. He stated that he had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse Himself. He further stated that he will not be deeply involved in the affairs of the organization he served before or advance their interest that is in conflict with his current assignment. Similarly, he stated if given the opportunity to serve he will resign in his current Engagement and solely focus in serving public. Additional, he stated that he has never been dismissed for any Conflict between Personal Interest and Public or Official Duties.

3.1.7.3 Values and Principles

51. He stated that while Discharging His duties and responsibilities in the different Capacities He has always adhered to the Values and Principles as per the Constitution.

3.1.7.4 Budgetary and Economic Matters

52. He intends to be a proper custodian of public resources. He will administer funds in a way that is transparent, verifiable and in a way that brings value for money. He will ensure that the strategic plan will be reflective of their mandate on trade and it will be aligned to the medium term expenditure frame work. He also stated that he will empower the employees to be part of this mission and he will consult with the constitution.

3.1.7.5 Challenge of Exporters

53. He stated that he will use Foreign Trade attachees and formulate suitable Trade Agreements and affordable Tariffs. In addition, he added that he will facilitate infrastructures such as warehouses to promote and support growth for the Small scale Exporters.

54. In regard to reducing cost of Export especially on flowers, he stated that he will establish cold chain facilities so that goods can be kept fresh.

3.1.7.6 Promote Foreign Exchange

55. He stated that he will improve Supply capacity to foreign Markets by ensuring that commodities or Goods meet the required standards in the International market. In addition, he undertook to work closely with producers to understand Market needs and facilitate traders by ensuring that they Comply with International market Standards.

3.1.7.7 Hustler Fund Promoting women and Youth

56. He stated that he will ensure that the State Department of trade works closely with the State Department of Cooperatives and that of SSMEs in supporting and facilitating women & youth with necessary tools required for trading

3.1.7.8 Protecting Local Industry

57. The nominee stated that he will work closely with the State Department for Industry to enhance textile value chain and ensure high levels of operational efficiency which would in turn reduce manufacturing costs and make our products competitive both locally and internationally. The nominee noted that with improved textile value chain, counties like Busia and Lamu are able to grow cotton competitively which would give customers a choice between locally produced goods and imported ones.

3.1.7.9 E-commerce

58. He stated that he will partner with other relevant stakeholders to provide infrastructure especially in Marginalized areas that will promote and advance E-commerce. In addition, he stated that the Ministry was working on an E-commerce Policy that will play a big role in advancing trade locally and internationally.

3.1.7.10 Ease of Doing Business (Border Operations)

59. The nominee stated he would work closely with his East African community to ensure non-tariff barriers hindering cross-border trade are removed, additionally the nominee promised to have a prompt reporting mechanism where all boarder related issues are raised and quick interventions are made.

3.1.7.11 Importing vs Manufacturing (SMES)

60. He stated that he will encourage Competitiveness by ensuring the country is empowered to produce good quality products at affordable and competitive prices, this will be done by putting in place measures that are targeted towards lowering the costs of manufacturing of a product. The nomine stated that if this is achieved it would reduce the county reliance on imports.

3.1.7.12 Threshold of international Market Quality

61. He stated he will ensure non-tariff barriers are reduced and where not possible explore other markets for our products, this will ensure our products are competitive and reaches a wider market. He also added that there is need for reforms in the exporting sector.

3.1.7.13 Counties operating as Trading Units

62. He stated that he will highly encourage Counties to focus in areas where they have Competitive advantage. He added that he will facilitate counties with the necessary requirements such as identifying markets, providing Commodities and ensuring standards are met.

3.1.7.14 Trade Treaties and Agreements

63. He stated that he will look into the current treaties and identify those that can benefit the country and formulate implementation mechanism. He also stated that he will aggressively seek out for more trade networks and agreements such as the UAE that focus on building Economic partnerships.

3.1.7.15 Exporting Technology

64. The nominee stated that Kenya should continue being a center for innovation excellence, additionally, he promised to work collaboratively with other relevant stakeholders to ensure market access for Kenya digital products.

3.1.7.16 EPZ to attract Investors

65. The nominee further added that he will promote ease of doing business by creating an environment that provides room for investment, trade and industrialization.

3.1.7.17 Retail chain sector

66. He stated that the fall of many giant retail traders was attributed to the unregulated retail sector, due to unfair trade agreements. He added that he will come up with policies that ensures that all players in the retail chain sector are accommodated.

3.1.7.18 Actualization of Kenya kwanza Manifesto

67. He stated that Kenya Kwanza Manifesto was anchored on a creative and robust foreign policy whose pillars are economic and commercial diplomacy, through which they intend to find markets for Kenyan goods in other countries thus reducing on imports and increasing on exports.

68. He submitted that his participation in the writing of the Kenya Kwanza Manifesto gave him a better understanding of service to the people. He gained better experiences and he learnt from the conversations with the local residents of various counties. He further stated that he will be inclusive so as to promote economic growth.

3.1.7.19 Parliament role of Oversight

69. He stated that he appreciates the role of Parliament and especially committees in exercising oversight. He submitted that he will work closely with Parliament by having one on one consultations with members and ensuring to compliance with the law.

3.1.7.2 Turnaround time in making Kenya a trading Block

70. He stated that turnaround time will be different for different sectors and that the Government is already rolling out initiatives which will spur Productivity and ultimately revamp trade sectors.

3.1.7.2 Trade balance

71. He stated that he will carry out reforms that reduce the cost of manufacturing, deal with non-tariff barriers, improving the standards of commodities being exported and focus on improving productivity.

3.2 Mr. Abubakar Hassan

Mr. Abubakar was orally interviewed by the Committee and responded to questions during vetting as follows:

3.2.1 Personal Background

72. Mr. Abubakar is a Kenyan citizen of identity card number 22126698 and was born in County 1980 in Mombasa County.

3.2.2 Educational Background

73. Mr. Abubakar holds a Master's Degree in Strategic Management; a Bachelor's in Law Degree and a Diploma in Law (KSL) and Advocate of the High Court of Kenya.

74. He sat for his Kenya Certificate of Secondary Education (KCSE) examination in 1998 at Alladina Visram high school and Kenya Certificate of primary education (KCPE) examination 1994 at Seram school.

3.2.3 Work experience/career progression

75. Mr. Abubakar has worked in both public and private sector in the following capacities:

- i. He is the Director, Market Operations in charge of Market Oversight of Capital Markets Authority since 2020 to date. He was also the Senior Manager, Investigation and Enforcement since 2016 to 2019; Senior Legal Officer, Market Supervision since 2011 to 2014 and Legal Officer, Market Supervision since 2009 to 2010.
- ii. He was the Assistant Manager Legal Services of Central Bank of Kenya since 2014 to 2016.
- iii. He has also worked at Grand Thornton Consultants (now merged with PKF Consulting) as an Associate Corporate & Special Advisory Services since 2006 to 2009.
- iv. He was also a Legal Intern at Swaleh & Co. Advocates since 2004 to 2005.

3.2.4 Professional Associations & Affiliations

76. Mr. Abubakar has several professional qualifications which include: Certified Public Accountant (Kenya); Certified Public Secretary (Kenya); Certified Financial Analyst (East Africa) now known as Securities & Investment Analyst (Kenya); Certified Fraud Examiner (USA) and Banking Risk Certification Program- Global Association Risk Professionals.

3.2.5 Honors and Awards

77. Mr. Abubakar has not been conferred with any honours.

3.2.6 Clearance Requirements

78. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.2.7 Other issues under consideration

79. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

3.2.7.1 Schedule of Public Appointments

80. He stated that he is a Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, commission or integrity related Report or investigations and had never served as a leader in any Political Party. He stated that he had a net worth of 50 Million and that he was very suitable for the position because of his large exposure in the marketing sector

3.2.7.2 Leadership and Integrity

81. He stated that he had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse Himself. He stated if given the opportunity to serve he will resign in his current Engagement and solely focus in serving the public. He also stated that he has never been dismissed for any conflict between personal Interest and public or official duties.

3.2.7.3 Values and Principles

82. He stated that while discharging his duties and responsibilities in the different capacities, he has always adhered to the Values and Principles as per the Constitution.

3.2.7.4 Budgetary and Economic Matters

83. He stated that he understands the entire budget process and he will use his position to ensure that they comply with the requirements of this process. On measures to improve openness he will conduct himself in a manner that he will lead by example and he will create a working environment that ensures trust and accountability among employees.

3.2.7.5 Linking Creative Industry and investment

84. He stated that in linking the two sectors of 'creative Industry' and 'investment', a lot of capital is required. He further stated that that he will conduct research and come up with strategies that will increase access to local capital that has no collateral and has a lower interest rate. He also stated that he will liaise with other state departments such a diaspora in increasing private partnerships investment.

3.2.7.6 Understanding mandate of state department on Investments Promotion

85. He stated that the department involved promotion and participation of investment both foreign and Domestic and this participation is geared towards spurring or catalyzing investments to spur economic development.

3.2.7.7 Measures that will increase Investment

86. He stated that he will give incentive to businesses by reducing the Multiplicity of Licensing into single Licensing and constant reviewing of Tax Laws annually to create a suitable environment for investments.

3.2.7.8 Cost of Power

87. He stated that he will liaise with other State Departments and Government Agencies to provide subsidies or special tariffs that will reduce the cost of Energy and promote Manufacturing. He also floated an idea of companies producing their own energy that will be cheaper and more efficient.

3.2.7.10 Conflict of interest

88. He stated that his experience in capital markets was an advantage as it has provided him with Knowledge of the Sector and therefore the previous working relationship will be more of a collaboration and partnership.

3.2.7.11 Tax incentive

89. He stated that incentives are used to encourage investors in economies to invest. He further stated that there is need of having a Predictable Tax Regime.

3.2.7.12 Promotion of Foreign Direct Investment

90. He stated that promoting Foreign Direct Investment entailed Packaging opportunities to a bankable Proposal that can make Kenya a one stop shop for effective monitoring and evaluation. He added that he will promote ease of doing business by increasing competitiveness to attract investors.

3.2.7.13 Decrease in foreign direct Investment (FDI)

91. He stated that the reason behind the reduction of FDI, could be attributed to a number of things such as Economic Meltdown in the respective economies, the non -operationalization of the investment Council who play a very important role, the non -competitive nature of our markets. He added that for improvement to occur, there is need to operationalize the investment council, working on areas of competitiveness and reviewing our investment frameworks.

3.2.7.14 Turning Talents to Business

92. He stated that he will collaborate with other stakeholders by carrying out capacity building programs and empowering hubs that will scale up their talents and facilitate them to make them competitive enough for the market.

3.2.7.15 Collaborations with Trade attachees

93. He stated that he will come up with a program whereby the potential and targeted investors are encouraged to bring their own attachees and likewise the State Department sends its local attachee to other jurisdiction to benchmark and find ways to partner and invest.

3.2.7.16 Ease of doing business

94. He stated that he will undertake the review of the existing legislation and regulations such as the Kenya investment Act, Privatization Act and public Private partnership Act.

3.2.7.17 Parliament Oversight Role

95. He promised to honor invitations and summons adding that he will work closely with the committee and ensure that he implements any directive issued by the Committee.

3.2.7.18 Saving Investment Deficit

96. He stated that he will investigate reasons why there is low saving culture in the Country. Subsequently, he will develop Financial Literacy Curriculum and also diversify financial products that allow saving.

3.2.7.19 Increasing Exports

97. He stated that he will collaboratively work with State Departments for Trade and that for Industry to promote investment.

3.2.7.20 Domestic investment

98. He stated that he will Promote SME's through financing incubation and market linkages.

3.2.7.1 Support of real Estate, investment Trust

99. He stated that the support of real estate, investment and trust will depend on a number of things that including ease of doing business

3.2.7.1 Fiscal reforms

100. He stated that he will develop a Policy initiatives that are geared towards building and promoting investment.

3.3 Mr. Juma Mukwana

Mr. Mukwana was orally interviewed by the Committee and responded to questions during vetting as follows:

3.3.1 Personal Background

101. Mr. Mukwana is a Kenyan citizen of identity card number **9238726** and was born in Bungoma County in 1965.

3.3.2 Educational Background

102. Mr. Mukwana holds a a Ph.D. in Soil Science from the University of Wyoming (USA); a Master's of Science in Pharmacology and Toxicology from the University of Nairobi and a Bachelor's of Science in Veterinary Medicine from the University of Nairobi.

103. He sat for his Certificate of Education (KACE) examination in 1984 at Kibabii high school and Certificate of primary education examination 1980 at Kibabii mixed school.

3.3.3 Work experience/career progression

104. Mr. Mukwana has worked in the both public and private sector in the following capacities:
- i. He is a Director General at Kenya National Qualifications Authority (KNQA) from 2018 to date.
 - ii. He was the Deputy CEO of Commission for University Education, (in Charge of Planning, Research and Development) from 2013 to 2018.
 - iii. He was the Chair and Dean of School of Agriculture, University of Embu (Chairman Dept. of Land and Water Management) from 2011 to 2013.
 - iv. He was also the Executive Director of Sustainable Agriculture Centre for Research and Development in Africa (SACRED Africa) from 1997 to 2007.
 - v. He was a Lecturer at Moi University, School of Health sciences (Teaching Pharmacology and Toxicology) from 1994 to 1997.
 - vi. He was an Executive Director at Manor House Agricultural Centre, Kitale from 1993 to 1994.
 - vii. He was also a Field Officer of Food and Agricultural Research Management in Africa (FARM Africa) from 1991 to 1993.

3.3.4 Professional Associations & Affiliations

105. Mr. Mukhwana is professionally affiliated with the following Professional Memberships:
- i. He is a registered Veterinarian with the Kenya Veterinary Board (KVB) and
 - ii. A Corporate Member of the Kenya Veterinary Association (KVA).
 - iii. He is a member of the Soil Science Society of America.

3.3.5 Honors and Awards

106. Mr. Mukhwana has received several awards including:
- i. The nominee was awarded Head of State's Commendation
 - ii. Africa leadership award by Norman borlang foundation (USA)
 - iii. Magharibi award for innovation by United Nations.

3.3.6 Clearance Requirements

107. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.3.7 Other issues under consideration

108. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

3.3.7.1 Schedule of Public Appointments (Parliamentary approval) act

109. He stated that was Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, Commission or Integrity related Report or investigations and had never served as a leader in any Political Party. He stated that he had a net worth of 169.5 Million and that he was very suitable for the job due to his wide range of experience and academic qualifications.

3.3.7.2 Leadership and Integrity

110. He stated that he had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse Himself. He stated if given the opportunity to serve he will resign in his current Engagement and solely focus in serving public. He also stated that he has never been dismissed for any Conflict between Personal Interest and Public or Official Duties.

3.3.7.3 Values and Principles

111. He stated that while discharging his duties and responsibilities in the different capacities he has always adhered to the Values and Principles enshrined in the Constitution.

3.3.7.4 Budgetary and Economic Matters

112. The nominee stated that he will ensure the steps involved in developing the budget are followed to the latter and will also ensure the budget is spent in accordance with the law and also make sure reports are submitted on a quarterly basis as required, he also assured the committee that he would strictly abide by the Public Finance Management Act and other laws governing budgetary matters.

3.3.7.5 Declining Manufacturing Share of the Economy

113. The nominee stated this was as a result of reliance on outdated technologies. He submitted that he will collaborate with other state departments to do a technical evaluation and settle on relevant technology for the country to avoid decline in local manufactured product.

3.3.7.6 Capacity of Jua Kali industry

114. The nominee stated that the Government has a commitment to build 250,000 houses per year. He submitted that he will promote Jua Kali products by formulating standards that will improve quality of local manufactured products such as windows and doors. The nominee if approved will work with Nairobi Governor to avail land and machines which can assist in the standardization of products. In addition, the nominee assured the Committee that once a common standardization of products is adopted, the quality of construction materials produced by the Jua kali sector will greatly improve.

3.3.7.7 Stalled Manufacturing projects

115. The nominee stated he was aware of the situation and if appointed he would take inventory of all stalled and slow progressing projects and liaise with National Treasury to ensure resources are availed to complete the projects. He further stated this would ensure the desired impacts of the projects is felt in the manufacturing industry.

3.3.7.8 Legalization of Changaa

116. The nominee stated that he will liaise with Parliament to formulate and pass a bill legalizing changaa production, consumption and also provide for an oversight body. He further stated that he would work with the Committee on Trade, Industry and Cooperatives and other relevant agencies to develop specific standards, categories, ingredients, impurities, alcohol percentage etc.

3.3.7.9 Cottage industries.

117. The nominee stated he will improve cottage industries by developing an industrialization master plan such as One County One Product Policy. He further stated that this will require working closely with the County Governments.

3.3.7.10 Government bailouts to farmers

118. The nominee stated he would investigate reasons that contribute to collapse of factories that necessitate government to bail out farmers. In addition, he would work with other relevant institutions to ensure the root cause of the problems are addressed.

3.3.7.11 Counterfeit goods.

119. The nominee stated he would liaise with Kenya Bureau of Standards (KEBS) and other relevant bodies to ensure intellectual property rights of all goods are protected.

3.3.7.13 Buy Kenya, Build Kenya

120. He stated he would support this by formulating laws and regulations to support Kenyan Industries. He further stated that he will liaise with super markets in Kenya to dedicate and clearly mark shelves with "made in Kenya" signs. He submitted this would increase the amount of money that Kenyan state agencies use to purchase goods made in Kenya from the current 40% to 50% of all procurable goods.

3.3.7.14 Issue of Government owned industries collapsing.

121. The nominee stated that nowhere in the world has Government succeeded in manufacturing but governments do set up industries in critical areas and sectors to support value addition to raw materials that are available within countries and to accelerate developments. He averred that this has since been overtaken by events and the role of Government is to provide a conducive environment within which industries can thrive. He further stated that his long term plan would be to nurture establishment of industry by the private sector by availing the necessary incentives.

3.3.7.15 Promotion of Industrialization

122. He stated that Kenya has a liberalized economy since the 1980s and he does not intend to take the country back to the days of shielding industries from competition but intends to work with other Government players in order to make manufacturing competitive. To achieve this he noted

that the country needs to lower the cost of doing business so that good made locally can compete with imported products and especially those from neighboring countries; as well as China, India and others.

3.3.7.16 Research in Our Universities.

123. He stated that he agrees that the Country's technology basket is full, but at the same time the Country granaries are empty. He attributed that to the Country's approach to research that is supply driven, rather than demand driven, thereby not addressing the needs of Kenyan industry. He stated that he intends to carry out a survey to establish technologies and research that have been developed and are relevant to the industry. He further stated he would seek to change the paradigm so that Countries' research is driven by the needs of our industry.

3.3.7.17 Cost of Land in Kenya

124. He stated that acquiring land is expensive in Kenya and also that the country's land management system is not upright thereby exposing many investors to the risk of fraud. He stated that he intends to promote the idea of public private partnership, for industries that wish to use public land. He noted that the Country has idle public land in Ngong, Kabete and KNH that could be used to create industries, employment and prosperity for citizens. He further stated that the Government is ready to use sheds at the export processing Zones and Special economic zones that investors can use to start off industries.

3.3.7.18 Stifling Growth of Young upcoming industries.

125. The nominee stated he was aware of old industries, some with outdated technology that do not wish to see young, upcoming industries that are employing new technology enter the market. He stated that he intends to provide a balanced policy and investment environment that is conducive for both old and new industries.

3.3.7.19 Agro-Processing

126. The nominee identified 10 top value addition areas of crops in agriculture that includes but not limited to tea, coffee, pyrethrum, oil crops, fruit crops, milk products, beef and beef products, honey, leather, fisheries and animal feed production.

127. He stated that he will map the counties through the one County, one product model to be able to scientifically define potential areas of investment in each county; Promote investment in high value processing of agricultural products such as tea, coffee, pyrethrum, nuts, oil crops, and fruit crops such as bananas, pineapples, passion, oranges and mangoes and others. He further stated that he will encourage County Processing Centers around specific agricultural resources for example coconut and cashew nut, honey processing as well as fish farming and processing. In addition, he will revive ailing agro-mills to be in line with the heavy government investment in the sub-sector and promote processing and diversification of agro products.

3.3.7.20 Lack of Skills to Industrialize

128. He stated Kenya has the best skills for supporting industry in the region and what needs to be done is to establish cottage industries around our universities and TVET institutions so that students not only learn to produce products, but also earn their living. He further stated he intends to promote this principle of processing and assembling items around our learning institutions; and especially those that have heavy machines that can be used for processing.

3.4 Mr. Patric Kiburi

129. Mr. Kiburi was orally interviewed by the Committee and responded to questions during vetting as follows:

3.4.1 Personal Background

130. Mr. Kiburi is a Kenyan citizen of identity card number **9238726** and was born in Meru County in 1975.

3.4.2 Educational Background

131. Mr. Kiburi holds a Master's in Economics from the University of Nairobi and a Bachelors of Arts in Economics.

132. He sat for his Kenya Certificate of Secondary Education (KCSE) examination in 1992 at Makuyu secondary school

3.4.3 Work experience/career progression

133. Mr. Kiburi has worked in private sector all his life in the following capacities:

- i. He is an Exports Manager (East & Central Africa) at Total Energies Marketing Kenya (PLC).
- ii. He was also a Lubricants Exports Manager (East & Central Africa, Seychelles & Marine Business) at Total Energies Marketing Kenya (PLC).
- iii. He was a General Trade Manager at Total Kenya Ltd from 2009 to 2014.
- iv. He was also an Integrated (Fingerprint) Business Solutions Consultant, East Africa at Chevron Kenya Ltd from 2005 to 2009.
- v. He was a Retail Lubricants Promoter of Mobil Oil Kenya Limited from 2002 to 2005.
- vi. He was also a Sales Representative at Tread setters Tyres Limited from 1998 to 2000.
- vii. He has attended several trainings, seminars and workshops.

3.4.3 Professional Associations & Affiliations

134. Mr. Kiburi is a Certified Public Accountant of Kenya.

3.4.5 Honors and Awards

135. Mr. Kiburi has been conferred with any honours.

3.4.6 Clearance Requirements

136. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.4.7 Other issues under consideration

137. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

3.4.7.1 Schedule of Public Appointments

138. He stated that as a Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, Commission or Integrity related Report or Investigations and had never served as a leader in any Political Party. He stated that he had a net worth of 370 Million and that he was very suitable for the position of principle secretary for cooperatives due to his wide array in matters on cooperative movements and private sector energy.

3.4.7.2 Leadership and Integrity

139. He stated that he had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse Himself. He stated that he had already resigned from his previous Job and was ready to focus on this assignment if approved by the committee. He also stated that he has never been dismissed for any Conflict between Personal Interest and Public or Official Duties.

3.4.7.3 Values and Principles

140. He stated that while discharging his duties and responsibilities in the different capacities, he has always adhered to the Values and Principles as per the Constitution.

3.4.7.4 Budgetary and Economic Matters

141. He stated that he will ensure to solely rely on the Public Finance Management Act, ensure the strategic Plans reflects objectives in advancing Cooperatives in Kenya and as an Authorizing officer making Good use of tools such as Good Governance to encourage more people join and also instill confidence and Trust to people on the Cooperative movement.

142. He also stated that he has been exposed to the Budgetary Cycle and has come to appreciate the process of Public Participation in Budget Making.

3.4.7.5 Understanding Government Systems

143. Mr. Patrick Kiburi submitted that he was ready and willing to learn from Government official who have served longer in the public sector and he is also willing to participate in any capacity building training offered by the department. In addition, he submitted that he was bringing in private sector energy and experience for effective service delivery.

3.4.7.6 Innovation and Technology

144. He stated that he had worked with International Companies with way better technology advancement and that he will transfer the same to this new role and make ICT a priority.

3.4.7.7 Women Involvement in Cooperative Movement

145. The nominee acknowledged that there was low engagement of women in cooperative movement and promised to Lobby for affirmative actions to give women a priority.

146. He also stated that if approved, he will work closely with the committee to develop a regulation around the gender rule and ensure that women are not left behind.

3.4.7.8 Fraudsters in the Cooperative Movement

147. The Nominee stated that he was alive to the fact that fraudsters had taken root in the cooperative movement. He however promised to give proper capacity building and empowerment to relevant county directors and also support SASRA fully to deliver on its mandate of regulating the Saccos and tame the problem of conmanship.

3.4.7.9 Cooperatives and Hustler Fund

148. He stated that the State Department of Cooperatives will play a key role in the Hustler Fund since most of it will be channeled through the Department. He further stated that the registration procedures for the hustler fund had been well set out and that he will align the state department in readiness of rolling out of the Fund.

3.4.7.10 Revenue increase Through Cooperatives

149. The Nominee stated that if given the opportunity, he will strengthen governance structure of Cooperatives movements. He submitted that he will provides incentives such as waiving of registration fees. In addition, he will encouraging cooperatives to engage in housing projects and waive their approval fees and taxation

3.4.7.11 Tea Marketing Problem

150. He stated that one of the ways to increase the demand of tea is diversification and value addition and he was ready to formulate mechanism to enable that.

3.4.7.12 Cushioning Dairy Farmers

151. The Nominee stated that the Government was in the process of procuring 650 new coolers and that he will work closely with the counties to ensure the same is done and distributed especially to regions where dairy farmers is practiced.

3.4.7.13 Laws on Cooperatives

152. He stated that he will work closely with the committee to develop laws and regulations to help SASRA do its work effectively and efficiently.

3.4.7.14 Horticulture Marketing

153. The Nominee Committed to work closely with the horticulture stakeholders to find more market for their produce.

3.4.7.15 Matatu Sacco.

154. The Nominee clarified that in the new act, matatu cooperatives are not Saccos and that they are Transport Cooperatives and he is willing to bring them onboard as saccos if a request is floated.

3.4.7.16 Coffee Problem

155. The Nominee acknowledged that there is a problem in the coffee sector whereby farmers don't get decent returns on investments. He committed to liaise with the council of Governors, Treasury and all the other stakeholders to streamline the process and make sure that the coffee sector bounces back. He also proposed some regulations to be made to streamline the process.

3.4.7.13 Unlimited Members Contributions.

156. The nominee acknowledged that there is low remittance of contributions to the saccos including public institutions. He promised if approved to work closely with the respective Cabinet Secretaries and Principle Secretaries to ensure that member's contributions are remitted to respective saccos.

3.4.7.14 Coffee Cherry Fund

157. He stated that there was low uptake in respect of coffee cherry fund because of the politics around the project and also the prices given to farmers were not motivating enough.

158. He committed to work with KPCU and Ministry of Agriculture to utilize the coffee cherry fund to achieve what it was intended to do.

3.5 Ms. Susan Mangeni; nominee for State Department for Micro, Small and Medium Enterprises (MSMEs)

159. Ms. Mangeni was orally interviewed by the Committee and responded to questions during vetting as follows:

3.5.1 Personal Background

160. Ms. Mangeni is a Kenyan citizen of identity card number 21527118 and was born in Busia County in 1978.

3.5.2 Educational Background

161. Ms. Mangeni holds a Master's of Arts in Sociology (Entrepreneurship Development) from University of Nairobi and a Bachelor's of Arts in Political Science & Public Administration from the University of Nairobi.

162. She sat for her Kenya Certificate of Secondary Education (KCSE) examination in 1997 at Chakol Girls high school

163. She has had several trainings which included the training on Mwongozo by state corporation advisory committee; Leadership Training in Public Policy Process from The Leadership Institute

Arlington, VA, USA and Corporate Governance Training for Directors, Principles of Corporate Governance and Centre for Corporate Governance.

3.5.3 Work experience/career progression

164. Ms. Mangeni has worked in private sector all her life in the following capacities:

- i. She is a Governance and Development consultant at Tradecom Africa Limited from 2018 to date.
- ii. She is a member of board management as the Chair Finance Committee in Sigalame High School from 2015 to 2022.
- iii. She was also a Board Member & Chair of Board of Audit Committee and a Member of Programs Committee in the Board of the Kenya Institute of Public Policy Research and Analysis (KIPPRA) from 2014 to 2017.
- iv. She was a working group member of the Socio-Economic Audit of the Constitution of Kenya (2010) in the office of the Auditor General of Kenya from 2014 to 2016.
- v. She was also the Founding Member of the Competition Tribunal of Kenya from 2012 to 2017.
- vi. She was a Board Member, Chair of Board Audit Committee of Youth Enterprise Development Fund since 2010 to 2013.
- vii. She was the Executive Director of Kenya Youth Development Trust from 2009 to 2014.

3.5.4 Professional Associations & Affiliations

165. Ms. Mangeni is not a member of any professional body

3.5.5 Clearance Requirements

166. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.5.6 Other issues under consideration

167. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

3.5.6.1 Schedule of Public Appointments

168. Ms. Mangeni stated that she was Kenyan Citizen, she had never been convicted in any court of law, she had never been mentioned in any Investigatory Report of Parliament, commission or

integrity related Report or investigations and is not currently serving as an official in any political party. She stated that her approximate net worth was Kshs. 50.9 Million.

3.5.6.2 Suitability for office

169. She stated that she believed she was very suitable for the position because of her exposure in the MSME sector.
170. Her involvement in the poverty eradication background puts her in a conducive environment to be able to take lead in the area of enforcement of the Kenya Kwanza Government's bottom-up economic model and manage financing of MSMEs. She has been involved in inception of this model and largely drafted the Busia County economic blueprint.
171. Engagement in policy research and analysis which they developed the Kenya economic report that focused on youth employment. The opportunity of entrepreneurship has facilitated this. The Kenya Economic Report now also puts an emphasis on decentralization and devolution. She has also been influential in AGPO policy.

3.5.6.3 Leadership and Integrity

172. She stated that she had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse herself unless this arises in the future. She stated if given the opportunity to serve she will resign from her current engagements and consultancies and solely focus in serving the public. She also stated that she has never been dismissed for any conflict between personal interest and public or official duties.

3.5.6.4 Values and Principles

173. She stated that while discharging her duties and responsibilities in the different capacities, she has always adhered to the values and principles as per Article 232 the Constitution. She recognizes competencies and is objective.

3.5.6.5 Fiscal responsibility

174. She will ensure prudence and ensure money is spent equitably, economically and efficiently. She will embrace diversity, public participation which will inform the state department of the customization of the solution for each place in accordance with the unique location and cultural challenges.
175. With respect to the YEF Scandals, she served at the second board and management issues arose. At the time only one community was represented at the top management. She chaired the HR audit committee that addressed the concerns regarding lack of competencies at the Fund.

3.5.6.6 Fiscal management capacity and Management of the Financial Inclusion (Hustler) Fund

176. On how the State Department will deal with dynamics in urban and rural areas the nominee demonstrated good grasp of the intention and proposed administration of the Hustler Fund and stated that-
- a) The state department will invest in capacity building and education of the borrowers to ensure they utilize funds well. The fund will walk with the borrower to ensure proper fund utilization and investment.
 - b) Securing the fund requires different levels of intervention e.g. an MSMEs in urban and rural settings, it requires different needs and this fund is alive to this. It's coming at a time when the world is moving digital and they will be leveraging on available technology. A lot of physical movement increases cost of administration. This will work on the regional disparity.
 - c) She is privileged to have been involved from its inception. It's a safety net that's largely informed by the challenges that have been experienced from other affirmative action funds to fill the gaps.
 - d) The Fund reduces the need for collateral so that if one builds a good credit score they can access funds. It has also pushed the interest rate downwards.
 - e) It inculcates a saving culture of which 5 per cent of borrowing goes towards savings and this goes to the pension or goes towards mortgage etc. The fund recognizes the issues of medical needs in that the borrowers may still utilize the funds to access medical cover
 - f) The fund does not work in isolation and multiagency will enable all hustlers to access the funds from other sectors such as agriculture
 - g) Public participation was done sufficiently and the technical team received over 200 memoranda on it. The whole idea also came up from the grassroots.
 - h) Was there a needs assessment done so as to benchmark the credit access to Kshs 50,000? The banks and other lenders informed the technical team that money borrowed per day is usually Kshs 200-200,000 per day hence the need exists no matter how small the amount seems. The amount of Kshs 50,000 is therefore an average amount as borrowed by Kenyans;
 - i) The Fund targets those who had been blacklisted in CRB who had been locked out and have been delisted to assist them build their credit score. The fund will meet small needs that will enable people go about their businesses. e.g. to enable bodaboda rider purchase fuel or a mama mboga take stock.
 - j) There is no competition with private lender products such as *fuliza* because it is the government's role to take risk and assist the economic growth. It is integration that will enable people grow their credit score it is complementing existing lenders and the

reintegration of persons who had been blacklisted will be beneficial to the entire business community

- k) As to whether regulations are the best legislative framework to anchor the fund, the nominee indicated the query was a policy question and it will be best responded once she is approved and in the government.
- l) There is an insurance policy for this fund as a safety net.
- m) There is be largely no formula for sharing of funds but it will be largely based on technology. Those with access to a smart phone can borrow.
- n) It is not only individual based and will also emphasize on cooperatives even though they require a different level of intervention.

3.5.6.7 Other affirmative action fund

177. On how Hustler fund is different from other interest free funds that have been a challenge to access, the nominee indicated that the other models are not social models and are modelled alongside funds like CDF. The sharing formula of Uwezo fund etc is problematic and the funding is low e.g. 98 million. If the same is divided into the 290 constituencies it is very little and does not promote business largely. For the areas, it is working well, the Hustler Fund will be able to benchmark and learn lessons in the successes. The hustler fund is a social welfare model that is enjoying presidential patronage and political goodwill this is advantageous hence can be leveraged to benefit those at the local communities. Locals don't take the other loans also because it has been erroneously assumed that the challenges in the areas are only financial yet it could be marketing or distribution etc.

3.5.6.8 Realisation of the objective of *Kenya Kwanza* Manifesto to transform MSMEs

178. The State Department will help in financing and access to ideas and markets and also ensure standardisation of product. It will encourage investment in measures to formalize the MSMEs and to ensure capacity building. They will further have interventions to encourage MSMEs stay in the markets

3.5.6.9 Concerns as to short work stints in different departments.

179. The nominee stated that she had been mainly engaged as a consultant which has always been contract based but that right now her focus is engaged in the more permanent nature of the job and she will stay on for as long as she will be required.

3.5.6.10 Credit policies that will benefit SMES

180. The nominee indicated that any credit policies developed must ensure prompt payment e.g. for AGPO there was a need to ensure that the government procuring entities make payments within 60 days or shorter in order to ensure that borrowers can repay loans promptly.

CHAPTER FOUR

4 OBSERVATIONS AND FINDINGS

181. The Committee observations were guided by Article 155 of the Constitution, section 47 of the Public Service Act and section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:

- i. the procedure used to arrive at the nominee;
- ii. any constitutional or statutory requirements relating to the office in question; and
- iii. suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.

182. The Committee made the following observations:

4.1 Mr. Alfred K'ombundo

183. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Trade, THAT-

- a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a Master degree of Science in Business Administration from United States International University, a Diploma in Legal Practice in the Kenya school of Law and a Bachelor's Degree in Law from University of Nairobi;

- c) he has extensive work experience having started as lead consultant Trade for Sustainable Development hub Kenya for international trade center; Senior Economist for the USAID East Africa Trade and Investment, the hub; Coordinator EAC Common Market Scorecard (CMS), Associate director lead of prosperity capital Management, Head of Trade and Private Sector for the United Nations Development Programme (UNDP), Program Manager, Infrastructure Development and Governance for NEPAD, Investment Officer for Kenya Investment Authority;
- d) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) he has never been charged in a court of Law in the last three years;
- f) as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) the nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) The nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

4.2 Mr. Abubakar Hassan

184. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Investments Promotion, THAT-

- a) In accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a master's degree in strategic management, a post-graduate Diploma in law from the Kenya School of Law and a Bachelor's Degree in Law from University of Nairobi;

- c) He has extensive work experience having started as a legal intern at Swaleh & Co. Advocates; an Associate corporate and special advisory services at Grant Thornton Consultants -Kenya; Assistant Manager Legal Services Central Bank Kenya. He also stated that he transitioned to Capital Market Authority where he served in the following Positions; Legal officer and Market Supervision, Senior Legal officer under Market Supervision and Senior Manager under investigation and Enforcement,
- d) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) He has never been charged in a Court of Law in the last three years;
- f) As stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) The nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) The nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

4.3 Mr. Juma Mukhwana

185. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Industry, THAT-

- a) In accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a Ph.D. in Soil Science from the University of Wyoming (USA). He has a Master's of Science in Pharmacology and Toxicology from the University of Nairobi. He also has a Bachelor's of Science in Veterinary Medicine from the University of Nairobi.

- c) He has work experience having started as Field Officer of Food and Agricultural Research Management in Africa (FARM Africa). He progressively rose through the ranks to the positions of Executive Director, Lecturer, Chair and Dean of School of Agriculture, Deputy CEO and Director General.
- d) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) He has never been charged in a Court of Law in the last three years;
- f) As stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) The nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) The nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) He has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

4.4 Mr. Patrick Kiburi Kilemi

186. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Cooperatives, THAT-

- a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a Bachelors Degree of Arts Economics; a Bachelors of Arts Economics both from University of Nairobi.
- c) he has work experience having started as a sales representative at Mobil oil limited as; a business consultant in charge of East Africa at Chevron Kenya Ltd. He later joined Total Energies Kenya PLC on 2009 to 2022 acting as the regional manager. Field Officer of Food and Agricultural Research Management in Africa (FARM Africa). He progressively rose through

the ranks to the positions of Executive Director, Lecturer, Chair and Dean of School of Agriculture, Deputy CEO and Director General;

- d) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) He has never been charged in a Court of Law in the last three years;
- f) As stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) The nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) The nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) He has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

4.5 Ms. Susan Mangeni

187. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Principal Secretary State Department for MSMEs, THAT-

- a) in accordance with Article 78(1) (2) of the Constitution, she is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, she holds a Master's of Arts in Sociology (Entrepreneurship Development) from University of Nairobi and a Bachelor's of Arts in Political Science & Public Administration from the University of Nairobi;
- c) She has extensive work experience having started as a Governance and Development consultant at Tradecom Africa Limited; board member management as the Chair Finance Committee in Sigalame High School; Board Member & Chair of Board of Audit Committee and a Member of Programs Committee in the Board of the Kenya Institute of Public Policy Research and Analysis (KIPPRA); a working group member of the Socio-Economic Audit of the Constitution of Kenya (2010) in the office of the Auditor General of Kenya; She was also the Founding Member of the Competition Tribunal of Kenya; Board Member, Chair of Board Audit

Committee of Youth Enterprise Development; Executive Director of Kenya Youth Development Trust from 2009 to 2014.

- d) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) she has never been charged in a Court of Law in the last three years;
- f) as stipulated in Article 75(1) of the Constitution, she has no potential conflict of interest;
- g) the nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment;
- h) the nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) She has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

CHAPTER FIVE

5 RECOMMENDATION

Having considered the suitability, capacity and integrity of the nominees, and pursuant to Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly **APPROVES** the appointment of:

- i. **Mr. Alfred K'OMBUNDO** to the position of Principal Secretary, State Department for Trade;
- ii. **Mr. Abubakar Hassan** to the position of Principal Secretary, State Department for Investment Promotion;
- iii. **Mr. Juma Mukhwana** to the position of Principal Secretary, State Department for Industry;
- iv. **Mr. Patrick Kiburi Kilemi** to the position of Principal Secretary, State Department for Cooperatives; and
- v. **Ms. Susan Mangeni** to the position of Principal Secretary, State Department for Micro Small and Medium Enterprises.

SIGNED..........DATE 1/12/2022

HON. JAMES MWANGI GAKUYA, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES



THE NATIONAL ASSEMBLY
13TH PARLIAMENT – FIRST SESSION (2022)
TRADE, INDUSTRY AND COOPERATIVES COMMITTEE

ADOPTION LIST

Date: 30/11/2022 Time Started: 5:00 PM Time Ended: 6:00 PM

Venue: COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS.

AGENDA: Adoption of the Report of the Departmental Committee on Trade, Industry and Cooperatives on the approval hearing of Mr. Alfred K'ombudo, nominee for appointment as Principal Secretary, State Department for Trade; Mr. Abubakar Hassan, nominee for appointment as Principal Secretary, State Department for Investment Promotion; Mr. Juma Mukhwana, nominee for appointment as Principal Secretary, State Department for Industry; Mr. Patrick Kiburi Kilemi, nominee for appointment as Principal Secretary, State Department for Cooperatives; and Ms. Susan Mang'eni, nominee for appointment as Principal Secretary, State Department for MSMES Development

No.	HON MEMBER	SIGNATURE
1.	HON. GAKUYA JAMES MWANGI, MP – <i>Chairperson</i>	
2.	HON. KITANY MARIANNE JEBET, MP – <i>Vice Chairperson</i>	
3.	HON. DR. OUNDO WILBERFORCE OJIAMBO, MP	
4.	HON. ADAGALA BEATRICE KAHAI, MP	
5.	HON. GITHINJI ROBERT GICHIMU, MP	
6.	HON. HASSAN KULOW MAALIM, MP	
7.	HON. KAMENE JOYCE, MP.	
8.	HON. MWALYO JOSHUA MBITHI MUTUA, MP	
9.	HON. OLUOCH ANTHONY TOM, MP	
10.	HON. GUYO ADHE WARIO, MP	
11.	HON. KORIR ADAMS KIPSANAI, MP	
12.	HON. MAINA MWAGO AMOS, MP	
13.	HON. SAKIMBA PARASHINA SAMUEL, MP	
14.	HON. WAINAINA ANTONY NJOROGE, MP	
15.	HON. WAITHAKA JOHN MACHUA, MP	

Mr. Nebert Ikai

FOR: CLERK NATIONAL ASSEMBLY

MINUTES OF THE 10TH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES HELD ON WEDNESDAY, 30TH NOVEMBER 2022, COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS, AT 5:00PM.

PRESENT

1. Hon.Gakuya James Mwangi M.P. - **Chairperson**
2. Hon. Kitany Marianne Jebet, M.P. -**Vice- Chairperson**
3. Hon. Dr Oundo Wilberforce Ojiambo, M.P.
4. Hon. Hassan Kulow Maalim, M.P.
5. Hon. Mwalyo Joshua Mbithi Mutua, M.P.
6. Hon. Oluoch Anthony Tom, MP
7. Hon.Guyo Adhe Wario,M.P.
8. Hon. Korir Adams Kipsanai, M.P.
9. Hon.Sakimba Parashina Samuel, M.P.
10. Hon Wanaina Antony Njoroge, M.P.
11. Hon. Waithaka John Machua, M.P.

APOLOGIES

1. Hon. Adagala Beatrice Kahai, M.P.
2. Hon. Githinji Robert Gichimu, MP
3. Hon. Kamene Joyce, M.P.
4. Hon. Maina Mwago Amos, M.P.

IN ATTENDANCE

SECRETARIAT

1. Mr. Nebert Ikai - Clerk Assistant II.
2. Mr. Kimathi Samson Timothy - Clerk Assistant III.
3. Ms. Doreen Karani - Senior Legal Counsel.
4. Mr.Arkan Ali Mumin - Research Officer III
5. Ms.Mercy Mayende - Media Relations Officer.
6. Mr. Moses Musembi - Serjeant-At-Arms
7. Mr. Lengasi Kelvin - Audio Officer III

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes.
4. Consideration of Report of the departmental committee on Trade, Industry and Cooperatives on the approval hearing of ;
 - i) Mr Alfred K'Ombundo, nominee for appointment as Principal Secretary, state department for Trade.
 - ii) Mr Abubakar Hassan Abubakar, nominee for appointment as Principal Secretary, State department for Investment Promotion.

- iii) Dr Eusebius Juma Mukhwana, nominee for appointment as Principal Secretary, State Department for industry
 - iv) Mr. Patrick Kiburi Kilemi, nominee for appointment as Principal secretary, State department for Cooperatives.
 - v) Ms. Susan Auma Mangeni, nominee for appointments as Principal Secretary, State Department for MSMEs Development.
5. Adoption of the Report
 5. Any Other Business
 6. Adjournment/ Date of the Next Meeting

MIN. NO. NA//TRADE/2022/42: PRELIMINARIES

The meeting was called to order at Five O'clock followed by a word of prayer and introductions.

MIN. NO. NA//TRADE/2022/43: CONFIRMATION OF MINUTES

The minutes of the 4th sitting held on Wednesday 15th November 2022 were adopted as a true record of the deliberations of that meeting and signed by the Chairperson having been proposed by Hon. Mwalyo Joshua Mbithi Mutua, MP and seconded by Hon. Hassan Kulow Maalim, M.P.

The minutes of the 5th sitting held on Tuesday 15th November 2022 were adopted as a true record of the deliberations of that meeting and signed by the Chairperson having been proposed by Hon. Guyo Adhe Wario, M.P. and seconded by Hon. Waithaka John Machua, M.P.

The minutes of the 6th sitting held on Wednesday 16th November 2022 were adopted as a true record of the deliberations of that meeting and signed by the Chairperson having been proposed by Hon. Dr. Oundo Wilberforce Ojiambo, MP and seconded by Hon. Hassan Kulow Maalim, M.P.

The minutes of the 7th sitting held on Thursday 24th November 2022 were adopted as a true record of the deliberations of that meeting and signed by the Chairperson having been proposed by Hon. Kitany Marianne Jebet, M.P. and seconded by Hon. Guyo Adhe Wario, M.P.

The minutes of the 8th sitting held on Tuesday 29th November 2022 were adopted as a true record of the deliberations of that meeting and signed by the Chairperson having been proposed by Hon. Korir Adams Kipsanai, M.P. and seconded by Hon. Wanaina Antony Njoroge, M.P.

The minutes of the 9th sitting held on Wednesday 30th November 2022 were adopted as a true record of the deliberations of that meeting and signed by the Chairperson having been proposed by Hon. Dr. Oundo Wilberforce Ojiambo, MP and seconded by Hon. Waithaka John Machua, M.P.

MIN. NO. NA//TRADE/2022/43: CONSIDERATION OF THE REPORT.

The Secretariat took members through the draft report on each nominee.
Having considered the report, members made the following observations and recommendations;

1. OBSERVATIONS

Alfred K'Ombundo

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Trade, THAT-

- a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a Master degree of Science in Business Administration from United States International University, a Diploma in Legal Practice in the Kenya school of Law and a Bachelor's Degree in Law from University of Nairobi;
- c) he has extensive work experience having started as lead consultant Trade for Sustainable Development hub Kenya for international trade center; Senior Economist for the USAID East Africa Trade and Investment, the hub; Coordinator EAC Common Market Scorecard (CMS), Associate director lead of prosperity capital Management, Head of Trade and Private Sector for the United Nations Development Programme (UNDP), Program Manager, Infrastructure Development and Governance for NEPAD, Investment Officer for Kenya Investment Authority;
- d) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) he has never been charged in a court of Law in the last three years;
- f) as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) the nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) The nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

Mr. Abubakar Hassan Abubakar.

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Investments Promotion, THAT-

- a) In accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a master's degree in strategic management, a post-graduate Diploma in law from the Kenya School of Law and a Bachelor's Degree in Law from University of Nairobi;
- c) He has extensive work experience having started as a legal intern at Swaleh & Co. Advocates; an Associate corporate and special advisory services at Grant Thornton Consultants -Kenya; Assistant Manager Legal Services Central Bank Kenya. He also stated that he transitioned to Capital Market Authority where he served in the following Positions; Legal officer and Market Supervision, Senior Legal officer under Market Supervision and Senior Manager under investigation and Enforcement,
- d) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) He has never been charged in a Court of Law in the last three years;
- f) As stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) The nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) The nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

Dr. Eusebius Juma Mukhwana

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and

having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Industry, THAT-

- a) In accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a Ph.D. in Soil Science from the University of Wyoming (USA). He has a Master's of Science in Pharmacology and Toxicology from the University of Nairobi. He also has a Bachelor's of Science in Veterinary Medicine from the University of Nairobi.
- c) He has work experience having started as Field Officer of Food and Agricultural Research Management in Africa (FARM Africa). He progressively rose through the ranks to the positions of Executive Director, Lecturer, Chair and Dean of School of Agriculture, Deputy CEO and Director General.
- d) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) He has never been charged in a Court of Law in the last three years;
- f) As stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) The nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) The nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) He has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

Mr. Patrick Kiburi Kilemi

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Principal Secretary State Department for Cooperatives, THAT-

- a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;

- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, he holds a Bachelors Degree of Arts Economics; a Bachelors of Arts Economics both from University of Nairobi.
- c) he has work experience having started as a sales representative at Mobil oil limited as; a business consultant in charge of East Africa at Chevron Kenya Ltd. He later joined Total Energies Kenya PLC on 2009 to 2022 acting as the regional manager. Field Officer of Food and Agricultural Research Management in Africa (FARM Africa). He progressively rose through the ranks to the positions of Executive Director, Lecturer, Chair and Dean of School of Agriculture, Deputy CEO and Director General;
- d) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) He has never been charged in a Court of Law in the last three years;
- f) As stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- g) The nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- h) The nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) He has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

Ms. Susan Auma Mangeni

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Principal Secretary State Department for MSMEs, THAT-

- a) in accordance with Article 78(1) (2) of the Constitution, she is a Kenyan citizen and does not hold dual citizenship;
- b) in compliance with the provisions of section 47(2)(ii) of the Public Service Commission Act, she holds a Master's of Arts in Sociology (Entrepreneurship Development) from University of Nairobi and a Bachelor's of Arts in Political Science & Public Administration from the University of Nairobi;

- c) She has extensive work experience having started as a Governance and Development consultant at Tradecom Africa Limited; board member management as the Chair Finance Committee in Sigalame High School; Board Member & Chair of Board of Audit Committee and a Member of Programs Committee in the Board of the Kenya Institute of Public Policy Research and Analysis (KIPPRA); a working group member of the Socio-Economic Audit of the Constitution of Kenya (2010) in the office of the Auditor General of Kenya; She was also the Founding Member of the Competition Tribunal of Kenya; Board Member, Chair of Board Audit Committee of Youth Enterprise Development; Executive Director of Kenya Youth Development Trust from 2009 to 2014.
- d) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- e) she has never been charged in a Court of Law in the last three years;
- f) as stipulated in Article 75(1) of the Constitution, she has no potential conflict of interest;
- g) the nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment;
- h) the nominee does not hold office in any political party hence satisfies the provision of Article 77(2) of the Constitution;
- i) She has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship) of the Constitution.

2. RECOMMEDATIONS

Having considered the suitability, capacity and integrity of the nominees, and pursuant to Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly **APPROVES** the appointment of:

- i. **Mr. Alfred K'ombundo** to the position of Principal Secretary, State Department for Trade;
- ii. **Mr. Abubakar Hassan Abubakar** to the position of Principal Secretary, State Department for Investment Promotion;
- iii. **Dr.Eusebius Juma Mukhwana** to the position of Principal Secretary, State Department for Industry;

- iv. **Mr. Patrick Kiburi Kilemi** to the position of Principal Secretary, State Department for Cooperatives; and
- v. **Ms. Susan Auma Mangeni** to the position of Principal Secretary, State Department for Micro Small and Medium Enterprises.

MIN.NO.NA/TRADE/2022/44: ADOPTION OF THE REPORT

The Members unanimously voted to adopt the report having been proposed by Hon.Hassan Kulow Maalim,MP, and Seconded by Hon.Keitany Marianne Jebet,M.P.

MIN. NO NA/TRADE/22/45: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at Six O'clock. The next meeting will be by way of notice.

SIGNED: DATE:
(CHAIRPERSON: HON.GAKUYA JAMES MWANGI, MP)

**MINUTES OF THE 9TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRADE, INDUSTRY AND COOPERATIVES HELD ON WEDNESDAY, 30TH
NOVEMBER 2022 AT TRADEMARK HOTEL, LIMURU ROAD, AT 9:00AM.**

PRESENT

1. Hon. Gakuya James Mwangi M.P. - Chairperson
2. Hon. Kitany Marianne Jebet, M.P. - Vice-Chairperson
3. Hon. Dr Oundo Wilberforce Ojiambo, M.P.
4. Hon. Hassan Kulow Maalim, M.P.
5. Hon. Mwalyo Joshua Mbithi Mutua, M.P.
6. Hon. Oluoch Anthony Tom, MP
7. Hon. Guyo Adhe Wario, M.P.
8. Hon. Korir Adams Kipsanai, M.P.
9. Hon. Sakimba Parashina Samuel, M.P.
10. Hon. Wanaina Antony Njoroge, M.P.
11. Hon. Waithaka John Machua, M.P.

APOLOGIES

1. Hon. Adagala Beatrice Kahai, M.P.
2. Hon. Githinji Robert Gichimu, MP
3. Hon. Kamene Joyce, M.P.
4. Hon. Maina Mwago Amos, M.P.

IN ATTENDANCE

SECRETARIAT

- | | | |
|-------------------------------|---|--------------------------|
| 1. Mr. Nebert Ikai | - | Clerk Assistant II. |
| 2. Mr. Kimathi Samson Timothy | - | Clerk Assistant III. |
| 3. Ms. Doreen Karani | - | Senior Legal Counsel. |
| 4. Mr. Arkan Ali Mumin | - | Research Officer III |
| 5. Ms. Mercy Mayende | - | Media Relations Officer. |
| 6. Mr. Moses Musembi | - | Serjeant-At-Arms |
| 7. Mr. Lengasi Kelvin | - | Audio Officer III |

AGENDA

1. Prayers
2. Preliminaries
3. Parliamentary approval of PS Nominees:
 - i. Ms Susan Auma Mang'eni -as Principal Secretary for State Department for MSMEs Development.
4. Any Other Business
5. Adjournment/ Date of the Next Meeting

MIN. NO. NA/TRADE/2022/38: PRELIMINARIES

The meeting was called to order at Ten O'clock followed by a word of prayer and introductions.

MIN. NO. NA/TRADE/2022/39: BRIEF ON THE VETTING PROCEDURE

The Chair started by briefing members on the Vetting Sequence.

MIN.NO.NA/TRADE/2022/40: APPROVAL HEARINGS.

Approval hearing for Dr.Susan Auma Mang'eni

The Chairperson welcomed Susan Auma Mangeni for the vetting and then asked the Committee Clerk to administer the oath to the nominee. The Nominee presented his original identity card, academic and professional certificates and Clearance from; EACC, HELB, DCI, KRA and ORPP for Verification by the Legal counsel.

The Chairperson requested the nominee to introduce herself to the Committee giving details of his Name, Family Background, Educational Background, Work Experience and Employment record, Her Present engagement and the Status of compliance with the following agencies; EACC, KRA, HELB, DCI & ORPP

Family Background

She stated that she is a Kenyan Citizen of identity card (ID) number 21527118 and was born in Busia County, She also stated that she is not married but she is a mother.

Work experience and Employment Record

The nominee stated she has previously with following organizations and capacities; Governance and Development consultant at Tradecom Africa Limited from 2018 to date, member of board management and Chair Finance Committee in Sigalame High School from 2015 to 2022, Board Member & Chair of Board of Audit Committee and a Member of Programs Committee in Kenya Institute of Public Policy Research and Analysis Board (KIPPRA) from 2014 to 2017,group member of the Socio-Economic Audit of the Constitution of Kenya (2010) in the office of the Auditor General of Kenya from 2014 to 2016,Founding Member of the Competition Tribunal of Kenya from 2012 to 2017, Board Member, Chair of Board Audit Committee of Youth Enterprise Development Fund since 2010 to 2013,Executive Director of Kenya Youth Development Trust from 2009 to 2014.

The nominee stated that she is currently doing consultancy jobs for Government and Private sector with focus in the area of MSMEs and rural development.

Educational Background and Professional Qualifications

The nominee stated she sat for her Kenya Certificate of Secondary Education (KCSE) examination in 1997 at Chakol Girls high school.

The nominee stated she holds a Master's of Arts in Sociology (Entrepreneurship Development) and a Bachelor's of Arts in Political Science & Public Administration both from the University of Nairobi.

The nominee informed members that she had undergone several trainings which includes; Training on Mwongozo by state corporation advisory committee; Leadership Training in Public Policy Process from The Leadership Institute Arlington, VA, USA and Corporate Governance Training for Directors, Principles of Corporate Governance and Centre for Corporate Governance.

Status of Compliance with Agencies

He stated that she had complied with all the required statutory agencies and submitted the Clearance documents from; EACC, HELB, DCI, KRA and ORPP for Verification

Clearance Requirements

The Committee confirmed that the nominee had been cleared by Statutory bodies including KRA, EACC, ORPP, DCI and HELB having obtained clearance certificates to that effect.

Schedule of Public Appointments (Parliamentary approval) act

She stated that she was a Kenyan Citizen, she had never been convicted in any court of law, she had never been mentioned in any Investigatory Report of Parliament, commission or integrity related Report or investigations and she had never served as a leader in any Political Party. She stated that she had a net worth of 50.9 Million and that she was very suitable for the job due to her broad experience in MSME and academic background in entrepreneurship.

Leadership and Integrity

She stated that she had no engagement or association that will cause any conflict of interest and no anticipated reason in the foreseeable future to recuse herself. She stated that if given an opportunity to serve she will resign from her current consultancy roles and solely focus in serving the public. She also stated that she has never been dismissed for any Conflict between Personal Interest and Public or Official Duties.

Values and Principles

She stated that she was conversant with article 232 of CGK 2010 and that she would be prudent in utilization of public resources, she also stated that she recognizes public participation and that she would seek public input in all policy matters.

She also stated that she would adhere to values and principles of a public servant in carrying out her duties.

Budgetary and Economic Matters

The nominee stated that she will ensure the steps involved in developing the budget are followed to the latter and will also ensure the budget is spent in accordance with the law and also make sure reports are given on a quarterly & annually basis as required, she also assured the committee that she would strictly abide by the public finance management act and other laws governing budgetary matters.

Hustler Fund Vis a Vis other funds

The nominee stated hustler fund is not like any other fund but a financial inclusion model that was coming to bring a paradigm shift in the Kenyan lending industry.

She stated that hustler fund idea had been informed by the challenges faced by other government intervention measures and was coming to fill this gap, additionally she said the fund was a response mechanism to a society that was moving from physical space to digital access of money.

The nominee stated Hustler fund would champion a saving culture and encourage investments in Home Ownership, Medical insurance etc, The fund will enable financial inclusion and provide a timely response mechanism to businesses in the bottom to up layers of society.

High default rate

The nominee stated that the government would invest in capacity building to ensure a high rate of repayment for the hustler fund, she noted high default rate for other funds was a result of insufficient funding, Borrowers not accessing markets for their products, Supply driven lending instead of demand driven lending and lack of sensitization at the grass root level, To cure this the nominee opined she would rally the public towards the vision of the fund and also sensitize the public to pay to increase loan limits .

The nominee also stated she the fund would be demand driven and supply driven that is borrowers would access the funds since they have a need and not because government is giving out the funds.

Fiscal management capacity and Management of the Financial Inclusion (Hustler) Fund

On how the State Department will deal with dynamics in urban and rural areas the nominee demonstrated good grasp of the intention and proposed administration of the Hustler Fund and stated that-

- a) The state department will invest in capacity building and education of the borrowers to ensure they utilize funds well. The fund will walk with the borrower to ensure proper fund utilization and investment.
- b) Securing the fund requires different levels of intervention e.g. MSMEs in urban and rural settings, it requires different needs and this fund is alive to this. It's coming at a

time when the world is moving digital and they will be leveraging on available technology. A lot of physical movement increases cost of administration. This will work on the regional disparity.

- c) She is privileged to have been involved from its inception. It's a safety net that's largely informed by the challenges that have been experienced from other affirmative action funds to fill the gaps.
- d) The Fund is a disruptor that reduces the need for collateral so that if one builds a good credit score they can access funds. It has also pushed the interest rate downwards.
- e) It inculcates a saving culture of which 5percent of your borrowing goes towards savings and this goes to the pension or goes towards mortgage etc. The fund recognizes the issues of medical needs in that the borrowers may still utilize the funds to access medical cover
- f) The fund does not work in isolation and multiagency will enable all hustlers to access the funds from other sectors such as agriculture
- g) Public participation was done sufficiently and the technical team received over 200 memoranda on it. The whole idea also came up from the grassroots.
- h) Was there a needs assessment done so as to benchmark the credit access to Kshs 50,000? The banks and other lenders informed the technical team that money borrowed per day is usually Kshs 200-200,000 per day hence the need exists no matter how small the amount seems. The amount of Kshs 50,000 is therefore an average amount as borrowed by Kenyans;
- i) The Fund targets those who had been blacklisted in CRB who had been locked out and have been delisted to assist them build their credit score. The fund will meet small needs that will enable people go about their businesses. e.g. to enable bodaboda rider purchase fuel or a mama mboga take stock.
- j) There is no competition with private lender products such as *fuliza* because it is the government's role to take risk and assist the economic growth. It is integration that will enable people grow their credit score it is complementing existing lenders and the reintegration of persons who had been blacklisted will be beneficial to the entire business community

- k) As to whether regulations are the best legislative framework to anchor the fund, the nominee indicated the query was a policy question and it will be best responded once she is approved and in the government.
- l) There is an insurance policy for this fund as a safety net.
- m) There is be largely no formula for sharing of funds but it will be largely based on technology. Those with access to a smart phone can borrow.
- n) It is not only individual based and will also emphasize on cooperatives even though they require a different level of intervention.

Other affirmative action fund

On how Hustler fund is different from other interest free funds that have been a challenge to access the nominee indicated that the other models are not social models and are modelled alongside funds like CDF. The sharing formula of Uwezo fund etc is problematic and the funding is low e.g. 98 million. If the same is divided into the 290 constituencies it is very little and does not promote business largely. For the areas, it is working well, the Hustler Fund will be able to benchmark and learn lessons in the successes. The hustler fund is a social welfare model that is enjoying presidential patronage and political goodwill this is advantageous hence can be leveraged to benefit those at the local communities. Locals don't take the other loans also because it has been erroneously assumed that the challenges in the areas are only financial yet it could be marketing or distribution etc.

Realization of the objective of Kenya Kwanza Manifesto to transform MSMEs

The State Department will help in financing and access to ideas and markets and also ensure standardization of product. It will encourage investment in measures to formalize the MSMEs and to ensure capacity building. They will further have interventions to encourage MSMEs stay in the markets

Concerns as to short work stints in different departments.


The nominee stated that she had been mainly engaged as a consultant which has always been contract based but that right now her focus is engaged in the more permanent nature of the job and she will stay on for as long as she will be required.

Credit policies that will benefit SMES

The nominee indicated that any credit policies developed must ensure prompt payment e.g. for AGPO there was a need to ensure that the government procuring entities make payments within 60 days or shorter in order to ensure that borrowers can repay loans promptly.

MIN. NO NA/TRADE/22/41: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at Eleven O'clock. The next meeting will commence same day at 5pm, Media center, Main Parliament Buildings.


SIGNED: DATE: 30/11/2022
(CHAIRPERSON: HON. GAKUYA JAMES MWANGI, MP)

MINUTES OF THE 6TH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES HELD ON WEDNESDAY, 16TH NOVEMBER 2022 IN MINI-CHAMBER, COUNTY HALL AT 9.00AM.

PRESENT

1. Hon. Oluoch Anthony Tom, MP -Chairing
2. Hon. Dr Oundo Wilberforce Ojiambo, M.P.
3. Hon. Hassan Kulow Maalim, M.P.
4. Hon. Kamene Joyce, M.P.
5. Hon. Guyo Adhe Wario, M.P.
6. Hon. Maina Mwago Amos, M.P.
7. Hon. Sakimba Parashina Samuel, M.P.

APOLOGIES

1. Hon. Gakuya James Mwangi M.P. - Chairperson
2. Hon. Kitany Marianne Jebet, M.P. - Vice- Chairperson
3. Hon. Adagala Beatrice Kahai, M.P.
4. Hon. Githinji Robert Gichimu, MP
5. Hon. Mwalyo Joshua Mbithi Mutua, M.P.
6. Hon. Korir Adams Kipsanai, M.P.
7. Hon. Wanaina Antony Njoroge, M.P.
8. Hon. Waithaka John Machua, M.P.

IN ATTENDANCE

SECRETARIAT

- | | | |
|-------------------------------|---|--------------------------|
| 1. Mr. Nebert Ikai | - | Clerk Assistant II. |
| 2. Mr. Kimathi Samson Timothy | - | Clerk Assistant III. |
| 3. Ms. Doreen Karani | - | Senior Legal Counsel. |
| 4. Mr. Peter Barasa | - | Legal Counsel. |
| 5. Ms. Loice Olesia | - | Fiscal Analyst III. |
| 6. Mr. Arkan Ali Mumin | - | Research Officer III |
| 7. Ms. Joanne Naneu | - | Research Officer III |
| 8. Ms. Mercy Mayende | - | Media Relations Officer. |
| 9. Mr. Onesmus Kiragu | - | Serjeant-At-Arms |
| 10. Mr. John Mungai | - | Audio Officer. |

AGENDA

1. Prayers
2. Preliminaries
3. Parliamentary approval of PS Nominees:
 - i. Ms Susan Mangeni-as Principal Secretary for State Department for MSMEs
4. Any Other Business
5. Adjournment/ Date of the Next Meeting

**MINUTES OF THE 5TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRADE, INDUSTRY AND COOPERATIVES HELD ON TUESDAY, 15TH NOVEMBER
2022 IN MINI-CHAMBER, COUNTY HALL AT 2:30PM.**

PRESENT

1. Hon.Gakuya James Mwangi M.P. - **Chairperson**
2. Hon. Kitany Marianne Jebet, M.P. - **Vice- Chairperson**
3. Hon. Dr Oundo Wilberforce Ojiambo, M.P.
4. Hon. Adagala Beatrice Kahai, M.P.
5. Hon. Githinji Robert Gichimu, MP
6. Hon. Hassan Kulow Maalim, M.P.
7. Hon. Kamene Joyce, M.P.
8. Hon. Mwalyo Joshua Mbithi Mutua, M.P.
9. Hon. Oluoch Anthony Tom, MP
10. Hon.Guyo Adhe Wario,M.P.
11. Hon. Korir Adams Kipsanai, M.P.
12. Hon. Maina Mwago Amos, M.P.
13. Hon.Sakimba Parashina Samuel, M.P.
14. Hon Wanaina Antony Njoroge, M.P.
15. Hon. Waithaka John Machua, M.P.

IN ATTENDANCE
SECRETARIAT

1. Mr. Nebert Ikai - Clerk Assistant II.
2. Mr. Kimathi Samson Timothy - Clerk Assistant III.
3. Ms. Doreen Karani - Senior Legal Counsel.
4. Mr. Peter Barasa - Legal Counsel.
5. Ms. Loice Olesia - Fiscal Analyst III.
6. Mr.Arkan Ali Mumin - Research Officer III
7. Ms. Joanne Naneu - Research Officer III
8. Ms.Mercy Mayende - Media Relations Officer.
9. Mr. Onesmus Kiragu - Serjeant-At-Arms
10. Mr. John Mungai - Audio Officer.

AGENDA

1. Prayers
2. Preliminaries
3. Parliamentary approval of PS Nominees:
 - i. Mr Juma Mukhwana-as Principal Secretary for State Department for Industry.
 - ii. Mr.Patrick Kiburi Kilemi-as Principal Secretary for State Department for Cooperatives.
4. Any Other Business
5. Adjournment/ Date of the Next Meeting

MIN. NO. NA//TRADE/2022/18: PRELIMINARIES

The meeting was called to order at Twenty Five Minutes Past Nine O'clock followed by a word of prayer and introductions.

MIN. NO. NA//TRADE/2022/19: BRIEF ON THE VETTING PROCEDURE

The Chair started by briefing members on the Vetting Sequence.

MIN.NO.NA/TRADE/2022/20: APPROVAL HEARINGS.

Approval hearing for Dr.Eusebius Juma Mukhwana

The Chairperson welcomed Dr.Eusebius Juma Mukhwana for the vetting and then asked the Committee Clerk to administer the oath to the nominee. The Nominee presented his original identity card, academic and professional certificates and Clearance from; EACC, HELB, DCI, KRA and ORPP for Verification by the Legal counsel.

The Chairperson requested the nominee to introduce Himself to the Committee giving details of his Name, Family Background, Educational Background, Work Experience and Employment record, Your Present engagement and the Status of compliance with the following agencies; EACC, KRA, HELB, DCI & ORPP

Family Background

He stated that he is a Kenyan Citizen of identity card (ID) number **9238726** and was born in Bungoma County, married and a father of four adult children.

Work experience and Employment Record

The nominee stated that he has previously worked in the following capacities; Deputy CEO of Commission for University Education, Red Hill Road, Gigiri (in Charge of Planning, Research and Development) from 2013 to 2018, Chair and Dean of School of Agriculture, University of Embu (Chairman Dept. of Land and Water Management) from 2011 to 2013, Executive Director of Sustainable Agriculture Center for Research and Development in Africa (SACRED Africa) from 1997 to 2007, Lecturer at Moi University, School of Health sciences (Teaching Pharmacology and Toxicology) from 1994 to 1997, Executive Director at Manor House Agricultural Centre, Kitale from 1993 to 1994, Field Officer of Food and Agricultural Research Management in Africa (FARM Africa) from 1991 to 1993.

He stated that he was currently the Director General at Kenya National Qualifications Authority (KNQA) where he has been serving from 2018.

Educational Background and Professional Qualifications

He stated that he holds a Ph.D. in Soil Science from the University of Wyoming (USA), a Master's of Science in Pharmacology and Toxicology from the University of Nairobi and also holds a Bachelor's of Science in Veterinary Medicine from the University of Nairobi. On Professional qualifications he stated that he is a registered Veterinarian in the Kenya Veterinary Board (KVB),

a Corporate Member of the Kenya Veterinary Association (KVA) and also a member of the Soil Science Society of America.

Status of Compliance with Agencies

He stated that he had complied with all the required statutory agencies and submitted the Clearance documents from; EACC, HELB, DCI, KRA and ORPP for Verification

Clearance Requirements

The Committee confirmed that the nominee had been cleared by Statutory bodies including KRA, EACC, ORPP, HELB and DCI having obtained clearance certificates to that effect.

Schedule of Public Appointments (Parliamentary approval) act

He stated that was Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, commission or integrity related Report or investigations and had never served as a leader in any Political Party. He stated that he had a net worth of 169.5 Million and that he was very suitable for the job due to his wide range of experience and academic qualifications.

Leadership and Integrity

He stated that he had no engagement or association that will cause any conflict of interest and No anticipated reason to recuse Himself. He stated if given the opportunity to serve he will resign in his current Engagement and solely focus in serving public , He also stated that he has never been dismissed for any Conflict between Personal Interest and Public or Official Duties.

Values and Principles

He stated that while discharging his duties and responsibilities in the different capacities He has always adhered to the Values and Principles as per the Constitution.

Budgetary and Economic Matters

The nominee stated that he will ensure the steps involved in developing the budget are followed to the latter and will also ensure the budget is spent in accordance with the law and also make sure reports are given on a quarterly & annually basis as required, he also assured the committee that he would strictly abide by the public finance management act and other laws governing budgetary matters.

Sectorial Matters raised by the Committee during the approval hearing

The Committee posed several questions in the following thematic areas and he responded as follows: -

Declining Manufacturing Share of the Economy

The nominee stated this was as a result of reliance on outdated technologies. He submitted that he will collaborate with other state departments to do a technical evaluation and settle on relevant technology for the country to avoid decline in local manufactured product.

Capacity of Jua Kali industry

The nominee stated that the Government has a commitment to build 250,000 houses per year. He submitted that he will promote Jua Kali products by formulating standards that will improve quality of local manufactured products such as windows and doors. The nominee if approved will work with Nairobi Governor to avail land and machines which can assist in the standardization of products. In addition, the nominee assured the Committee that once a common standardization of products is adopted, the quality of construction materials produced by the Jua kali sector will greatly improve.

Stalled Manufacturing projects

The nominee stated he was aware of the situation and if appointed he would take inventory of all stalled and slow progressing projects and liaise with other state departments to ensure resources are availed to complete the projects. He further stated this would ensure the desired impacts of the projects is felt in the manufacturing industry.

Legalization of Changaa

The nominee stated that he will liaise with Parliament to formulate and pass a bill legalizing changaa production, consumption and also provide for an oversight body. He further stated that he would work with the committee on trade, industry and cooperatives and other relevant agencies to develop specific standards, categories, ingredients, impurities, alcohol percentage etc.

Cottage industries.

The nominee stated he will improve cottage industries by developing an industrialization master plan such as One County One Product Policy. He further stated that this will require working closely with the County Governments.

Government bailouts to farmers

The nominee stated he would investigate reasons that contribute to collapsing of factories that necessitate government to bail out farmers. In addition, he would collaboratively work with other relevant institutions to ensure the root cause of the problems are addressed.

Counterfeit goods.

The nominee stated he would liaise with Kenya Bureau of Standards (KEBS) and other relevant bodies to ensure intellectual property rights of all goods are protected.

Buy Kenya, Build Kenya

He stated he would support this by formulating laws and regulations to support Kenyan Industries. He further stated that he will liaise with super markets in Kenya to dedicate and clearly mark shelves with "made in Kenya" signs. He submitted this would increase the amount of money that Kenyan state agencies use to purchase made in Kenya goods from the current 40% to 50% of all procurable goods.

Issue of Government owned industries collapsing.

The nominee stated that nowhere in the world has Government succeeded in manufacturing but governments do set up industries in critical areas and sectors to support value addition to raw materials that are available within countries and to accelerate developments. He averred that this has since been overtaken by events and the role of Government is to provide a conducive environment within which industries can thrive. He further stated that his long term plan would be to nurture establishment of industry by the private sector by availing the necessary incentives.

Promotion of Industrialization

He stated that Kenya has a liberalized economy since the 1980s and he does not intend to take the country back to the days of shielding industries from competition but intends to work with other Government players in order to make manufacturing competitive. To achieve this he noted that the country needs to lower the cost of doing business so that good made locally can compete with imported products and especially those from neighboring countries; as well as China, India and others.

Research in Our Universities.

He stated that he agrees that the Country's technology basket is full, but at the same time the Country granaries are empty. He attributed that to the Country's approach to research that is supply driven, rather than demand driven, thereby not addressing the needs of Kenyan industry. He stated that he intends to carry out a survey to establish technologies and research that have been developed and are relevant to the industry. He further stated he would seek to change the paradigm so that Countries' research is driven by the needs of our industry.

Cost of Land in Kenya

He stated that acquiring land is expensive in Kenya and also that the country's land management system is not upright thereby exposing many investors to the risk of fraud. He stated that he intends to promote the idea of public private partnership, for industries that wish to use public land. He noted that the Country has idle public land in Ngong, Kabete and KNH that could be used to create industries, employment and prosperity for citizen. He further stated that the Government has ready to use sheds at the export processing Zones and Special economic zones that investors can use to start off industries.

Stifling Growth of Young upcoming industries.

The nominee stated he was aware of old industries, some with outdated technology that do not wish to see young, upcoming industries that are employing new technology enter the market. He stated that he intends to provide a balanced policy and investment environment that is conducive for both old and new industries.

Agro-Processing

The nominee identified 10 top value addition areas of crops in agriculture that includes but not limited to tea, coffee, pyrethrum, oil crops, fruit crops, milk products, beef and beef products, honey, leather, fisheries and animal feed production.

He stated that he will map the counties through the one County, one product model to be able to scientifically define potential areas of investment in each county; Promote investment in high value processing of agricultural products such as tea, coffee, pyrethrum, nuts, oil crops, and fruit crops such as bananas, pineapples, passion, oranges and mangoes and others. He further stated that he will encourage County Processing Centers around specific agricultural resources for example coconut and cashew nut, honey processing as well as fish farming and processing. In addition, he will revive ailing agro-mills to be in line with the heavy government investment in the sub-sector and promote processing and diversification of agro products.

Lack of Skills to Industrialize

He stated Kenya has the best skills for supporting industry in the region and what needs to be done is to establish cottage industries around our universities and TVET institutions so that students not only learn to produce products, but also earn their living. He further stated he intends to promote this principle of processing and assembling items around our learning institutions; and especially those that have heavy machines that can be used for processing.

APPROVAL HEARING FOR MR PATRICK KIBURI KILEMI

The Chairperson welcomed Mr. Patrick Kiburi Kilemi for the vetting and requested the Committee Clerk to administer the oath to the nominee. The Nominee presented his original identity card, academic and professional certificates and Clearance from; EACC, HELB, DCI, KRA and ORPP for Verification by the Legal counsel.

The Chairperson requested the nominee to introduce Himself to the Committee giving details of his Name, Family Background, Educational Background, Work Experience and Employment record, his Present engagement and the Status of compliance with the following agencies; EACC, KRA, HELB, DCI & ORPP

Family Background

Mr. Patrick Kiburi Kilemi affirmed that he is a married and father of three.

Work experience and Employment Record

The nominee submitted to the committee that his career started in 2002 to 2004 at Mobil oil limited as a sales representative.

He joined Chevron Kenya LTD on 2005 to 2009 where he served as a business consultant in charge of East Africa.

He later joined Total Energies Kenya PLC on 2009 to 2022 acting as the Regional manager. During this time, he served as the Trade Manager of KENGEN, KEBS among others. He also stated that He is proud to have introduced Total in Rwanda.

Educational Background

He stated that His Education journey took off at Libunu primary school and did his KCPE in 1988. He Proceeded to Makuyu secondary school and did His KCSE on 1989. He joined The University of Nairobi for Bachelors of Arts Economics and graduated in 1998. He also joined KASNEB for the CPAs from 2004 to 2006. He later went back to The University of Nairobi for a masters in economics from 2006 to 2008.

Status of Compliance with Agencies

He stated that he had complied with all the required agencies and submitted the Clearance documents from; EACC, HELB, DCI, KRA and ORPP for Verification

Clearance Requirements

The Committee confirmed that the nominee had been cleared by Statutory bodies including the KRA, HELB and DCI having obtained clearance certificates to that effect.

Schedule of Public Appointments

He stated that was Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, commission or integrity related Report or investigations and had never served as a leader in any Political Party. He stated that he had a net worth of 370 Million and that he was very suitable for the position of principle secretary for cooperatives due to his wide array in matters on cooperative movements and private sector energy.

Leadership and Integrity

He stated that he had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse Himself. He stated that He had already resigned from his previous Job and was ready to focus on this assignment if approved by the committee. He also stated that he has never been dismissed for any Conflict between Personal Interest and Public or Official Duties.

Values and Principles

He stated that while discharging His duties and responsibilities in the different Capacities, He has always adhered to the Values and Principles as per the Constitution.

Budgetary and Economic Matters

He stated that he will ensure to solely rely on the Public Finance Management act, ensure the strategic Plans reflects objectives in advancing Cooperatives in Kenya and as an Authorizing officer making Good use of tools such as Good Governance to encourage more people join and also instill confidence and Trust to people on the Cooperative movement.

He also stated that he has been exposed to the Budgetary Cycle and has come to appreciate the process of Public Participation in Budget Making.

Sectorial Matters raised by the Committee during the approval hearing

The Committee posed several questions in the following thematic areas and he responded as follows: -

Understanding Government Systems

Mr. Patrick Kiburi Submitted that he was ready and willing to learn from Government official attached to him and participate in any capacity building training offered by the department. In addition, he submitted that he was bringing in private sector energy and experience for effective service delivery.

Innovation and Technology

He stated that he had worked with International Companies with way better technology advancement and that he will transfer the same to this new role and make ICT a priority.

Women Involvement in Cooperative Movement

The nominee acknowledged that there was low engagement of women in cooperative movement and promised to Lobby for affirmative actions to give women a priority.

He also stated that if approved, he will work closely with the committee to develop a regulation around the gender rule and ensure that women are not left behind.

Fraudsters in the Cooperative Movement

The Nominee stated that he was alive to the fact that fraudsters had taken root in the cooperative movement. He however promised to give proper capacity building and empowerment to relevant county directors and also support SASRA fully to deliver on its mandate of regulating the Saccos and tame the problem of conman ship.

Cooperatives and Hustler Fund

He stated that the State Department of Cooperatives will play a key role in the Hustler Fund since most of it will be channeled through the Department. He further stated that the registration procedures for the hustler fund had been well set out and that he will align the state department in readiness of rolling out of the Fund.

Revenue increase Through Cooperatives

The Nominee stated that if given the opportunity, he will strengthen governance structure of Cooperatives movements. He submitted that he will provides incentives such as waving waiving of registration fees. In addition, he will encouraging cooperatives to engage in housing projects and waive their approval fees and taxation

Tea Marketing Problem

He stated that one of the ways to increase the demand of tea is diversification and value addition and he was ready to formulate mechanism to enable that.

Cushioning Dairy Farmers

The Nominee stated that the Government was in the process of procuring 650 new coolers and that he will work closely with the counties to ensure the same is done and distributed especially to regions where dairy farmers is practiced.

Laws on Cooperatives

He stated that he will work closely with the committee to develop laws and regulations to help SASRA do its work effectively and efficiently.

Horticulture Marketing

The Nominee Committed to work closely with the horticulture stakeholders to find more market for their produce.

Matatu Sacco.

The Nominee clarified that in the new act, matatu cooperatives are not Saccos and that they are Transport Cooperatives and he is willing to bring them onboard as saccos if a request is floated.

Coffee Problem

The Nominee acknowledged that there is a problem in the coffee sector whereby farmers don't get decent returns on investments. He committed to liaise with the council of Governors, Treasury and all the other stakeholders to streamline the process and make sure that the coffee sector bounces back. He also proposed some regulations to be made to streamline the process.

Unlimited Members Contributions.

The nominee acknowledged that there is low remittance of contributions to the saccoos including public institutions. He promised if approved to work closely with the respective Cabinet Secretaries and Principle Secretaries to ensure that member's contributions are remitted to respective saccoos.

Coffee Cherry Fund

He stated that indeed there was low uptake in respect to coffee cherry fund because of the politics around the project and also the prices given to farmers were not motivating enough.

He committed to work with KPCU and ministry of agriculture to utilize the coffee cherry fund to achieve what it was intended to do.

MIN. NO NA/TRADE/22/21: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at Forty Five Minutes Past Six O'clock. The next meeting will be held on Monday 16th November 2022, 9:00 AM, at Mini-Chamber, County Hall.



SIGNED: DATE: 20/11/2022
(CHAIRPERSON: HON.GAKUYA JAMES MWANGI, MP)

**MINUTES OF THE 4th SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRADE, INDUSTRY AND COOPERATIVES HELD ON WEDNESDAY, 15th
NOVEMBER 2022 IN MINI-CHAMBER, COUNTY HALL AT 9.00 AM**

PRESENT

1. Hon.Gakuya James Mwangi M.P. - **Chairperson**
2. Hon. Kitany Marianne Jebet, M.P. -**Vice- Chairperson**
3. Hon. Dr Oundo Wilberforce Ojiambo, M.P.
4. Hon. Adagala Beatrice Kahai, M.P.
5. Hon. Githinji Robert Gichimu, MP
6. Hon. Hassan Kulow Maalim, M.P.
7. Hon. Kamene Joyce, M.P.
8. Hon. Mwalyo Joshua Mbithi Mutua, M.P.
9. Hon. Oluoch Anthony Tom, MP
10. Hon.Guyo Adhe Wario,M.P.
11. Hon. Korir Adams Kipsanai, M.P.
12. Hon. Maina Mwago Amos, M.P.
13. Hon.Sakimba Parashina Samuel, M.P.
14. Hon Wanaina Antony Njoroge, M.P.
15. Hon. Waithaka John Machua, M.P.

IN ATTENDANCE

SECRETARIAT

- | | | |
|-------------------------------|---|--------------------------|
| 1. Mr. Nebert Ikai | - | Clerk Assistant II. |
| 2. Mr. Kimathi Samson Timothy | - | Clerk Assistant III. |
| 3. Ms. Doreen Karani | - | Senior Legal Counsel. |
| 4. Mr. Peter Barasa | - | Legal Counsel. |
| 5. Ms. Loice Olesia | - | Fiscal Analyst III. |
| 6. Mr.Arkan Ali Mumin | - | Research Officer III |
| 7. Ms. Joanne Naneu | - | Research Officer III |
| 8. Ms.Mercy Mayende | - | Media Relations Officer. |
| 9. Mr. Onesmus Kiragu | - | Serjeant-At-Arms |
| 10. Mr. John Mungai | - | Audio Officer. |

AGENDA

1. Prayers
2. Preliminaries
3. Parliamentary Approval of PS Nominees:
 - i. Mr. Alfred K'Ombudo-as Principal Secretary for State Department for Trade.
 - ii. Mr.Abubakar Hassan-as Principal Secretary for State Department Investment Promotion.
4. Any Other Business
5. Adjournment/ Date of the Next Meeting

MIN. NO. NA//TRADE/2022/14: PRELIMINARIES

The meeting was called to order at Twenty Five Minutes Past Nine O'clock followed by a word of prayer and introductions.

MIN. NO. NA//TRADE/2022/15: BRIEF ON THE VETTING PROCEDURE

The Chair started by briefing members on the Vetting Sequence.

MIN.NO.NA/TRADE/2022/16: APPROVAL HEARINGS.

Approval Hearing for Mr. Alfred K' Ombudo

The Chairperson welcomed Mr. Alfred K' Ombudo for the vetting and requested the Committee Clerk to administer the oath to the nominee. The Nominee presented his original identity card, academic and professional certificates and Clearance from; EACC, HELB, DCI, KRA and ORPP for Verification by the Legal counsel.

The Chairperson requested the nominee to introduce Himself to the Committee giving details of his Name, Family Background, Educational Background, Work Experience and Employment record, Your Present engagement and the Status of compliance with the following agencies; EACC, KRA, HELB, DCI & ORPP

Family Background

He stated his name and stated that he was a citizen of Kenya, married and a father of two.

Work experience and Employment Record

He stated that He worked in the following Capacities; lead consultant Trade for Sustainable Development hub Kenya for international trade center,; Senior Economist for the USAID East Africa Trade and Investment, the hub; Coordinator EAC Common Market Scorecard (CMS), Associate director lead of prosperity capital Management, Head of Trade and Private Sector for the United Nations Development Programme (UNDP), Program Manager, Infrastructure Development and Governance for NEPAD, Investment Officer for Kenya Investment Authority.

He stated that currently he was an Independent Consultant Covering AFCFTA, Trade capacity building Business Membership Organizations, Private Sector Development, Local Economic Development and Trade for Sustainable Development

Educational Background

He stated that He holds a Master degree of Science in Business Administration from United States International University, a Diploma in Legal Practice in the Kenya school of Law and a Bachelor's Degree in Law from University of Nairobi.

Status of Compliance with Agencies

He stated that he had complied with all the required agencies and submitted the Clearance documents from; EACC, HELB, DCI, KRA and ORPP for Verification

Clearance Requirements

The Committee confirmed that the nominee had been cleared by Statutory bodies including the KRA, HELB and DCI having obtained clearance certificates to that effect.

Schedule of Public Appointments

He stated that as Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, commission or integrity related Report or investigations and had never served as a leader in any Political Party. He stated that he had a net worth of 203 Million and that he was very suitable for the due to his wide array in matters on trade and Public Service

Leadership and Integrity

He stated that he had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse Himself. He further stated that he will not be deeply involved in the affairs of the organization he served before or advance their interest that is in conflict with his current assignment. Similarly, he stated if given the opportunity to serve he will resign in his current Engagement and solely focus in serving public. Additional, he stated that he has never been dismissed for any Conflict between Personal Interest and Public or Official Duties.

Values and Principles

He stated that while Discharging His duties and responsibilities in the different Capacities He has always adhered to the Values and Principles as per the Constitution.

Budgetary and Economic Matters

He intends to be a proper custodian of public resources. He will administer funds in a way that is transparent, verifiable and in a way that brings value for money. He will ensure that the strategic plan will be reflective of their mandate on trade and it will be aligned to the medium term expenditure frame work. He also stated that he will empower the employees to be part of this mission and he will consult with the constitution.

Matters raised by the Committee during the approval hearing

The Committee posed several questions in the following thematic areas and he responded as follows: -

Challenge of Exporters

He stated that He will use Foreign Trade attachees and formulate suitable Trade Agreements and affordable Tariffs. In addition, he added that he will facilitate infrastructures such as warehouses to promote and support growth for the Small scale Exporters.

In regard to reducing cost of Export especially on flowers, he stated that he will establish cold chain facilities so that goods can be kept fresh.

Promote Foreign Exchange

He stated that he will improve Supply capacity to foreign Markets by ensuring that commodities or Goods meet the required standards in the International market. In addition, he undertook to work closely with producers to understand Market needs and facilitate traders by ensuring that they Comply with International market Standards.

Hustler Fund Promoting women and Youth

He stated that he will ensure that the State Department of trade works closely with the State Department of Cooperatives and that of SSMEs in supporting and facilitating women & youth with necessary tools required for trading

Protecting Local Industry

The nominee stated that he will work collaboratively with the state department for industry to enhance textile value chain and ensure high levels of operational efficiency which would in turn reduce manufacturing costs and make our products competitive both locally and internationally. The nominee noted that with improved textile value chain, counties like Busia and Lamu are able to grow cotton competitively which would give customers a choice between locally produced goods and imported ones.

Ecommerce

He stated that he will partner with other relevant stakeholders to provide infrastructure especially in Marginalized areas that will promote and advance E-commerce. In addition, he stated that the Ministry was working on an Ecommerce Policy that will play a big role in advancing trade locally and internationally.

Ease of Doing Business (Border Operations)

The nominee stated he would work closely with his East African community to ensure non-tariff barriers hindering cross-border trade are removed, additionally the nominee promised to have a prompt reporting mechanism where all boarder related issues are raised and quick interventions are made.

Importing vs Manufacturing (SMES)

He stated that he will encourage Competitiveness by ensuring the country is empowered to produce good quality products at affordable and competitive prices, this will be done by putting in place measures that are targeted towards lowering the costs of manufacturing of a product. The nomine stated that if this is achieved it would reduce the county reliance on imports.

Threshold of international Market Quality

He stated he will ensure non-tariff barriers are reduced and where not possible explore other markets for our products, this will ensure our products are competitive and reaches a wider market. He also added that there is need for reforms in the exporting sector.

Counties operating as Trading Units

He stated that he will highly encourage Counties to focus in areas where they have Competitive advantage. He added that he will facilitate counties with the necessary requirements such as identifying markets, providing Commodities and ensuring standards are met.

Trade Treaties and Agreements

He stated that he will look into the current treaties and identify treaties that can benefit the country and formulate implementation mechanism. He also stated that he will aggressively seek out for more trade networks and agreements such as the UAE that focus on building Economic partnerships.

Exporting Technology

The nominee stated that Kenya should continue being a center for innovation excellence, additionally, he promised to work collaboratively with other relevant stakeholders to ensure market access for Kenya digital products.

EPZ to attract Investors

He stated that he will use two instruments which observing Rules of origin and ensuring Institutions such as Kenya Bureau of standards analyzes the standardization of commodities to be exported. He also added that he will promote ease of doing business by creating an environment that provides room for investment, trade and industrialization.

Retail chain sector

He stated that the fall of many giant retail traders was attributed to the under regulated retail sector, that attributed to unfair trade agreements. He added that he will come up with policies that ensures that all players in the retail chain sector are accommodated.

Actualization of Kenya kwanza Manifesto

He stated that Kenya Kwanza Manifesto was anchored on a creative and robust foreign policy whose pillars are economic and commercial diplomacy, through which they intend to find markets for Kenyan goods in other countries thus reducing on imports and increasing on exports. This will improve on the country balance of trade.

Parliament role of Oversight

He stated that he appreciates the role of Parliament and especially committees in exercising oversighting. He submitted that he will work collaboratively with Parliament by having one on one consultations with members and ensuring to comply with the law.

Turnaround time in making Kenya a trading Block

He stated that turnaround time will be different for different sectors and that the Government is already rolling out initiatives which will spur Productivity and ultimately revamp trade sectors.

Trade balance

He stated that will carry out reforms that reduce the cost of manufacturing, deal with non-tariff barriers, improving the standards of commodities being exported and focus on improving productivity.

Branding Kenya

He stated that he will work with other State Departments within the ministry in improving the competitiveness of Kenyan market by pushing the concept of Buy Kenya Build Kenya. In addition, he stated that he will focus on strengthening our industry, our investments and our trade and ensures that they function adequately.

Improving Livestock sector

He stated that he will focus on increasing the value chain and productivity of livestock product such as hide skins and also conduct trainings that can help develop the sector and spur trade in livestock products.

Counterfeits

He stated that he will ensure to protect the intellectual properties of all producers and work with institutions such as the Kenya Bureau of standards in enforcing measures on the standardization and quality of goods.

APPROVAL HEARING FOR MR. ABUBAKAR HASSAN ABUBAKAR

The Chairperson welcomed Mr. Abubakar Hassan and requested the Committee Clerk to administer the oath to the nominee. The Nominee presented his original identity card, academic and professional certificates and Clearance from; EACC, HELB, DCI, KRA and ORPP for Verification by the Legal counsel.

The Chairperson requested the nominee to introduce Himself to the Committee giving details of his Name, Family Background, Educational Background, Work Experience and Employment record, Your Present engagement and the Status of compliance with the following agencies; EACC, KRA, HELB, DCI & ORPP

Family Background

He stated his name and stated that he was a citizen of Kenya, married and a father of two.

Work experience and Employment Record

He stated that he worked in the following Capacities; a legal intern at Swaleh & Co. Advocates; an Associate corporate and special advisory services at Grant Thornton Consultants -Kenya; assistant Manager Legal Services Central Bank Kenya. He also stated that he transitioned to Capital Market Authority where he served in the following Positions; Legal officer and Market Supervision, Senior Legal officer under Market Supervision and Senior Manager under investigation and Enforcement,

He stated that currently he was a Director, Market Operations in charge of Market oversight.

Educational Background

He stated that he is currently doing a Master's degree in law specializing Financial Services law. He stated that he holds, a Diploma in law from the Kenya school of Law and a Bachelor's Degree in Law from University of Nairobi.

He stated that he is an Advocate of the High Court of Kenya, a Certified Public Accountant, a Certified Public Secretary, A Certified Financial Analyst, A certified Fraud Examiner and a banking Risk Certification Professional.

Status of Compliance with Agencies

He stated that he had complied with all the required agencies and submitted the Clearance documents from; EACC, HELB, DCI, KRA and ORPP for Verification

Clearance Requirements

The Committee confirmed that the nominee had been cleared by Statutory bodies including the KRA, HELB and DCI having obtained clearance certificates to that effect.

Schedule of Public Appointments

He stated that was Kenyan Citizen, he had never been convicted in any court of law, he had never been mentioned in any Investigatory Report of Parliament, commission or integrity related Report or investigations and had never served as a leader in any Political Party. He stated that he had a net worth of 50 Million and that he was very suitable for the position because of his large exposure in the marketing sector

Leadership and Integrity

He stated that he had no engagement or association that will cause any conflict of interest and no anticipated reason to recuse Himself. He stated if given the opportunity to serve he will resign in his current Engagement and solely focus in serving the public. He also stated that he has never been dismissed for any conflict between personal Interest and public or official duties.

Values and Principles

He stated that while discharging his duties and responsibilities in the different capacities, he has always adhered to the Values and Principles as per the Constitution.

Budgetary and Economic Matters

He stated that he understands the entire budget process and he will use his position to ensure that they comply with the requirements of this process. On measures to improve openness he will conduct himself in a manner that he will lead by example and he will create a working environment that ensures trust and accountability among his employees.

Matters raised by the Committee during the approval hearing

The Committee posed several questions in the following thematic areas and he responded as follows: -

Linking Creative Industry and investment

He stated that in linking the two sectors of 'creative Industry' and 'investment', a lot of capital is required. He further stated that that he will conduct research and come up with strategies that will increase access to local capital that has no collateral and has a lower interest rate. He also stated that he will work collaboratively with other state departments such a diaspora in increasing private partnerships investment.

Understanding mandate of state department on Investments Promotion

He stated that the department involved promotion and participation of investment both foreign and Domestic and this participation is geared towards spurring or catalyzing investments to spur economic development.

Measures that will increase Investment

He stated that he will give incentive to businesses by reducing the Multiplicity of Licensing into single Licensing and constant reviewing of Tax Laws annually to create a suitable environment for investments.

Cost of Power

He stated that he will liaise with other State Department and Government Agencies to provide subsidies or special tariffs that will reduce the cost of Energy and promote Manufacturing. He also floated an idea of companies producing their own energy that will be cheaper and more efficient.

Conflict of interest

He stated that his experience in both foreign direct and Foreign Portfolio was an advantage as it has provided Him with Knowledge of the Sector and therefore the previous working relationship will be more of a collaboration and partnership.

Tax incentive

He stated that incentives are used to encourage investors in economies to invest. He stated that there is need of having a Predictable Tax Regime.

Promotion of Foreign Direct Investment

He stated that promoting Foreign Direct Investment entailed Packaging opportunities to a bankable Proposal that can make Kenya a one stop shop for effective monitoring and evaluation. He added that He will that he promotes ease of doing business by increasing competitiveness to attract investors.

Decrease in foreign direct Investment (FDI)

He stated that the reason behind the reduction of FDI, could be attributed to a number of things such as Economic Meltdown in the respective economies, the non -operationalization of the investment Council who play a very important role, the non -competitive nature of our markets. He added that for improvement to occur it will entail to first operationalize the investment council, working on areas of competitiveness and reviewing our investment frameworks.

Turning Talents to Business

He stated that he will ensure to collaborate with other stakeholders by carrying out capacity building programs and empowering hubs that will scale up their talents and facilitate them to make them competitive enough for the market.

Collaborations with Trade attachees

He stated that he will come up with a program whereby the potential and targeted investors are encouraged to bring their own attachees and likewise the State Department sends its local attachee to other jurisdiction to benchmark and find ways to partner and invest.

Ease of doing business

He stated that will undertake review of the existing legislation and regulations such as the Kenya investment Act, Privatization Act and public Private partnership Act.

Parliament Oversight Role

He stated that he promised to honor invitations and summons. He also added that he will work closely with the committee and ensure that he implements any directive issued by the Committee.

Saving Investment Deficit

He stated that he will investigate reasons why there is low saving culture in the Country. Subsequently, he will develop Financial Literacy Curriculum and also diversify financial products that allow saving.

Increasing Exports

He stated that he will collaboratively work with State Departments for Trade and that for Industry to promote investment.

Domestic investment

He stated that he will ensure to Promote SME's through financing incubation and market linkages.

Support of real Estate, investment Trust

He stated that the support of real estate, investment and trust will depend on a number of things that including ease of doing business

Fiscal reforms

He stated that he will ensure to come up with Policy Framework initiatives that geared towards building and promoting investment.

MIN. NO NA/TRADE/22/17: ANY OTHER BUSINESS & ADJOURNMENT

There being no other business, the meeting was adjourned at Fifteen Minutes to Two o'clock. The next meeting will commence same day at 2.30PM.

SIGNED:  DATE: 30/11/2022
(CHAIRPERSON: HON.GAKUYA JAMES MWANGI, MP)

MINUTES OF THE 3RD SITTING OF THE DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES HELD ON MONDAY, 14TH NOVEMBER 2022 IN THE BOARDROOM, 2ND FLOOR CONTINENTAL HOUSE, AT 2.00PM.

PRESENT

1. Hon.Gakuya James Mwangi M.P. - **Chairperson**
2. Hon. Kitany Marianne Jebet, M.P. -**Vice- Chairperson**
3. Hon. Dr Oundo Wilberforce Ojiambo, M.P.
4. Hon. Adagala Beatrice Kahai, M.P.
5. Hon. Githinji Robert Gichimu, MP
6. Hon. Hassan Kulow Maalim, M.P.
7. Hon. Kamene Joyce, M.P.
8. Hon. Mwalyo Joshua Mbithi Mutua, M.P.
9. Hon. Oluoch Anthony Tom, MP
10. Hon.Guyo Adhe Wario,M.P.
11. Hon. Korir Adams Kipsanai, M.P.
12. Hon. Maina Mwago Amos, M.P.
13. Hon.Sakimba Parashina Samuel, M.P.
14. Hon Wanaina Antony Njoroge, M.P.
15. Hon. Waithaka John Machua, M.P.

IN ATTENDANCE

SECRETARIAT

1. Mr. Nebert Ikai - Clerk Assistant II.
2. Mr. Kimathi Samson Timothy - Clerk Assistant III.
3. Ms. Doreen Karani - Senior Legal Counsel.
4. Mr. Peter Barasa - Legal Counsel.
5. Ms. Loice Olesia - Fiscal Analyst III.
6. Mr.Arkan Ali Mumin - Research Officer III
7. Ms. Joanne Naneu - Research Officer III
8. Ms.Mercy Mayende - Media Relations Officer.
9. Mr. Onesmus Kiragu - Serjeant-At-Arms
10. Mr. John Mungai - Audio Officer.

AGENDA

1. Prayers
2. Preliminaries
3. Second briefing on Parliamentary approval of PS Nominees:
 - i. Mr. Alfred K'Ombudo-as Principal Secretary for State Department for Trade.
 - ii. Mr.Abubakar Hassan-as Principal Secretary for State Department Investment Promotion.
 - iii. Mr Juma Mukhwana-as Principal Secretary for State Department for Industry.
 - iv. Mr.Patrick Kiburi Kilemi-as Principal Secretary for State Department for Cooperatives.
 - v. Ms Susan Mangeni-as Principal Secretary for State Department for MSMEs
4. Any Other Business

5. Adjournment/ Date of the Next Meeting

MIN. NO. NA/TRADE/2022/11: PRELIMINARIES

The meeting was called to order at Fifteen Minutes Past Ten O'clock followed by a word of prayer by the Vice-Chairperson.

MIN.NO.NA/TRADE/2022/12:BRIEFING ON PARLIAMENTARY APPROVAL OF PS NOMINEES.

The secretariat took members through summarized CVS of the five nominees in a matrix form, where the committee was briefed on Employment records, Academic qualifications, Compliance certificates, Honors and awards, Political affiliations and issues noted with each nominee.

The summarized matrix together with file annexures for each nominee was availed to members for perusal.

The secretariat also availed the nominee report from the Public Service commission to members.

The Chairperson read out a brief to members detailing the stages followed from nomination of the principal secretaries to committal by the speaker of the national assembly for approval hearing by the departmental committee on Trade, industry and Cooperatives.

The secretariat confirmed to members that all the five nominees had submitted clearances from statutory bodies ie KRA,EACC,DCI,HELB,and ORRP.

The secretariat also confirmed to have received written responses from the statutory bodies clearing the nominees.

Committee Observations

Members were satisfied and ready for the start of approval hearings the following day.

MIN. NO NA/TRADE/22/13: ANY OTHER BUSINESS/ ADJOURNMENT

There being no other business, the meeting was adjourned at Fifteen Minutes Past Four O'clock. The next meeting will be held on ~~Tuesday~~ 15th November 2022, 9:00AM, at Mini-Chamber, County Hall.

SIGNED:  DATE: 24/11/2022
(CHAIRPERSON: HON.GAKUYA JAMES MWANGI, MP)

**MINUTES OF THE 2ND SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRADE, INDUSTRY AND COOPERATIVES HELD ON WEDNESDAY 9TH NOVEMBER
2022 IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS AT 10.00AM**

PRESENT

1. Hon.Gakuya James Mwangi M.P. - Chairperson
2. Hon. Kitany Marianne Jebet, M.P. -Vice- Chairperson
3. Hon. Dr Oundo Wilberforce Ojiambo, M.P.
4. Hon. Adagala Beatrice Kahai, M.P.
5. Hon. Githinji Robert Gichimu, MP
6. Hon. Hassan Kulow Maalim, M.P.
7. Hon. Kamene Joyce, M.P.
8. Hon. Mwalyo Joshua Mbithi Mutua, M.P.
9. Hon. Oluoch Anthony Tom, MP
10. Hon. Korir Adams Kipsanai, M.P.
11. Hon. Maina Mwago Amos, M.P.
12. Hon.Sakimba Parashina Samuel, M.P.
13. Hon Wanaina Antony Njoroge, M.P.
14. Hon. Waithaka John Machua, M.P.

APOLOGIES

1. Hon.Guyo Adhe Wario,M.P.

IN ATTENDANCE

SECRETARIAT

1. Mr. Daniel Mutunga - Principal Clerk Assistant
2. Mr. Nebert Ikai - Clerk Assistant II
3. Mr. Kimathi Samson Timothy - Clerk Assistant III
4. Mr. Sydney Bwirire - Legal Counsel
5. Ms. Loice Olesia - Fiscal Analyst III
6. Ms.Mercy Mayende - Media Relations Officer.
7. Mr. Onesmus Kiragu - Serjeant-At-Arms
8. Mr. John Mungai - Audio Officer

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of the 1st Sitting.
4. Matters arising
5. Briefing on Approval hearing of PS Nominees:
 - i. Mr. Alfred K'Ombudo-as Principal Secretary for State Department for Trade.
 - ii. Mr.Abubakar Hassan-as Principal Secretary for State Department Investment Promotion.
 - iii. Mr Juma Mukhwana-as Principal Secretary for State Department for Industry.
 - iv. Mr.Patrick Kiburi Kilemi-as Principal Secretary for State Department for Cooperatives.
 - v. Ms Susan Mangeni-as Principal Secretary for State Department for MSMEs

6. Any Other Business
7. Adjournment/ Date of the Next Meeting

MIN. NO. NA/TRADE/2022/05: PRELIMINARIES

The meeting was called to order at Fifteen Minutes Past Ten O'clock followed by a word of prayer by the Vice-Chairperson.

MIN. NO./NA/TRADE/2022/06: CONFIRMATION OF THE MINUTES

Minutes of 1st Sitting held on Wednesday 2nd November 2022 were confirmed as a true record of the deliberations of that meeting and signed by the Chairperson having been proposed by Hon.Hassan Kulow Maalim, MP and seconded by Hon.Maina Mwago Amos, MP.

MIN. NO./NA/TRADE/2022/07: MATTERS ARISING

No Matter Arose

MIN.NO.NA/TRADE/2022/08: BRIEFING ON VETTING OF PS NOMINEES:

The secretariat took members through summarized Curriculum Vitae of the five nominees, whereby the committee was briefed on the academic qualifications and employment history of each nominee.

Further, the secretariat also informed members that compliance documents for each nominee had been requested from the relevant bodies and deadline for reply was 11th November, 2022.

In addition, the Committee was briefed on the qualification and eligibility for person to be appointed as Principle secretary as stipulated in Article 155(3) as read together with Section 47 of the Public Service Act, no 10 of 2017.

Members were informed on the provision of Section 7 of the Public Appointments (Parliamentary Approval) Act, Chapter 136 (PAPAA) that provides issues to be considered in relation to nomination. This are:

- a) The procedure used to arrive at the nominee;
- b) Any constitutional or statutory requirements relating to the office in question; and
- c) The suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

In regard to issue for consideration while conducting approval hearing, the Committee was reminded of Section 6 of the Public Appointments (Parliamentary Approval) Act which provides that:

1. An approval hearing shall focus on academic credentials, professional training and experience, personal integrity and background of the nominee. (s.6(7), PAPAA).

2. The committee may pose questions that relate to academic credentials, professional training and experience, personal integrity and background of the nominee.
3. The Committee may evaluate matters relating to academic credentials, professional training and experience, personal integrity and background of the nominee by considering clearance certificates from (i) The Higher Education Loans Board; (ii) The Kenya Revenue Authority; (iii) The Directorate of Criminal Investigations; (iv) The Office of the Registrar of Political Parties; and (vi) The Ethics and Anti-Corruption Commission.

It was brought to the attention of Members that any person may contest the suitability of a candidate to hold the office prior to the approval hearing by providing evidence by way of a written statement on oath and submission by way of a memoranda. In addition the Committee was informed that the memoranda in regards to the five nominees to be vetted by the Committee is yet to be received as the deadline for submission of memoranda scheduled for November 11, 2022 has not been reached.

Similarly, the Committee was informed on the decision it can make after vetting nominee , that is, (a) to approve the nominee; (b) to reject the nominee; (c) where the committee fail to act on the nomination , which shall be deemed as an approval.

Equally, The committee was reminded of the speakers communication that directed the departmental committees to table their report not later than Tuesday 22nd November 2022 to enable the house meet statutory timelines.

Members Observations

1. Members observed that the report by the public service commission had not been availed for perusal by the Committee. The secretariat informed the committee that this had been requested and would be availed in the next meeting.
2. The committee requested the secretariat to avail information of all five nominees in a summarized matrix form including but not limited to employment records, academic qualifications, compliance certificates, honors & awards, professional bodies & associations and political affiliations. The secretariat undertook to avail the above in the next meeting.

MIN. NO NA/TRADE/22/9: ANY OTHER BUSINESS

1. The Committee was notified of a statement request by the Member for Kamukunji, Hon Yusuf Hassan M.P, regarding the threats to ban the trade of Second -hand clothes (Mitumba). Consequently, the Committee resolved that a comprehensive written response be availed by the Cabinet Secretary Ministry of Trade, Investment and Industry on or before 17th November, 2022.

MIN. NO NA/TRADE/22/10: ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes past eleven o'clock. The next meeting will be held on Monday 14th November 2022, Two thirty O'clock at Continental House 2nd Floor, Committee Room.

SIGNED:  DATE: 24/11/2022
(CHAIRPERSON: HON.GAKUYA JAMES MWANGI, MP)