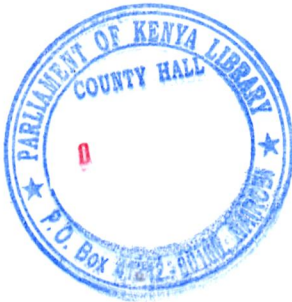


Approved for tabling in the house.

REPUBLIC OF KENYA



Bat  
SNA  
22/3/2022



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SIXTH SESSION – 2022

SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND

REPORT ON THE CONSIDERATION OF THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILL NO. 48 OF 2021) BY HON. DAVID GIKARIA, MP

THE NATIONAL ASSEMBLY	
DATE: 23 MAR 2022	
DAY: WED (Am)	
TABLED BY:	HON. KAMUNYI
CLERK-AT-THE-TABLE:	CHITUS NG-CDF
	INDSPV

CLERKS CHAMBERS  
DIRECTORATE OF AUDIT APPROPRIATION AND SELECT COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI  
FEBRUARY, 2022

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## ABBREVIATIONS

NG-CDF	- National Government Constituencies Development Fund
CDF	- Constituency Development Fund
ICT	- Information communication and Technology
MP	- Member of Parliament
FY	- Financial year
CBC	- Competency Based Curriculum
NASC	- National Assembly Select Committee

## CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Select Committee on National Government constituencies Development Fund on its consideration of the national government constituencies' development fund (amendment) Bill (National Assembly Bill, No. 48 of 2021). The Bill was sponsored by Hon. David Gikaria M.P and was published on 6th October, 2021. The Bill went through the first reading on Wednesday, November 24, 2021 and committed to the Committee for review and report to the House pursuant to Standing Order 127 (6) (a).

The principal objective of the Bill is to amend the National Government Constituencies Development Fund Act, No. 30 of 2015 to provide for youth entrepreneurship programmes or activities as a project for funding. Entrepreneurship programmes generate employment opportunities to exercise their acquired technical and vocational skills. In addition, these programmes equip the youth with skills and an attitude that is important in developing the private sector.

This Bill does not delegate any legislative powers and does not contain provisions that limit any fundamental rights and freedoms.

This Bill does not concern County Governments in terms of articles 109(4) (a) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the fourth schedule to the Constitution. The Bill is not a money Bill within the meaning of article 114 of the Constitution. The Committee has complied with the constitutional requirement of public participation and has engaged stakeholders and their views are contained in the report.

The Committee has considered the National Government constituencies Development Fund (Amendment) Bill (National Assembly Bill, No. 48 of 2021) and having taken into consideration the submissions from stakeholders **REJECTS** the proposed amendment to section 25 of the National Government Constituencies Development Fund Act, No. 30 of 2015 as proposed Bill.

In this regard, the Committee recommends–

- a) That clause 1 of the bill be deleted;
- b) That clause 2 of the bill be deleted;
- c) That the long title to the bill be deleted; and
- d) That the title to the bill be deleted.

In the alternative, and pursuant to the provisions of Standing Order 140(1), the Committee recommends that the member in charge of the bill withdraws the Bill.

The Committee is grateful to the offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank all the stakeholders who participated in the consideration of the Bill.

Finally, I wish to express my appreciation to the honorable members of the Committee and the secretariat who made useful contributions towards the preparations and production of this report.

on behalf of the Select Committee on National Government constituencies Development Fund and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honor to present to this house the report of the Committee on its consideration of the National Government Constituencies Development Fund (amendment) Bill (National Assembly Bill, No. 48 of 2021).

**Hon. Wafula Wamunyinyi, CBS, M.P**

## CHAPTER ONE

### 1.0 PREFACE

#### 1.1 Establishment and mandate of the Committee

1. The Select Committee on National Government constituencies Development Fund is established in accordance with the provisions of section 50 of the National Government Constituencies Development Fund Act, 2015 and its functions include:
  - a) to oversee the implementation of this act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this act with respect to the quantum of funds repayable into the fund in accordance with section 4 of the act;
  - b) to oversee the policy framework and legislative matters that may arise in relation to the Fund;
  - c) to continually review the framework set out for the efficient delivery of Development programmes financed through the Fund;
  - d) to consider and report to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under this act; and
  - e) to carry out any other functions relevant to the work of the Fund.

## 1.2 Committee Membership

2. The current membership is as follows-

**Chairperson**

Hon. Wafula Wamunyinyi, M.P  
Kanduyi Constituency

**FORD Kenya**

**Vice-Chairperson**

Hon. Omar Mohamed Maalim, M.P  
Mandera East Constituency

**Economic Freedom Party**

Hon. Fred Kapondi Chesebe, M.P  
Mt. Elgon Constituency

**Jubilee Party**

Hon. Cornelly Serem, M.P  
Aldai Constituency

**Jubilee Party**

Hon. Sophia Abdinoor, M.P  
Ijara Constituency

**Party of Reforms and Development**

Hon. Moses Lessonet, M.P  
Eldama Ravine Constituency

**Jubilee Party**

Hon. Richard Tongi, M.P  
Nyaribari Chache Constituency

**Jubilee Party**

Hon. Kasim Tandaza Sawa, M.P  
Matuga Constituency

**Amani National Congress**

Hon. Benjamin Gathiru Mwangi, M.P  
Embakasi Central Constituency

**Jubilee Party**

Hon. Joseph Oyula, M.P  
Butula Constituency

**Orange Democratic Movement**

Hon. Ferdinard Wanyonyi, M.P  
Kwanza Constituency

**FORD Kenya**

Hon. Janet Jepkemboi Sitienei, M.P  
Turbo Constituency

**Independent Member**

Hon. Sharif Athman Ali, M.P  
Lamu East Constituency

**Jubilee Party**

Hon. Onesmus Kimani Ngunjiri, M.P  
Bahati Constituency

**Jubilee Party**

Hon. Fred Ouda, M.P  
Kisumu Central Constituency

**Orange Democratic Movement**

Hon. Joshua Mwalyo, M.P  
Masinga Constituency

**Wiper Party**



Hon. Lodepe Nakara, M.P  
Turkana Central Constituency  
**Orange Democratic Movement**

Hon. George Kariuki Macharia, M.P  
Ndia Constituency  
**Jubilee Party**

Hon. Josphat G.Kabeabea, MP  
Tigania East Constituency  
**Jubilee Party**

## **COMMITTEE SECRETARIAT**

3. The Committee Secretariat is comprised of;

Mr. Hassan A. Arale  
Clerk Assistant II  
Head of Secretariat

Ms. Naserian Lotuai  
Clerk Assistant II

F.A. Jonathan Lemurt  
Fiscal Analyst I

Mr. Bonnie Mathooka  
Chief Research Officer

Ms. Christine Odhiambo  
Legal Counsel I

Mr. John Mungai  
Audio recording Officer III

Mr. Joshua Lenambeti  
Sergeant at Arm II

## CHAPTER TWO

### 2.0 **INTRODUCTION**

#### 2.1.1 **Overview of the bill**

4. The proposed legislation intends to amend the National Government Constituencies Development Fund (NGCDF) Act, 2015. In particular, the draft Bill proposes to amend section 25 of the Act regarding the funding of projects through the NG-CDF by providing for the consideration of youth entrepreneurship programs/activities as development activities to qualify for funding. According to the Bill, such entrepreneurship programs and activities will generate employment opportunities needed for unemployed youths by providing them platforms that enable them to exercise their acquired technical and vocational skills.
5. Further, the Bill seeks to amend section 43 of the Act. Regarding the term of office of the members of the NG-CDF Committee for every Constituency and proposed to extend the terms of office of the Committee from the current renewable term of two (2) years to three (3) year which is renewable for a further two years.

#### 2.1.2 **Analysis of the Bill**

6. Clause 2 of the draft Bill proposes to include youth entrepreneurship programs/activities as development projects to qualify for funding from the National Government Constituencies Development Fund. Currently, youth entrepreneurial activities are not considered as developmental activities under the NG-CDF Act. The funding requirements for the youth entrepreneurship programs can be set aside from the Funds available to each Constituency's equitable share of the Fund which does not necessitate appropriation of additional resource allocation to the constituencies' kitty.
7. Clause 3 of the Bill proposes to extend the terms of office of the Constituency Committee from a renewable term of two (2) years to three (3) years which is renewable for a further two (2) years. This extension of the terms of office of the Committee does not increase the membership of the Committee which does not necessarily occasion an additional expenditure in terms of increased allowances to the members of the constituencies Committee.

#### 2.1.3 **Potential benefits**

8. The support to youth entrepreneurship activities may create employment opportunities for the youth.

9. The support will encourage more youth to join vocational training institutions to acquire the necessary skills.

**2.1.4 Potential risks**

10. The support to the youth entrepreneurship activities may likely reduce allocation to other CDF projects.
  
11. Without a proper framework, the beneficiaries of the proposed grants may not utilize the money for the intended purposes and identification of the youth to benefit may be an issue without set criteria.

## CHAPTER THREE

### 3.0 STAKEHOLDERS ENGAGEMENT

#### 3.1 MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT.

12. The Ministry through a letter Ref: MICNG/SEC. 4/9 dated 9<sup>th</sup> December, 2021 to the Clerk of the National Assembly noted that, the purpose of the Bill is to amend section 25 of the National Government constituencies Development Fund Act, 2015 so that youth entrepreneurship programmes or activities that focus on utilizing acquired vocational and technical skills in generating employment opportunities are considered for funding.
13. In considering the issue, they pointed out that the overall aim of the NG-CDF Funds is to improve the Socio-economic Development of the people at the Constituency including the youth.
14. Under article 55 of the Constitution, the Government is required to take measures including affirmative action to ensure that the youth are able to participate in economic activities and are able to access employment opportunities.

**Justification:** The Bill is an important initiative in improving the socio-economic conditions of the youth. It will therefore ensure meaningful engagement of the youth reducing their susceptibility to crime hence improving National security in general.

**Committee observation:** The Committee observed that the proposal in the Bill will result in an overlap of the functions being performed by the Uwezo Fund and the Youth Enterprise Development Fund.

#### 3.2 OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE

15. The office of the Attorney-General through a letter Ref: AG/LDD/1101/194 dated 7<sup>th</sup> December, 2021 to the Clerk of the National Assembly submitted that, they have requested for policy guidance from the National Treasury and Planning, which is responsible for the policy relating to the National Government Constituencies Development Fund Act, 2015, and shall share the same and any comments thereon as soon as possible as they receive them.
16. The office request they requested for additional time to finalise their response on the Bill.

**Justification:** The National Treasury and Planning is responsible for policy relating to the National Government Constituencies Development Fund Act, 2015.

### **3.3 THE NATIONAL TREASURY AND PLANNING**

17. The Ministry of National Treasury and Planning through a letter Ref: No. ES 1/104 'A' (35) to the Clerk of the National Assembly requested the Bill to be reviewed to eliminate any duplication of functions with existing Government programs.

#### **Justification**

- a) The proposed provision for funding of the youth entrepreneurship activities is currently being undertaken through Uwezo Fund and the Youth Enterprise Development Fund. This will create duplication of functions with existing government programs.
  - b) There is currently in place the Public Finance Management (Uwezo Fund) regulations, 2013 and the youth enterprise Development Fund order, 2007.
  - c) The objects of the Uwezo Fund are to—
    - i) Expand access to finance in the promotion of youth and women businesses and enterprises at the constituency level for economic growth;
    - ii) Generate gainful self-employment for the youth and women; and
    - iii) Model an alternative framework in funding community driven development.
18. The amendment would therefore result in an overlap of the functions currently being performed by other funds.

**Committee observation:** The Committee observed that the proposal to include the youth as beneficiaries of the Fund would therefore result in an overlap of the functions currently being performed by the uwezo Fund.

### **3.1.4 NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BOARD**

19. The National Government Constituencies Development Fund Board through a letter Ref: No. NGCDF/CEO/KNA/VOL.V (54) dated 7<sup>th</sup> February 2021 and a meeting with the Committee on Tuesday 8<sup>th</sup> February, 2021 in Parliament submitted as follows:- that,

20. It is noted that the Bill proposes to amend Section 25 of the National Government Constituencies Development Fund Act, 2015 by inserting a new paragraph immediately after paragraph 10 as follows:

*“(10A) Youth entrepreneurship programmes or activities that focus on utilising acquired vocational and technical skills in generating employment opportunities may be considered as development projects for purposes of this Act provided that the allocation to such activities do not exceed five per centum of the total allocation of the Constituency in that financial year.”*

21. In addressing the proposed amendment to Section 25 of the NG-CDF Act, they made reference to pertinent provisions of the current Act as follows:

*Section 24 of the Act states that: "A project under this Act shall –  
Only be in respect of works and services falling within the functions of the national government under the constitution and be community based in order to ensure that the benefits are available to a widespread cross-section of the inhabitants of a particular area.*

Further, Section 27(3) of the Act states that:

*"The list of proposed constituency based projects to be covered under this Act shall be submitted by Constituency Committee to the Board."*

On the other hand, Section 47 of the Act states that:

*"A project or any part thereof which involves personal awards to any parson whether in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 27 of the Act."*

#### **Justification**

22. In light of the foregoing, they made the following observations:

a.) Based on the provisions of Part 2 paragraph 7 of the fourth Schedule of the Constitution of Kenya, **trade development** is categorised under the functions set aside for the County Governments, hence not eligible for funding going by the provisions of Section 24 of the NG-CDF Act.

That the "**youth entrepreneurship**" falls under the "**trade development**" category as outlined in the fourth Schedule of the Constitution of Kenya, hence it is a function of County Governments. Therefore, including "**youth entrepreneurship**" as eligible project under the NG-CDF Act as proposed in the NG-CDF Amendment Bill would offend Section 24 of the Act, which is a key pillar of the Act as it ensures that the Statute remains compliant to the Constitution.

b.) Further, entrepreneurship programmes are best implemented at individual level, yet Section 24 of the NG-CDF Act requires that projects under the Act be "community based" so that benefits accrue to a widespread cross-section of inhabitants of an area. On the other hand, if the spirit of the NG-CDF Amendment Bill is to support Youth enterprises at individual level, it would amount to personal awards, contrary to the express provision of section 47 of the Act.

23. Lastly, they pointed out that, exceptions to Section 47 are provided for in Section 48 of the Act, which seems to exempt social security programmes and education bursary schemes from the provisions of Sections 47 of the Act.

24. If the Amendment Bill intended to exempt the proposed Youth Entrepreneurship programmes from the provision of Section 47 of the Act, then it would be advisable that it focuses on proposing to amend Section 48 rather than Section 25 of the Act. But even so, the drafters would have to ensure that the amendments comply with Section 24 of the Act so that the proposed projects do not infringe on County governments' functions as set out in the Fourth Schedule of the constitution.

#### **Disposition**

- a) The proposed amendment, in its current form, is therefore not in conformity with the express provisions of the NG-CDF Act and if carried as presented, it would lead to fundamental alteration of the structure of the Act.
  - b) Any conceivable proposal is expected to meet the provisions of Section 24 and should not be contrary to Section 27 of the Act.
25. As noted above, the proposed amendment does not meet the requirements of Section 24 of the Act and it clearly contradicts Section 47 thereof.
26. They nevertheless, noted that, there are other vibrant government initiatives that continue to address the concerns brought about by the proposed amendment. These initiatives include the following:
- a) The Youth Enterprise Development Fund – This is a State Corporation mandated to provide financial and business development support services to youth owned enterprises;
  - b) The Women Enterprise Development Fund – one of the objects of the fund is to provide loans to micro-finance institutions, NGO's and SACCOS for on lending to women. We note that women youth are included in this category; and
  - c) The Uwezo Fund – This is a government empowerment fund whose mandates include provision of loans to groups of youth, women and persons with disabilities
27. In conclusion, they recommended that the noble idea of supporting youth enterprise programmes be relooked in to from the context of strategies targeting collaboration with the above government initiatives whose enabling instruments are not bound by restrictions of Section 24 of the NG-CDF Act.

#### **Committee observation**

28. The **Committee observed that;**

- a) Section 47 of the act provides- (47). Projects involving personal awards to be excluded.
- b) A project or any part thereof which involves personal awards to any person whether in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 27 of the act.



- c) The Bill seeks to obtain funding for youth entrepreneurship projects and Development projects aimed at generating employment.
- d) The proposal in the Bill therefore goes against the objects of the act, as provided in section 3 of the act, which includes the facilitation of the performance and implementation of National Government functions in all parts of the republic.
- e) Youth projects do not fall within what may be considered as a National Government function.

## CHAPTER FOUR

### **4.0 COMMITTEE OBSERVATIONS**

The Committee made the following observations: that,

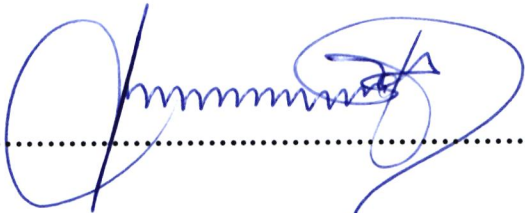
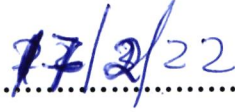
- 1) The Bill seeks to introduce youth entrepreneurship programmes into the list of projects that may be funded under the National Government Constituencies Development Fund.
- 2) Section 47 of the National Government Constituencies Development Fund Act, No. 30 of 2015 excludes personal awards to any person whether in cash or kind, from the list of projects which may be eligible to benefit under the Act.
- 3) The proposal in the Bill goes against the objects of the Act, as provided in section 3 of the Act, which includes the facilitation of the performance and implementation of National Government functions in all parts of the republic. Youth entrepreneurship programmes do not fall within the ambit of matters which may be considered to be a National Government function.
- 4) There currently exists the public finance management (Uwezo Fund) regulations, 2014 whose object are—
  - i) to expand access to finance in the promotion of youth and women businesses and enterprises at the constituency level for economic growth;
  - ii) to generate gainful self-employment for the youth and women; and
  - iii) to model an alternative framework in funding community driven Development.
- 5) The proposal to include the youth as beneficiaries of the Fund would therefore result in an overlap of the functions currently being performed by the Uwezo Fund.
- 6) The Bill will lead to implementation challenges as there would be no set criteria for determining the youth who would be considered to be the most deserving to benefit from the Fund, and this provision would be subject to abuse.
- 7) There is no justification provided for the need to consider youth entrepreneurship programmes as beneficiaries of the Fund, to the exclusion of other categories like children, persons with disabilities, minorities and marginalized groups and older members of society. The proposed amendment therefore contradicts the provisions of article 27(4) which prohibits the state from discriminating against a person on any grounds, including age and disability.

## CHAPTER FIVE

### 5.0 COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations, that,

- 1) **Taking into account the above observations, the Committee rejects the proposed amendment to section 25 of the National Government constituencies Development Fund act, no. 30 of 2015 as proposed in the National Government constituencies Development Fund (amendment) Bill, 2021 (National Assembly Bill no. 48 of 2021). In this regard, the Committee recommends–**
  - i) that clause 1 of the Bill be deleted;
  - ii) that clause 2 of the Bill be deleted;
  - iii) that the long title to the Bill be deleted; and
  - iv) that the title to the Bill be deleted.
- 2) **In the alternative, and pursuant to the provisions of Standing order 140(1), the Member in charge of the Bill withdraws the Bill.**

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

**Hon. Wafula Wamunyinyi, CBS, MP**  
**Select Committee on National Government Constituencies Development Fund**

## ADOPTION LIST



TWELFTH PARLIAMENT –SIXTH SESSION – 2022

THE NATIONAL ASSEMBLY

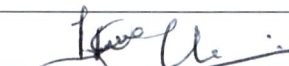
SELECT COMMITTEE ON NG-CDF

ADOPTION LIST

REPORT ON: THE NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND AMENDMENTS BILL, (NATIONAL ASSEMBLY BILL, NO.  
48 OF 2021)

DATE 15/2/2022.....VENUE 4<sup>th</sup> floor Boardroom Continental house

	NAME	Signature
1.	Hon. Wafula Wamunyinyi, CBS,M.P. Chairperson	
2.	Hon. Omar Mohamed Maalim Hassan, M.P. –Vice Chairperson	
3.	Hon. Fred Kapondi Chesebe, M.P.	
4.	Hon. Moses Lessonet, M.P.	
5.	Hon. Richard Nyagaka Tongi, M.P.	Zoom
6.	Hon. Sharif Athman Ali, M.P.	
7.	Hon. Sophia Abdi Noor, M.P.	
8.	Hon. Ferdinand Wanyonyi, M.P.	
9.	Hon. John Lodepe Nakara, M.P.	
10.	Hon. Cornelly Serem, MP	Zoom
11.	Hon. Onesmas Kimani Ngunjiri, MP	
12.	Hon. Benjamin Gathiru Mwangi, M.P.	Zoom
13.	Hon. Janet Jepkemboi Sitienei, M.P.	
14.	Hon. Fred Ouda, M.P.	
15.	Hon. Joshua Mwalyo, M.P.	
16.	Hon. Kassim Sawa Tandaza, M.P.	
17.	Hon. George Kariuki Macharia, M.P.	Zoom

18.	Hon. Josphat Gichunge Mwirabua Kabeabea, M.P.	Zoom
19.	Hon. Joseph Oyula, M.P.	

# MINUTES

**MINUTES OF THE 5<sup>th</sup> SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND HELD ON TUESDAY 15<sup>TH</sup> FEBRUARY, 2022 AT 10.30 AM IN 4<sup>TH</sup> FLOOR COONTINENTAL HOUSE, MAIN PARLIAMENT BUILDINGS**

**MEMBERS PRESENT**

1. Hon. Wafula Wamunyinyi, CBS,MP –**Chairperson**
2. Hon. Richard Tongi,MP- **Zoom**
3. Hon. Ferdinand Wanyonyi, MP
4. Hon. Benjamin Gathiru Mwangi, MP-**Zoom**
5. Hon. Mwalyo Joshua, MP
6. Hon. Joseph Oyula, MP
7. Hon. Onesmus Ngunjiri, MP
8. Hon. John Lodepe Nakara, MP
9. Hon. Cornelly Serem, MP –**Zoom**
10. Hon. George Kariuki Macharia, MP –**Zoom**
11. Hon. Josphat Gichunge Kabeabea, MP – **Zoom**
12. Hon. Janet Jepkemboi Sitienei, MP

**ABSENT WITH APOLOGIES**

1. Hon. Omar Maalim, MP – **Vice Chairperson**
2. Hon. Kasim Tandaza Sawa, MP
3. Hon. Fred Ouda, MP
4. Hon. Moses K. Lessonet, MP
5. Hon. Fred Kapondi Chesebe, MP
6. Hon. Sharif Athman, MP
7. Hon. Sophia Abdi Noor, MP

**SECRETARIAT**

1. Mr. Hassan A. Arale - Clerk Assistant II
2. Ms. Angeline Naserian - Clerk Assistant II
3. Mr. John Mungai - Audio Officer
4. Mr. Esther Ngechu - Serjeant at Arms
5. F.A Jonathan Lemurt - Fiscal Analyst



## AGENDA

1. Preliminaries
2. **Confirmation of 3<sup>rd</sup> and 4<sup>th</sup> sitting minutes.**
3. **Consideration of the Report on National Government Constituencies Development Fund Amendments Bill, (National Assembly Bill, No. 48 of 2021) By Hon. David Gikaria, M.P.**
4. **Consideration of the KMTC policy on the establishment of new campuses co-funded by NG-CDF.**
5. **Schedule of inspection visits.**
6. AOB

### **MIN: NA/DAASC/CNG-CDF/2022/ 024: PRELIMINARIES**

The Chairperson called the meeting to order at 10.27 am and said the prayers.

### **MIN: NA/DAASC/CNG-CDF/2022/025: CONFIRMATION OF MINUTES**

The Minutes of the 3<sup>rd</sup> Sitting was confirmed as true records of the deliberations after it was proposed by Hon. Joseph Oyula, MP, and seconded by Hon. Lodepe Nakara, MP.

The Minutes of the 4<sup>th</sup> Sitting was confirmed as true records of the deliberations after it was proposed by Hon. Lodepe Nakara, MP, and seconded by Hon. Joseph Oyula, MP.

### **MIN: NA/DAASC/CNG-CDF/2022/026: CONSIDERATION OF THE REPORT ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND AMENDMENTS BILL, (NATIONAL ASSEMBLY BILL, NO. 48 OF 2021) BY HON. DAVID GIKARIA, M.P.**

The report was adopted without further amendments and it was proposed by Hon. Janet Sitienei, MP and seconded by Hon. Joseph Oyula, MP.

### **MIN: NA/DAASC/CNG-CDF/2022/027: CONSIDERATION OF THE KMTC POLICY ON THE ESTABLISHMENT OF NEW CAMPUSES CO-FUNDED BY NG-CDF**

On the establishment of KMTCs co-funded by the NG-CDF, the Committee resolved to table a policy on establishment of new campuses that are co-funded by the NG-CDF for adoption in the house. The policy will also be a manifest as one the Committee's key achievements. The Secretariat was therefore requested to prepare and present the said policy.

### **MIN: NA/DAASC/CNG-CDF/2022/028: SCHEDULE OF INSPECTION VISITS**

The committee resolved to conduct inspection visits in the following constituencies:

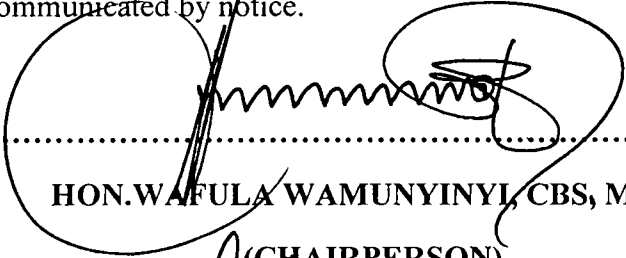
1. Kanduyi Constituency on 4<sup>th</sup> and 5<sup>th</sup> March 2022
2. Bahati/Turbo constituencies on 11<sup>th</sup> and 12<sup>th</sup> March 2022 respectively.

3. Matuga and Likoni constituencies on 25<sup>th</sup> and 26<sup>th</sup> March 2022 respectively

**MIN: NA/DAASC/CNG-CDF/2022/029: ADJOURNMENT**

There being no any other business the meeting was adjourned, the dates and time for the next meeting shall be communicated by notice.

Signature .....



HON. WAFULA WAMUNYINYI, CBS, M.P.

(CHAIRPERSON)

Date.....

17/2/22

**MINUTES OF THE 4<sup>th</sup> SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND HELD ON THURSDAY 10<sup>TH</sup> FEBRUARY, 2022 AT 10.30 AM IN MEMBERS LOUNGE, MAIN PARLIAMENT BUILDINGS**

**MEMBERS PRESENT**

1. Hon. Wafula Wamunyinyi, CBS,MP –**Chairperson**
2. Hon. Fred Kapondi Chesebe, MP
3. Hon. Richard Tongi,MP-
4. Hon. Sharif Athman, MP
5. Hon. Ferdinand Wanyonyi, MP
6. Hon. Benjamin Gathiru Mwangi, MP
7. Hon. Mwalyo Joshua, MP
8. Hon. Joseph Oyula, MP
9. Hon. Onesmus Ngunjiri, MP
10. Hon. Sophia Abdi Noor, MP
11. Hon. John Lodepe Nakara, MP
12. Hon. Cornelly Serem, MP –**Zoom**
13. Hon. George Kariuki Macharia, MP -**Zoom**

**ABSENT WITH APOLOGIES**

1. Hon. Omar Maalim, MP – **Vice Chairperson**
2. Hon. Kasim Tandaza Sawa, MP
3. Hon. Fred Ouda, MP
4. Hon. Moses K. Lessonet, MP
5. Hon. Josphat Gichunge Kabeabea, MP
6. Hon. Janet Jepkemboi Sitienei, MP

**SECRETARIAT**

- |                            |                      |
|----------------------------|----------------------|
| 1. Mr. Hassan A. Arale     | - Clerk Assistant II |
| 2. Ms. Christine odthiambo | - Legal Counsel I    |
| 3. Mr. John Mungai         | - Audio Officer      |
| 4. Mr. Esther Ngechu       | - Serjeant at Arms   |
| 5. Ms. Cynthia Wanjiku     | - Pupil              |

**AGENDA**

1. Preliminaries

2. **Consideration on the submission of the National government constituencies Development Fund amendments Bill, (National Assembly Bill, No. 48 of 2021) by Hon. David Gikaria, M.P.**
3. AOB

**MIN: NA/DAASC/CNG-CDF/2022/ 019: PRELIMINARIES**

The Chairperson called the meeting to order at 10.23 am and said the prayers.

**MIN: NA/DAASC/CNG-CDF/2022/020: CONFIRMATION OF MINUTES**

The Minutes of the 1<sup>st</sup> Sitting was confirmed as true records of the deliberations after it was proposed by Hon. Joshua Mwalyo, M.P and seconded by Hon. Kasim Tandaza, MP.

**MIN: NA/DAASC/CNG-CDF/2022/021: SUMMARY OF SUBMISSIONS BY THE STAKEHOLDERS ON NG-CDF AMENDMENTS BILL (NA BILL. NO. 48 OF 2021) BY HON. DAVID GIKARIA, M.P**

The stakeholders submitted as follows,

1. **Ministry of Interior and Co-ordination of National Government.**  
**(State Department for Interior & Citizen Services)**

**Amendment**

In support of the Bill.

**Justification**

The overall aim of the NCDF is to improve the socio-economic development of the people at the constituency including the youth.

The Bill is an important initiative in improving the socio-economic conditions of the youth. It will ensure meaningful engagement of the youth reducing their susceptibility to crime hence improving national security in general.

**Committee Comments**

The proposal in the Bill will result in an overlap of the functions being performed by the Uwezo Fund and the Youth Enterprise Development Fund.

2. **Office of the Attorney General & Department of Justice**

**Amendment**

The Office of the Attorney-General indicated that they had requested for policy guidance from the National Treasury and Planning. They further requested for more time to finalise their response.

## **Justification**

The National Treasury and Planning is responsible for policy relating to the National Government Constituencies Development Fund Act, 2015.

### **3. The National Treasury and Planning Amendment**

Withdraw the amendment.

## **Justification**

The proposed provision for funding of the youth entrepreneurship activities is currently being undertaken through Uwezo Fund and the Youth Enterprise Development Fund. This will create duplication of functions with existing Government programmes.

There is currently in place the Public Finance Management (Uwezo Fund) Regulations, 2013 and the Youth Enterprise Development Fund Order, 2007.

The objects of the Uwezo Fund are to—

- a) expand access to finance in the promotion of youth and women businesses and enterprises at the Constituency level for economic growth;
- b) generate gainful self-employment for the youth and women; and
- c) Model an alternative framework in funding community driven development.

The amendment would therefore result in an overlap of the functions currently being performed by other Funds.

### **4. National Government Constituencies Development Fund Board Amendment**

Withdraw the amendment.

## **Justification**

Youth entrepreneurship falls under trade development category as outlined in the Fourth Schedule to the Constitution hence it is a function of County Governments.

Further, section 24 of the NG-CDF Act provides that only projects falling within the functions of the National Government under the Constitution and which benefits are community based shall be funded under the Act. The proposed amendment does not meet the requirement of this section.

Section 47 of the NG-CDF Act provides against funding projects which would involve personal awards. The proposed amendment is to support the youth at an individual level which is contrary to section 47.

Youth projects are currently being funded by other initiatives including the Uwezo Fund, the Youth Enterprise Fund and the Women Enterprise Development Fund.

## **Committee Comments**

Section 47 of the Act provides-

### **47. Projects involving personal awards to be excluded**

A project or any part thereof which involves personal awards to any person whether in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 27 of the Act.

The Bill seeks to obtain funding for youth entrepreneurship projects and development projects aimed at generating employment.

The proposal in the Bill therefore goes against the objects of the Act, as provided in section 3 of the Act, which includes the facilitation of the performance and implementation of national government functions in all parts of the Republic.

Youth projects do not fall within what may be considered as a national government function.

## **OBSERVATIONS**

The Committee observed that—

1. The Bill seeks to introduce youth entrepreneurship programmes into the list of projects that may be funded under the National Government Constituencies Development Fund.
2. Section 47 of the National Government Constituencies Development Fund Act, No. 30 of 2015 excludes personal awards to any person whether in cash or kind, from the list of projects which may be eligible to benefit under the Act.
3. The proposal in the Bill goes against the objects of the Act, as provided in section 3 of the Act, which includes the facilitation of the performance and implementation of national government functions in all parts of the Republic. Youth entrepreneurship programmes do not fall within the ambit of matters which may be considered to be a national government function.
4. There currently exists the Public Finance Management (Uwezo Fund) Regulations, 2014 whose object are—
  - a) To expand access to finance in the promotion of youth and women businesses and enterprises at the constituency level for economic growth;
  - b) To generate gainful self-employment for the youth and women; and
  - c) To model an alternative framework in funding community driven development.

The proposal to include the youth as beneficiaries of the Fund would therefore result in an overlap of the functions currently being performed by the Uwezo Fund.

5. The Bill will lead to implementation challenges as there would be no set criteria for determining the youth who would be considered to be the most deserving to benefit from the Fund, and this provision would be subject to abuse.
6. There is no justification provided for the need to consider youth entrepreneurship programmes as beneficiaries of the Fund, to the exclusion of other categories like children, persons with

disabilities, minorities and marginalized groups and older members of society. The proposed amendment therefore contradicts the provisions of Article 27(4) which prohibits the State from discriminating against a person on any grounds, including age and disability.

**RECOMMENDATIONS**

1. Taking into account the above observations, the Committee rejects the proposed amendment to Section 25 of the National Government Constituencies Development Fund Act, No. 30 of 2015 as proposed in the National Government Constituencies Development Fund (Amendment) Bill, 2021 (National Assembly Bill No. 48 of 2021). In this regard, the Committee recommends—
  - (a) THAT clause 1 of the Bill be deleted;
  - (b) THAT clause 2 of the Bill be deleted;
  - (c) THAT the Long Title to the Bill be deleted; and
  - (d) THAT the Title to the Bill be deleted.
2. In the alternative, and pursuant to the provisions of Standing Order 140(1), the Committee recommends that the Member in charge of the Bill withdraws the Bill.

**MIN: NA/DAASC/CNG-CDF/2022/022: ANY OTHER BUSINESS**

The Committee resolved to conduct constituencies' projects inspection visits across the Country in February starting with Matuga and Kanduyi Constituencies. The Committee will visit Matuga Constituency from 24<sup>th</sup> to 28<sup>th</sup> February, 2022.

**MIN: NA/DAASC/CNG-CDF/2022/023: ADJOURNMENT**

There being no any other business the meeting was adjourned, the dates and time for the next meeting shall be communicated by notice.

Signature .....

HON. WAFULA WAMUNYINYI, CBS, M.P.

(CHAIRPERSON)

Date..... 15/2/22 .....

**MINUTES OF THE 3<sup>RD</sup> SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND HELD ON TUESDAY 8<sup>TH</sup> FEBRUARY, 2022 AT 10.30 AM IN MEDIA CENTRE, MAIN PARLIAMENT BUILDINGS**

**MEMBERS PRESENT**

1. Hon. Wafula Wamunyinyi, CBS,MP –**Chairperson**
2. Hon. Omar Maalim, MP – **Vice Chairperson**
3. Hon. Fred Kapondi Chesebe, MP- **Zoom**
4. Hon. Moses K. Lessonet, MP- **Zoom**
5. Hon. Richard Tongi,MP-
6. Hon. Sharif Athman, MP
7. Hon. Benjamin Gathiru Mwangi, MP
8. Hon. John Lodepe Nakara, MP
9. Hon. Cornelly Serem, MP
10. Hon. Joseph Oyula, MP
11. Hon. Onesmus Ngunjiri, MP- **Zoom**
12. Hon. Kasim Tandaza Sawa, MP- **Zoom**
13. Hon. Josphat Gichunge Kabeabea, MP -**Zoom**

**ABSENT WITH APOLOGIES**

1. Hon. Ferdinand Wanyonyi, MP
2. Hon. Fred Ouda, MP
3. Hon. Mwalyo Joshua, MP
4. Hon. Sophia Abdi Noor, MP
5. Hon. George Kariuki Macharia, MP
6. Hon. Janet Jepkemboi Sitienei, MP

**SECRETARIAT**

- |                        |                      |
|------------------------|----------------------|
| 1. Mr. Hassan A. Arale | - Clerk Assistant II |
| 2. Mr. Jonathan Lemurt | - Fiscal Analyst I   |
| 3. Mr. John Mungai     | - Audio Officer      |
| 4. Ms. Esther Ngechu   | - Serjeant at Arms   |

**AGENDA**

1. Preliminaries
2. **Meeting the NGCDF Board on the disbursements status of Funds, status on corporate social responsibility projects and submissions on NGCDF amendments Bill (NA Bill. No. 48 of 2021) by Hon. David Gikaria, M.P**
3. AOB



**MIN: NA/DAASC/CNG-CDF/2022/ 013: PRELIMINARIES**

The Chairperson called the meeting to order at 12.23 pm and said the prayers.

**MIN: NA/DAASC/CNG-CDF/2022/014: CONFIRMATION OF MINUTES**

The Minutes of the 79<sup>th</sup> Sitting was confirmed as true records of the deliberations after it was proposed by Hon. Joshua Mwalyo, M.P and seconded by Hon. John Lodepe Nakara, MP.

**MIN: NA/DAASC/CNG-CDF/2022/015: NATIONAL GOVERNMENT**

**CONSTITUENCIES DEVELOPMENT FUND BOARD REPORT ON STATUS OF RECEIPTS AND DISBURSEMENT AS AT FEBRUARY 7, 2022 BY MR. YUSUF MBUNO C.E.O**

**The Chief Executive Officer presented as follows, that, the**

The Fund is managed by the NG-CDF Board, which is a Body Corporate established pursuant to Sections 14, 15 and 16 of Act. At the constituency level, the day to day management of the Fund is vested on the National Government Constituency Development Fund Committees that are in place in each of the 290 constituencies countrywide.

**1. Fund Allocation and Receipts to date for 2021/2022 Financial Year**

The National Government Constituencies Development Fund (NGCDF) was allocated a total of Kshs 41,714,800,000 for the 2021/2022 financial year. Subsequent to the allocation, the Board determined the financial ceiling for each constituency in consultation with the National Assembly Select Committee in line with Section 6 and 34 of the NGCDF Act. This paved way for the National Government Constituency Development Fund Committees (NGCDFC) to embark on preparation of project proposals for the 2021/2022 financial year. The Board has to date deliberated on all the two hundred ninety project proposals from the constituencies.

Section 39(2) provides that:

*“The disbursement of funds to the constituency fund account shall be effected at the beginning of the first quarter of each financial year with an initial amount equivalent to twenty-five per centum of the annual allocation for the constituency and thereafter the constituency fund account shall be replenished in three equal instalments at the beginning of the second, third and fourth quarters of the financial year”.*

Pursuant to the above section, this being the third quarter of the financial year, the expected receipts to date amounts to **Kshs 31.2861 billion** out of which **Kshs 22.4287 billion** has been received leaving a balance of **Kshs 8.8574 billion**. The funds were received follows:

No.	Date	Amount Received
1	15 <sup>th</sup> August 2021	2,000,000,000
2	07 <sup>th</sup> September 2021	2,000,000,000
3	15 <sup>th</sup> September 2021	2,000,000,000
4	23 <sup>rd</sup> September 2021	4,428,700,000
5	12 <sup>th</sup> October 2021	2,000,000,000
6	19 <sup>th</sup> October 2021	2,000,000,000
5	5 <sup>th</sup> November 2021	2,000,000,000
6	15 <sup>th</sup> November 2021	2,000,000,000
7	24 <sup>th</sup> November 2021	2,000,000,000
2	12 <sup>th</sup> January 2022	2,000,000,000
	<b>Total</b>	<b>22,428,700,000</b>

## 2. Pending receipts from The National Treasury

The Fund has pending receipts amounting **Kshs 4.97319675 Billion** relating to financial Years 2011/2012, 2013/14 and 2014/15 as tabulated below.

No.	Financial Year	Allocation Kshs	Amount Received Kshs	Amount in Arrears Kshs
2	2014/2015	33,213,000,000	30,910,053,250	2,302,946,750
3	2013/2014	23,062,000,000	20,933,500,000	2,128,500,000
4	2011/2012	22,978,000,000	22,436,250,000	541,750,000
	<b>Total</b>	<b>120,967,800,000</b>	<b>102,279,803,250</b>	<b>4,973,196,750</b>

## 3. Status of Disbursement of Funds

**Financial Year 2021/2022**

Out of Kshs **22.4287 billion** received in **2021/2022** financial year, the Board has disbursed **Kshs 19,209,800,000** to the constituencies while **Kshs 1,209,000,000** has been disbursed to the Board Secretariat

The amount was disbursed to various Constituencies and Secretariat as follows;

- a. Two hundred seventy four (274) constituencies have received between 47% and 57% of the funds allocated amounting to **Kshs 18,409,800,000**
- b. Sixteen (16) constituencies have received 36% of the funds allocated amounting to **Kshs 800,000,000**
- c. **Kshs 1,209,000,000** has been disbursed to the Board Secretariat for administrative purposes.

The Board is in the process of disbursing **Kshs 2,000,000,000** received in January 2022

**MIN: NA/DAASC/CNG-CDF/2022/016: NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND BOARD SUBMISSION ON N.A BILL NO  
48 OF 2021**

The Board requested the amendment to be withdrawn because Youth entrepreneurship falls under trade development category as outlined in the Fourth Schedule to the Constitution hence it is a function of County Governments.

Further, section 24 of the NG-CDF Act provides that only projects falling within the functions of the National Government under the Constitution and which benefits are community based shall be funded under the Act. The proposed amendment does not meet the requirement of this section.

Section 47 of the NG-CDF Act provides against funding projects which would involve personal awards. The proposed amendment is to support the youth at an individual level which is contrary to section 47.

Youth projects are currently being funded by other initiatives including the Uwezo Fund, the Youth Enterprise Fund and the Women Enterprise Development Fund.

**Committee Comments**

Section 47 of the Act provides-

**47. Projects involving personal awards to be excluded**

A project or any part thereof which involves personal awards to any person whether in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 27 of the Act.

The Bill seeks to obtain funding for youth entrepreneurship projects and development projects aimed at generating employment.

The proposal in the Bill therefore goes against the objects of the Act, as provided in section 3 of the Act, which includes the facilitation of the performance and implementation of national government functions in all parts of the Republic. Youth projects do not fall within what may be considered as a national government function.

**MIN: NA/DAASC/CNG-CDF/2022/017: STATUS REPORT OF PROJECTS FUNDED**  
**UNDER THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT**  
**FUND BOARD CORPORATE SOCIAL RESPONSIBILITY PROGRAMME FOR THE**  
**FINANCIAL YEARS 2015/16, 2016/17 AND 2017/18, 2019/20 AND 2020/21**

The National Government Constituencies Development Fund (NG-CDF) Board is established under Sections 14, 15 and 16 of the NG-CDF Act of 2015 as amended in 2016 with the mandate to *inter alia*: (a) approve project proposals received from various constituencies, approve for funding the project proposals that are in conformity with the Act and send funds to the respective Constituency Bank Account with respect to the approved project proposals; (b) ensure timely and efficient disbursement of funds to constituencies; (c) ensure efficient and effective management of the Fund; and (d) encourage best practices in the administration of the Fund.

As part of strategy towards realization of its mandate; the Board developed a Corporate Social Responsibility (CSR) policy in 2015/16 financial year with a view to demonstrate best practices in the implementation of projects as provided for in Section 16 (f) of the NG-CDF Act, 2015.

The objective of the National Government Constituencies Development Fund Board CSR programme is to guide stakeholders in embracing requisite values that encourage continuous improvement by demonstrating ideal approaches in project implementation including the principles of community participation, social inclusion, environment sustainability, excellence in quality of project implementation and adherence to pertinent laws and government policies/guidelines.

*The allocation to the programme shall be an amount of not more than 15% (fifteen per centum) of the total expenditure for running the Board and related purposes subject to availability of funds. The allocation to beneficiary constituencies shall be determined by the Board.*

### **Overall objectives of the CSR policy**

- a) To promote corporate social responsibility in the Board;
- b) To enhance the profile and reputation of the Board by its dedication to social responsibility;
- c) To show case best practices in project implementation to constituencies by undertaking standard projects. This will encourage the adoption of practices which are intended not only to achieve compliance with applicable laws but also to exceed this standard;
- d) To provide a reference point to guide employees and stakeholders on the values which drive the conduct of our affairs and relationships with the community in which we operate.

The specific objective of the NG-CDF Board CSR is to guide stakeholders in embracing requisite values that encourage continual improvement by demonstrating ideal approaches in project implementation that embrace the principles of community participation, social inclusion, environment sustainability, excellence in quality of project implementation and adherence to pertinent laws and government policies/guidelines. The CSR projects are implemented annually in sampled constituencies based on set criteria.

### **Board's CSR Principles**

The Board's Corporate Social Responsibility policy issues and initiatives will be guided by the following four principles but are not limited to:

- a) Demonstrating sustainable governance/ strategy
- b) Encouraging environmental sustainability
- c) Promoting social inclusion and diversity
- d) Fostering economic development

### **Eligible Projects**

Fundable projects under the NG-CDF Board CSR programme will be those that meet the eligibility criteria as per the law governing NG-CDF. Further, funding under this programme shall be for a new project(s) allocated adequate fund for a defined phase. In this regard, eligible CSR programme shall meet the following criteria:-

- a) Community based projects addressing immediate community needs of a wide cross section of inhabitants of a particular area;
- b) Projects addressing National Government mandates as outlined in the Fourth Schedule of the Constitution of Kenya;
- c) Activities/components focusing on persons with special needs with a view to promoting equal opportunities to all persons; such categories shall include, but not limited to, Persons with Disabilities, OVCs, and the marginalized groups. Under this programme, the Board may administer a special bursary scheme to ensure retention of needy students in school

- d) High impact projects to the community for optimal value for the allocated funds;
- e) Project components to include requisite accessories e.g. equipment and safety installations (such as fire extinguishers, lightning arresters, emergency exits among other applicable components) to facilitate immediate and safe use after handover;
- f) The design to cater for the needs of all users including persons with special needs. In this regard, access ramps for wheelchair users; separate sanitation facilities for persons of all gender, underage persons and persons with disability must be included in the project design;
- g) The projects must comply with pertinent laws, regulations and government policies/guidelines including recommended designs and requirements for specific facilities e.g. dormitories, classrooms, libraries among others;
- h) The project proposal to promote environmental conservation, clearly outlining requisite mitigation measures to be adopted. Roof-water harvesting shall therefore be an integral part of CSR project design. Further the community with the support of NGCDF Committee shall be required to integrate environmental/tree planting programme into the facilities proposed for support under the NG-CDF Board CSR programme.
- i) "The project should be a complete and standalone facility which should be implemented within the budget and in one year"

#### **Ineligible projects**

- a) Projects falling under County Government Functions;
- b) ii) Recurrent costs of a project;
- c) iii) Personal cash awards.

#### **Criteria for identification of beneficiaries".**

The CSR projects will be implemented annually in sampled constituencies based on the following set criteria;

- a) Outcome of Performance Contracting
- b) Unqualified opinion on financial statements from the office of the Auditor General
- c) Constituencies in marginalized areas
- d) Constituencies with unique challenges such as vastness, high poverty index, retrogressive cultural practices (FGM, early marriages), prone to natural calamities
- e) Constituencies exuding best practices such as timely completion of projects, compliance with relevant laws, high impact projects

Priority will be given to constituencies that have never benefited from the programme.

Notwithstanding the above, the Board shall, in line with the provisions of the Constitution, take into account the regional diversities among other factors.

**Bursary beneficiaries**

- a) Individuals with special needs such as PWDs, pupils/students rescued from forced marriages among others;
- b) Individuals vetted under bursary schemes such as Equity Bank's wings to fly who have not benefitted.
- c) Any other criteria that may be agreed upon by the Board

**MIN: NA/DAASC/CNG-CDF/2022/018: ADJOURNMENT**

There being no any other business the meeting was adjourned at half past noon, the dates and time for the next meeting shall be communicated by notice.

Signature .....

HON. WAFULA WAMUNYINYI, CBS, M.P.

(CHAIRPERSON)

Date.....

15/2/22

## STAKEHOLDERS SUBMISSIONS





NG-CDF BOARD

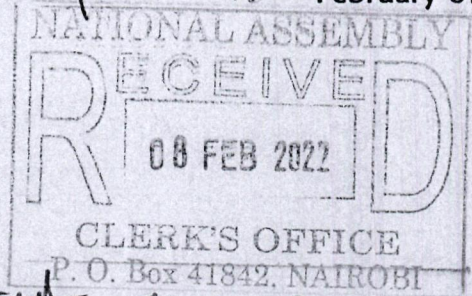
National Government Constituencies Development Fund Board  
Harambee Cooperative Plaza, 5th Floor  
Junction of Haile Selassie Avenue & Uhuru Highway  
P.O Box 46682-00100  
Nairobi, Kenya  
Tel: 020-2230019, 2230027, 2230032 | Cell: 0709894000  
Email: info@ngcdf.go.ke | Website: www.ngcdf.go.ke

②  
ARANE  
Please deal  
fda  
09/2/22

③ EMEJEN  
please note  
fda  
09/2/22  
February 07, 2022

OUR REF: NG-CDFB-CEO/KNA/VOL V (54)

Mr. Michael Sialai (CBS),  
Clerk of the National Assembly,  
Parliament Buildings - Parliament Road,  
P O Box 41842-00200,  
NAIROBI



Dear Sir

① DAASOC  
Pse deal  
cmk  
8/2/22

RE: REQUEST FOR SUBMISSION ON THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO. 48 OF 2021)

Reference is made to the above matter and your letter Ref No: NA/DAASC/CNG-CDF/2021/102 dated November 30, 2021.

We have noted the contents of your letter, aforesaid, and wish to make submission as follows:

A. Background

It is noted that the Bill proposes to amend Section 25 of the National Government Constituencies Development Fund Act, 2015 by inserting a new paragraph immediately after paragraph 10 as follows:

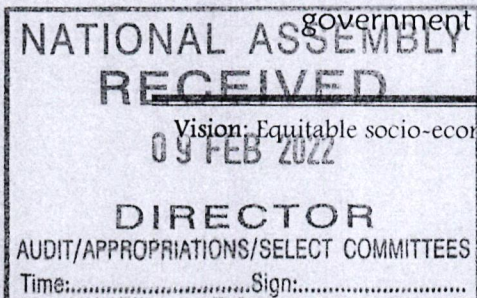
*“(10A) Youth entrepreneurship programmes or activities that focus on utilising acquired vocational and technical skills in generating employment opportunities may be considered as development projects for purposes of this Act provided that the allocation to such activities do not exceed five per centum of the total allocation of the Constituency in that financial year.”*

B. The current Act

In addressing the proposed amendment to Section 25 of the NG-CDF Act, we make reference to pertinent provisions of the current Act as follows:

1. Section 24 of the Act states that: “A project under this Act shall –

a. Only be in respect of works and services falling within the functions of the national government under the constitution; and



Vision: Equitable socio-economic development countrywide



ISO 9001:2015 Certified

- b. Be community based in order to ensure that the benefits are available to a widespread cross-section of the inhabitants of a particular area.”
2. Further, Section 27(3) of the Act states that:

*“The list of proposed constituency based projects to be covered under this Act shall be submitted by Constituency Committee to the Board.”*

3. On the other hand, Section 47 of the Act states that:

*“A project or any part thereof which involves personal awards to any person whether in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 27 of the Act.”*

In light of the foregoing, we wish to make the following observations:

- a.) Based on the provisions of Part 2 paragraph 7 of the fourth Schedule of the Constitution of Kenya, **trade development** is categorised under the functions set aside for the County Governments, hence not eligible for funding going by the provisions of Section 24 of the NG-CDF Act.

It is our respectful view that **“youth entrepreneurship”** falls under the **“trade development”** category as outlined in the fourth Schedule of the Constitution of Kenya, hence it is a function of County Governments. Therefore, including **“youth entrepreneurship”** as eligible project under the NG-CDF Act as proposed in the NG-CDF Amendment Bill would offend Section 24 of the Act, which is a key pillar of the Act as it ensures that the Statute remains compliant to the Constitution.

- b.) Further, entrepreneurship programmes are best implemented at individual level, yet Section 24 of the NG-CDF Act requires that projects under the Act be **“community based”** so that benefits accrue to a widespread cross-section of inhabitants of an area.

On the other hand, if the spirit of the NG-CDF Amendment Bill is to support Youth enterprises at individual level, it would amount to personal awards, contrary to the express provision of section 47 of the Act.

Lastly, we wish to point out that, exceptions to Section 47 are provided for in Section 48 of the Act, which seems to exempt social security programmes and education bursary schemes from the provisions of Sections 47 of the Act.

If the Amendment Bill intended to exempt the proposed Youth Entrepreneurship programmes from the provision of Section 47 of the Act, then it would be advisable that it focuses on proposing to amend Section 48 rather than Section 25 of the Act. But even so, the drafters would have to ensure that the amendments comply with Section 24 of the Act so that the proposed projects do not infringe on County governments’ functions as set out in the fourth Schedule of the constitution.

#### 4. Disposition

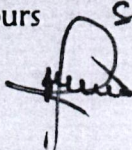
- a.) The proposed amendment, in its current form, is therefore not in conformity with the express provisions of the NG-CDF Act and if carried as presented, it would lead to fundamental alteration of the structure of the Act. Any conceivable proposal is expected to meet the provisions of Section 24 and should not be contrary to Section 27 of the Act. As noted above, the proposed amendment does not meet the requirements of Section 24 of the Act and it clearly contradicts Section 47 thereof.

We, nevertheless, note that there are other vibrant government initiatives that continue to address the concerns brought about by the proposed amendment. These initiatives include the following:

- a. The Youth Enterprise Development Fund – This is a State Corporation mandated to provide financial and business development support services to youth owned enterprises;
- b. The Women Enterprise Development Fund – one of the objects of the fund is to provide loans to micro-finance institutions, NGO's and SACCOS for on lending to women. We note that women youth are included in this category; and
- c. The Uwezo Fund – This is a government empowerment fund whose mandates include provision of loans to groups of youth, women and persons with disabilities

In conclusion, it is recommended that the noble idea of supporting youth enterprise programmes be relooked from the context of strategies targeting collaboration with the above government initiatives whose enabling instruments are not bound by restrictions of Section 24 of the NG-CDF Act.

Yours

*Sincerely*  


**YUSUF MBUNO**  
**CHIEF EXECUTIVE OFFICER**

② ARANE  
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fma  
17/12/21

③ Amesem  
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fma  
17/12/21



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THE NATIONAL TREASURY AND PLANNING

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Finance – Nairobi  
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P O BOX 30007 - 0010  
NAIROBI

Ref. No. ES 1/014 'A' (35)

9<sup>th</sup> December, 2021

Mr. Michael Sialai, CBS  
Clerk of the National Assembly  
Parliament Buildings  
NAIROBI

①  
DAASC  
8  
15/12/21

Dear Sialai,

**RE: REQUEST FOR SUBMISSION ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.48 OF 2021)**

Reference is made to your letter **Ref.NA/DAASC/CNG-CDF/2021/105** dated **30<sup>th</sup> November, 2021** on the above subject.

We note that the amendment to the National Government Constituencies Development Act, 2015 is seeking to provide for funding of youth entrepreneurship programmes or activities. However, the proposed function is currently being undertaken through Uwezo Fund as provided in the Uwezo Fund Regulations, 2015 and the Youth Enterprise Development Fund.

In view of the above, the Bill should be reviewed to eliminate any duplication of functions with existing Government programmes.

This is therefore submitted for your necessary action.

Yours Sincerely,

**HON. (AMB) UKUR K. YATANI, EGH**  
**CABINET SECRETARY/NATIONAL TREASURY & PLANNING**

NATIONAL ASSEMBLY  
RECEIVED  
17 DEC 2021  
DIRECTOR  
AUDIT/APPROPRIATIONS/SELECT COMMITTEES  
Time:.....Sign:.....

NATIONAL ASSEMBLY  
RECEIVED  
15 DEC 2021  
DEPUTY CLERK  
J.W.N  
P. O. Box 41842 -00100, NAIROBI

② ARARE  
Please deep  
for  
14/12/21

① DAASC  
8:  
10/12/21



**OFFICE OF THE PRESIDENT  
MINISTRY OF INTERIOR AND CO-ORDINATION  
OF  
NATIONAL GOVERNMENT  
STATE DEPARTMENT FOR INTERIOR & CITIZEN SERVICES**

Telephone: +254-20-2227411  
Fax: +254-20-341938  
When replying please quote:

HARAMBEE HOUSE  
P.O. Box 30510-00100  
NAIROBI, KENYA

Ref: MICNG/SEC. 4/9

Date: 9<sup>th</sup> December, 2021

③ Enneser  
Please note  
for  
14/12/21

**Mr. Michael Sialai, CBS**  
Clerk of the National Assembly  
Parliament Buildings  
P.O BOX 41842-00100  
NAIROBI

Dear *Mr. Sialai,*

**REQUEST FOR SUBMISSION ON THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO. 48 OF 2021)**

Please refer to your letter dated 30<sup>th</sup> November, 2021 whereby you sought our comments on the above Bill. We hereby provide the same.

We note that the purpose of the Bill is to amend section 25 of the National Government Constituencies Development Fund Act, 2015 so that youth entrepreneurship programmes or activities that focus on utilizing acquired vocational and technical skills in generating employment opportunities are considered for funding.

NATIONAL ASSEMBLY  
RECEIVED  
14 DEC 2021  
DIRECTOR  
AUDIT/APPROPRIATIONS/SELECT COMMITTEES  
Time:.....Sign:.....

NATIONAL ASSEMBLY  
RECEIVED  
10 DEC 2021  
DEPUTY CLERK  
J.W.N  
P. O. Box 41842 - 00100, NAIROBI

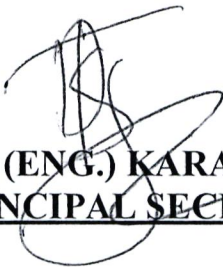
In considering the issue, we wish to point out that the overall aim of the National Government Constituencies Development Fund is the improvement of the socio-economic development of the people at constituency level and this includes the youth.

Under Article 55 of the Constitution, the government is required to take measures including affirmative actions to ensure that the youth are able to participate in economic activities and are also able to access employment opportunities.

The Bill is therefore an important initiative in improving the socio-economic conditions of the youth in the country. It will ensure that they are meaningfully engaged and this will reduce their susceptibility to crime hence improving national security in general.

The Bill is therefore noble initiative and should be supported.

*Yours Sincerely,*



**DR. (ENG.) KARANJA KIBICHO, CBS**  
**PRINCIPAL SECRETARY, INTERIOR & CITIZEN SERVICES**

③ Amoson  
Please note  
for  
09/12/21



OFFICE OF THE ATTORNEY-GENERAL  
&  
DEPARTMENT OF JUSTICE

② ADAME  
Please deal  
for  
09/12/21

Our Ref: AG/LDD/1101/194  
Your Ref: NA/DAASC/CNG-CDF/2021/101

7<sup>th</sup> December, 2021

The Clerk of the National Assembly  
Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. 41842-00100  
NAIROBI

①  
DAASC  
8  
8/12/21

(Attn: Serah M. Kioko)

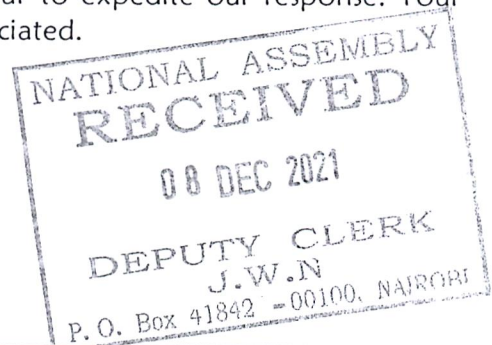
RE: REQUEST FOR SUBMISSIONS ON THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO. 48 OF 2021)

This has reference to your letter dated the 30<sup>th</sup> November, 2021, under Ref. NA  
NA/DAASC/CNG-CDF/2021/101, which was received in this Office on the 2<sup>nd</sup>  
December, 2021, regarding the request for comments on the National Government  
Constituencies Development Fund (Amendment) Bill (National Assembly Bills No. 48  
Of 2021).

We have requested policy guidance from the National Treasury and Planning, which  
is responsible for the policy relating to the National Government Constituencies  
Development Fund Act, 2015, and shall share the same and any comments thereon as  
soon as we receive them.

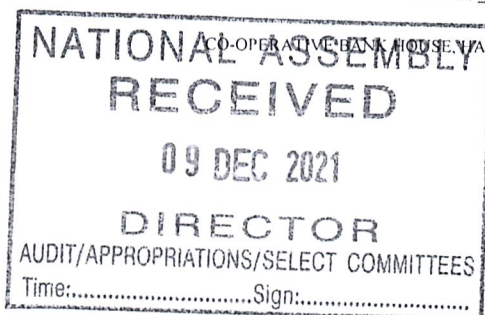
In view of the extremely short notice for our response to your request, kindly afford  
this Office additional time to finalise its response on the Bill before proceeding to the  
next phase in its consideration. We shall endeavour to expedite our response. Your  
kind indulgence in this matter will be greatly appreciated.

Samson Davies Maundu  
Principal State Counsel  
FOR: ATTORNEY-GENERAL



SHERIA HOUSE, HARAMBEE AVENUE  
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995  
E-MAIL: [info.statelawoffice@kenya.go.ke](mailto:info.statelawoffice@kenya.go.ke) WEBSITE: [www.attorney-general.go.ke](http://www.attorney-general.go.ke)

DEPARTMENT OF JUSTICE  
CO-OPERATIVE BANK HOUSE, WALLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337  
E-MAIL: [legal@justice.go.ke](mailto:legal@justice.go.ke) WEBSITE: [www.justice.go.ke](http://www.justice.go.ke)



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Copies to: Hon. P. Kihara Kariuki EGH  
Attorney-General

Mr. Kennedy Ogeto CBS  
Solicitor-General

M.N. Nzioka (Mrs.)  
Deputy Solicitor-General



COPIES OF NEWS PAPERS ADVERTS INVITING  
SUBMISSIONS OF MEMORANDA

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - FIFTH SESSION

In the matter of consideration by the National Assembly--  
The National Government Constituencies Development Fund (Amendment) Bill  
(National Assembly Bill No. 48 of 2021)

**PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA**

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) provides that, "the Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No. 48 of 2021) seeks to amend the National Government Constituencies Development Fund Act, 2015 to provide for youth entrepreneurship programmes or activities as a project for funding under the Act. Entrepreneurship programmes generate employment opportunities needed for unemployed youth by providing platforms that enable them exercise their acquired technical and vocational skills. In addition, these programmes equip the youth with skills and an attitude that is important in developing the private sector.

The Bill has undergone First Reading pursuant to Standing Order 127(1) of the National Assembly and has been committed to the Select Committee on National Government Constituencies Development Fund for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118 (1) (b) of the Constitution and Standing Order 127(3), the Committee interested members of the public to submit any representations they may have on the said Bill.

Representations or written submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke), [pho@parliament.go.ke](mailto:pho@parliament.go.ke), to be received on or before Friday, 10<sup>th</sup> December, 2021 at 5.00 pm.

Clippings of the Bill are available at the National Assembly Table Office, or be accessed from parliamentary website at: [www.parliament.go.ke/the-national-assembly/house-business/files](http://www.parliament.go.ke/the-national-assembly/house-business/files).

MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY  
3<sup>rd</sup> December, 2021



JUDICIAL SERVICE COMMISSION  
REPUBLIC OF KENYA



**VACANCIES ANNOUNCEMENT**

The Judicial Service Commission (JSC) is a Constitutional Commission established under Article 171 of the Constitution of Kenya, 2010 to promote and facilitate the Independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

The JSC invites applications from qualified persons for the following positions:

**POSITIONS IN THE LAND ACQUISITION TRIBUNAL**

S/NO.	POSITION	REF NO.	NO. OF POST(S)
1.	Chairperson, Land Acquisition Tribunal	W/No. 29/2021	1 post

**POSITIONS IN THE KENYA JUDICIARY ACADEMY**

S/NO.	POSITION	REF NO.	NO. OF POST(S)
1.	Senior Partnership and Linkages Officer	W/No. 30/2021	1 post
2.	Monitoring and Evaluation Officer	W/No. 31/2021	1 post
3.	Curriculum Development Officer	W/No. 32/2021	1 post

Interested and qualified persons are asked to visit our jobs portal: <https://www.jsc.go.ke/index.php/careers/> for detailed job description, requirements for appointment and instructions on how to apply.

All applications should reach the Commission NOT LATER THAN 17<sup>th</sup> DECEMBER, 2021 AT 5.00 PM.

Only shortlisted and successful candidates will be contacted. Canvassing in any form will lead to automatic disqualification.

The Judicial Service Commission is an Equal Opportunity Employer and selects candidates on merit through fair and open competition from the widest range of eligible candidates.

THE SECRETARY  
JUDICIAL SERVICE COMMISSION  
P.O. BOX 40048 – 00100 NAIROBI  
Telephone: +254 20-2739180  
E-mail: [recruitment@jsc.go.ke](mailto:recruitment@jsc.go.ke)  
Commission Secretariat: Reinsurance Plaza,  
Podium Floor, Taifa Road, Nairobi.

[www.jsc.go.ke](http://www.jsc.go.ke)



REPUBLIC OF KENYA  
EXECUTIVE OFFICE OF THE PRESIDENT  
NAIROBI METROPOLITAN SERVICES

**TENDER NOTICE/RE ADVERTISEMENT**

Nairobi Metropolitan Services (NMS) invites interested bidders to this tenders for the STREET AND OTHER OPEN SPACES SWEEPING, LITTER BIN EMPTYING, SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES IN – KAMUKUNJI CBD, LANGATA CBD AND WESTLANDS CBD – NAIROBI as outline below;

TENDER NO.	TENDER NAME	SUBSISTANCE	CATEGORY
NMS/ENV/008/2021-2022 & 2022-2023	PROVISION OF STREET AND OTHER OPEN SPACES SWEEPING, LITTER BIN EMPTYING, SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES IN KAMUKUNJI CBD FOR A PERIOD OF TWO YEARS	14 <sup>th</sup> DECEMBER, 2021 AT 10.00A.M	OPEN TENDER
NMS/ENV/009/2021-2022 & 2022-2023	PROVISION OF STREET AND OTHER OPEN SPACES SWEEPING, LITTER BIN EMPTYING, SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES IN LANGATA CBD FOR A PERIOD OF TWO YEARS	14 <sup>th</sup> DECEMBER, 2021 AT 10.00A.M	OPEN TENDER
NMS/ENV/010/2021-2022 & 2022-2023	PROVISION OF STREET AND OTHER OPEN SPACES SWEEPING, LITTER BIN EMPTYING, SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES IN WESTLANDS CBD FOR A PERIOD OF TWO YEARS	14 <sup>th</sup> DECEMBER, 2021 AT 10.00A.M	OPEN TENDER

NOTE: THE ABOVE TENDERS HAD BEEN PUBLISHED ON 18<sup>th</sup> NOVEMBER, 2021 AND SUBSEQUENTLY WITHDRAWN VIDE AN ADDENDUM PUBLISHED ON 23<sup>rd</sup> NOVEMBER, 2021 DUE TO SOME OMISSION NOTED IN THE TENDER DOCUMENTS. THIS HAS BEEN AMENDED.

A complete set of tender documents may be obtained electronically from the website [www.tenders.go.ke](http://www.tenders.go.ke) free of charge. Tenderers downloading documents from a designated website shall advise the Procurement Entity that they have downloaded the tender documents, giving full contact addresses of the tenderer (email, telephone number and postal address).

Completed tenders must be delivered to the address below on or before 14<sup>th</sup> December, 2021 at 10.00a.m. Electronic Tenders WILL NOT be permitted.

DEPUTY DIRECTOR GENERAL,  
NAIROBI METROPOLITAN SERVICES,  
KICC BUILDING, 24TH FLOOR,  
P.O. BOX 49130-00100,  
NAIROBI.

Head of Supply Chain Mgt. Services  
FOR: DEPUTY DIRECTOR GENERAL



REPUBLIC OF KENYA  
EXECUTIVE OFFICE OF THE PRESIDENT  
NAIROBI METROPOLITAN SERVICES

**PUBLIC NOTICE**

The quality of cities and urban areas is significantly enhanced by the availability and accessibility by the public to safe social amenities such as public parks and other green spaces. Pursuant to the signing of the Deed of Transfer Agreement between the Nairobi City County Government and the National Government, the Nairobi Metropolitan Services (NMS) is now mandated to manage public green spaces, urban public parks and recreational areas within Nairobi City County.

Over the last year, NMS has received numerous calls from members of the public, resident associations, private sector and development partners to improve and rehabilitate urban parks and green spaces. In response to this, NMS is now in the process of rolling out a programme to improve, rehabilitate and retrofit our urban parks and green spaces under a programme dubbed 'I Love my Green City'.

To begin with, Uhuru Park, Central Park and Jevanjee Gardens have been identified as a starting point to improve the quality of the environment within and around the Central Business District. In doing so, NMS proposes to revitalize these parks and create world class recreational facilities. This work, will spur new growth of the flora and fauna while sustaining the much-needed ecosystem. It will also uphold the parks' dignity and make them world class tourist attractions.

The purpose of this PUBLIC NOTICE therefore, is inform the members of the public and all our partners of this programme, and to invite the Public and friends of Sustainable Development for additional ideas.

Members of the Public are advised to visit the alternative sites provided for their recreational needs while these Parks remain temporarily closed for improvement works. Alternative sites which have been provided for this purpose are: City Park, Michuki Park and Kamukunji Grounds.

NB: All comments and written ideas should be addressed to [environment@nms.go.ke](mailto:environment@nms.go.ke)

Lt. Gen. Mohamed A. Badi, CBS, SS, ndc (K)  
DIRECTOR GENERAL

# Dispute Agency's withdrawal from team that is preparing for the polls has attracted both praise and condemnation

## Don't hijack IEBC role, Mudavadi warns

"IEBC is mandated to conduct elections and their role must not be hijacked"

BY JUSTUS OCHIENG

ANC leader Musalia Mudavadi yesterday warned against any plot to hijack the role of the electoral agency ahead of next year's election, saying it will be a recipe for chaos. Mudavadi lauded the withdrawal of the Wafua Chebukhaired Independent Electoral Boundaries Commission (IEBC) from a multi-agency team preparing for the polls.

Mudavadi had written to the permanent Secretary, expressing his reservations on the Multi-Sectoral Initiative Forum on Election Readiness that is chaired by Justice Martha Koome. The forum attracted a barrage of criticism from the Orange Democratic Movement (ODM) party, led by former Prime Minister Uhuru Kenyatta. Deputy Presi-



ANC leader Musalia Mudavadi (left) poses for a selfie with the party's secretary general, Mr Simon Kamau Gikuru, at his head offices in Nairobi during the launch of the revamped ANC digital platforms yesterday. EVANS HABIL INATION

dent William Ruto's allies, however, praised Mr Chebukati. Yesterday, Mr Mudavadi also waded into the debate.

"It is the IEBC that is mandated to conduct elections and their role must not be hijacked ahead of the 2022 elections," he said.

Speaking during the launch of the revamped ANC digital platform, youth charter and training manual for youthful aspirants at the party headquarters in Nairobi, Mr Mudavadi underscored the need for free and fair elections. "We do not want anybody,

whether an MCA or President, to feel intimidated when they are making their choice. We should not allow that to happen," Mr Mudavadi said. With the new platform, Mr Mudavadi explained, ANC was embracing of technology in its operations.

"The digital platforms will revolutionise how we will execute party activities, moving forward," the ANC leader said. He was accompanied by deputy party leaders Abdi Yare and Ayub Savula, Secretary General Simon Gikuru, other officials and legislators. He criticised President Kenyatta over the country's ballooning debt and questioned his Wednesday statement in Nakuru in which he appeared to endorse Mr Odinga to succeed him.

"I listened to the President during the State of the Nation address and it may be statistically correct that the GDP (Gross Domestic Product) may have hit Sh11 trillion, but one statistic that was missing in the speech was that, 7.5 percent of this is public debt."

"So if we want an economy that is okay and if those figures are accurate, then why the high level of unemployment? Why the high cost of living. Why the high taxation? Why is our currency sliding to an extent that it is now Sh114 shillings to the dollar?" Mr Mudavadi posed. He called for dialogue to address the high cost of living. "There is no dignity in poverty. The greatest stability you can

It is the IEBC that is mandated to conduct elections and their role must not be hijacked ahead of the 2022 elections.

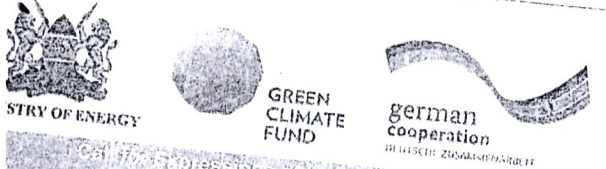
ANC party leader Musalia Mudavadi

give a nation is a working economy because, if the economy is not functional, the security bill is going to increase and the unemployed people will have to find a way of surviving."

He also censured President Kenyatta for cautioning against campaigns that discriminated against opponents based on their age. The President said such campaigns were backward and that leaders should be elected based on their intellectual ability. Mr Mudavadi, however, countered that "young people are tired of the slow pace of their elders".

jiochieng@ke.nationmedia.com

financed by



"Promotion of Climate-Friendly Cooking: Kenya and Senegal" (GCF/EnDev), implemented by GIZ, aims to build the capacity and professionalise local stove production enterprises with regards to improving production processes for stoves and stove components (e.g. ceramic liners) including fabrication and assembly support shall comprise provision of hardware (e.g. machines, tools, equipment & basic infrastructure) and technical assistance. In addition, business development support services shall be provided to eligible enterprises.

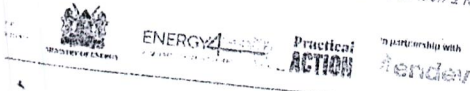
The initiative is targeting Kenyan stove production enterprises in the informal sector (Jua Kali sector), including home-based production and micro and small-scale stove production enterprises, which produce improved stoves (Improved Cookstoves) for firewood and charcoal. These could be individuals, groups, sole proprietorships, and companies.

Interested enterprises from stove production enterprises to formally apply to participate in the professionalisation workshops. GIZ is first inviting interested eligible enterprises to register and participate in the workshops. An orientation on the professionalization approach, application process, eligibility & submission timelines will be done in the workshops. More information on this Call can be found on the website: [www.giz.de/kenya](http://www.giz.de/kenya).

Registration for the workshops will be on rolling basis starting from January to April 2022. To express interest in these workshops, send an email to: [info-kenya@giz.de](mailto:info-kenya@giz.de) or call 00254 2022 2022, toll free number, and types of stoves produced. Note that you will be required to provide consent for sharing your contact details for registration purposes.

Registration is scheduled for January to April 2022 for enterprises who will register. Specific dates and venues for registration subject and in compliance to Government Covid-19 pandemic containment measures.

Enterprises that participated in the call for registration will be eligible to respond to the EOL Window 2 registration and tender process in the workshops shall be eligible to respond to the EOL Window 2 registration and tender process by close in April 2022.



REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - FIFTH SESSION

In the matter of consideration by the National Assembly:-  
The National Government Constituencies Development Fund (Amendment) Bill  
(National Assembly Bill No. 48 of 2021)

### PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) provides that, "the Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

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The Bill has undergone First Reading pursuant to Standing Order 127(1) of the National Assembly and has been committed to the Select Committee on National Government Constituencies Development Fund for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118 (1) (b) of the Constitution and Standing Order 127(3), the Committee invites interested members of the public to submit any representations they may have on the said Bill.

The representations or written submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke), [pbo@parliament.go.ke](mailto:pbo@parliament.go.ke), to be received on or before Friday, 10<sup>th</sup> December, 2021 at 5.00 pm.

Copies of the Bill are available at the National Assembly Table Office, or be accessed from parliamentary website at: [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

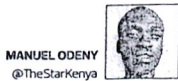
MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY  
3<sup>rd</sup> December, 2021

NEWS GENERAL

REPORTS

# Only registered ODM members will take part in primaries – Raila

Says unregistered supporters will be locked out from electing 2022 party candidates



MANUEL ODONYI  
@TheStarKenya

ODM boss Raila Odinga has said only registered party members will participate in the nominations.

Speaking on a tour of Migori county on Thursday, Raila warned that party supporters who do not register as members will be locked out of electing 2022 party candidates.

The former Prime Minister said the party will emphasise consensus in picking candidates as the first option.

ODM will resort to universal suffrage where candidates fail to broker boardroom compromises.

"If the candidates fail to agree we will ensure registered and card holding party members take part in nominations in a peaceful and civilized manner," the ODM boss

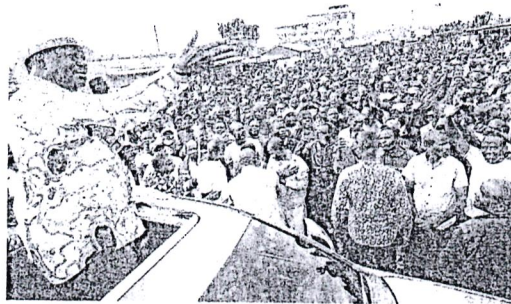
said. Raila said this would ensure the party picks the strongest candidates to face rival parties in the 2022 general elections and prevent having independently elected members that will deny ODM political parties funds.

The party's previous nominations have been marred with violence, especially in Nyanza, leading to last-minute defections.

In some instances, bungled nominations have denied the strong and popular candidates tickets while in some cases certificates have been corruptly issued to the highest bidders.

However, with lessons drawn from past nominations, the ODM party is promising to bury the ghosts of chaotic primaries.

ODM plans to use consensus or where that fails subject candidates to free and fair nominations by members who hold valid ODM membership cards.



ODM leader Raila Odinga in Awendo, Migori, on Thursday /EMMANUEL WANSON

Raila's remarks that the party will lock out supporters are likely to trigger a mad rash for ODM membership cards as prospective aspirants seek to shore up their chances.

Raila was in Awendo constituency when he launched the Awendo campus of Kenya Medical Training College.

The institute was built with Sh65 million from Awendo NG-CDF.

REPORTS

## Half of the revenue collected by KRA to settle public debts

JULIUS OTIENO/Almost half of the revenues projected to be collected by the Kenya Revenue Authority will go towards the repayments of public debts in 2022-23, underscoring the country's debt crisis.

According to the proposed draft Division of Revenue Bill, 2022, the National Treasury has allocated Sh930.35 billion to repay debt.

This is against the projected ordinary revenue of Sh2.14 trillion. It represents 43.45 per cent of the ordinary revenue.

However, the allocation has marginally decreased compared with the current financial year when Sh1.177 trillion was dedicated to servicing the debts. "The bill has fully provided for all public debt-related costs," Yalani said in the Bill tabled in the Senate on Wednesday by deputy majority leader Fatuma Dullo.

"These comprise of the annual debt redemption cost and interest payments for both domestic and external debt," the Bill adds.

The country's public debt is hitting Sh8 trillion.

The draft Bill by Treasury CS Ukur Yatani divides revenues collected by KRA between the national and county governments.

ARSON SCARE

# Maranda High Form 4 students sent home

DICKENS WASONGA/Form 4 students at Maranda High School have been sent home after a fire scare.

Sources at the school said they took action to quell tension that had been building since Monday.

A source who spoke on anonymity said the administration was reacting to the continued threats by some students to burn the school.

The threats, the source said, were written on the toilet walls.

It was not immediately clear when the students are likely to report back.

"The Form 4 students have been sent home indefinitely. They refused to sit their mock exams and threatened to burn the school," the source said.

When reached for comment on Thursday, Principal Edwin Namachanja declined to respond to the matter. Slaya county director of education Nelson Sifuna was unavailable for comment. However, Bondo subcounty police commander Rosaline Mnyolmo said she was aware the students had been sent home.

"I am not aware of the reason but I know they've sent home," she said through a text message.

This comes days after students resumed learning after the school closed indefinitely on November following a fire incident.

The first group of students reported back on November 22.

Last month's fire razed down a dormitory that accommodated 200 students, destroying their

belongings. Six students suspected of being involved in the arson were arrested and arraigned in court. The court however ordered their release on Monday.

Bondo principal magistrate J.P. Nandi directed the school to readmit the students after DCI detectives probing the matter closed the file for lack of evidence.

A dormitory destroyed by fire at Maranda High School /DICKENS WASONGA



REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT – FIFTH SESSION

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(Amendment) Bill (National Assembly Bill No. 48 of 2021)

PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) provides that, "the Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No. 48 of 2021) seeks to amend the National Government Constituencies Development Fund Act, 2015 to provide for youth entrepreneurship programmes or activities as a project for funding under the Act. Entrepreneurship programmes generate employment opportunities needed for unemployed youth by providing platforms that enable them exercise their acquired technical and vocational skills. In addition, these programmes equip the youth with skills and an attitude that is important in developing the private sector.

The Bill has undergone First Reading pursuant to Standing Order 127(1) of the National Assembly and has been committed to the Select Committee on National Government Constituencies Development Fund for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118 (1) (b) of the Constitution and Standing Order 127(3), the Committee invites interested members of the public to submit any representations they may have on the said Bill.

The representations or written submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke), [pbo@parliament.go.ke](mailto:pbo@parliament.go.ke), to be received on or before Friday, 10th December, 2021 at 5.00 pm.

Copies of the Bill are available at the National Assembly Table Office, or be accessed from parliamentary website at: [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY  
3rd December, 2021