

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 1st November, 2023

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, we now have quorum. Kindly stop the Bell.

Clerk, proceed to call the first Order.

QUESTIONS AND STATEMENTS

QUESTIONS

The Speaker (Hon. Kingi): Hon. Senators, we had invited three Cabinet Secretaries (CSs), including the Prime Cabinet Secretary, for purposes of responding to Questions this morning.

However, the Prime Cabinet Secretary will not be able to attend this sitting today for purposes of responding to Question No.018, as he is engaged with the visit of His Majesty King Charles III as the Escort of Honour. Therefore, he will not be in the Senate for purposes of responding to that Question.

However, we have the CS for Health and the CS for Public Service, Performance and Delivery Management who are within the precincts of Parliament for purposes of

responding to Questions posed to their Ministries. We will, therefore, proceed to Question No.019.

Clerk, kindly usher in the Cabinet Secretary in charge of Health.

(The Clerk at the Table consulted the Speaker)

I have just been informed that the Cabinet Secretary in charge of Health is already in the Chamber. I take this opportunity to welcome the CS for Health to Parliament, and particularly to the Senate.

CS, you have two Questions to respond to today. However, during the Senate Business Committee (SBC) meeting, we saw a letter from your Ministry regarding Question No.063 that has been asked by the Senator for Kakamega County.

You will repeat the contents of that letter that you wrote to us because, in itself, that is also a response. So, we will first take the Questions by Nominated Senator, Sen. Mbugua. After we are done with that, we will proceed to Question No.063.

Hon. CS, this is the procedure we adopt during this sitting. The hon. Senator who raised this Question will first rise to ask his Question. I will call upon you to respond to it. Thereafter, the said Senator will have an opportunity to ask you two supplementary questions arising from the primary Question. He may elect to ask those two Questions at ago or allow other colleagues, if any, who wish to ask any supplementary Questions, to pose those Questions. Thereafter, he may come last and ask a supplementary question. That is the procedure we are going to adopt.

Your response to these Questions is extremely brief and concise. You do not have to give a whole speech. Be straight to the point, concise and brief.

I will, therefore, request Sen. Mbugua, MP to proceed to ask Question No. 019.

Question No. 019

ACCESSIBILITY OF HEALTH SERVICES
FOR PERSONS WITH DISABILITIES

Sen. Mbugua: Thank you, Mr. Speaker, Sir. I rise to ask Question No.19 -

(a) What measures has the Government taken to ensure that reproductive health services are accessible to Persons with Disabilities (PwDs) in compliance with Article 43(a) of the Constitution?

(b) Could the Cabinet Secretary provide a list of all the medical facilities equipped with disability friendly infrastructure and indicate the training programmes developed and resources deployed by the Government to medical practitioners, to ensure they are adequately prepared to attend to PwDs.

(c) What is the Government doing to ensure that such services as occupational therapy, speech therapy and behavioural therapy, which are essential for children with disabilities, are covered by the National Health Insurance Fund (NHIF).

The Speaker (Hon. Kingi): Hon. CS, you may now proceed to respond to the Question.

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, I thank the Senate for inviting me to appear in Plenary and respond to questions and for

your indulgence. I am supposed to have appeared two weeks ago. However, I requested to be given time to prepare for the launch of the Universal Health Coverage, which we did during *Mashujaa* day.

Secondly, I would like to thank this esteemed House for the immense support you gave the Ministry in passing the four Bills on Universal Health Coverage that are going to change how we deliver healthcare in this country. For the first time as a country, we will focus on ensuring that Kenyans live healthy *vis-à-vis* the previous times when we were waiting to repair broken health systems. Having said that, I will refer to the question regarding PwDs and how they can access health services.

Persons with Disabilities (PWDs) form a significant part of the world's population, yet as one of the largest groups, their rights are often the least advocated for. The Ministry in collaboration with relevant stakeholders is working tirelessly to advocate for PwDs by developing and streamlining disability inclusive policies and enhancing the ease of accessibility to facilities and services in the health sector.

The Ministry developed the Kenya Health Sector Strategic Plan 2018-2023 that prioritises health systems strengthening to realise Universal Health Coverage and has further developed the rehabilitative services and assistive technology strategy of 2022 and 2026 to guide targeted investments to promote access for PWDs.

Disability mainstreaming mechanisms within the health systems are ongoing in health facilities to enhance the unhindered safe movements of PwDs and access to reproductive health services. The Ministry has emphasized all health facilities including Level 4, 5 and 6 hospitals to ensure the integration of disability-friendly mechanisms to enable the inclusivity of all Kenyans.

In the recently concluded facility assessment preliminary report, the Ministry evaluated whether the health facilities had disability-friendly structures that has ramps, lifts, disability friendly washrooms, disability friendly maternity beds and wheelchairs, amongst other items. Out of the 12,483 facilities included in the analysis, 47 per cent had at least one disability-friendly infrastructure, 82 per cent had a ramp, 54 per cent had wheelchairs, 15 per cent had disability-friendly washrooms and only seven per cent had disability-friendly maternity beds. Further analysis reveals that 80 per cent and 42 per cent of Level 6 and 5 facilities had disability-friendly maternity beds, while only 22 per cent and 8 per cent of Level 4 and 3 facilities had disability-friendly maternity beds.

Reproductive health and maternal health services are offered in both outpatient and inpatient. The high accessibility in the form of ramps, and lifts and the availability of wheelchairs indicate that PwDs can access reproductive services. However, there is a significant challenge in the provision of disability maternity-friendly equipment in health facilities.

The facility assessment has covered several other areas and the Ministry is packaging the information and will provide feedback to counties to strengthen access to services, especially in maternal care by increasing the number of disability-friendly maternity beds. In addition to the above assessment, the Ministry undertook a short survey of 97 health facilities in October 2022 and found that in addition to the above four parameters of access individual facilities undertake various initiatives to improve access to health services by PWDs. The following as some of the initiatives that have been undertaken -

Services are brought to the disabled client. This is happening in Baringo County Referral Hospital, availability of staff trained in sign language at Bungoma Hospital and sign language interpreters in clinics and outpatient departments for the deaf at Kapsabet County Referral Hospital and Thika Level V Hospital.

Stretcher-bearers at Kakamega Level 5 hospital. Five per cent of the Human Resources recruited are PwDs. We have go-carts to ferry PwDs from the gate. There is a rail and walkways. We would like to single out Kericho County Hospital. PwDs are provided with houses.

Sign language interpreters, motorists, wheelchairs for staff and other officers, disability committee and braille exist at Moi Teaching and Referral Hospital. On the second part of the question, we need to provide a list of medical facilities equipped with disability-friendly infrastructure and indicate the training programmes and resources deployed by the Government to medical practitioners to ensure they are adequately prepared to attend to PwDs.

In line with the rehabilitative services and Assistive Technology Strategy of 2022-2026 the Ministry aims to scale up services to all levels of care, including community-based rehabilitation in line with Universal Health Coverage and the spirit of leaving no one behind. The Ministry has undertaken training of all county directors of health and the disability assessment teams on disability medical assessment and categorization and further developed the Disability Medical Assessment and Categorization Guidelines to make assessment standards across the country. Training of county teams involved in disability assessment is done for those who request at the national level and it is done on a need basis.

In a significant step forward, the Ministry with support from the World Health Organisation (WHO) is in the process of establishing an assistive technology centre of excellence that will offer training, innovation, incubation, research, and development of local assistive products for users. To catalyse the provision of assistive devices an organization called ATscale Global Partnership for assistive technology, we are working together to strengthen the pathway towards the provision of assistive products to Kenyans who need them.

The third part of the question is about what the Government is doing to ensure services like occupational therapy, speech therapy and behavioural therapy, which are essential for children with disabilities, are all covered by the National Health Insurance Fund (NHIF).

The Ministry has prioritized the training of unique specialists like occupational therapists, speech therapists and behavioural therapists. Also, provide post-skills training development for officers to equip them with better skills to manage patients with disabilities. As the House may be aware, His Excellency the President assented to the four Bills, including the Social Health Insurance Act, 2023. This Act will ensure that no one is left behind in terms of access to healthcare services.

As the Cabinet Secretary of Health, the Act mandates me to develop a health benefits package that will cover all components of care, including rehabilitation services. The Ministry is working on the regulations and reviewing the health benefits package to ensure it is comprehensive and covers all spectrums of rehabilitation services needs with no exclusion. This will reduce the out-of-pocket expenditure for PwDs.

Additionally, the Ministry is advocating for community members and households with children with disabilities to come out and seek health services to enable them to achieve their full potential and full integration into their communities.

I hereby submit.

The Speaker (Hon. Kingi): Thank you, hon. Cabinet Secretary.

Sen. Mbugua, you have the right to ask supplementary questions, which must arise from your primary Question. You may ask your two supplementary Questions now or allow your colleagues to ask their questions and then you come last. Which option are you taking?

Sen. Mbugua: Thank you, Mr. Speaker, Sir. I wish to allow my colleagues to come in first. I will come in later.

The Speaker (Hon. Kingi): Thank you. Sen. Wamatinga, you may have the Floor.

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I appreciate what the Kenya Kwanza Government is doing in terms of the Universal Health Care (UHC). Thank you, Cabinet Secretary for that elaborate answer to the Question.

Fully aware that health is a devolved function, I would love to hear you talk about capacity building within county governments, so that they are able to undertake those functions that are devolved.

Further to that, I would like the Cabinet Secretary to tell us what the Ministry is doing in terms of policy, about the increasing number of cases of mental health disorders. This disorder is especially among the adolescents and Nyeri County is among the leading counties in cases of suicide by men. We feel that this issue must be addressed both at policy and infrastructure development level.

Thank you.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, please, respond.

The Cabinet Secretary for Health (Hon. Nakumicha): Thank you, Mr. Speaker, Sir. In my submission, I indicated what we have done with counties. As a Ministry, we have undertaken training of all county directors of health and the disability assessment teams on disability medical assessment and categorisation. Further, we have developed the disability medical assessment and categorisation guidelines to make assessment standards across the country.

Equally, in the last two months, the Ministry has undertaken an assessment of all health facilities within the country. We have a preliminary report and based on that report, the Ministry is going to put together a strategy on how we work on the gaps that have been identified.

Mr. Speaker, Sir, and hon. Members, from my report, we see that we have a long way to go in ensuring disability mainstreaming and disability friendly facilities. We shall put our report to work together with the Council of Governors (CoG) and see then how counties can adopt it.

On the issue of mental health, as a Ministry, we have already developed and launched a Mental Health Policy. Equally, last month, we launched a mental health and wellness policy at the workplace. We have put in place guidelines on how mental health should be handled. We shall be working together with county governments to ensure mental health services are accessible to all Kenyans.

At the national level, we have Mathari National Teaching and Referral Hospital, which I have visited personally. We have put together a plan to see how to equip it, to be able to take care of mental health issues. Most important will be how we work with county governments to ensure that mental health services are available at the community level.

Equally, in the just launched UHC, we have recruited over 100,000 Community Health Promoters (CHP). One CHP will deal with 100 households. One of the issues that they are supposed to be tackling is to give education and health promotion. It is expected that they will also play a big role when it comes to handling issues of mental health at the household level and at the community level.

I submit.

Thank you.

The Speaker (Hon. Kingi): Sen. Okenyuri, you may have the Floor.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I thank the Cabinet Secretary for her presentation, although I am not fully satisfied.

On Friday, I had a first-hand encounter with some of the CHPs in Ekerenyio Sub-County Hospital. Looking at them, on issues to do with mental health, I need the Ministry of Health to come out clear on what policy or interventions they have on issues to do with informed consent. This is because, most of the time, we assume that people with mental health issues cannot make decisions on their own.

First interventions we have seen; we have had decisions made on their behalf by their guardians or parents. I really need the Cabinet Secretary to come out and highlight what deliberate interventions you are making. This is because I do not think the CHP I saw will have capacity to deal with the issue of mental health as it is in society right now.

Thank you.

The Speaker (Hon. Kingi): Hon. Cabinet, Secretary, you may respond.

The Cabinet Secretary for Health (Hon. Nakumicha): Thank you, Mr. Speaker, Sir. I appreciate and acknowledge the Senator that at least, there is evidence that the CHP are all round the country and happy that you encountered one at Ekerenyio Sub-County Hospital.

Mr. Speaker, Sir, in terms of consent for mental wellness, it depends on the degree of the mental health issue. Depending on what degree it is, then a consent is required from a guardian of a parent. However, if one is in the position to decide, they are allowed to make decisions on their own, especially if they are adults.

On the issue of CHP, I emphasise that their work is not to treat or handle the mental health issues that will be in the society. They are supposed to educate and do referrals to health facilities. The main objective is that should they encounter a case they cannot handle; they should refer it to a health facility.

I submit. Thank you.

The Speaker (Hon. Kingi): Sen. Dullo, you may have the Floor.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I welcome the Cabinet Secretary and her team.

Over the years immediately after devolution took off, I remember the Senate discussed standards within counties. Unless we maintain standards within counties, the level of service delivery is not going to assist Kenyans. How can the Ministry ensure

standards are maintained within those counties, to make sure that there is proper service delivery and access to service by Kenyans in those counties?

Finally, on UHC---

The Speaker (Hon. Kingi): Sen. Dullo, pursuant to Standing Order No.51(c) (7)(b), you can only ask one question.

Hon. Cabinet Secretary, your response.

The Cabinet Secretary for Health (Hon. Nakumicha): Thank you, Mr. Speaker, Sir, and hon. Members. The issue of standards is critical for the Ministry of Health and the current Government. We actually have a whole State Department responsible for public health and professional standards.

At the national level, we have developed standards and we do continuous capacity building of officers at the county level. We actually have trained inspectors who are supposed to be looking at the quality in different counties. Equally, we are building capacity of our regulatory authorities to handle the issue of standards at the county level.

However, this being a shared responsibility, we need to have a certain level of accountability from the County Chief Executive Officers (CEOs). They need to ensure the standards that we put in place are enforced by their officers within their counties.

I submit. Thank you.

The Speaker (Hon. Kingi): Sen. Veronica Maina, you may have the Floor.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir. Hon. Cabinet Secretary, welcome once again to the Senate and thank you for the responses you have given. The question that you have been requested to answer is sensitive because it deals with Persons with Disabilities (PwDs). What is the Ministry's policy in working together with organizations and initiatives that are non-profit making, which are adding value to the medical facilities that are being given to PwDs?

Are you aware of Bela Risu Medical Center which does cleft lip and palate, which has speech therapy facilities, and which if you had a memorandum of understanding with, you would help a lot of children who have gone through operations on cleft lip and palate?

What are you doing to support such institutions, so that they do not fail but can use their world-class facility to benefit many more children who have gone through trouble with cleft lip and palate deformities?

The Speaker (Hon. Kingi): Hon. CS, you may respond.

The Cabinet Secretary for Health (Hon. Nakumicha): Thank you, Mr. Speaker Sir. One of our approaches to delivering Universal Health Coverage (UHC) is partnerships with donors, NGOs and other non-governmental actors, including civil society, in ensuring that we deliver UHC.

What we have done at the Ministry is that in the past, most donor partners have been delivering vertical programmes. However, as it is now at the Ministry of Health, we are ensuring that we work together towards achieving the Government objective of UHC and leaving no one behind.

Let me acknowledge that I have not personally interacted with the Bela Risu Medical Centre, and I am happy that they are dealing with cleft lip and palate surgery. As we retreat back to the Ministry, we shall get in touch with them and see how best we can work together to support them in the work they do.

However, in the interim, we are working together with all partners to ensure that we leave no one behind in our UHC.

The Speaker (Hon. Kingi): Sen. Kathuri, you may proceed.

Sen. Kathuri: Thank you, Mr. Speaker, Sir. The CS has given us comprehensive data on what is not available in health facilities across the country and that health is devolved. At what point do you share that data with county governors or is the report only for the national Government? Are you sharing the data with the county governments, so that they can equip those facilities?

Are you in any way suggesting that you will be proposing conditional grants in the next budget, so that you can give the county governments to equip the facilities?

The Speaker (Hon. Kingi): Hon. CS, you may respond.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Speaker, Sir. As I said earlier, the value of healthcare is a shared service between the national Government and the county governments. In the last two months where we did the level of service assessment, this exercise was undertaken together with the county governments. In all the health initiatives that we undertake, we do it jointly with county governments, so that data is shared immediately and they can know the results of the assessment that has been done.

As I said earlier, we shall be sharing a final report on the gaps that were identified. I want to believe that this allows the House to advocate for more resources to county governments to be able to bridge the gaps that we identified during the report.

I want to thank the hon. Senator for proposing conditional grants to county governments to deal with the gaps that have been identified.

I submit.

Sen. Mandago: Thank you, Mr. Speaker, Sir. I thank the Cabinet Secretary for appearing and answering these questions.

My concern is on the response the Cabinet Secretary has given, particularly in rehabilitative services and assistive technology for PwDs. My question to the CS and Ministry is: We know that before you can successfully help PwDs, the first thing that needs to happen is a proper assessment, so that the assistive devices that are given are then appropriate.

I would like to know the position of the Ministry regarding establishing proper assessment centres in this country. I am aware that the only assessment centre that the Government has is the one available at the Kenya Institute of Special Education (KISE). However, considering that it is used for assessment and training, therefore, it limits the availability of that facility for purposes of assessment.

What is the Ministry doing to ensure we have at least, if not in every county, every region, a proper assessment centre, so that PwDs can be assessed? I am asking this question because we once in my county assessed children with hearing impairments and we have a total of 3,000 children who have gone through that assessment.

We were shocked to find out that 2,300 children could hear with just a hearing aid being provided, yet these are children who have missed school and they have not been hearing for the last 10 or 15 years. They heard for the first time when they were over 15 years old and their lives have been made difficult because of the failure to have an assessment facility. I would like to know the position of the Ministry on that matter.

The Speaker (Hon. Kingi): Hon. CS, you may respond to that question.

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, I acknowledge the question.

Previously, the assessment was only at one level at the Ministry, but right now, the assessment has already been devolved. Therefore, each county has a multi-stakeholder team, multi-disciplinary that has been trained to do assessments for disability. I am informed that this has been happening now for the last two years and we continue to build the capacity of those multidisciplinary teams at the county level to be able to do assessments.

Equally, we have assessments being carried out at all the Level 6 facilities, which are six in the country. So, on the 47, add six; that means that we have a total of 53 assessment places where assessment of disability can be done.

The Ministry, however, continues to deal with appeal cases. In cases where an assessment has been done in the county and the person is not satisfied with the results, the Ministry of Health at the national level works on the appeal cases.

I submit.

Sen. Methu: Thank you, Mr. Speaker, Sir. I thank the CS for very elaborate answers to the Question. I went to consult Sen. Mbugua because he is the man who asked the Question, so that I can ask a relevant question.

Allow me from the outset to thank the Cabinet Secretary because she allowed us to wear the red ribbons in celebration of the Dyslexia Week, last week. I am very saddened because, in my opinion, I did not see anything. Anyway, let me ask it as a question. What did the Ministry of Health do to create awareness of Dyslexia because this is a condition that has been misdiagnosed many times?

Sen. Mbugua and I attended that particular celebration at the Kenya Institute of Special Education and, again, CS, it is important to note that you and your Ministry were not represented. At least, Parliament was represented because the Kenya Disability Parliamentary Association (KEDIPA) was there, but the Ministry was not represented. I did not see them do anything in terms of awareness.

Finally, I would like to know whether the Cabinet Secretary is aware that 100 children who have this condition of Dyslexia do not have a school to attend in January. This is because the Kenya Community Centre for Learning that has been taking care of them - Sen. Murgor is quite aware of this particular challenge - has been driven out of the place that they have been using as a school for the last five years. At least, the other time they were helped by the Kenya Disability Parliamentary Association (KEDIPA), but we have not seen the Ministry do anything in terms of supporting children living with dyslexia.

Mr. Speaker, Sir, one of the very talented children that was presenting in that dinner that the Ministry was not represented in, got an award for the best swimmer in Kenya. She is from Nyeri County. When she first went with her mother to hospital, she was misdiagnosed with a mental challenge. Can a person with a mental challenge be the best swimmer in the Republic?

The misdiagnosis of Dyslexia is a big problem. I expected the Ministry to join the whole world last week in creating awareness.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary (CS), please proceed.

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, I appreciate Sen. Methu for bringing out the issue on Dyslexia as one of the disabilities that exists.

As a Ministry, we follow the World Health Organization (WHO) calendar of celebrations of specific days within the health sector. Dyslexia is yet to be put in the WHO calendar of days to be celebrated. However, we continue to provide and create awareness in the day-to-day activities. We would like to take a whole of health approach such that we are not highlighting just one of the disabilities and celebrating or creating awareness around it, but rather looking at the whole area of how to mainstream disability into the health sector and services.

Having said that, it has been acknowledged that children with Dyslexia, if not identified early, may not reach their full potential. I acknowledge the one that has been highlighted by Sen. Methu as being the best swimmer.

As a Ministry, we are going to work with the 100,000 Community Health Promoters that we have trained. They should be able to identify these cases early, so that they are brought out and alternative ways are devised on which the children can be assisted to reach their full potential.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, please proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, allow me to congratulate the Cabinet Secretary for successfully midwifing the launch of the Universal Health Care (UHC). It looks like it was always going to be a woman Cabinet Secretary who would preside over this process. I recall you and I, in the good old days, it was when Charity Ngilu was Minister that she came up with this attempt to have UHC. So, I congratulate her.

Having said that, the Cabinet Secretary is aware that one of the needs that is required by people living with disability in as far as access to reproductive healthcare is concerned is that a large percentage of them require assisted delivery; the mothers require surgery. The biggest impediment is the cost of access to that surgery. Do you have a policy in the same manner that you have for children under five, so that when these women living with disability go to the healthcare place, are not denied charges because they cannot afford?

The Speaker (Hon. Kingi): Hon. CS, please proceed.

The Cabinet Secretary for Health (Hon. Nakhumicha): Indeed, I acknowledge that women with disability require assisted delivery. As the Government, we have two programmes.

One is *Linda Mama*, which takes care of all women in terms of delivery. It begins from them being able to attend clinics during and after delivery. This Financial Year, the Government put Kshs4.98 billion for support of *Linda Mama*.

Two, we have Government health insurance subsidy for people living with severe disability that they are able to access health services. One of the Acts that was enacted is the Social Health Insurance Act. In that Act, we have developed a benefit package to ensure that every person is taken care of. For those who are unable to pay, the Government is going to work on a programme to ensure that they pay for them to access services.

Equally, in that Social Health Insurance Act, we have the primary healthcare fund that ensures all primary healthcare, Level 1 to Level 3 is publicly financed. This means that people will not have to pay any out-of-pocket to access services.

The Speaker (Hon. Kingi): Sen. Boy, please proceed.

Sen. Boy: Asante Bw. Spika kwa kunipa fursa hii. Kwanza, natoa shukrani zangu za dhiti kwa Waziri wa Afya kwa kutupatia fursa sisi watu wa Kaunti ya Kwale. Kama Seneta wa Kaunti ya Kwale, pia natoa shukrani kwa niaba ya watu wa Kwale. Siku ya *Cancer Awareness Day* Kenya ilisherehekewa katika Kaunti ya Kwale, Msambweni Referral Hospital.

The Speaker (Hon. Kingi): Hon. Senator, you are supposed to ask a question not render your appreciations.

(Laughter)

Sen. Tabitha Mutinda, please proceed.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, let me start by congratulating the CS for the great job that she is doing. As a female leader, we are proud of our female leaders in the Kenya Kwanza Government, especially on the Bill that was passed recently.

My question would still be on the Community Health Volunteers in terms of their duration of contract and in regards to the kits they are supposed to have. We have noted that some of them are not fully equipped. In the very remote areas, some do not have the same kits. The county that I represent, Nairobi City County, still has some shortages. I would want to know what framework and mechanisms you have put in place to make sure there is total facilitation and equipment of the same personnel, so that they are able to deliver their services.

On Autism, which is a disability, what is your take on the cost of the medicine that is normally undertaken by these patients? This is because the cost of medicine is very high.

The Speaker (Hon. Kingi): Hon. CS, please proceed.

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, I appreciate the accolades from the Senator of Kwale County. It was a nice experience to be in Msambweni to launch the Cancer Awareness Day.

I would like to highlight that the Community Health Promoters -Senator, we now call them promoters, not volunteers - do not have a contract. They are identified by their communities. After being identified by their communities, they are taken through training both by the county and at the national level. We have an agreement with the county governments that we are going to give them a stipend; we give 50 per cent, while the county governments give 50 per cent of a stipend. That is more of an appreciation.

However, we have Community Health Assistants who then supervise them to ensure that they are carrying out their duty. The Community Health Assistants (CHAs) have contracts with the county governments.

Mr. Speaker, Sir, we launched 100,000 Community Health Promoters (CHP) on the 20th October, 2023. Three weeks before the launch, His Excellency the President had flagged off equally 100,000 kits. That means that each of the CHP has a kit that is fully equipped with the items that we have put in there to address the issues within the community. Since the launch, we have received feedback from the counties that not all CHP were covered within the 100,000. We have put together an additional 20,000 CHP to cover the counties. We are going to put them through training and after that, they shall be given the kits to carry out the work that we have asked them to do.

To respond to the question on Autism, it is a developmental disorder that affects children. Management involves many interventions, especially medications and behavioural therapy that is being worked on. However, in the new Act that we now have under the Social Health Insurance Act, we are developing a benefits package. Our plan in the benefits package is that it should include everyone in all services that are required. There are no exclusions or limits within that.

It is our hope that as we finalize with regulations and go into implementation, no one is going to be left behind, whether with autism or any form of disability. We should take care of all of them under the essential benefits package that we have developed.

Mr. Speaker, Sir, I submit.

The Speaker (Hon. Kingi): Proceed, Sen. Kinyua.

Sen. Kinyua: Thank you, Mr. Speaker, Sir. From the onset, I thank the Cabinet Secretary for the response. I am aware that we have many Community Health Workers (CHW) in this country and it is a good thing. Comparing our country to Cuba, you can see that many places in Cuba have polyclinics.

The CHWs do a good job, but if you look at our Republic, we say that resources must follow functions. Much of the resource is left at the national level. When we have these CHPs, if they diagnose or have issues with people they are seeing, they refer them to the health centres as well as dispensaries. What is frustrating is that when we go to our health centres and dispensaries, there is no medicine. The purpose of CHW is defeated, unlike in Cuba where they say that their community health workers are their army in white coats.

Mr. Speaker, Sir, what I want to hear from the Cabinet Secretary is what their programme is like. Many of our counties do not have resources. They have been given so many functions, but resources are left at the national Government. I do not know what the Cabinet Secretary is doing. For example, we have these Community Health Volunteers (CHVs)---

The Speaker (Hon. Kingi): What is your question?

Sen. Kinyua: How is the Ministry of Health assisting the counties who have limited resource? Much of the resources are left at the national level. We do not have equipment in the county governments, for example, in health centres where the CHWs are responsible.

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, specifically, on the issue of the CHPs, we require standardization and consistency. At the national level, we are the ones who have undertaken training for the CHPs. The national Government funded the kits.

We are also giving them gadgets such as smartphones, so that they collect real-time data that shall be used for decision making in the health sector. That is an investment by the national Government. The stipend of 50 per cent is an investment by the national Government. I mentioned that, two months ago, we did a level of service assessment. From the level of service assessment, we have a report that indicates the gaps within the facilities in the counties. Notably, we have big Human Resource (HR) for health gaps. We also have big gaps on health products and technologies. We are working together with the county governments to derive a mechanism on which we are able to fill these gaps.

However, in the enacted laws, the Social Health Insurance Act has a primary health care fund, which is supposed to ensure that all facilities at the primary level. Level 2 and Level 3 hospitals are funded to ensure that they have HR, health products and technologies.

You will recall that one of the laws that were enacted is facility improvement fund. It is supposed to ensure that funds for the health facilities are ring-fenced and re-ploughed into health facilities, so that then they are used to ensure there are no gaps in service delivery.

Currently, we are working on the regulations, which should be ready in a month or two months. After that, we shall advise Kenyans on what we are going to do to bridge the gaps that exist.

Mr. Speaker, Sir, I submit.

The Speaker (Hon. Kingi): Proceed, Sen. Mariam Omar.

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir. My question to the Cabinet Secretary is to what extent and how Persons with Disability (PwDs) and their representative organization are involved in designing, planning, implementation and evaluation of health policy and programme.

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, as we are aware, stakeholders' participation is enshrined in law. Therefore, we involve PwDs when developing policies at different levels during public participation. Having said that, at the Ministry of Health (MoH), we have officers who are living with different disabilities and are involved in drafting and working on the policies that we make.

I submit.

The Speaker (Hon. Kingi): Sen. Mbugua, you may now ask your supplementary questions.

Sen. Mbugua: Mr. Speaker, Sir, I thank the Cabinet Secretary for those elaborate answers. I have two clarifications that I would want you to make.

On the disability-friendly infrastructure, you indicated that the maternity is the least equipped at the level of seven per cent. I would want you to speak more on this because we have had so many cases of women with disabilities losing their lives at the time of delivery.

Among the interventions, you indicated that may have been made at these facilities is employment of at least five per cent for PwDs. I would want you to speak more on the success of this at the facilities and under your Ministry as a whole in this requirement of employing five per cent.

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, it is true that the maternity services infrastructure for PwDs is quite low. Therefore, it is one of the things that we shall be working together with the county governments in filling the gaps that exist. However, we must acknowledge that infrastructure development is capital intensive. The situation is not going to be resolved in a day or a month. It is going to take a long period because there has to be a serious budgetary allocation for us to fill the gap on infrastructure.

On employment of the five per cent, as a Ministry, we are continuing to ensure that more people are trained to carry out these services. As and when they graduate from

the trainings, they should be adequately deployed. However, as it stands now, the five per cent is low but the only way is to ensure that we have more people trained to handle the different forms of disabilities that exist.

I submit.

The Speaker (Hon. Kingi): Thank you, we will now move to Question No.063. This is the Question by the Senator for Kakamega Sen. (Dr.) Khalwale.

Kindly proceed to ask your Question.

Question No.063

CONSTRUCTION PROJECT AT KAKAMEGA
TEACHING AND REFERRAL HOSPITAL

Sen. (Dr) Khalwale: Once again thank you, Mr. Speaker, Sir. Could the Cabinet Secretary-

(a) Disclose the initial cost of the project for the construction of the Kakamega Teaching and Referral Hospital as was awarded by the County Government of Kakamega, state how much of that amount has been paid to the contractor so far, and indicate the percentage of construction works undertaken so far.

(b) Give the reasons behind the stalling of these projects.

(c) Explain the measures the Government will take to secure the construction site and put an end to the ongoing vandalism and theft of construction material including equipment.

(d) State what the Government is doing to execute the Presidential directive that the national Government takes over the stalled project.

I thank you.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary?

The Cabinet Secretary for Health (Hon. Susan Nakhumicha): Thank you, Mr. Speaker, Sir. Thank you, Sen. (Dr) Khalwale for that Question. Schedule Four of the Constitution of Kenya distributes functions between the national and the county Governments. Under the national Government, we have the referral health facilities, which are six that the national Government is fully responsible for.

Kakamega County Referral Hospital from our records is categorized as a Level 5 Hospital under the County Government of Kakamega. The stalled project for the construction of the Kakamega Teaching and Referral Hospital was designed and constructed by the County Government of Kakamega.

We had hoped they would have sent in their response so that I am able to respond conclusively to Question No.63 (a) to (c).

As it is, I am not in a position to respond comprehensively to Parts (a), (b), and (c). Having recognized that, I wrote to the Governor of Kakamega County on the 25th of October. In my submissions, I have attached the letter that I wrote to the Governor asking him to provide responses to parts (a), (b), and (c) of the Question so that then I could come with them to this House.

I indeed copied the Clerk of the Senate my letter requesting for response. However, as to my coming here this morning, we have not received any response from Kakamega County despite several follow-ups. I request that the Kakamega Governor be

asked to come and respond to the Question or send the responses to my Ministry so that I am able to respond.

Having said that, on the last bit of the Question, the reference is made to the Presidential pronouncement regarding the support towards the completion of Kakamega Teaching and Referral Hospital. The pronouncement indicated that resources be allocated to cater for the purchase of medical equipment for Kshs100 million in the Supplementary Budget of October and Kshs200 million to be allocated for civil works for completion.

The Kshs200 million allocation was based on the availability of funds to be given to Kakamega County. So far, these funds have not been given by the National Treasury. We are waiting for them to provide so they can be disbursed to Kakamega County. Having said that, we are working on a programme to equip the Kakamega County Referral Hospital and other hospitals that have major equipment gaps.

The pronouncement by the President of Kshs100 million shall then be fulfilled once we are equipping other hospitals. However, it is important to note that we can only equip a hospital that has been finalised. The construction must be complete for us to equip the hospital. At that point when that is done, we shall put in the national Government support of Kshs100 million towards the equipment.

I submit.

The Speaker (Hon. Kingi): Sen. (Dr) Khalwale, do you have any supplementary questions?

Sen. (Dr) Khalwale: Mr. Speaker, Sir, I hear the CS, but maybe this is a testament to why calling CS was an act whose time had come. Following the pronouncement by former President Uhuru to that effect and subsequently President William Ruto to the same effect, CS, the County Government has pulled out of that hospital.

The construction has stopped and the security for the project has been removed. There is now vandalism both from employees of the county Government and members of the public at a great cost to the public.

Could you undertake in this Parliament that you will not shift the responsibility to us, that you will go to the ground and see for yourself so that that you agree in the spirit of interdependence and interrelation with the county Government on how to secure the project, protect the equipment that had been there by the suppliers and actualise the pronouncement by the President to the public that the institution is being elevated to Level 6 and the national Government will take responsibility thereafter?

I request that you consider what I am saying seriously because if you do not, six months from now or less, there will be no hospital and the investment runs to billions of Kenya Shillings.

I prefer not to ask a Question, but just request to do slightly more. I am willing to cooperate with you, we go together, so that can rest this problem.

The Speaker (Hon. Kingi): Sen. (Dr) Khalwale, if I got the CS correct, what the national Government was to give very precise assistance in the form of Kshs200 million. The national Government never indicated that they were going to take over this facility.

Matters of securing the facility cannot be put on the shoulders of the Cabinet Secretary. Matters of the construction having stalled cannot be put on the shoulders of the national Government. The national Government promised to assist the Kakamega County Government, which is yet to be availed.

As the county is waiting for this money, it is upon and the responsibility of the County to make sure this property is fully secured. However, honourable Cabinet Secretary, being the policyholder on matters of health, what do you say about the request by the honourable Senator for Kakamega?

The Cabinet Secretary for Health (Hon. Nakhumicha): Mr. Speaker, Sir, let me first clarify that in the previous government, the Governor of Kakamega, Gov. Oparanya had written to the Ministry and requested the national Government to take over the facility. Therefore, at that point, the national Government would have been 100 per cent responsible for completion and ensuring that the facility operates as a Level 6.

However, when we came into office, I followed up that letter with the current Governor of Kakamega Gov. Barasa. I have been to Kakamega on two occasions. He indicated to me that they were not going to handover the facility to the national Government for it to be a Level 6 facility. However, they were going to operate it as a Level 5 facility.

Mr. Speaker, Sir and hon. Members, based on that, then the role of the national Government is to assist the county government to ensure that they complete the facility and run it as a Level 5.

Nonetheless, having listened to the hon. Senator and visited the project on two occasions, it is huge. I will put together a multidisciplinary team from the Ministry. I will also seek the Senator's support, we go and highlight the issues to the hon. Governor and paint the bigger picture, of not just the completion, but equally running of the facility. Hopefully, we will get to an amicable solution on how we assist the counties. However, as it is, its responsibility lies squarely with the County Government of Kakamega.

I submit.

The Speaker (Hon. Kingi): Proceed, Sen. Mandago.

Sen. Mandago: Thank you very much, Mr. Speaker, Sir. I have heard the response of the Cabinet Secretary on the issue of Kakamega Hospital on delineation of function.

My question to the Cabinet Secretary is, why is the Ministry building a maternity facility in Ekerenyo Sub-County, which is also a devolved function? We want to know if there is clear delineation of functions, why is the Ministry performing functions that are supposed to be performed by the County Government of Nyamira?

The Speaker (Hon. Kingi): Proceed, hon. Cabinet Secretary.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Speaker, Sir and hon. Members. Thank you, Sen. Mandago, for that question.

The responsibility of health is shared between the national Government and the county governments. As we sit today, I have requests from 42 of the 47 counties for support of facilities at different levels. So, based on availability of resources, from partners, donors and the national Government, we allocate resources based on the requests that we have received.

Ekerenyo Sub-County Hospital submitted a request and they are receiving that support. We are evaluating the other requests that we have received and based on availability of resources, we are always willing to support the county governments to ensure that all Kenyans have access to health services.

I submit.

The Speaker (Hon. Kingi): Proceed, Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. Perhaps a follow-up Question is, is there a methodology of prioritizing the requests? This is because from what I hear from Sen. (Dr.) Khalwale, there is a dire situation in Kakamega of a pending project. To me, that seems as a request as well.

So, can we be given a methodology of how the requests are prioritised, so that people do not think that there is an inclination of just political goodwill on one side and not the other side?

The Speaker (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Health (Hon. Nakhumicha): Thank you, Mr. Speaker, Sir and hon. Members. Yes, there is prioritisation criteria. Mostly, it is based on the needs of the populations, and the level of investment that is required.

Where there is a huge population that needs a health facility, the level of investment is not that high and the resources are available, then that project is prioritised.

In the case of Kakamega County, and you will agree with me Senator, it is a huge project that requires billions to finalisation. It is not just Kakamega County but even my own County of Trans Nzoia needs resources to finalize their referral hospital.

Therefore, it is based on availability and equally the cooperation of the respective governors to work together with the national Government on completion of their projects.

I submit.

The Speaker (Hon. Kingi): Proceed, Sen. Kinyua.

Sen. Kinyua: Mr. Speaker, Sir, mine is not a Question, but just an observation. She said that she is going to ---

The Speaker (Hon. Kingi): Sen. Kinyua, please ask a supplementary Question. If you have none just leave it.

Sen. Kinyua: Mr. Speaker, Sir, the good Cabinet Secretary mentioned that she is going to set a multidisciplinary committee that will look at the issue of Kakamega Hospital. I request if she can include our good Chairperson of the Committee of Health so that he can assist our good Senator of Kakamega.

I thank you.

The Speaker (Hon. Kingi): Thank you. You do not need to respond to that. It is not a Question as the Senator has said. We need to conclude this, Sen. (Dr.) Khalwale. What say you?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, thank you for your indulgence. This is not for the Cabinet Secretary but for you.

I had an opportunity under Standing Order No.53 (1), which I lost because I preferred to go the Question way. It is quite clear that the Governor has appealed to the national Government that he does not want to release the project contrary to what his predecessor had done and contrary to what we had made the President to pronounce himself to when he visited the county.

Mr. Speaker, Sir, could you allow me, with your indulgence, that you will direct the Committee on Finance and Budget which will be in Kakamega next week, to look at the state of the roads projects. Could you pronounce that they carry this matter and if possible, you direct the Committee of Health to also join us?

This is because the project we are talking about is over Kshs5 billion and it is going down the drain. It cannot be right just because it could either be with the national

Government or county government. Let us get the project going whether it is superintended by the national or the county government.

I request that you consider not necessarily now, but you can make the pronouncement later before next week. We are supposed to go there on 9th for the roads project.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, this is a House of rules and procedure. You have not lost your right under Standing Order No. 53. You can request for a Statement, which can be committed to both Standing Committee on Health and the Committee on Finance and Budget.

The Cabinet Secretary has not substantively dealt with two-thirds of your questions because they fall squarely within the ambit of the devolved unit, that is Kakamega County. Therefore, we cannot say because the matter has been asked to the Cabinet Secretary, it cannot be asked to the Committee of Health.

Therefore, if you still feel inclined to pursue this matter through the Committees, all you need to do this afternoon is to lodge in your request for statement. It will be processed and committed to the two Committees. By next week, you will have the Committees in Kakamega with full mandate because they will have been committed to their hands.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I am so grateful. However, let the HANSARD reflect that the potential loses of these billions of shillings, the project and the consequences to the people of the region is because of trade unionism in the Council of Governors (CoGs). This is because they feel that the national Government wants to take away the duties that they would like to discharge.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale---

Sen. (Dr.) Khalwale: The County Government of Kakamega is not able to discharge.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you will make that statement when you get to Kakamega. That is a better forum not the Plenary.

Hon. Cabinet Secretary, let me take this opportunity to thank you for availing yourself for purposes of responding to these Questions. You are now free to leave to do what you are supposed to do.

I thank you for the good work you are doing. You may now leave the Chambers.

(The Cabinet Secretary for Health (Hon. Susan Nakumicha) was ushered out of the Chamber)

The Speaker (Hon. Kingi): The next Question is by--- This Question is by Sen. (Dr.) Murango. I do not see the said Senator in the House. I am told the Senator had nominated Sen. Veronica Maina, who is supposed to relieve me. Therefore, she is going to further nominate another Senator for purposes of asking this Question.

Sen. Veronica Maina, you may proceed to ask the Question because the Deputy Speaker is going to relieve me now.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Kindly give us a minute.

[The Speaker (Hon. Kingi) left the Chair]

[The Deputy Speaker (Sen. Kathuri) in the Chair]

(The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Moses Kuria) was ushered into the Chamber)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I now welcome the Cabinet Secretary for Public Service, Performance and Delivery Management, Hon. Moses Kuria and his team. Welcome to the Senate. There is only one Question for you from Sen. (Dr.) Murango, Senator for Kirinyaga County. Sen. Veronica Maina will ask this Question on his behalf. Cabinet Secretary, you can have your seat. Let us have the Question and then I will give you the opportunity to reply. Senator, proceed.

Question No. 041

CATEGORISATION OF HARDSHIP
AREAS IN THE COUNTRY

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir. I rise to ask Question No.41 on behalf of Sen. (Dr.) Murango, the Senator for Kirinyaga County.

(a) What criteria is used by the Ministry to categorise and gazette areas as hardship zones in the country, and could the Cabinet Secretary state why Mwea Constituency in Kirinyaga County has not been gazetted as a hardship zone, considering the adverse conditions in most parts of the constituency?

(b) When does the Ministry intend to classify Mwea Constituency as a hardship area in order to compensate public servants who serve in the region under adverse conditions?

The Deputy Speaker (Sen. Kathuri): Cabinet Secretary, proceed. I can see you have a comprehensive response. However, because of time, you can summarise it. I know your intellectual capacity of summarising so many things. This should be one of them.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Thank you, Mr. Deputy Speaker, Sir and hon. Senators. The Ministry of Public Service, Performance and Delivery Management appreciates the role of the Senate in terms of providing oversight, which ultimately makes us better public servants.

In response to the Question by the Senator for Kirinyaga County, Sen (Dr.) Murango on what criteria is used to categorise and gazette areas as hardship zones in the country and why Mwea Constituency in Kirinyaga County is not gazetted as a hardship area considering the adverse conditions in most parts of the county; the first criteria used is unavailability or lack of food accessibility.

Other criteria include, unavailability and inaccessibility or otherwise of water, transport and communication service in terms of adequacy, availability or accessibility of social services, climate conditions for that particular area and the terrain or harshness of the area; insecurity or high possibility of security threats in a particular area and finally, the severity of poverty.

Mwea Constituency has not been gazetted as a hardship area because the Government is addressing the challenges of the existing disparities in designated hardship areas across the public service. It has undertaken a study to review and harmonize the designated hardship areas across the public service. *Gazettement* and implementation of the designated hardship areas shall be undertaken upon the approval of the Cabinet. This matter is currently before the Cabinet.

As to when the Ministry intends to classify Mwea Constituency as a hardship area in order to compensate public servants who serve in the region under adverse conditions; the Government is addressing the challenges of the existing disparities in designated hardship areas across the public service and has undertaken a study to review the same and harmonise the designated hardship areas across the public service.

Gazettement of the hardship areas together with implementation of the same is currently under consideration by the Cabinet with the guidance from the Salaries and Remuneration Commission (SRC).

I submit.

The Deputy Speaker (Sen. Kathuri): Thank you, Cabinet Secretary. You can have your seat. Sen. Veronica Maina do you want to ask the two supplementary Questions now or do I give a chance to a few Senators first then you can come after?

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, you can give the chance to a few Senators first then I can clarify.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Wamatinga.

Sen. Wamatangi: Thank you, Mr. Deputy Speaker, Sir. I congratulate the Cabinet Secretary. He has a way of shining in whichever docket he is given. My Question is on the National Youth Service (NYS). The Cabinet Secretary pronounced himself to make it a kind of military outfit. I have some few willing men who would want to do the same. Maybe he can outline how he is going to do that especially in the marginalised areas, and ensure that indeed every youth access the services.

The Deputy Speaker (Sen. Kathuri): Cabinet Secretary, you can make your statement on that.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Thank you, Mr. Deputy Speaker, Sir and the Senator for Nyeri County. Indeed, we have pronounced ourselves on the new direction for the NYS. The re-engineering agenda for the NYS, which we are undertaking, is premised on four key pillars. The first pillar is the paramilitary training and regimentation. This is important because we have to impact our young people with the right social and patriotic wiring so that they become good citizens capable of driving the country forward.

Currently, we have 10,000 service men and women serving under the paramilitary service within the National Youth Service. By the end of this financial year, we will recruit 20,000 youth. In the Financial Year 2024/2025, we will increase the number to 40,000. In the Financial Year 2025/2026, we will recruit 60,000 youth. Ultimately, we will start recruiting 100,000 youth by the year 2027. Before I finish discussing the first pillar, I will highlight the issue of regimentation. This is putting the youth under clusters just like it happens within our disciplined forces; the police and the military. This will aid socialization and working together in positive behaviour and patriotic angling as we prepare them to be better citizens.

The second pillar of our re-engineering agenda within NYS is a contribution towards national service. We have many opportunities within the Government where our youth can be used to offer the services. Tomorrow, we will be in Kitale town, Trans Nzoia County with the Cabinet Secretary for Agriculture, Livestock and Fisheries and our NYS. We have up to 6,000 acres of maize that are ready for harvesting that would have otherwise gone to waste from the Agriculture Development Corporation. Five million kilogrammes of seed for the Kenya Seed Company would have gone to waste.

Tomorrow, we will visit the area with hundreds of youths who will harvest the maize. In the process, we will save money, time and resources while helping the country in terms of food security. We are coming from a season of hunger. The reason I am giving this example is to show you where you can expect to find the green NYS uniform. You will find them in our farms, guarding our offices, planting trees, cleaning our markets and in areas where we do not have experience like mining and blue economy. We want to engage our youth to offer services to other Government departments as part of the NYS.

We cannot achieve all this unless we impact our youth's vocational and technical knowledge. Our third pillar is on vocational and technical skills, which we are going to accelerate. We will train them in areas where we expect them to offer national service.

Finally, there is the issue of commercialisation of NYS. The county Government, private sector, and Members of Parliament in the National Assembly through the National Government Constituencies Development Fund (NG-CDF) could partner with the NYS through the NYS enterprises which will offer the same services that the private sector is offering. The only difference is that we can get these jobs on a Government to Government basis with other state corporations, county governments, national Government, CDF and international companies. The issue of youth unemployment is urgent. This is the biggest threat we have to our security and long-term prosperity as a country. Nonetheless, NYS will not be the only catalyst, but the major one in solving the problem of youth unemployment.

I submit.

The Deputy Speaker (Hon. Kathuri): Thank you, hon. Cabinet Secretary. Let us get another supplementary question from Sen. Kinyua.

Sen. Kinyua: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I thank the Cabinet Secretary Hon. Moses Kuria for the way he has elaborated on the question posed by the Senator for Nyeri.

I would like the Cabinet Secretary to clarify the unit he uses to categorize an area as a hardship area. Is it by constituency, sub-county or county? I am asking this question because you can witness a constituency where it is true that some parts have insecurity and impassable roads. However, in the same constituency, you have the opposite, there is no problem with security, the roads are good and there is plenty of food. What unit are they using?

The correct unit from where I sit is the sub-location because this is the smallest unit of administration in the Republic of Kenya. If you use the constituency as the unit, it will be unfair for some people who will not benefit from the hardship allowance while others will.

The Deputy Speaker (Hon. Kathuri): Cabinet Secretary, proceed to respond to this question.

The Cabinet Secretary for Public Service, Performance, and Delivery Management (Hon. Kuria): Mr. Deputy Speaker, Sir, I appreciate the question from the Senator from Laikipia County. I understand why he would be concerned about that. He comes from a county of disparities with some productive areas that can feed this country and other areas that depend on relief food. There are areas which in direct translation from the local dialect mean “comfort yourself” because there is nobody to comfort you. This is an area called “*Wiyumiririe*”.

We have classified the hardship areas using the location as the lowest unit. I appreciate that we need to go lower to the sub-location. We will revise this. In the first phase, the guidelines we will release will depend on the location. I subscribe to the view that we need to make the sub-location to be the lowest unit because of the disparities we have. Secondly, there is nothing difficult. We have sub-location data within our *Huduma* system through the census we took. The Kenya National Bureau of Statistics (KNBS) can give us data to the sub-location level.

Once we do this, you will need to treat us equally and ask the people who are implementing and reimbursing the Equalisation Fund to follow suit and reimburse monies to the sub-location.

The Deputy Speaker (Hon. Kathuri): Thank you, Cabinet Secretary for the elaborate response.

Sen. Mbugua, proceed.

Sen. Mbugua: Thank you, Mr. Deputy Speaker, Sir. Let me first welcome and congratulate the Cabinet Secretary. He is a man I have known for the better part of my life. I am sure he will do a good job in his new docket.

We are talking about hardship areas and scarcity of food. I am aware that the NYS owns large tracts of land all over Kenya, including Samburu County. This land is idle. Apprise this House on the plans you have for the commercialization of the idle land so that we can help the country in solving the food problem.

Inform the House of the plans you have to facilitate Persons with Disabilities (PwDs) to join the NYS. You are only recruiting the able-bodied, you cannot recruit somebody like me.

The Deputy Speaker (Hon. Kathuri): Sen. Mbugua, I am not sure whether you want to join the NYS or you are talking on behalf of other young men who are abled differently.

Hon. Cabinet Secretary please proceed to respond.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Thank you, Mr. Deputy Speaker, Sir. I appreciate the Question from Sen. Mbugua.

Senator, you can expect that the biggest farmer in this country will be the National Youth Service (NYS). They are going to utilise all existing land, including the land in Samburu County, that you have talked about.

Tomorrow, we are launching a partnership with the Ministry of Agriculture, Livestock and Fisheries. We will discuss with the Agricultural Development Kenya Seed Corporation how we will lease land from them in areas like Galana-Kulalu. You can expect that NYS will be the next big supplier of food for the local and export market.

Mr. Deputy Speaker, Sir, we are discussing deployment of NYS with county governments. Some counties have already given us land for seed propagation. We want

to move from the current system where farmers in counties expect supply of seedlings from Nairobi City. I do not find it acceptable because it is supposed to be the other way around. We have started with Siaya County, where the Governor has offered 70 acres to start a seed propagation farm in Ugenya Constituency for this purpose.

We have come from a situation of hunger and food scarcity. In my considered opinion, this need not be the case. We need to have some intervention from Government to complement what our hard-working farmers are doing. It is my commitment to the country that through NYS, we will be able to match one-to-one, the total output of our subsistence and medium sized farmers especially in the North Rift. This is so that we have got a reliable source of food. Within the next two or three years, expect NYS to assist the country by either working alone or through foreign Public Private Partnerships (PPP) to produce food.

There has been a lot of interest from foreign investors who want to do agriculture and help the country be self-sufficient in food production and even export surplus food. From my previous assignments, I know they have been looking for a worthy partner to farm together because of local knowledge and situation. The NYS will enter into a partnership with international investors. They will bring in their capital and equipment; and we will bring in our labour and local knowledge. This will satisfy this country in terms of food security and also earn us foreign exchange through food export.

Allow me to now tackle the second Question from Sen. Mbugua on PwDs. It is the policy of NYS to reserve up to 20 per cent of all the recruitment to PwDs because some of the commercial activities we will be undertaking will be undertaken properly by PwDs. We have some PwDs working with our garment and apparel manufacturing units at NYS. It is already providing the bulk of the uniforms that our police, Kenya Defence Forces (KDF) and Kenya Wildlife Rangers are using.

We are going to expand on that as we do all these activities including business process outsourcing. Recently, you saw KRA recruit revenue service agents from across the country to work with tax payers to expand the tax base. The KRA has requested NYS to undertake this service on behalf of KRA, thus providing even much more opportunities for our young people.

In doing so, we are also going to establish a very huge back office to support huge bodies such as KRA and the customs scanning which they are ready to give us. The Ministry of Lands and the Judiciary will give us the function of digitalisation of lands and court records respectively. All these institutions can give us jobs, which can be done not only by people who are able bodied but also PwDs.

Sen. Mbugua, I assure you that, if I receive your application to join the service, I will give it consideration given that we were together in high school. The only thing is that it is unfortunate you are past the recruitment age.

I submit.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir. First of all, I take this opportunity to congratulate our Cabinet Secretary for the new appointment. Many do not know that during his time in the former Ministry, he contributed to help rally people to support the cause of period poverty and I appreciate that.

I have a follow up question in terms of commercialisation of NYS. It is for purposes of clarity because it is a question that has already been asked. Is there a policy

that gives a certain percentage to NYS priority in terms of national projects? You have told us that NYS is being called upon by different entities of Government. Is there an actual policy that states a certain percentage, just the same way we have Access to Government Procurement Opportunities (AGPO) ring-fencing 30 per cent to a certain constituency of enterprises?

The Kenya Kwanza Government promised to deliver certain things such as 100 dams. If you look at the cost of using NYS against the cost of outsourcing the services from other commercial entities, we actually save a lot. Kindly highlight if there is a policy for that.

As the NYS is being commercialised, I suppose that the idea is to make it one of the biggest employers. That way, we can deal with the crisis of youth unemployment. If that is the case, is there a policy or some structure in terms of growth within NYS? In the last opportunity that came about, I was calling upon the youth and asking them to join NYS. However, there seems to be some negative form that NYS does not pay well or does not pay at all. Maybe that is something that you can also highlight and make us aware.

The Deputy Speaker (Sen. Kathuri): Yes, Hon. Cabinet Secretary.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Thank you, Mr. Deputy Speaker, Sir. I appreciate the question from Sen. Orwoba. In terms of the policy for ensuring that we have got some ring-fenced allocation for NYS in the national service jobs, that policy is currently being worked on by my Ministry, in conjunction with the National Treasury and with guidance from the ---

(Sen. Cherarkey crossed the Floor without bowing to the Chair)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, this is not your farm in Nandi County. This is the Senate. You cannot just crisscross the way you are doing and you are a ranking Member in this House.

(Sen. Cherarkey moved to the Bar bowed to the Chair)

Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Mr. Deputy Speaker, Sir, as I have said, the policy is currently being worked on. We have a team that is working on both the policy and putting up proper structures for setting up of NYS enterprises. This effort is being led by none other than H.E the President, the Presidential Economic Team, my Ministry and the National Treasury.

As we speak, we have also set up a Committee of 11 Principal Secretaries (PSs). Each PS is indicating the jobs available in each State Department.

Mr. Deputy Speaker, Sir, we have had some success in agriculture, as I have mentioned, in irrigation in the dams as the Senator has mentioned and in offering security services in our buildings. This is a very promising and exciting time for our youth.

The policy that we are working on in conjunction with putting up the framework for affirmative action along the lines of AGPO, is going to go a long way in ensuring that

through the National Youth Service (NYS), we can absorb many younger people, impart them with the right skills, give them some meaningful work and ultimately release them to the market in a way that they can be more employable, or even to create some entrepreneurs out of them so that they can also employ other young people.

The question of the upward mobility in the NYS is a very pertinent issue. We are working on mobility in several ways. You remember there was an instance where the Kenya Defence Forces ring-fenced 300 positions to be filled up by graduates from the NYS and 10,000 of them turned up for the interview.

We were required to bring in police and KDF to maintain security. That was a pointer to the situation as it is. Right now we are sensitizing people from the security sector to use the NYS as a benchmark for career progression when they are recruiting.

We have had other successes on that. Subject to availability of funds, the National Police Service is going to recruit a cadre of 3,000 policemen and women with the recruits coming exclusively from the NYS.

The Kenya Wildlife Service has already approved within its board, upon our request to recruit in the next two months 1,500 servicemen and women for the Kenya Wildlife Service (KWS), who will be recruited exclusively from the NYS.

We are also working to expand our Huduma Centres, which also fall within my Ministry from the current 53 to a minimum of 1, 000 and each of them providing a minimum of five jobs for the young people of this country. So that also becomes another breeding ground for youth who are better for the future.

So, in a nutshell, we are now using the outreach and sensitization method as we work on a policy and ultimately into a law that is going to ensure that we give some quota mandatory to the NYS as we create upward mobility for our young people.

Let me finish by mentioning that together with the Kenya School of Government (KSG), which is also within my Ministry, we are working with them to ensure that we create some higher qualifications for young people who excel within the NYS to be trained by KSG so that they can now also join the mainstream civil service. We give them the first right of refusal or acceptance because everybody in this country deserves a chance.

I submit.

The Deputy Speaker (Sen. Kathuri): Thank you, CS.

Hon. Sen. Mariam Omar, you have the Floor.

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir. Mine is on recruitment to the NYS. I realise that marginalized counties specifically northern Kenya, their numbers are at zero per cent, two percent or per cent. Is there a criterion you are using so that recruitment is equal in all the 47 counties?

The Deputy Speaker (Sen. Kathuri): Hon. CS, you may respond to that question.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Thank you, Mr. Speaker, Sir. I appreciate the question from the hon. Senator.

The policy framework for recruitment is based on the location level. So, you will never find a location in this country where you do not have somebody getting an opportunity to join the NYS. What has happened is that in some areas, they do not want to join the NYS.

My advice to them is that the NYS is now the gateway for you to join our disciplined forces or to join our public service. If I have my way and am supported by this Parliament, I will even make it mandatory for anybody working in the public service to first of all go to the NYS and the Kenya School of Government.

I am happy to get any details of any particular location in this country which has never had any opportunity. Should that come to my attention, that is not a matter of policy. The reason could be that the youth did not turn up to register to join the NYS. If there is any other reason for denial of that opportunity, I commit to this House to do thorough investigation and to take remedial action.

I submit.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. From the onset I want to congratulate the Cabinet Secretary for Public Service, Performance and Delivery Management, CS Hon. Moses Kuria for being appointed to this docket.

Mine is to find out from the CS emanating from this question. I have seen your response and my question is; in case you will gazette, which criteria will you use? I have seen the parameters.

Mr. Deputy Speaker, Sir, you are aware that we normally use a Commission of Revenue Allocation formula and even we pass Conditional and Additional Funds to marginalised wards. For example, here in Ndeiya, Kiambu County should be benefitting from the additional funds. In Nandi County, a place like Terik Ward, and Chepterui Ward, although in Kapchorwa, Soba-Songa, and Chemilel Chemas Wards, benefit but Kapsimot Ward does not benefit.

To many people, Nandi County might look like it is a land of milk and honey, but what strategies has the CS and how long will it take to classify and ensure that all civil servants, including teachers, and other Government employees are given hardship allowance so that they benefit from this process?

Also, ensure that they work together because the Senate is the protector of devolution, with the CRA formula,

Finally, on the issue of NYS, I heard CS---

The Deputy Speaker (Sen. Kathuri): Order, Sen. Cherarkey. You know that you are supposed to ask only one supplementary Question.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, it is one question, it is only that it is joint. I am just finishing it up.

The Deputy Speaker (Sen. Kathuri): There is no way that hardship allowance can be equated to NYS.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I am developing it so that I find out from the CS. Maybe in quick succession and with your indulgence, the CS had promised the country that he is negotiating with the National Police Service and the KDF to ensure that the NYS recruits who undergo paramilitary training service will be given priority in recruitment.

Can he give a commitment, going into the future, of such recruitment? I thank you for your indulgence.

The Deputy Speaker (Sen. Kathuri): Hon. CS, you may respond to that.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Thank you, Mr. Speaker, Sir and I want to appreciate the Question from the Senator of Nandi County.

The Question is very pertinent because, indeed, some of the places that he has mentioned like Karai Ward and Ndeiya locations within Kiambu and, in fact, Terik Location within Nandi County are in the draft proposal to be included. The proposal is currently undergoing Cabinet approval.

The good thing is that this draft has already undergone public participation. So there was comprehensive public participation to get the views of the public.

I fully support what the Senator for Nandi County has said. In my opening answer, I had mentioned the need to harmonise all these formulas. I have a formula because of something called hardship allowance. Somebody else has something called enhanced allowance. That is the Teachers Service Commission (TSC). The Commission on Revenue Allocation (CRA) has got another revelation for another purpose. Somebody else has got definition because of the Equalization Fund. Somebody else has it because of drought mitigation.

I agree that I am going to work with my colleagues within the Executive so that we can have one definition that is coherent across all users and we do not have people defining hardship for their own experience.

In regards to the discussions we are having with the Kenya Defence Force (KDF), the National Police Service (NPS), the Kenya Wildlife Services (KWS), the Kenya Forest Service (KFS) and other discipline forces, this has been replaced by all these formations under the leadership of His Excellency the President. The National Youth Service (NYS) needs to be the catchment area for the future from which anybody who is going to join our disciplined force is going to come from.

This is important because if you take a youth who has gone through six months of paramilitary training by the NYS, by the time you get to Kiganjo for the police training, they will cut the training time from nine to four months thus saving on cost and ensuring that you can deploy faster. There is a justification and a value proposition that it makes more sense to recruit from the NYS because they have already been trained and gone through the basic drills that they would otherwise have gone through if they would have joined from day one in these disciplined forces.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we should now be concluding the issues with the Cabinet Secretary (CS). Let us have the last two then I will call upon Sen. Veronica Maina to ask a supplementary Question.

Sen. Mandago, please proceed.

Sen. Mandago: Mr. Deputy Speaker, Sir, my supplementary Question to the CS in regard to equal opportunity in public service is that we are seeing a trend of recruitment in public service that is worrying and a threat to cohesion of this country. In all the recruitments that have happened recently, we do not see equity in the distribution of the available position creating a serious frustration in various young people in the country.

I would like to know from the CS, Public Service, Performance and Delivery Management on the recently advertised 8,000 internship positions in the Public Service Commission (PSC). How are they going to be equitably distributed across the country? From my small mathematics, if they are to distribute per constituency, every constituency in this country will receive at least 30 slots for internships in public service. We would like to see equity in recruitment of public servants across the public service.

The Deputy Speaker (Sen. Kathuri): Hon. CS, please proceed.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Mr. Deputy Speaker, Sir, indeed, the issue of equity and equitability in the distribution of available employment opportunities in the public sector especially in the public service, has been a matter of concern. It has been expressed severally especially in the recent few months.

Our Constitution vests the mandate of recruitment of public servants with the PSC. PSC as an independent constitutional commission has got the unfeared sole responsibility for this recruitment. We are working closely with the PSC to achieve two things primarily.

First, to ensure we have a fair allocation of all existing positions across the country, of course, not equally since there are other considerations, for example; population, that have to be factored in. However, to have a formula that is scientific, measurable, visible, coherent, defensible and understandable out there, we give that commitment. I have the commitment of the Chairman of the PSC that that is the risk we owe this country.

Second, is on the issue of transparency and visibility. We have a slogan we have given to this using the language of the young people. We are calling it *jobo bila* connection. It is possible for any young person in this country to aspire to work for any Government department, ministry, state cooperation, university or any other institution in the public sector and have the same opportunity as somebody else.

You do not have to be connected to someone. That is why we are coming up with a digital platform where all these jobs will be posted. Even the allocation of those jobs within that platform will be distributed up to the location level. That way, if you come from Ng'enda Location, where I come from, and you try to apply for a job that is for somebody from Uasin Gishu County, you cannot apply because that job will be reserved for somebody from that particular county. That will be audited and verifiable.

So, digitization of this recruitment process is key so that anybody can log in and see it publicly that in this location, they got five slots; whether for jobs or for internships. That is why we are saying, for you to access this job digitally, you need an internet connection, not a connection to someone.

The Deputy Speaker (Sen. Kathuri): Sen. Joe Nyutu, please proceed.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to also place my question to the CS. If you allow me, I would like to first congratulate him on the posting to this new ministry. We wish him well even as he cuts and cultivates a new image of a Chief Executive Officer (CEO) far from that of a politician.

Having said that, I would want to ask the CS whether he is aware that there are some trainers serving in technical institutes. They are teachers that are employed by the PSC different from their colleagues who serve under the TCS. Knowing and understand that TSC is a body mandated with the employment and management of teachers, does the CS believe that his ministry is competent to deal with the teachers? Does he also believe that the teachers serving under PSC should remain there or for the welfare of the teachers and institutions that they serve, whether they should be surrendered to the TSC?

The Deputy Speaker (Sen. Kathuri): Hon. CS, please proceed.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Mr. Deputy Speaker, Sir, I appreciate that question from the Senator of Murang'a County. As I have mentioned, recruitment to the public service is

by the constitutional body, the PSC. The PSC is an independent commission under our Constitution.

Recruitment of teachers and management of the Human Resource (HR) affairs of our teachers is the preserve of the Teachers Service Commission (TSC). The TSC is an independent body and one of the constitutional commissions.

The rules are very well defined by the Constitution. Unless the Constitution is amended, our lanes are very well defined. My role is defined in terms of developing policy and handing over that policy to the Public Service Commission (PSC). We work independently but interdependently. We do not work in isolation or in silos. We consult from time to time. I believe that the Constitution demands my Ministry and the TSC to work together even if we are independent.

Independence does not exist in isolation. We consult from time to time. The Senator for Murang'a has talked about the image of a Chief Executive Officer and not the image of a politician. If I am asked to choose the image that I want, I will choose that of a politician because only a politician understands the problems of this country. It is only a politician that knows people go without food. When I go to Murang'a, I hear the people say *ni` Nyutu*. It means I have to take him very seriously.

I thank you.

(Laughter)

(Loud Consultation)

The Deputy Speaker (Sen. Kathuri): No. A Cabinet Secretary cannot be out of order, but I am sure you want him to translate what he meant by *ni` Nyutu* in English. Since the Cabinet Secretary is not on the Floor, let me interpret for you. When he gets to Murang'a, people always tell him that, "It is Nyutu".

(Applause)

Sen. Veronica Maina, ask your supplementary Question as we conclude with the Cabinet Secretary.

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to thank the Hon. Cabinet Secretary for the intensive answers he has given to the question that was brought by the Senator for Kirinyaga County.

I will ask two questions in one. First, I have looked at the data that the Cabinet Secretary has given in his response. The statistics that are being used especially for the Ministry of Education was the Legal Notice of 1997. It has designated about 44 hardship areas. Increasingly with the adverse effect of climate change, the ravaging effect of climate change has caused many areas to fall within the category of hardship zones. I can cite an area called Ithanga in Gatanga, which is a very dry area and meets all the condition set down as parameters that are weighed before an area is declared a hardship area. That is just one example. There are many other places in Mwea.

Hon. Cabinet Secretary, the delay or the slow pace at which these areas are being declared as hardship areas will eventually mean that they cannot have targeted programmes to even make interventions that would make the areas better not just for the

public service employees, but also for other intervening programmes that would then help the areas to attract resources that then helps to alleviate them from the red zone to a better zone.

What is your Ministry doing to ensure that the review of the hardship areas is done in a timely manner and to match the ravaging climate change effects? If the review is slower than the effects of the climate change, are we being fair to those regions that have fallen within the hardship areas? Years have passed and there is no decision from the Cabinet designating those areas as hardship zones.

The Deputy Speaker (Sen. Kathuri): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): Thank you, Mr. Deputy Speaker, Sir. I appreciate that question from the nominated Senator, Veronica Maina.

It is not acceptable that this process has taken a year. It is my commitment that in the next three months, this process will have gone through Cabinet and concluded so that the disparities that the Senator has talked about are addressed. The proposed review will not only consider the areas that ought to be classified as hardship area. It is an opportunity for the areas that have ceased to be hardship to be declassified. Situations have changed; the economy has improved in those particular areas. We have some very rich areas, which are still classified, as hardship areas. They need to be declassified to give way to some areas, which now qualify to be termed as hardship area. That is what we are doing. By end of January 2024, this matter will have been dispensed by Cabinet, gazetted and implemented.

Mr. Deputy Speaker, Sir, I do not know if I will get another chance to put my closing remarks.

The Deputy Speaker (Sen. Kathuri): It is the right time for you to give your closing remarks.

The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria): I take this opportunity to thank this honourable House for giving me this opportunity. We are all public servants. All of you are under my control.

(Laughter)

If you have not received your salary, I would be interested to know if you have welfare problems. All the 900,000 of us who work in the public service are my business. It is a very fulfilling job knowing that, ultimately, we work for the other 54 million Kenyans.

I am trying to transition our public service from being a source of public employment. Many of us say that we are in public service. However, we are just in public employment. We need to transition from being in public employment to being in public service so that we can serve this country better.

Mr. Deputy Speaker, Sir, my docket also includes the State Department for Performance and Delivery Management. Simply put; it is my responsibility to ensure that Government performs. If the Government is not performing, I should be held accountable. If we are not delivering on our projects across whichever Ministry from fisheries to camels, from water to air, wherever they are, performance and delivery are

my business. Therefore, I encourage this House to call me many times. If you have any problem with any Ministry or state department, I will do what I must do.

Thank you.

(Applause)

The Deputy Speaker (Sen. Kathuri): Thank you, hon. Cabinet Secretary. You are one person who is very flexible. You joined the Ministry just the other day, but the way you understand the happenings at the Ministry is fantastic. You are conversant with issues of the National Youth Service (NYS) and the handshake issues. It is as if you knew you will be transferred to that Ministry, so you started learning about the Ministry the first time you got appointed to be the Cabinet Secretary in the Ministry of Trade, Investments and Industry.

Thank you very much for your time and good response. Transforming public service is what is really needed in this country. This House will support you in whatever way we can so that you perform. All the best in your endeavours, the Senate is your friend.

When you were the Cabinet Secretary in the Ministry of Trade, Investments and Industry, we were told that you did not appear here. However, you are now the best friend of the Senate. So, *tuko pamoja kwa kazi yako. Asante sana, Waziri.*

(The Cabinet Secretary for Public Service, Performance and Delivery Management (Hon. Kuria) was ushered out of the Chamber)

Hon. Senators, the business appearing under Order No.8 has been deferred to next time.

MOTIONS

DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS

THAT AWARE THAT, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to –
 - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
 - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

(Motion deferred)

Let us move to Order No.9.

REPOSSESSION OF MOVABLE ASSETS BY LENDING
INSTITUTIONS DUE TO NON-PERFORMING LOANS

The Deputy Speaker (Sen. Kathuri): Is Sen. Wamatinga ready to move the Motion?

Sen. Wamatinga: Yes, Mr. Deputy Speaker, Sir. I am ready.

The Deputy Speaker (Sen. Kathuri): Proceed.

Sen. Wamatinga: Thank you, Mr. Deputy Speaker, Sir. I have waited for some time to move this Motion. I am happy that today, I have the opportunity to move it.

Mr. Deputy Speaker Sir, I beg to move-

THAT AWARE THAT, the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance institutions and banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT, the youth, in particular, have invested in movable assets, including vehicles and motorcycles, to start businesses in the transport industry and most of them have signed up for the ride-hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT, the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavourable as a result of the high cost of living, lowered earnings from the App providers and high-interest rates;

NOW THEREFORE, the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

[Temporary Speaker (Sen. Abdul Haji) in the Chair]

Mr. Temporary Speaker, Sir, we are all aware that we have come from very hard economic times. Coming at the backdrop of the COVID-19 Pandemic has seen many Kenyans economic opportunities dwindle by the moment. We have a highly educated population which is composed of large percentage of young Kenyans who have endeavored to get jobs in vain.

Therefore, being enterprising as they are, they have decided to start their own enterprises and the only option they have, because of the unfavourable conditions in the banking institutions we have in this country, is to borrow money from micro finances and from other SACCOs so that they can sustain their lives.

Coming from four seasons of drought and the COVID-19 Pandemic, Kenyans' purchasing power has gone down. However, we have not seen the Government come up with the framework in the banking policy to cushion the loss of assets. We are all aware that most of the banks and these financial institutions have moved up with speed to recover or to have assets from the young Kenyans, which are held by the auctioneers, forcing them and the Kenyans at large to resort to the microfinance and to the shylocks to get money to pay.

It is very unfortunate that when those assets are held so that they cannot use them, they are required to pay for those months. They are required to pay higher interest rates, penalties and the most unfortunate is the storage facility for those movable assets. We must, as a country, agree that we have educated quite a big number of young people. They have acquired degree and skills. However, we have not been able create employment.

Therefore, it is important that as a nation, we come up with a policy including enterprise development fund that will be subsidised by the Government so that these young people who want to create alternative employment for themselves and their colleagues can have support from the Government.

Unfortunately, what we see is that the banks will move with speed once these young people have not been able to repay. Once they default in the second instalment, they go and seize their assets, store them with their auctioneers. The most unfortunate, as I had said earlier on, the owners are required to pay both for the instalment storage.

It is against the rule of natural justice to punish someone for the same offense multiple times, they are forced to pay higher interests, they are blacklisted and consequently, their ratings on credit, on credit reference are also lowered. This is multiple punishment for the young people.

As a country that is looking forward to attracting investors, we know that charity begins at home. We must start by creating opportunities for own youths who have been trained through taxpayers' money. Let us give them opportunity and set up institutions that will work with them in terms of incubation, management services, provision of professional financial advice that they need so that they can sustain their businesses instead of seeing that banks and financial institutions are more than eager to repossess what they had provided for.

It is an open secret especially in the *boda boda* sector that almost 90 per cent of the *boda bodas* and taxis on our roads are financed through financial arrangements that are unfavourable to the investors. They are miserable. As it is today, the economic

meltdown has seen most of them unable to repay and their assets end up being repossessed.

Unfortunately, we have seen some of them even paying more than 70 per cent of the cost, including the interest and still their assets are repossessed. At the end of the day, some of these young investors are forced to pay multiple times the cost of the assets that they have. It has forced them into a vicious cycle of poverty that if as a country we do not do anything, then they will never get out of.

It is an open secret that most young people are falling into depression because of the financial crisis that has been created as a result of a system that is insensitive, especially in the banking sector. It is insensitive to the challenges they are arising. We have seen the cost of loans going up every day, and access to the money market is becoming complicated for people who do not have collateral to put into the banks.

It is high time we relooked at our Banking Act. We must remodel it in such a way that we must because we are aware that the bigger population of Kenya does not have access to title deeds. They do not have access to collateral that is required by the banks. Therefore, we must restructure and remodel it in such a way that it will be attractive to the young people, young enterprising investors whom we can support through a channel and an organised structure like it used to be in the formative years of this country when we had ICDC. You could walk with a proposal, get financing, get advice, an incubation and most importantly, get access to the market.

It is unfortunate we have trained many youths, but we do not have job opportunities. I am happy that just a few minutes ago, the Cabinet Secretary in charge of Public Service, Performance and Delivery Management has detailed what he is planning to do with our youths. It is however important to note that not everybody can have a position in formal employment. It is paramount and imperative that we also create alternative options where people can learn. That starts with friendly financing services, supportive policies and avoiding exploitative financial institutions, which have come in the name of micro financing, but are milking Kenyans dry. They have become shylocks, giving assets to the youths in the pretext of helping them but exploiting them because the Banking Act does not regulate them.

If we want to renegotiate some of the misfortunes that we have gotten into as a country; inability to create enough employment, effects of capital flights from the country and migration of investors to the neighbouring countries, we must start by addressing the Banking Act. We must start by putting the framework both in policy and legally to ensure that even young investors who access bank loans can do business without being charged high-interest rates and facing unfavourable terms and conditions of the loans.

If the Government does not intervene, most of the young people are condemned to lose their assets. We have seen young families break up because of the financial crisis that these young investors have been forced to, not because they are not good enough, not because they lack business acumen but simply because we fail to put policies and frameworks in place that will be supportive, especially in the harsh economic times we are faced with.

Mr. Temporary Speaker, Sir, young investors cannot access loans and credit without having to pay the 20 per cent interest because the businesses they do cannot make 20 per cent profit. Some of them are even working with seven per cent, six per cent and at most 15 per cent profit. Therefore, it beats logic. How do we expect them to break

even when we know that the cost of the money is far much higher than the profit that they are going to make?

As if that it is not bad enough, we go ahead and put punitive measures in place through these institutions, which are unregulated. Once the people default, the second month their assets are repossessed. If anything, we have to be fair. The immovable assets like houses cannot be repossessed. Once you default, they are put under receivership. The money is collected and continues to service.

Mr. Temporary Speaker, Sir, in the moveable assets, we see the auctioneers come, repossess and they charge you the money to dispose the things but at the same time you are still supposed to pay monthly.

I do ask myself, where do these banking institutions think that you will get the money if they are holding the assets that you are supposed to generate money from? This is like double punishment. I think it cannot be fair in the eyes of the law that for the same thing you are punished multiple times.

We are talking about creating the future of a young generation. However, it cannot be created if the laws that we have in place are very punitive. They discourage people who are enterprising even to come up with ideas that they can invent.

Mr. Temporary Speaker, Sir, we know that agri-business is the future and the backbone of this country. However, we lack infrastructure policy framework and the legal framework in place, to ensure that once a young person engages in such a business, they are cautioned from the exploitative practices that we have from the banking sector.

We have let this practise go on the way they want and they run the sector without the regulation from the Government. Therefore, this is why if you look in every newspaper, you will see mobile money being announced. People have got into these loans and are unable to get out. Every day they get deeper and deeper into debts. That is one of the explanations why mental health issues among the young people are increasing. Additionally, that is why the rate of suicide and family breakups are increasing.

We, as a Government and leadership, have not put in place the right procedures, legal framework and policy framework to ensure that those young people who do not have the business experience, but have the acumen to dare take the risk are protected from the exploitive banking sector, which every day wakes up only to issue money, which charges as much as five per cent per month.

There is no business that can make up to 300 to 400 per cent profit in one year. However, we let them charge the same and expecting that these young people to pay. We keep telling them and promising that this country belongs to them yet we deny them the opportunity to build their tomorrow.

It is the high time now that we come with the policies and put the legal framework in place. We should urge the National Treasury and the Ministry of Finance to come up with procedures, policies and framework, that will ensure that young enterprising people can take the risk without ruining their life.

Mr. Temporary Speaker, Sir, with that, I beg to move and request Sen. Orwoba to second.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I rise to second this Motion.

One of the reasons that the Kenya Kwanza Government introduced the Hustler Fund was because of the bad culture that we have from the lenders in Kenya and which we are discussing in this Motion. It is a culture of actually setting up Kenyans for failure.

You have seen numerous agencies who are advertising for jobs, and then you see tens of thousands of Kenyans showing up, because there are no jobs. The only way we can create jobs is by being intentional about the environment to run businesses.

The creation of jobs can only come by setting up enterprises of which one requires to have capital. Therefore, for our youth to get engaged in social enterprises or any kind of enterprise they need capital. Of course, they are looking up to these lenders, for instance these banking institutions and breahoping that through that capital where they are buying the assets to set up their businesses, they will be able to create jobs for the other youths.

Mr. Temporary Speaker, Sir, it is very sad when you repeatedly see businesses that are less than six months being auctioned. As a matter of fact, there is a joke that we have with some of my colleagues, that the businesses that are being set up in Kenya are auctioneering businesses.

We have more auctioneers than the actual enterprises to an extent where there was a publication earlier in this year, that all the auctioneers were busy trying to fight for space to gazette all the things that they were auctioning. However, no one is there to buy because the economy is not at a good place.

If we are going to be intentional in terms of setting up these businesses, then we definitely have to review the Banking Act, 2015 CAP 488 to allow for renegotiations of those loans that are not performing. Therefore, the review is to ensure that once one has defaulted, the first point cannot be that they are being auctioned and being charged for the interest and the storage.

If you go to Kiambu road, there are so many car yards that are just sitting there with vehicles receiving storage fees of people who have defaulted on loans. Sometimes you find numerous of these vehicles are actually attached to businesses.

For instance, someone went out, got a Government tender, they were doing supplies or mapping and anticipating that they were going to be paid in a year or two year or even six months only not to be paid. If you go to Kiambu road you will find many of these double cabins because they need vehicles that are going to help them to deliver in that businesses. Due delayed payments from the county or the national Government, they default on the loans.

Consequently, what happens? They now have to think on how they have to facilitate the payment of these assets that they took just purely that they could run the business.

Mr. Temporary Speaker, as a country, we have also gone to the people who gave us loans, the Chinese and asked them to restructure our loans because we are not able to pay as they were. We should also allow for Kenyans to have that ability or possibility. In the event that they default, there should be room for renegotiations and the should be embedded in law. It should not be about the good will of an institution.

As we stand now, they will tell you not to take a loan from some banks because you will not be able to renegotiate in the event that you are unable to meet your monthly payments.

The issue of job creation is attached to enterprises. Setting up enterprises are attached to capital, which can only be got from somewhere. I am really hoping that by time the 'Hustler Fund' financing of assets is rolled out properly, they also need to look into the issue of renegotiation.

This is because, other than the bad culture that they are trying to cure of these lenders of repossessing assets and things like that, it is also an issue of the credit reference or the ratings of your ability to take up any other loan in another institution.

Mr. Temporary Speaker, Sir, there are so many people who would rather not even indulge into setting up businesses because of the fear that the little that they have and own will be take away from them. So, if we are not setting up enterprises, then we are not being intentional about dealing with job creation.

As a Government and as the Kenya Kwanza Government, we have seen many defaulters of even taxes being given the leeway to be able to set up a plan to now pay. If you go to many institutions, including Kenya Power, there are so many people who have pending bills.

As the Kenya Kwanza Government, we are actually sitting down and getting into a payment plan for those who cannot pay the full amount. Consequently, why are we not being intentional about amending the Banking Act of 2015 Cap 488 to ensure that Kenyans have the same leeway?

I have exhausted the fact that this is no longer a luxury. We need this to happen. If auctioneers are listening, they will tell you that business is not good. They repossess and charge for storage yet the people they are charging are not able to pay for those fees because they cannot recoup that money from people who have taken those loans. If you think about it, it is a never-ending cycle of nonsense that we need to deal with by amending this Act.

As a country that is trying to move this economy from one place to the next, we need to be intentional with the legislation on how we will ensure that the environment of setting up and sustaining businesses is improved.

I beg to second this Motion.

I hope my colleagues can see the sense in it. I am a former Member of the Standing Committee on Delegated Legislation. I hope that they can also interrogate some of the regulations of the Banking Act because they come hand in hand with the regulations.

While we are amending the Act, maybe the fastest way to remedy this problem would also be through engaging the various Ministries and see whether we can amend those existing regulations.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): Proceed Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, for this important opportunity to also weigh in on this Motion on the repossession of movable assets by lending institutions due to non-performing loans.

Let me start by thanking the Mover, Sen. Wamatinga, for bringing this timely Motion to this House. As a House, we need to seek ways in which we can help our youth who are going through many challenges in repaying loans that they have received from various Savings and Credit Cooperative Organizations (SACCOs), micro finance institutions and banks to start businesses in transport.

Many people who are affected in this case are *boda boda* operatives. You will acknowledge that it is a very important sector in this country. This is because it contributes about Kshs365 billion every year which translates to about Kshs1 billion every month. That is not a sector that should be underrated but promoted so that we can earn more as a country. Any responsible Government would want to maximize on its revenue strategies and not undermine the same revenue strategies it is supposed to be promoting.

We have seen many challenges with the youth in the *boda boda* sector. They have taken up loans in some of these lending institutions and barely a few months after paying some money back, the institutions come and repossess their motorcycles. These youths end up losing a lot of money.

I want to thank my colleague from Nandi County for bringing a Statement to this House on that matter.

We cannot allow crook companies like Watu Credit to continue operating in this county and suffocating our youth who are suffering. Some of them have made savings to pay deposit for the motorcycles. However, because of one or two months default these companies come and take away the motorcycles. As Members of this House, we have, on many occasions, assisted the youth to recover their motorcycles. However, we need a policy on how this shall be done. If we have re-negotiations, then let that be. That is why this Motion is very important and timely. I support it.

We need to amend the relevant laws to allow the re-negotiation of the lending terms so that we do not have many cases of auctioning. If you open a newspaper, you see many advertisements of people's business and houses being auctioned. We need to have a model so that Kenyans are given a chance to re-negotiate these loans so that they do not end up losing their lifetime investments.

Mr. Temporary Speaker, Sir, even as I support this Motion. We must also look at the real problem, which is the economy's performance. When you put so many taxes on everything then we get here. People will be unable to service their obligations. So, we need to relook at the taxation policy in this country and ensure that it supports programmes, such as these. People can borrow and repay the loans comfortably and banks can lend money and expect their money to be recovered at some point.

When we had the Coalition Government led by former President the late Mwai Kibaki, we saw something that had never happened in this country. Banks were looking for people in their homes and offices to give them money. They did this without minding if they would be able to pay the money or not. People were able to pay. What has changed? That is the real problem that this House must find out.

As we seek for amendment to the law, we must understand the causes of this, which is punitive taxation policy. If the taxation policy is designed in such a manner that every single penny a Kenyan gets is taxed, then we will have this challenge.

We know the *boda boda* operatives are going through a lot of stress. The cost of fuel and taxation has gone up. These young people are all over making rides but they barely raise enough money to support the re-payment of their loans.

Some of them are even riding motorcycles that do not belong to them. There are investors who have lent the motorcycles to them. Every day, they need to pay back the money to the investor and still remain with something to support their families. Even as we talk about supporting our people who are going through this challenge, we must also look at the overall economic picture of this country in terms of taxation, cost of living and the factors of economic performance like exchange rates, and fuel cost. These issues will affect our people's livelihood fundamentally.

I support this Motion on the basis that we need to renegotiate the terms and ensure that the relevant laws are amended. At the same time, looking at the bigger picture of economic performance is important. Yesterday I listened to presentations made by various experts before the bipartisan committee. The experts were all in agreement including Government institutions like the Controller of Budget that the transaction policy adopted by the Kenya Kwanza Government is going to suffocate our economy. We do not talk about some of these things because we are in the opposition but because we are Kenyans.

It is important to have a look at the taxes introduced by this regime as part of their strategy to revive the economy. You cannot revive the economy by taxing more. We need to relook at the bigger picture so that we can address issues like the ones Sen. Wamatinga has eloquently explained and put in his Motion.

I support this Motion. However, the focus should be on relooking on the taxation policy that the Kenya Kwanza Government has come up with. Also, relooking at the high cost of essential items in this country including fuel. Then we will address this issue permanently.

We were promised by the Kenya Kwanza Government that they would ensure no Kenya will be listed in the Credit Revenue Bureau (CRB). They told us that they had managed to remove seven million Kenyans from CRB. We are not seeing this. We were told that the model of listing in CRB is going to change. We are not seeing this change, what we are witnessing is our young people being listed in CRB. They cannot borrow and cannot participate in the economy effectively if they are in CRB. As we contribute to the Motion, these are essential questions that we must ask. What happened to the promise on CRB? What happened to the promise to the 'hustlers'?

I am happy this Motion has been sponsored by a Kenya Kwanza Senator. The bigger question is what happened to the promise to the 'hustlers'. I support.

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, what is your point of order?

Sen. Orwoba: Mr. Temporary Speaker, Sir, we cannot allow the statement by Sen. Osotsi to go on record. I rise pursuant to Standing Order No.105 on responsibility of statement of fact. Sen. Osotsi is a ranking Member. He was once a nominated Member of Parliament like me, but he is now a ranking member. He understands that he cannot mislead the House and the public.

The issue of CRB is not as he puts it. Kenya Kwanza Government promised that we will remove the 'hustlers' from the lenders. This Motion is specifically on the delivery of the promises that the Kenya Kwanza Government made. To deal with the

rogue lenders, we must legislate and propose a law. This is why we are looking to amend the Banking Act and change the regulations in the financial systems. Sen. Osotsi is misleading people by stating that this Government is not working. We are overworking. We want to deal with the rogue lenders squarely.

Let Sen. Osotsi withdraw that statement and apologize to the ‘hustlers’, because we are here for them.

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, what do you want Sen. Osotsi to withdraw or substantiate?

Sen. Orwoba: Mr. Deputy Speaker, Sir, he must substantiate. What does he mean by saying that this Government is not dealing with rogue lenders? The Motion in itself is on dealing with rogue lenders. He said the Kenya Kwanza Government is not delivering the promise by not dealing with CRB, yet we are squarely working on that. The Hustler Fund is squarely working on that. As we speak, CRB has been changed.

That is misinformation and under Standing Order No.105 on responsibility for statement of fact, he must substantiate or withdraw.

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, I listened very keenly to Sen. Osotsi’s contribution. He just gave his opinion on the state of the economy and the issue of taxation. He mentioned CRB. I think the only thing he has to substantiate is whether or not people have been assisted to be removed or added on the CRB list as he has claimed.

Sen. Osotsi: Mr. Temporary Speaker, Sir, this Standing Order No.105 is continually being misused in this House to curtail debate. You cannot substantiate an opinion. I made an opinion.

Just to respond to your directive, I stated in my presentation that it was promised that seven million Kenyans would be removed from CRB. That is a fact. However, my only concern was, to what extent has that promise been implemented? As leaders, we meet many youths telling us that they are in CRB and that is why they cannot borrow. Maybe our colleagues on the other side should tell us more about the status of the promise to remove seven million youths from CRB.

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Orwoba?

Sen. Orwoba: Mr. Temporary Speaker, Sir, since Sen. Osotsi says we are misusing Standing Order No.105, I stand under Standing Order No.104 on Declaration of interests. It says-

“A Senator who wishes to speak on any matter in which the Senator has a pecuniary or proprietary interest shall first declare that interest.”

Mr. Temporary Speaker, Sir, as the Kenya Kwanza Government, we promised to remove seven million Kenyans from CRB and they were removed. I think because Sen. Osotsi is listed under CRB---

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, I do not think your point of order is relevant here. Sen. Osotsi has nothing to declare interest on in his opinion. We will move on.

The next speaker is Sen. Cherarkey.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, thank you for this opportunity. I congratulate Sen. Wamatinga, the Senator for Nyeri County for always bringing motions on very serious issues. This is an important Motion.

Ordinarily, the House should be full because one way or another, you will always interact with many Kenyans who have had their assets repossessed because of non-performing loans.

The country is now in post COVID-19 recovery. During the COVID-19 period, many governments the world over including the Kenya Government, put in cautionary measures to cushion business people. They were even being paid. Non-performing loans are loans that are not being repaid.

Kenya's internal and external debt stands at more than Kshs10 trillion. Therefore, this public debt will continue to be a problem.

Mr. Temporary Speaker, Sir, imagine if the country was being auctioned because of non-payment of international debt or public debt, why do we not use a similar strategy?

If Kenya cannot, for example, pay the lenders that have lent this country for infrastructural projects and even the declining rate of the dollar also makes those loans that Kenya is being owed across the country a challenge.

As a country, we need to use the same way we negotiate with the IMF, other lending institutions and countries like China, among others; we should also use the same strategy.

I agree with Sen. Wamatinga that as a Parliament, we have a unique role in bringing in policy and legislative intervention to renegotiation of nonperforming loans. By August 2022, the non-performing loans were at 14 percent. In August this year, barely one year, the non-performing loans across the country have increased to 15 percent.

So, we must amend the Banking Act to give reprieve to many Kenyans because many Kenyans borrow to buy motorbikes; to buy small cars like Demio, and Auries and they go to Apps like Bolt, Uber, Little Cab, Taxify and many others.

You remember in the last session we really struggled over companies like Uber, among others, which are domiciled in other countries. I was discussing with some drivers for Uber, Taxify and other App drivers across the city and they told me that sometimes they have to switch off the App so that they can use the local rates because the foreign-based companies like Bolt and others are not giving them good rates.

That is why sometimes the drivers of these cabs have to switch off the Apps so that they can make money because of the rates that they are given.

That is why the Government should come in and cushion them because these cars that they are driving are on loan, and they must be allowed to pay their loans.

So, I agree that we must renegotiate, just the way the country negotiates to give a reprieve. Therefore the National Treasury should give us strategies to cushion Kenyans and especially young people.

We must agree that we must be deliberate through affirmative action to give opportunity. Even we can propose that companies that are owned by young people should be given a certain reprieve period because of non-performing loans and many others.

On the issue of motorbikes for *boda-boda*, there is this company called Kenya Women Microfinance Bank (KWFT). Where I come from is a village set up just like Siaya, Vihiga. I know city Senators like Sen. Kibwana do not know these things.

Our women go to KWFT or other lending institutions, they borrow loans and bring the money home. Since they have a non-entrepreneurship mindset they make sure

that there are changes in that family. So as a husband you start eating chapatis, meat and very nice things, not knowing that is money from KWFT.

One morning the husband wakes up to find the KWFT and administration police appearing in his home. They will take away your TV on which you used to watch Sen. Cherarkey and others. They take away the carpets. They take away your very good cow which was giving good liters of milk. They take away almost everything, even sofa sets, your bed where you used to make babies. So, at the end of the day, it is very sad when it comes to that.

Therefore, I want to ask the Cabinet Secretary for Interior and National Administration, Hon. (Prof.) Kindiki, that he should not allow the administration police to be used for the repossession of movable assets by these loan sharks, the shylock sharks. They normally hire administrative police and come to take your cow, sofa set, bed, TV set, even your clothes and everything. I saw a situation where the lending institution even went away with the *mabati* roof.

We should not allow police to be misused by these sharks simply because they have money. They just wake up one day and take your cow, just like Kenyan women who are busy repossessing and destroying marriages. By the time a wife goes and borrows a loan without the knowledge of the husband, in our villages, it kills that family. After they have repossessed, there is no option for the wife to run away because the husband is mad.

We must renegotiate non-performing loans. It is not only unique to hustlers or ordinary Kenyans. It is also among Kenya as a Government because it has international obligations.

On the issue of motorbikes, the other day I saw MOGO Credit. The police tried to possess the motorbike, I believe it was last year or early this year, and the *boda boda* guys dealt with the MOGO Credit people and the police. That is why I am saying the police should not be used. Under the Police Act, there is nowhere that says police officers need Administration Police (AP), National Police Service (NPS) or General Service Unit (GSU) to reposes any movable assets. We must start from there.

I brought a Statement in this House about Watu Credit. When Watu Credit realise you have almost paid up to 80 per cent, they take away your motorbike. Some of these motorbikes are not even owned by the *boda boda* riders.

As my colleagues have said, the motorbike and *boda boda* sector have stabilised the economy of many people. It has created opportunities for many young people. Although there are many challenges where we are blaming *boda bodas*. Some people say that there is insecurity because of them. However, it is the most reliable form of transport.

Mr. Temporary Speaker, Sir, if you were to come and preside over the afternoon session, you have just landed at Jomo Kenyatta International Airport (JKIA) and there is heavy traffic, the only option is to hop on a *boda boda*. Within 10 to 15 minutes, you will be within the precincts of Parliament. We have been using *boda bodas* even in the villages. It is efficient. Our roads in Nandi County are pathetic. We have so many stalled road projects. The only way to access is through *boda bodas*.

The *boda bodas* assist us in movement and growth of economy. Where roads are not passable, *boda bodas* have been used to transport even sick people and it has saved many lives. They have been used to carry coffins of the dead because the roads are not passable.

I believe the Government must crack down on people like Watu and MOGO Credit. What reason do you have if out of 12 months, you only miss one month? I have been discussing with these *boda bodas* to go and see Watu Credit and tell them ‘this month, I was sick and unable to go to work. These are treatment sheets; I went to the doctor. Therefore, I cannot honour my loan.’ *boda boda* people are exposed to cold. They get pneumonia and become sick. What is so hard for them to understand? Does it mean they must be heartless so that they make a devilish or holistic promise by all extend?

That is why the Platinum Credit, MOGO Credit, Kenya Women among other microfinances must be called out. The only way to fix them is to bring an amendment to re-negotiate non-performing laws.

I am happy Sen. (Dr.) Oburu is here. I do not know whether he was at the Kings state banquet. I did not see him. The King is around and I know Sen. (Dr.) Oburu must be friends with the King.

(Sen. (Dr.) Oburu spoke off record)

I will ensure next time you are invited so that--- I am told Sen. (Dr.) Oburu, King Charles III and Queen Camilla know each other.

In Siaya, Vihiga and Nyeri counties, most young peoples’ motorbikes are being repossessed. It pains me to explain this. Sen. Osotsi has put it very well. These people time when you have one to two months before you clear.

Mr. Temporary Speaker, Sir, ordinarily, a new motorbike should not go beyond Kshs80,000. Can you believe that through Watu Credit, Platnum Credit and other credit societies, you will end up paying almost Kshs300,000 for a motorbike you can buy at Kshs80,000 in cash?

Mr. Temporary Speaker, Sir, this is pure rip off. How can you pay more than 200 per cent in interest? What explain do we have for that? What kind of economy do we have in this country? What are we supposed to be doing? These *boda bodas* depend on Kshs50, Kshs100 or Kshs200. The microfinance credit like Kenya Women Finance Trust, Watu Credit, Platinum Credit and other credits are well-organized criminal enterprise. I do not fear to say that. They work in cohorts with some rogue police officers, Officers Commanding Station (OCSs) and Officer Commanding Police Division (OCPD). The National Police Commissioner (NPC) must be aware of this.

Mr. Temporary Speaker, Sir, it is good that you sit in the Committee on National Security and Foreign Relations of the Senate. You must assist us in making a follow up. There are certain OCSs and OCPDs who work in cohorts with these microfinances in repossessing motorbikes and resell. In fact, when they repossess, they do not ask you to pay. They dismantle the *bodabodas* into spare parts and sell them yet the young man or woman has paid for nine months out of the ten months. We must protect Kenyans from the ruthlessness that we see.

I did not want to speak a lot so that my colleagues get a chance to also speak. I would like to speak about what we called Hustler Fund. Let me put two things straight because I have heard my colleagues misleading the House. When the President campaigned, he said that he will remove Kenyans who were in the Credit Reference Bureau (CRB) so that they can start afresh. He did not say he is burning Kenyans from

being taken to CRB. I want to put it correctly because some of us took part in the drafting of the manifesto of the Kenya Kwanza Government. I know that manifesto like the back of my arm. Let us get our facts right. That is what we said and it was done.

Two, in order to cushion Kenyans from these hard-economic time, we started what we call the Hustler Fund where young men and women, business people, corporative society and women groups could borrow money to start their businesses. The Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSME) Development is doing very well and we can see the indicators.

I want to correct a notion that has been created by Sen. Osotsi. I have realised our brother, the Senator for Vihiga County, is a good reader of information. He ensures that the information he gives is good. Kenya was ranked by the International Monitoring Fund (IMF) as among the best economically strong nations. I encourage the young people from Vihiga, Siaya, Nyeri, Nandi and other counties to borrow from the Hustler Fund. It is your money, borrow and start businesses through the cooperative societies.

The Hustler Fund is the only fund that you do not need to know anybody; it is you and your phone. You do not need to have a godfather, a girlfriend, a husband or a wife to borrow. I want to correct the misnomer that was put in the House. We must agree as a House that the Hustler Fund is going to be revolutionary. I encourage all Kenyans; the young people, who are watching me, to borrow from the Hustler Fund and their lives will be changed.

In conclusion, I agree with the prayers we have set to review the Banking Act to renegotiate non-performing loans and provide cautions with Kenyans and prevent the loss of their movable assets. Let them protect these assets that they have. I assure the taxi drivers of Uber, Taxify, Bolt and *boda boda* sector that the Senate will stand with them and protect them from the sharks, shylocks and other unholy microfinance institutions in this country that continue to crash Kenyans.

Mr. Temporary Speaker, Sir, with a lot of due respect, if we would have used the modern way of Islamic laws of banking. We would not be where we are. If we had proposed to use Islamic banks where there are zero interest rates, then this country could not be where we are. I hope when we renegotiate, we shall borrow some Islamic banking laws on how we can improve.

With so many remarks, congratulations, Sen. Wamatinga. I wish you well. I want to see the legislative intervention when it comes to fruition. I invite Sen. Osotsi for lunch so that I can share with him how the economy is doing with the experts, so that when he appears before the Floor of the House, he can have a very good picture of our economy.

I support.

Sen. Osotsi: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Osotsi?

Sen. Osotsi: Mr. Temporary Speaker, you know I do not need any lectures from Sen. Cherarkey on the economy. We are feeling it. The economy is not working and Kenyans are feeling it. So, you do not need any lectures to know that the economy is not doing well.

The Temporary Speaker (Sen. Abdul Haji): I thought that you had finished your remarks. It is not even a point of order.

Proceed, Sen. (Dr) Oburu.

Sen. (Dr) Oburu: Thank you, Mr. Temporary Speaker, Sir, for the opportunity. I thank my Chairperson of the Standing Committee on Energy, Sen. Wamatinga, for bringing this very important Motion. This Motion is important because it affects our youth. The youth are the future of this country. Therefore, when you have issues, which are making the youths go into abyss, and almost bankrupt, you are ruining the future of our country and not only of the youth.

I know that the interest rates in this country are very high. The reason why they are high is because the Government is also borrowing from the market. It is borrowing at very high interest rates. The Credit Reference Bureau (CRB) rate which the Government uses to borrow money from the money market in the local market is 14-15 percent. It is more attractive for the banks, and the microfinance institutions to buy those Treasury Bills and Treasury Bonds comfortably because it is more secure than lending money to *boda bodas* and ordinary business people.

That is why there is a scarcity of money to lend. Where there is a scarcity of money to lend, the banks and microfinance institutions lend it at very high interest rates. They put very high interest rates because they do not care. They know that they will still make their money whether they will lend out the money or not because they are very comfortable with the Treasury Bills rates which they are paid comfortably because it is more than guaranteed being it is a Government Bond.

This ruins our youth. If you look at the advertisements in the newspapers, the *Nation* or the *Standard*, you will see these people called auctioneers. They are having a field day. I think that a business called auctioning has become so lucrative that I think I would earn more money there than being a Senator. Otherwise, why are there so many auctioneers and the newspapers are full of those advertisements on a daily basis? These are Kenyans who are being auctioned. I can tell you that there are people here who are very comfortable. They talk about politics. They talk about auctioning because it is politics. However, I can tell you that, personally, I have an experience of being auctioned. It is a very bad experience because you have a dream when you are buying a motorbike that you want to buy one and then multiply it.

Everybody wants to have something. You want to be comfortable. You want to be able to educate your children comfortably. You want to be able to take three square meals a day. However, when you see your investment going into thin air, disappearing---

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Sen. (Dr.) Oburu, I will interrupt you because it is already 1.00 p.m. When we resume this debate, you will have a balance of 11 minutes to contribute to this Motion.

Hon. Senators, it is now 1:00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until today Wednesday, 1st November, 2023 at 2:30 p.m.

The House rose at 1:00 p.m.