

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 20<sup>th</sup> July, 2023

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.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)*

*(Several Senators walked into the Chamber)*

Serjeant-at-arms, stop the Bell now. I am informed we have the quorum now.  
Thank you.

Clerk, please, proceed to call the first Order.

### PETITIONS

#### DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH

**The Speaker** (Hon. Kingi): Hon. Senators, I hereby report to the Senate that a Petition has been submitted, through the Clerk, by Supply Chain Management Assistants, concerning discrimination against other health workers in the Ministry of Health.

As you are aware, under Article 119(1) of the Constitution, and I quote-

“Every person has the right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

Hon. Senators, the salient issues raised in this Petition are as follows-

(1) THAT, Supply Chain Management Assistants currently working in the Ministry of Health in the county governments are employed by the Ministry of Health and offer essential services such as receiving, storing and issuing pharmaceutical and non-pharmaceutical items, amongst other duties.

(2) THAT, Supply Chain Management Assistants work on weekends, holidays and on emergency duties without any allowances.

(3) THAT, Supply Chain Management Assistants are not considered in the distribution of allowances of those working in hospitals despite the Compendium of Remuneration and Benefits for the Public Service of December, 2022, requiring that all health workers, including the Supply Chain Management Assistants, to receive health service allowances and extraneous allowances.

(4) THAT, the Petitioners have made all efforts to have this matter investigated and resolved by the relevant bodies whose responses have not been satisfactory.

(5) THAT, none of the issues raised in this Petition is pending before any court of law, constitutional or other legal body.

The Petitioners therefore pray that the Senate-

(1) Takes the necessary steps to ensure that Supply Chain Management Assistants working in the Ministry of Health at the county level are given health service allowances and extraneous allowance.

(2) Compels the Ministry of Health to come up with a strategic way of identifying all Supply Chain Management Assistants currently attached to the health Departments.

(3) Takes the necessary steps and ensure there is no discrimination of any form against other health workers working in the Ministry of Health.

Hon. Senators, pursuant to Standing Order No.237, I am supposed to give a leeway for Senators who may wish to make interventions on this for 30 minutes. However, there are Petition Reports by the Chairperson of the Committee on Justice, Legal Affairs and Human Rights. I will allow him to table and thereafter allow 15 minutes for any intervention on this particular Petition.

As I resume my Chair, I call upon the Chairperson of the Committee on Justice, Legal Affairs and Human Rights to proceed to give us his Petition Reports.

*(Sen. Wakili Sigei consulted with the Clerk-at-the-Table)*

**Sen. Wakili Sigei:** Mr. Speaker, Sir, I beg to lay the following Petition Reports on the Table of the Senate, today, 19<sup>th</sup> July, 2023-

REPORT ON PETITION: DELAY IN DEVELOPING AND  
LAUNCHING A VICTIMS RIGHTS CHARTER

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Nayan Savla concerning the delay in developing and launching a Victims Rights Charter as provided for under the Victim Protection Act No.17 of 2014.

REPORT ON PETITION: HISTORICAL INJUSTICES  
SUFFERED BY THE TOROBEEK COMMUNITY

Mr. Speaker, Sir, the second one is a Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Paulo Mosbei and 19 others concerning historical injustices suffered by the Torobeek Community.

Mr. Speaker, Sir, these two Petition Reports were dealt with at length by the Committee. The first Petition by Mr. Nayan Savla was presented to the House on 3<sup>rd</sup> May, 2023, and thereafter committed to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

The salient issue in the Petition was failure to develop, launch and operationalize a Victims Rights Charter as required under Sections 19(4) and 32(2) of the Victim Protection Act No.17 of 2014. Ancillary to this were questions on the establishment of the Victim Protection Board as an incorporated body and the operations of the Board since its establishment in 2016.

In considering the Report, the Committee met with the Petitioner where we sought to establish and understand the background to the Petition. The Petitioner, as a victim of crime, felt that he would have received much better assistance from the State if the operations of the Act had been operationalized.

As I said, Mr. Salva is a victim of crime and he sought for support and assistance from the relevant Government agencies. It is unfortunate that he was unable to be assisted thus leading to his option to approach this House in the form of a Petition.

The Committee further engaged the Office of the Attorney-General and the Department of Justice who submitted written responses to the Petition. A summary that was received had the Committee committing itself on deliberating on the same.

Mr. Speaker, Sir, having considered the submissions by the Petitioner and the response by the Office of the Attorney-General, the Committee made various observations, which are set out at Chapter Three of this Report. I will definitely not go through each and every chapter of this particular Report.

Of importance is the observation that the Committee arrived at. The first one is that the Regulations to establish the Victim Protection Trust Fund were yet to be approved by the National Treasury under the Public Finance Management (PFM) Act No.18 of 2012, and that victim services were yet to be rolled out across the counties as envisioned under the Victim Protection Act.

Arising from that observation among others, the Committee made two key recommendations-

(1) That the Office of the Attorney-General and the Department of Justice to set up a working group on implementation of the Victim Protection Act No.17 of 2014 and review the Draft Victim Rights Charter, the Draft Victim Protection General Regulations and the Victim Protection Trust Fund Regulations and to submit a status report to the Senate within three months of tabling of this Report.

(2) That within six months of tabling of this Report, the Office of the Attorney-General and the Department of Justice to submit the Victims Protection General Regulations and the Victims Protection Trust Fund Regulations for approval by the National Treasury under the PFM Act, 2012, and by Parliament under the Statutory Instruments Act, 2013.

Mr. Speaker, Sir, in terms of what the Committee and this House can do, the Committee undertook and indeed committed itself to initiate a review of the Victim Protection Act to address the textual conflict between Section 19(4) and Section 32(2) of

the Act, as well as Section 31, which is requiring incorporation of the victim protection as an incorporated body.

The Committee further undertook to commence a comprehensive post-legislation scrutiny exercise on laws enacted by Parliament, which are yet to be fully implemented, focusing on laws within the thematic mandate of the Committee.

Mr. Speaker, Sir, this was informed by the desire to ensure that whatever laws we enact in this House are followed up for purposes of implementation. The business of this House is not just to ensure laws are enacted, but that the enacted laws indeed serve the purpose for which they were put before the House.

As I conclude, allow me to thank the members of the Committee for their diligence and insight during the consideration of this Petition. I also wish to thank the petitioner for bringing this matter to the attention of the Senate, as well as the Office of the Attorney-General (OAG), for the submissions it made in response to the Petition.

Lastly, I wish to thank the office of the Speaker as well as the office of the Clerk for the support accorded to my Committee during the deliberation of this Petition.

Mr. Speaker, Sir, it is now my pleasant duty pursuant to Standing Order No. 238 to present the report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Petition by Mr. Nayan Savla regarding the delay in developing and launching victims' rights charter.

Mr. Speaker, Sir, I beg to Table.

*(Sen. Wakili Sigei laid the document on the Table)*

Secondly, allow me also to highlight on the second report of the Committee that is on the Petition that was submitted to the Committee by one Mr. Paulo Kiprotich Mosbei, on behalf of the Torobeek Community that was reported to the Senate on the 22<sup>nd</sup> February, 2023, following which it was committed to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

Mr. Speaker, Sir, the salient issue in the Petition relates to the eviction of members of the Torobeek Community from the Mau Forest and other forests across the country without either being resettled or compensated.

The Petitioners also alleged to have been systematically marginalized and discriminated against by the colonial and subsequent governments, including in access to employment opportunities and Government services. They, therefore, prayed that the Senate intervenes by ensuring that the community is recognized and treated fairly as other Kenyans.

In the case of the ancestral land that they alleged to have occupied and have lost through evictions, they pray that their members and members of their families and the community at large be resettled if not be compensated.

Hon. Speaker, the House facilitated the Committee members to conduct a site visit in Molo sub-county in Nakuru County, where it met with and listened to firsthand accounts of the Petitioners and their representatives. This was to enable the Committee to understand who the community are, where they are found, their plight, the interventions they have sought so far, and whether the same have been successful and the remedies that they were seeking from the Committee and from this honorable House.

Mr. Speaker, Sir, the Committee subsequently held meetings with the National Gender and Equality Commission (NGEC) and considered written responses submitted by the Kenyan National Commission on Human Rights (KNCHR), the National Land Commission (NLC) and the Office of the Auditor-General (OAG). All these are summarized in the subsequent chapters of this report; which, for purposes of my tabling today, I will not get into.

Having heard from the Petitioners as well as the other stakeholders, the Committee made various observations, which are set out in chapter three of this report. These relate to the claim of marginalization and discrimination of the Torobeek Community.

They also relate to the question of resettlement or compensation for loss of their ancestral land, the delayed implementation by the Kenyan Government of the judgment of the African Court on Human and Peoples' Rights on the Ogiek case and the failure by the Constitutional commission on effective discharge of their mandate.

Mr. Speaker, Sir, the Committee was particularly concerned that the historical land injustices claimed by this community has been pending at the NLC since it was admitted for consideration in 2021. Had it been addressed, the Petitioners would not have had to approach the Senate on the same matter.

The Committee was also concerned that while the NGEC has been in existence for over a decade now, it is yet to come up with guidelines on how to evaluate existence of marginalization, who qualifies as a minority or marginalized community. It is further yet to document and map the minority groups and marginalized communities in the country.

Arising from the observations on the Petition, the Committee made three key recommendations-

First is that the NLC expeditiously investigates the issue of historical land injustices against the Torobeek, as submitted by the Petitioners and admitted by the Commission under file reference number NLC.HLI.1117/2021 and the Commission to submit a status report to the Senate within three months of tabling of this report.

Secondly, that the NGEC works with the Ministry of Interior and National Administration and other relevant Government agencies to facilitate the recognition of the Torobeek Community by issuing, with a unique identifying identification code, its recognition as an ethnic community in Kenya, and to submit a status report to the Senate within three months of tabling of this report.

Thirdly, that the NGEC undertakes investigation on the complaints relating to human rights violation, discrimination and marginalization of the Torobeek Community and submit a report to the Senate within three months of tabling of this report.

Mr. Speaker, Sir, while indeed this matter is live before the NLC and following the interventions by the Committee before the NGEC, the Standing Committee on Justice, Legal Affairs and Human Rights will follow up on a quarterly basis to ensure that justice is done for the members of this community.

Allow me to thank the members of the Committee for their diligence and insights during the consideration of this Petition. I also thank the members of the Torobeek Community for bringing this matter to the attention of the Senate and for the submissions made when the Committee visited Molo.

I further thank the OAG, as well as the commissions mentioned earlier, who presented written submissions or appeared before the Committee. I wish to thank your office and the office of the Clerk for the support that was accorded to the Committee

Mr. Speaker, Sir, it is now my pleasant duty and pursuant to Standing Order No. 238(2), to present the report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Petition by Mr. Paulo Kiprotich Mosbei regarding the historical injustices suffered by the Torobeek Community.

Mr. Speaker, I beg to lay.

*(Sen. Wakili Sigei laid the document on the Table)*

Mr. Speaker, as I conclude, just to highlight, particularly with regard to the second report of the Petition. This is a live issue that is currently being undertaken by the NLC. Secondly, the concern which the Committee picked has this morning been dealt with. We had a meeting earlier on this morning, with the African Court of Human and Peoples' Rights.

We had the President, Vice-President together with the registrar. Among other issues which we discussed included a requirement from the Government of Kenya. They are seeking our intervention as a House to submit the document of acknowledgment of our country as a member and a participant.

This is in order to ensure that Kenyans can directly access the court; so that issues to do with injustices like in this particular case can be taken to that court for purposes of adjudication. Also, we bind the Government to ensure that it is put to task to implement pronouncements made by that court in the form of judgements or directives.

Concerns and Petitions against historical injustices are very many. It is not only the Torobeek Community that is suffering. Many other Kenyans are landless and homeless because of historical injustices including places like Mau.

The other day, we had a national concern from Kericho County. Communities who had their ancestral land within the multinational tea estates are having Petitions all across and they are unable to seek and get justice within a reasonable time. It would make no sense for someone to fight for a whole century when they know that even if they achieve the right, the Government of the day will fail to implement it.

Mr. Speaker, Sir, as I lay these reports, I ask the House and Members of the Committee, whom I respect and acknowledge for their support, to ensure that the commitments that the Committee has made are followed and implemented. They should also ensure that justice is served for the petitioners who have come to this House. This is because they expect that their concerns and injustices they have suffered over the years can only be achieved if this House intervenes in the form of Petitions and reports they have submitted before us.

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

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I wish to support the Petition by the Supply Chain Management Assistants. The issues raised by this group of staff are genuine. These are members of staff employed by the Ministry and posted to the counties. There is a clear breach of the public service provision where in 2022, as said in this Petition, the Compendium of Remuneration and Benefits for the Public Service, requires that all health workers are paid some health service allowances. It is sad that

staffers who perform sensitive functions in the counties, like the ones in the Department of Health, are not being paid allowances yet their fellow colleagues are receiving allowances.

It is inconsistent with the Constitution and unfair. If there is a clear breach of these provisions by the Ministry, those responsible should be brought to book and punished. It is important for the Committee on Health, that I believe you will give directions, to be clear.

I support this. Health is devolved. It is our function to ensure the staff are paid their health service allowances. It is their right.

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

**Sen. Kinyua:** Asante Bw. Spika kwa kunipa fursa hii. Nasimama kuunga mkono dua iliyoletwa na wafanyikazi wanaosimamia ugavi katika vituo vyetu vya afya.

Ni ukweli Katiba yetu inasema dhahiri shahiri hakuna mtu anapaswa kubaguliwa. Wamesema vizuri katika ombi lao kwamba wanabaguliwa, ilhali wanahusika kwa mambo manufaa katika hospitali zetu. Wao ndio wanapokea na kuhifadhi.

Vilevile, utapata wanasaidia katika ile hali ya kupeana dawa. Lakini, ikifika ni mambo ya kulipwa marupurupu yao, hawaangaliwi. Wanawekwa kando. Wanafanya kazi za dharura. Wakati mwingine, wanakuja kazini hata mwisho wa wiki wakati wafanyikazi wengine hawako. Kwa hivyo, wanafanya kazi ya muhimu.

Lakini, ikiwa wao watabaguliwa katika gatuzi zetu, itakuwa ni jambo la kuvunja moyo sana. Naunga mkono ombi waliloleta. Liangaziwe kwa kindani na lishighulikiwe na Kamati ya Afya ambayo inaongozwa na Seneta ambaye amejitolea na tunajua anafanya kazi yake vizuri. Hawa ndugu zetu amabo wanafanya hii kazi ya kusimamaia ugavi waweze kuangaliwa na kupatiwa kilicho chao.

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

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir, for this opportunity. On Petition No.1, I remember early or late last year, I brought a Petition on Universal Health Coverage (UHC) for workers. I am happy the Ministry of Health and Public Service Commission (PSC) renewed the UHC contract for an extension of one to three years.

I believe it behooves all of us that working for PSC, there should be certainty. Therefore, I appeal that there is another crop called the Community Health Equity and Promotion (CHEP) workers who were at the ports, especially during the Covid-19 lockdown. They worked at entry points in the country like airports and border points and they must also be assisted alongside the Supply Chain Management Assistants. I call upon the Committee on Labour and Social Welfare led by Sen. Murgor--- I have seen there is a council that has been formed to try and resolve the crisis that is facing the health sector in this country.

One thing we should note as a Senate is that this is a devolved function. We need the Committee on Labour and Social Welfare to take the lead. When that council was being inaugurated, I expected the Chair or a number of Members including yourself or representatives from the leadership of the House, to be in that meeting.

I agree that the biggest elephant in the room is the Salaries and Remuneration Commission (SRC). This is because they have never assisted in ensuring that the issue of UHC, CHEP and assistants within the Ministry of Health is addressed. I call upon the Committees on Labour and Social Welfare and Health to take charge and ensure that the health function is devolved.

Secondly, on the report by the Committee on Justice, Legal Affairs and Human Rights, we need to ensure there is a Victim Protection Unit that is active. It should be under the Office of the Attorney-General to fight the issues of white-collar crime, corruption and extrajudicial killings.

I have seen an assertion by our colleagues who are not present today in the House that police officers are killing Kenyans. It is the other way around. It is criminals that are killing Kenyans. The police are doing a fantastic job as they try to protect lives and property across the country, especially in this city. I believe we need this Victims Protection Unit for people who want to testify. You being a learned senior understands the role of the Victim Protection Unit in this country.

Finally, on the issue of historical injustices, in the last session, there was an allocation of Kshs10 billion as restitution to many victims that suffered historical injustices.

I would have expected the Chairperson of the Committee on Justice, Legal Affairs and Human Rights to push for allocation of Kshs10 billion to ensure---- It looks like I did not do proper hand over---- There are issues of Koitalel Samoei, Mekatilili wa Menza and Mau Mau, where Sen. Kinyua comes from. There are also issues of historical land injustices in Kericho and Bomet counties.

I request the Chairperson of the Justice, Legal Affairs and Human Rights Committee to push for allocation of Kshs10 billion to reinstitute not only Koitalel Samoei, Mekatilili wa Menza or the Mau Mau, but every Kenyan who suffered a historical injustice.

While we agree with the recommendations that have been made about resettlement and looking for more land for the Torobeek Community, let us also ensure there is a budgetary allocation just the way we did for the Internally Displaced Persons (IDPs) and others that have suffered an injustice in this country.

With those remarks, I support the Petition and report tabled by the Committee.

**The Speaker** (Hon. Kingi): Sen. Mungatana, proceed.

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir. I rise to support the second Petition. This is the one that concerns the delay in developing and launching a Victims' Rights Charter as provided for under the Victim Protection Act No.17 of 2014.

This Petition is critical because what has been happening in the criminal justice system, for those of us who has been practitioners of the law, is that a person files a complaint with the police and it is investigated for something like arson, which is destruction of property. A conviction is then obtained and the person is jailed while the victim is left with nothing. The only remedy that the victim gets is the satisfaction that the person who committed the act against the victim has been jailed. However, in reality, this victim gets nothing.

Under the Penal Code, there is a small provision that talks about restitution of victims after they have suffered criminal violence. If this Charter was implemented in accordance with the Act, people who have suffered and have been subject to problems that are associated with criminals would receive something back, they would be restituted.

The Kenyan system has never restituted people who have gone through this problem. Parliament in its own wisdom passed the Victim Protection Act No.17 of 2014. However, the Charter, which is the subject to this Petition, is the one that champions the



rights of the victims. When someone is beaten up or is subjected to domestic violence and the Director of Public Prosecution (DPP) enters a plea bargain. This is because the suspect could be a husband and if he is jailed the children are left hanging. As a result of these considerations, someone walks out and the wife who was beaten does not get anything. It happens in many situations. I have illustrated arson, theft and many other situations that exist within the criminal justice system where people decide there is no need to prosecute and forgive. This is because the system is not assisting people to achieve what is restorative justice.

I pray that this report will be implemented to the letter. Kenyan people need to see the system working. We know that when the system works then people can have faith in the system.

We have seen that out yesterday's violent protests media report are showing that at least six people died. They died because someone somewhere wanted to call for changes in the Finance Act without using Constitutional means. Our colleagues in the Opposition have decided that they will operate outside the Constitution. They have decided that Kenya should not be a state. The way we agreed to be governed, so that we move out of the state of nature according to Thomas Hobbes, the English philosopher, which states that we need to agree as a state that we will operate within certain laws.

Some people do not want to be governed by institutional authority. As a result, people have died, houses have been torched, businesses have been lost and the fear inculcated in people has resulted to businesses not opening. There is criminal liability to this. The victims are the people of Kenya, many of whom cannot speak, because the system is not responding to them. They forgive and blame politics which is not the case.

I pray that the report will be taken seriously and implemented. It should go as far as insisting that those people who are culpable must pay back. The criminal justice system should value the house destroyed. For instance, an estimated value of Kshs300,000 for the house burnt; the cattle stolen was worth a certain amount. The criminal justice system should not only jail the culprits but restore the victims' damages. The criminal justice system must activate this Act.

If the Opposition leaders are held liable, what happens to them? The people of Kenya who have suffered losses from the recent *maandamano* must file the complaints with police officers and the leaders must be held liable. We were told the other day that public property which everybody else and I own was vandalized as a direct result of the *mandamano*. Who pays for this? Is it right that at the end of it, the public including myself are forced to pay the Kshs700 million that the Cabinet Secretary spoke about? This cannot be right.

I pray that the team implementing this report takes it seriously, because it has a huge implication for the justice system in this country. I support the report.

**The Speaker** (Hon. Kingi): Sen. Kisang', you have the Floor.

**Sen. Kisang'**: Thank you, Mr. Speaker, Sir. I rise to support the Petition by the health workers who are Supply Chain Assistants. When medical officers get compensated for special allowances, those who have not done any medical courses but work in health departments in the counties should also be compensated. This is because they do the same work.

Health workers work in shifts, for instance, three shifts in a day. These Supply Chain Management Assistants who support the health workers also work in shifts, in

difficult hours of the night. When the Committee on Labour and Social Welfare and the Committee on Health take up this matter they also need to call the Salaries and Remuneration Commission(SRC) so that when they come up with allowances for health workers, the Supply Chain Management Assistants are compensated like clinical officers, nurses, health record managers and morticians so that they get motivated. They would otherwise prefer to work from 8.00 a.m. to 5.00 p.m. in other departments instead of working at the Department of Health and they do not get remunerated like the others.

On the report by the Chairperson of the Committee on Justice, Legal Affairs and Human Rights, when we got independence in 1963, we expected all our communities to enjoy rights like everybody else. The Ogiek community, Sengwer and Cheranganys in Elgeyo Marakwet County have also suffered.

The Torobeek Community say that the Ogieks were compensated. They went up to the East African Court of Justice and they got compensated. However, the Torobeek Community have not been compensated. These are people who used to and still settle in forests. For instance, in Mau and Londiani forests, but it looks like the Government has forgotten them. The colonialists evicted them. No Government from the first in 1963 to the current fifth has taken care of them. It is very important that the National Land Commission (NLC) has reported that there is an active investigation. The Ministry of Interior and National Administration needs to accord them so that they can be recognised as one of the sub-tribes in Kenya and give them Identification Cards (IDs).

Mr. Speaker, Sir, we need to identify them as the marginalised so that they can benefit when jobs are being given to the marginalised communities. Otherwise, they can be lumped amongst the bigger tribes yet they may not even have anybody who is employed from their community. I do not know if the Chairperson of the Justice and Legal Affairs and Human Rights Committee identified that there is none who is employed.

*(Sen. Wakili Sigei spoke off record)*

He says there is none. So, it is unfair and unfortunate. I believe with this Report, the Chairperson of JLHRC and his team will vouch for its implementation so that this particular group of Kenyans benefits. Moreover, they need to enjoy their rights.

I beg to support.

**The Speaker** (Hon. Kingi): Proceed, Sen. Okenyuri.

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I want to support the Report by Sen. Wakili Sigei, especially on the issue of compensation. Any other Kenyan who comes to this House seeking for redress because the other mechanisms have failed, deserves our complete support.

This actually brings me to a statement I read recently regarding the recognition of some of the freedom fighters who contributed immensely to the acquisition of independence in this country. I was very shocked to read the other day from one journalist, Larry Madowo, indicating that a Kisii freedom fighter by the name Otenyo, when his head was cut off, it was taken to a London Museum. Such are not light issues.

Why should tourists be visiting London to see the head of someone who was slaughtered while fighting for independence in this country? Such people should be honoured in a great manner and their names be held highly in their counties of origin. As a country, we should recognise them.

It is not just Otenyo, I also mentioned one lady called Moraa Ng'iti who is among the fiercest ladies who actually inspired fighters at that time. She should be recognised and join our contemporaries like Mekatilili wa Menza. I know we have the issue of Koitalel Arap Samoei, Dedan Kimathi, and so many others.

When petitions come to this House, I will always support them. The descendants of these people who have been left behind deserve compensation and recognition from our Government.

I thank you.

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

**Sen. Orwoba:** Thank you, Mr. Speaker, Sir. I rise to support the Report that has been tabled on the Victim Protection Board. As a matter of statistics, the Victim Protection Board has been there for over 10 years. Based on the information available, it has actually been budgeted for over 10 years. However, because this particular Victim Protection Board is actually not autonomous, it depends on the goodwill of the Attorney-General's Office (AG's) and sometimes the political goodwill of whoever is in office. In addition, the operationalisation of the same has actually been stagnated.

Mr. Speaker, Sir, while we were looking at cases on gender-based violence and on issues such as child trafficking, sometimes people are in court for such a long period of time and the victims are actually supposed to find a safe space, to be able to see the whole process go through. However, the Victim Protection Board is not operationalised as it is not an independent organisation or semi-autonomous as it still relies on certain offices. They were unable to deal with victims and give them the support that is required.

In the ongoing demonstrations, nobody talks about women and girls that are out there. Every other time that we have demonstrations in the name of Mandamano, we have serious gender-based violence happening right now. We have women and girls being raped in the guise of demonstrations. In the past, the Victim Protection Board has actually tried to intervene in some of these scenarios. However, because of the lack of autonomy, as most of the time the budget was also being influenced by certain offices, they were unable to deal with these issues.

While talking about compensation for those who have lost during demonstrations, most people think about the businessmen and women who have lost their properties and businesses. Nobody wants to talk about the gender-based violence that is ongoing. How do you compensate a victim of rape? These are some of the things that when we are looking at operationalising this Victim Protection Board, there has to be some framework on how to deal with these matters.

I beg to support the report and I hope that the Committee on Justice, Legal Affairs and Human Rights led by Sen. Wakili Sigei will actually hasten this process because we need the board to be operationalised.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Veronica Maina!

**Sen. Veronica Maina:** Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this very important issue. I thank our Chairperson, Sen. Wakili Sigei, for bringing forth the two Reports, with respect to the Petition by Paulo Mosbei and 19 others concerning the historical injustices suffered by the Torobeek Community and the Report on the Petition by Nayan Savla concerning the delay in developing and launching a Victims Right Charter.

I must quickly note that I am a Member of this Committee. Let me commend my colleagues in the Committee on Justice, Legal Affairs and Human Rights for being very hard-working and diligent in hearing the petitions and coming forth with solutions and reports on how some of these issues, especially the issues that touch on historical injustices can be handled by the institutions of Parliament. This is an affirmation of democracy in our nation and an affirmation that constitutionalism can work towards alleviating any grievances that any community may have within our Republic. The fact that this Community had the confidence to approach the Senate, shows how important the institution of the Senate is, in terms of its oversight role in the country.

Mr. Speaker, Sir, though this is a humble Community, it should give a lesson to our opponents who are on the Minority side, that a humble community that may not have achieved the qualifications that we may find on the Minority side in this House have been wise enough to approach institutions that give solutions to the issues that have ailed them for many years and still trust that Kenya has institutions that can resolve those crises.

Unfortunately, this community has sensed discrimination and when we met this community as the Committee on Justice, Legal Affairs and Human Rights in Molo, it was sad to note that even when the relief food is being distributed, they were not recognised and neither were they given the relief food. Perhaps, the administration does not see them as a community within the communities that need to be supported in Kenya.

We urge the Attorney-General to do everything possible to ensure that recommendations that have been given by this Report do not become paper value, but these solutions are given back to the community and the recommendations are enforced.

I have also looked at the report by the Committee on Justice, Legal Affairs and Human Rights about the Victims' Rights Charter. One of the ways that we are going to help our nation is by making sure that the Victim Protection Fund; the trust fund is in place so that people who suffer in certain instances because of injustices and violations, can be adequately compensated.

Finally, the oppressors can now take responsibility for anything that they get to do against the people of Kenya, that amount to violations of any victim who suffers. For instance, in the mandamano which is happening today. It is high time individuals begin to take responsibility for the decisions and actions that they met out against the public; and the kind of suffering they cause to other people in pursuit of their own political interests.

I rise to support these two reports. Further, I commend the Committee on Justice, Legal Affairs and Human Rights and its Chairperson for being diligent in executing their mandate.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, Sen. Gataya Mo Fire.

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to these two petitions, brought by the Chairperson of the Committee on Justice, Legal Affairs and Human Rights.

I will start with the first Petition on discrimination of procurement and Supply Chain Management officers in the Ministry of Health. It is very unfair for people working in the same environment and office, doing quite a number of related duties, to have this kind of segregation. I do not know who formulates these policies. The Salaries and Remuneration Commission (SRC) has been on quite a number of issues. I do not know why they overlooked this kind of discrimination. We cannot have a section of civil

servants earning emoluments while others are being sidelined. It is high time we pronounced ourselves through the relevant Committee. The Committee on Labour and Social Welfare or the Committee on Health should ensure that this matter is brought to conclusion.

The other issue is to do with the Bill of Rights. We have seen this country being held at ransom quite a number of times. People wake up one day without any due regard to the law, take the law into their own hands and destroy property. Women are raped and people, including children, get killed all over, but nobody takes responsibility for those actions.

It is high time this House pronounced itself very strongly on this matter because we cannot have a system of hooliganism in the name of demonstrations. Demonstration is enshrined in the Constitution. However, what we are currently seeing is not demonstration. It is thuggery and hooliganism, which should be countered in the strongest terms possible.

The other issue is on compensation for people who have been neglected for quite some time. It is shameful that we are still talking about compensation 60 years after Independence. This is the best time since we have a very sober Government. There are quite a number of issues that cut across the country. It is not necessarily what Sen. Wakili Sigei has brought. We have many other institutions, tribes and individuals in various regions who fought for this country. It is high time we handled this conclusively, so that we do not have these things being repeatedly brought to this House.

I support, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.238(1), the Petition by the Supply Chain Management Assistants is hereby committed to the Standing Committee on Labour and Social Welfare.

In terms of Standing Order No.238(2), the Committee is required in not more than 60 calendar days from the time of reading this Prayer, to respond to the Petitioners by way of a report addressed to the Petitioners and laid on the Table of the Senate.

*(The Petition by Supply Chain Management Assistants was committed to the Standing Committee on Labour and Social Welfare)*

Next Order, Clerk.

## PAPERS LAID

**The Speaker** (Hon. Kingi): Proceed, Sen. (Dr.) Lelegwe Ltumbesi.

### REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today 20<sup>th</sup> July, 2023-

Report of the Auditor-General on the financial statements of the Nyeri Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statements of Mumias Municipality for 22 months' period ending 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statements of the Thika Municipality for the year ended 30<sup>th</sup> June, 2022.

*(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)*

**The Speaker** (Hon. Kingi): Next order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker** (Hon. Kingi): These are Statements pursuant to Standing Order No.53(1).

Proceed, Sen. Kibwana.

#### ALLEGED MEDICAL NEGLIGENCE AT KIAMBU COUNTY REFERRAL HOSPITAL

#### STATUS OF MEDICAL CARE AT MATHARI MENTAL HOSPITAL

She had two Statements. Those Statements are dropped.

*(Statements dropped)*

**The Speaker** (Hon. Kingi): Proceed, Sen. Okenyuri.

#### BOUNDARY DELIMITATION BETWEEN KENYA AND UGANDA IN LAKE VICTORIA

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on boundary delimitation of the area surrounding Migingo Island in Lake Victoria. In the Statement, the Committee should-

(1) Provide a report on the boundary delimitation of the area surrounding Migingo Island, clarifying the coordinates for the territory of Kenya in Lake Victoria;

(2) State the number of Kenyan fishermen whose economic livelihoods have been jeopardized by the Ugandan authorities in Lake Victoria through confiscation of the fishing gear and illegal arrests, indicating the total number of fishermen killed in the last 10 years on claims of illegal fishing in Ugandan waters;

(3) State interventions made by both Kenya and Uganda so far to address the long-running boundary dispute between Kenya and Uganda in Lake Victoria and the outcome of the same; and

(4) Outline targeted interventions, if any, towards the effective and lasting resolution of the boundary dispute that has led to deaths of many Kenyans, including two fishermen who were killed by Ugandan police in the first week of July, 2023.

Thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Cherarkey.

ALLEGED BREACH OF CUSTOMER DATA  
AT NAIVAS SUPERMARKET

**Sen. Cherarkey:** Mr. Speaker, Sir, I kindly request for that Statement to be deferred to Tuesday at 2.30 p.m.

Thank you.

*(Statement deferred)*

**The Speaker** (Hon. Kingi): Proceed, Sen. Nyamu.

STATUS OF ACCESS TO GOVERNMENT PROCUREMENT  
OPPORTUNITIES PROGRAMME

**Sen. Nyamu:** Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget, regarding the Access to Government Procurement Opportunities (AGPO) Programme which requires that at least 30 per cent of Government procurement be reserved for enterprises owned by the youth, women and Persons living with Disabilities (PWDs) in compliance with Article 227(2)(b) of the Constitution. In the Statement, the Committee should-

(1) State the number of youths, women and PwDs currently registered on the AGPO Programme, providing details of the number of AGPO registered enterprises that have successfully tendered for government-related contracts.

(2) Outline measures, if any, put in place by the Government to protect the youth, women and PwDs from unscrupulous businessmen who use them to illegally access opportunities meant for affirmative action without any benefit to the special groups as the intended/target population.

(3) Explain the plans by the Government, if any, to sensitize members of the public, especially the youth, women and PwDs on the existence of and benefits available to them under the AGPO Programme.

(4) Apprise the Senate on the status of compliance by the 47 counties and national Government with the provisions of the law with regards to the 30 per cent procurement policy, in line with Clause 7(2)(j) and 33(2)(f) of the Public Procurement Asset Disposal Act, 2015.

**The Speaker** (Hon. Kingi): Hon. Senators, we will now have the Statement Pursuant to Standing Order No.57(1).

Proceed, Senate Majority Leader.

*(Sen. Cherarkey spoke off record)*

What is your intervention, Sen. Cherarkey?

**Sen. Cherarkey:** Mr. Speaker, Sir, using Standing Order No.1, I request that you allow us to say something on the two Statements because they are critical. With your indulgence, can I go first?

**The Speaker** (Hon. Kingi): I do not think your request is properly made. Standing Order No.1 only applies where it is not expressly stated in any other Standing Order.

If you read Standing Order No.53(1) where these statements are made, it provides that the Speaker may allow interventions for 15 minutes per Statement, which provision I have declined, so that we cover more ground on Bills and Motions.

Anyway, I will allow two interventions by Sen. Cherarkey and Sen. Kinyua. I can see more on the queue. We will also have Sen. Munyi Mundigi. Only those three then we move to the Statement pursuant to Standing Order No.57.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir, for that indulgence. Just to comment on the two Statements by Sen. Okenyuri about the border issues. We have the County Boundaries Bill, which I do not know how far it has gone. I think it will assist in resolving some of those issues.

The governments of Kenya and Uganda enjoy a cordial working relationship. Perhaps the diplomatic corps, the Ministry of Foreign and Diaspora Affairs and the Ministry of Lands, Housing and Urban Development should take a lead because we do not want to lose any part of this country; not even an inch. Therefore, we must protect our territories.

We have had issues with Migingo Island. There were allegations that the Ugandan Police used to go there to collect taxes. Those are issues we can deal with diplomatically.

Finally, regarding the Access to Government Procurement Opportunities (AGPO), I agree with Sen. Nyamu that many young people do not have startup capital. Therefore, you will find individuals who are 75 years benefiting from AGPO using young people. That is why we always face challenges when we want to empower them.

The biggest culprits are county governments because they award tenders to tenderpreneurs. Those are people beyond 35 years. Young people are relegated only to being hired during political rallies and for other issues that do not assist them.

Mr. Speaker, Sir, I expected Sen. Nyamu to include in that Statement---

*(Sen. Cherarkey's microphone was switched off)*

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

**Sen. Kinyua:** Bw. Spika, naunga mkono Taarifa iliyoletwa na Sen. Nyamu. Katiba yetu inasema kuwa vijana, akina mama na watu wanaoishi na ulemavu wanafaa kupewa fursa ya kufanya biashara na serikali zetu.

Kuna baadhi za kaunti zinazowapa makundi niliyotaja fursa ya kufanya biashara. La muhimu sio tu kupewa fursa ya kufanya biashara. Hata wanapopewa fursa ya kufanya biashara, utapata kuwa hawalipwi. Wanafaa kusaidiwa baada ya kuchukua mikopo kwenye benki. Hiyo haifanyiki tu katika kaunti zetu bali pia katika Serikali ya kitaifa.

Kamati itakayoshughulikia Taarifa hii inafaa kuangazia zaidi mambo hayo. Vijana, watu wanaoishi na ulemavu na akina mama wanafaa kulipwa baada ya kupewa



fursa ya kufanya biashara. La manufaa zaidi sio tu kufanya biashara bali kulipwa ili angalau wapate afueni katika hali yao ya maisha.

**The Speaker** (Hon. Kingi): Proceed, Sen. Munyi Mundigi.

**Sen. Munyi Mundigi:** Bw. Spika, naunga mkono Taarifa hii. Mambo ya AGPO yanafaa kuangaliwa vizuri kwa sababu kwa miaka mingi, vijana, akina mama na watu wanaoishi na ulemavu wamekuwa wakinyanyaswa. Utapata matajiri wengi wanasajili kampuni kutumia majina ya vijana, akina mama na watu wanaoishi na ulemavu.

Uchunguzi unafaa kufanywa kujua wamiliki halisi wa kampuni ili kuhakikisha kuwa vijana, akina mama na watu wanaoishi na ulemavu wanapewa fursa ya kufanya biashara na serikali zetu. Magavana na viongozi wengine serikalini wamekuwa wakifaidika kutumia majina ya watu wengine. Kuna wakati nilikuwa napewa kandarasi---

Watoto wetu wanapoanzisha kampuni baada ya kumaliza shule, inakuwa shida kulipwa. Kwa hivyo, uchunguzi unafaa kufanywa kwa magavana na mafiasa wengine wakuu serikalini. Kama wanataka kusaidia vijana wetu, basi wawe wakiwalipa ili wafanye kazi inayofaa.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Sen. Thangw'a, you may have the Floor.

**Sen. Thangw'a:** Mr. Speaker, Sir, I rise to support both Statements sought by the Senators.

On the issue of Migingo Island, this is something I have heard about for quite a long time. The people of Migingo Island have been suffering. Actually, if there is any place that needs mandamano right now, it is that area to fight for their rights. They have been harassed by the police from the neighbouring country for quite a long duration, but no one seems to be talking about it, even the leaders from that area.

We had an opportunity to solve this issue during the "Handshake Government", when both the President then and the Opposition Leader were in good terms. They could have solved the issue of Migingo Island, so that those Kenyans can wake up every morning and go about their businesses without being afraid that somebody is going to harass, kill, detain illegally or bar them from doing their daily activities.

Mr. Speaker, Sir, that Island is where fisherman land after doing their businesses. I urge the Committee that will deal with this issue to dig deeper and establish why those people have been let to suffer like that.

On the other Statement on the issue of AGPO---

*(Sen. Thangw'a's microphone was switched off)*

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

**Sen. Mandago:** Mr. Speaker, Sir, I will pick from where the Senator for Kiambu left regarding the AGPO.

There has been a deliberate effort in this country. We loud the Government of Kenya, county governments, agencies, and particularly Parliament for passing the Bill to allow the youth, women and PwDs to participate in Government business.

When it comes to young people, PwDs and women, because of lack of capital and resources to do business, these categories have ceded the privilege and preservation of some procurements by incorporating other members as their partners in business and, therefore, losing the benefits that would be accruing to them.

As a House, it is time we thought about amending that Section of the law on procurement, so that part of the requirements for evaluation such as bank statements, experience and many others are removed.

Mr. Speaker, Sir, one does not need any experience to go to the technological world. Innovations by young programmers today can provide a system worth billions of Kenya shillings without necessarily requiring experience.

I beg to support and ask that the Committee that will look into this also looks into the possibility of amending the Act so that all these other unnecessary requirements are removed, so that the companies owned by the youth, women and PwDs remain for these same groups.

Mr. Speaker, Sir, on the matter of Migingo, security and Kenyan boundaries with our neighbours, the Committee must take the matter seriously---

*(Sen. Mandago's microphone was switched off)*

**The Speaker** (Hon. Kingi): Hon. Senators, we have expended the 15 minutes allowable under Standing Order No.53(3). We therefore move to Statements pursuant to Standing Order No. 57(1). The Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 25<sup>TH</sup> JULY 2023

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, pursuant to Standing Order No. 57(1), I hereby present the business of the Senate for the week commencing Tuesday, 25<sup>th</sup> July, 2023.

Before I proceed, I take this opportunity to welcome you back from the two-week recess. I hope that you were able to meet with your constituents, friends and families and that you took time off to rest and recharge.

Part IV of the Senate Calendar commenced on Tuesday, 18<sup>th</sup> July, 2023 and will run until the rise of the Senate on Thursday, 10<sup>th</sup> August, 2023.

This Part begins with crucial business before the Senate. As hon. Senators will recall, the County Governments Equitable Share Cash Disbursement Schedule for the Financial Year 2023/2024 was tabled before the Senate during the sitting of the Senate held on Tuesday, 18<sup>th</sup> July, 2023.

It is under consideration by the Standing Committee on Finance and Budget. Consequently, the Committee will table its report on the same for consideration and adoption by the Senate.

This will be a great stride to unlock the release of funds to county governments. I therefore urge the Standing Committee to expedite consideration of the Schedule and table the report thereon.

Twenty-three Motions are pending conclusion before the Senate while 14 Petitions are due for reporting by respective committees. I take this opportunity to commend the chairpersons who have tabled the reports on the respective Petitions committed to their committees and urge the remaining Standing Committees to do the same.

Additionally, 170 Statements are pending conclusion by Standing Committees. I urge the responsible committees to expeditiously consider the Petitions and Statements before them and table reports pursuant to Standing Orders.

At the meeting of the Senate Business Committee (SBC) held on 18<sup>th</sup> July, 2023, the Committee approved the set of Questions to appear in the Order Paper for Wednesday, 26<sup>th</sup> July, 2023, Morning Sitting. The summary of the Questions and the Cabinet Secretaries to appear on that day are as follows-

(i) Question No.18 by Sen. James Lomenen, MP, to the Cabinet Secretary for Foreign and Diaspora Affairs on the inaction of the Kenyan Government to hasten the release of the Turkana pastoralists arrested in Uganda;

(ii) Question No. 19 by Sen. George Mbugua, MP, to the Cabinet Secretary for Health on accessibility of health facilities and services to PWDs; and,

(iii) Question No.20 by Sen. George Mbugua, MP, to the Cabinet Secretary for Labour and Social Protection on the compliance with the Persons with Disabilities Act with regard to the preservation of employment to PwDs.

Mr. Speaker, Sir, finally, on Tuesday, 25<sup>th</sup> July, 2023, the SBC will consider and approve the business for the week. The Committee will also schedule any other business pursuant to the Standing Orders.

I thank you and I hereby lay the Statement on the Table of the Senate.

*(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

## **BILLS**

### *First Reading*

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)

*(Order for First Reading read – Read  
the First Time and ordered to be referred to the relevant  
Senate Committee)*

### *First Reading*

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL  
(NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)

*(Order for First Reading read – Read  
the First Time and ordered to  
be referred to the relevant  
Senate Committee)*

**The Speaker** (Hon. Kingi): Next Order.

*Second Reading*THE PERSONS WITH DISABILITIES BILL  
(SENATE BILLS NO. 7 OF 2023)*(Sen. Crystal Asige on 17.6.2023)**(Resumption of debate interrupted on 18.7.2023)*

**The Speaker** (Hon. Kingi): At the interruption of debate, Sen. Joe Nyutu was on his feet and he had 16 minutes' balance. He is not in the Chamber and, therefore, we will proceed to allow other Senators make their contribution.

Proceed, Sen. (Prof.) Kamar.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir, for the opportunity to support the Bill that was brought forward by Sen. Crystal Asige. This is an important Bill as far as the Constitution of Kenya is concerned.

The Persons with Disabilities Bill is unpacking Article 54 of the Constitution of Kenya, 2010. I support this Bill because it is very important as far as our Bills of Rights are concerned and the rights of every Kenyan. This Bill is looking at the rights of people with disabilities with a view to realizing the Articles in the Constitution, both in the Bill of Rights and Article 54, which touches on PwDs in particular.

We know that in our country PwDs have suffered at the family front, in the education sector and not being supported by the Government. The sad part is that they are not taken care of very much at the family level, firstly because of cultural beliefs that were there from time immemorial.

Therefore, because of cultural beliefs, these people were left on their own and sometimes, only left at the mercy of their mothers because a mother cannot throw away a child no matter how the child was born.

Mr. Speaker, Sir, the other thing is that this is a Kenyan who does not have to be taken care of by a mother. This is somebody who must be taken care of by the country, hence the good provisions articulated in our Constitution.

A disabled person has the right to be treated with dignity, respect and to be addressed properly by everybody. However, it had to take the revision of the Constitution for the Bill of Rights to highlight this. I am very grateful that Sen. Crystal Asige found it necessary to start this as her first Bill since she came to this Senate.

Mr. Speaker, Sir, it is very important to note that as was discussed previously, the Constitution recognizes Persons with Disabilities (PwDs) in terms of facilitating them to enjoy the rights of the quarter in tenders and supplies in this country. However, we need to ask ourselves, as a Senate, how much of that is being implemented. I believe that once this Bill is out, we need to come out with a system of stock-taking. How many counties are considering PwDs as far as supplies and tenders are concerned? These are things that we need to question as a Senate.

Mr. Speaker, Sir, the other one that is even more concerning is the issue raised in Article 54(2) of the Constitution that the State must ensure there is a progressive implementation. 'Progressive' may have been our downfall. This is because it was a progressive implementation of the principle that, at least, five per cent of members of the

public in elective and appointive positions be PwDs. However, many people have used 'progressive' to look like where you have employed 100 people, and the right of the PwDs is five per cent, you are progressive if you employ one.

It is very sad that people are bold to say that they will consider adding another next year as if it is not their right. The reason the five per cent was put there is because it was our hope that PwDs will not exceed five per cent of the Constitution. It was not because of sympathy, but the fact that we need to provide for that.

Since it was provided for, it is extremely important that the employment of five per cent PwDs in every Government department starts with the Government. If the Government does not implement the Constitution, who else will? We cannot talk of the private sector before the Government. When we talk of five per cent, this 'progressive' word should be removed, so that we are able to implement and get the people we have.

Education has been a very big challenge for PwDs. First, is the issue of access. For example, how to access a classroom in a primary school for a physically disabled pupil. You will find that they are not even enabled to access the classroom itself. Although there was an amendment in the Education Act that all schools must have ramps to allow accessibility, we still have schools that only have access to one or two classrooms and you cannot access everything else. You cannot expect PwDs to remain in two classrooms. They must progress to the other children. Our buildings should not be approved if they do not enable everybody access.

Mr. Speaker, Sir, the rights of PwDs are, therefore, affected on several levels. They are hampered as far as education is concerned. So, they do not get education at the right time. We know that disability takes you back a few steps, but we must facilitate to ensure that everybody, according to the Constitution, is taken care of, that equality is ensured. I thank our sister for emphasizing in this in the Bill that equality is a right. We need to address all Kenyans equally, whatever their disability.

Some of the things that are happening in the education sector are extremely surprising. We have children that need braille, but how many teachers in the primary school have been trained on how to use braille? There is nothing wrong with a child who wants to use braille. They are otherwise very healthy. It is just that they cannot see and need to use braille. Do we need to have exclusive schools with braille yet they can hear, talk and even translate?

Recently, we went to special schools in Uasin-Gishu as the Committee on Education. One is a special school that hosts children with albinism. It is a school I am very proud to be associated with from inception. This is because of the outcry that people were looking for organs of children with disabilities out of cultural ignorance or whatever it is.

When we went to this school with the Committee on Education, we were very surprised to find a teacher who is a visually impaired person, like our sister would say, teaching children in a normal classroom.

If Sen. Nyutu was here, I am sure he would mention this in his own speech because he was in shock. We had five minutes, but we sat there for 20 minutes to see how the teacher was teaching these students. He was teaching students in a normal classroom. Surprisingly, he was even able to write on the blackboard. He was teaching mathematics and writing things on the blackboard in a straight line without any interference. Practice makes perfect. I believe God gives these people extra sense.

We were very happy with that school because they were posted a teacher who was visually impaired and they decided to bring braille. Believe me or not, the other children are requesting to learn braille just for fun. This is where we should be going.

Mr. Speaker, Sir, international law requires that PwDs should be integrated as much as possible. We are going to bring another Bill on sign language. It might interest my sister Sen. Crystal Asige to be part of that Bill. It is a very dear one to me.

I have also been participating in a school for the deaf in Uasin-Gishu, which is another school we visited with the Committee on Education. In the Sign Language Bill, we are also saying that these children should be integrated. This is because except for the fact that they do not hear, they can do anything with anybody, but need to sign because that is their language.

For that reason, we are going to be proposing to the Senate that sign language should be one of our languages. According to the Constitution, it is one of the languages anyway. We have English, Kiswahili and Sign Language. So, why should all children not learn Sign Language?

Mr. Speaker, Sir, once upon a time you and I were in the Cabinet. During that time, I went to a Science and Technology Conference in Japan. I learned something amazing that in Japan, they believe a child can learn anything between five and seven years. Between that age, they impact anything they want a child to learn. If our children are taught Sign Language while in primary school from Class one, two, three, all our children in this country will sign. This is very important for integration purposes. It is very important so that when we say we want to integrate the children, then anybody can sign.

I will come back to the story of the trainer. Sign language for every child is a very important and progressive step as far as our education is concerned. It is going to be very progressive because now that we are going to a Competency Based Curriculum (CBC), we want many things to be practical. We need to make sure that everybody can sign.

When we had public participation on the Sign Language Bill (Senate Bills No.9 of 2023), I was amazed by a mother who after discovering that her child was deaf, decided that the whole house was going to be trained on signage. She came to us during public participation and said, 'Please, teach the parents how to sign.' This is because, a child goes to school, learns sign language, comes home and there is a creation of another language in the house because the mothers do not know how to communicate. They have been communicating with their children the way they wish. That parent said that there is a lot of confusion if parents do not know signage. She said that the child was trying to train them on how to sign and they were at a loss because they did not know what he was telling them. That parent changed the sign from the rudimentary way of communicating with the parents to what the teacher said. Go home and sign for your parents so that they learn.

Better still, we should have a programme for parents with those kinds of challenges to be trained. It is very important that if this is going to be a language we can communicate with these children from when they are young--- I am emphasizing this because it is then that they can acquire their own education, grow like other Kenyans and we can talk of equality that this Bill is talking about. Equality has to start from the beginning. We have to provide equal opportunities for them from the very beginning so that they change.

The other equality that we saw when we visited the school for the mentally challenged, we realized that there are children who have come to the institution when they did not know a lot of things. What happens? Within one year, they start talking and moving around and over time, they change and those disabilities fade. There is a saying, that if you use your right hand, it will work. We must address this issue of disability in the same way. There are people who have very mild disabilities but because they are not being helped, the disabilities do not fade. They will now start fading.

Finally, the trainers including our primary school and Early Childhood Development Education (ECDE) Teachers must be trained accordingly to take care of the young people with disabilities. We must have teachers trained in braille when they are at the teachers training institutions because integration is something that we will never avoid. If a parent has a child in Mandera where there is no other school, that child must go to school. It will be nice if the teachers know how to sign and use braille so that they can take care of those children.

Mr. Speaker, Sir, apart from the training, we need to start providing for those children. As we are all aware, a parent with a child who is disabled spends 50 per cent of the time with that one child and the rest 50 per cent of the time with the rest of the family. Those parents and caregivers must be taken care of. I hope that this Bill will put emphasis on caregivers because they are very special Kenyans and people who must be supported.

We know that there is money that is given to a disabled child. We need to be careful and ensure that the support is reaching the child. Apart from the support of the child, we also need separate support for the caregiver. Otherwise, the caregivers or the parents will use the Kshs2000 that belongs to the child to take care of themselves and the other children and forget the disabled children. We need to have systems that will ensure people with disabilities are taken care of from when they are born.

That way, we will reduce the negative impact on the family as far as costs of health are concerned and everything. Free health and education must be assured. In this Bill, I believe that we are talking about free education for those who are under education. We discussed in the other Bill that learners with disabilities need free education from early childhood to university. These are people who must be taken care of by the Government and not the parents.

With those remarks, I support the Bill and congratulate Sen. Crystal Asige for giving us a wonderful write-up on this Bill.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, Sen. Okiya Omtatah.

**Sen. Okiya Omtatah:** Thank you, Mr. Speaker, Sir, for the opportunity to address this House on this important Bill.

To begin with, I congratulate Sen. Crystal Asige for having the presence of mind to bring about this Bill which seeks to repeal the existing Act which was enacted before the Constitution of Kenya 2010. The existing Act does not comply with the Constitution. This Bill is an opportunity to bring to life the very progressive provisions of the Constitution of Kenya 2010 in terms of the human rights of People with Disabilities (PwDs).

I am happy that they retained the word PwDs because there has been an attempt to distort this issue in name to begin to refer to them as People Living with Disabilities (PLwDs). No! A person living with a disability is what I had the other day when I

sprained my leg, and I was put in a cast. I was temporarily disabled. I was living with a disability. However, if you have got a permanent disability, you are not living with a disability. You are a disabled person.

For a person with a disability, the disability brings in the challenges that these people face. Given the fact that this is a third world country, which is a poor country, you will find that people with disability; people who suffer certain physical disabilities tend to be the poorest of the poor in the society. That calls for lack of a better word, what I would refer to as a martial plan or an affirmative action programme focused on people with various types of disability. That way, they become the responsibility of the State over and above the responsibility of their parents and communities. They should have incentives or the State should step forward to accommodate them and provide them with some cushioning that will allow them to function in a normal way like the way people who do not have those challenges function.

Sen. Crystal Asige is a perfect example of a person who has overcome the physical challenge that she faces to operate at par with all of us. If there was any doubt that a person with physical challenges can perform, you do not look further than Sen. Crystal Asige. She is always elegantly dressed, punctual, and articulate in her presentations. However, she was maybe able to achieve that because her parents had the means and capacity to make her what she was meant to be. Imagine if Sen. Crystal Asige had been born into a family that was materially challenged? Maybe she would be sitting with a begging ball at a corner of a certain street.

So, it is upon the State as the bearer of human rights to come up with an affirmative action plan that will secure people who have these challenges. When the Bill goes further, I would like to see that come out clearly and emphatically.

I have looked at Clause 8 of the Bill and I am happy that it upholds traditional family values. It maintains the right to marry a person of the opposite sex and form a family based on free consent and other rights.

In the modern world where there are a lot of distortions, I am happy that Sen. Crystal Asige has had the presence of mind to pronounce in no uncertain terms, the binary nature of human sexuality. I congratulate her for that because there is a lot of pressure to distort these things.

Another thing that I would like to see come out in the Bill is, people with disability through the use of certain names are euthanised, dehumanised, and ostracised. The Swahili Language has got some of the worst names for people with disability.

I would love to see in this Bill an attempt to make those words politically incorrect and maybe new nomenclature to emerge that defines and respects the humanity of the person.

It is very painful for somebody, a human being, just because of a physical challenge to be referred to in a manner that dehumanizes and objectifies them. So, when this Bill goes further and is reviewed, I would like to see it address the question of the use of names that dehumanise, euthanise, and ostracise persons living with certain disabilities.

I would also love to see severe sanctions against people who, because they do not have any challenges, would abuse people with disabilities and would deny people with disabilities their rights. I have seen the rights of these people well pronounced but I would like to see the sanctions enhanced to where these rights are violated so that there is



deterrence; something that will deter the do-no-gooders of this world from going on expeditions of frustrating people with disability or of denying them their rights.

So, this particular Bill comes at an opportune time when we have narratives in this country that are geared towards emancipating our people, be it from economic or any other bondage. So, within the same narrative of emancipation, which I hear in Government, opposition, and in Civil Society circles, this Bill is a good installment in that debate that there is a group of Kenyan citizens or residents of this country who require and deserve special attention. That attention can only be presented using the wherewithal that only the State can marshal. Left to private families, parents and communities, these people will drop through the cracks and maybe those who are enabled and gifted as Sen. Crystal Asige, will fall through the cracks and will never be noticed.

So, it is upon the State to go the extra mile and say that where nature has visited a disability on a citizen or a resident of Kenya, the State will step in to make sure that the challenge is mitigated through certain measures.

I congratulate Sen. Crystal Asige for this very brilliant Bill. I look forward to seeing it enacted into a law that will move us forward. I hope it will lead to the implementation of the Constitution of Kenya, which has faced a lot of challenges in its implementation, sometimes because of the negligence of those who are supposed to implement it; sometimes because of the incompetence of those who are supposed to implement it and sometimes because of outright sabotage by those who are supposed to implement it.

Our Constitution is a very good document. It covers very many sectors and it is by coming up to implement chapter by chapter, inch by inch, that we shall have this Constitution being the foundation of our national creed, that “justice be our shield and defender.”

So, this Bill is well-deserved; this Bill is well written; this Bill is timely and this Bill is a necessary installment in the laws of Kenya. I pray that it will pass and become an Act of Parliament but with the various amendments here and there to tighten it, to ensure that it is comprehensive to ensure that it leaves nobody behind; to ensure that the State is held accountable for every individual person with a disability. This will ensure that every person with disability is taken care of, not as a statistical number but as an individual.

Sometimes, we might go into statistics and may begin using percentages and say that this percentage of people with disability have been catered for. That, to me, will not be acceptable. The Bill must ensure that each individual person with disability is taken care of and nobody falls through the cracks.

With those few remarks, I support the Bill and I thank you most profusely for the opportunity to address this august House.

I thank you.

**The Speaker** (Hon Kingi): Hon. Senators, there being no other Senator wishing to contribute to this debate, I will call upon the Mover to reply.

Sen. Crystal Asige, you may proceed.

**Sen. Crystal Asige:** Thank you, Mr. Speaker, Sir. I am just opening my notes.

**The Speaker** (Hon. Kingi): Okay, and Senator, you have half-an-hour to reply.

**Sen. Crystal Asige:** Mr. Speaker, Sir. I would like to thank the House; the Senators who have supported my Bill for doing so.

The Persons with Disabilities Act of 2003 was expedited and assented to, as a result of the personal experience of the late His Excellency President Mwai Kibaki back in the early 2000s, only after he acquired his own disability.

Mr. Speaker, Sir, it is public knowledge that once the former President, the late Kibaki, understood how it feels to have a disability – to experience, live and breathe the limitations of having a disability – is when these issues were taken into account, prioritised and became law in 2003.

We pray that the adoption of this Bill is never again dependent of somebody else in the Executive but rather expedited because a significant proportion of our country needs these provisions that are outlined in this Bill. It is meant to serve all Kenyans and address the needs of individuals with disabilities across this nation.

I had a conversation with a few people since moving this Bill on Tuesday. I found some recent numbers that I would like to share. For example, when a PWD is in school as spoken about by Sen. (Prof.) Kamar, it costs around Kshs152,000 to get a braille reader in school to help a visually impaired child to learn. It takes about Kshs20 to get a child without visually disability to read a book.

To have an accessible washroom, you have to cough out around Kshs189,000 to build an accessible washroom with all the gadgets needed to accommodate any kind of disability. When you go to any other shop for a normal loo, it costs about Kshs2,000 or Kshs3,000 in comparison. However, we all need to use the washroom.

Mr. Speaker, Sir, when a person needs to buy a new pair of shoes for them to be mobile, it will cost anything from as low as Kshs100. For a wheelchair user who also needs to be mobile, it will cost them over Kshs30,000. However, we all need to be mobile and move around independently as we wish.

Mr. Speaker, Sir, the paper that we use in this House for you and I will cost maybe Kshs2 to Kshs5 to print.

*[The Speaker (Hon. Kingi) off the Chair]*

*[The Temporary Speaker (Sen. Veronica Maina) in the Chair]*

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senator, I am now on the Chair.

**Sen. Crystal Asige:** Thank you, Madam Temporary Speaker. As I was saying to print a piece of paper, it costs about Kshs2 to Kshs5. However, for a braille reader to get braille paper costs about Kshs2,000. However, all of us need to read and write.

I talked of innovations in this House that have been put into the market because of solutions for PwDs. One of those innovations is the keyboard. The keyboard was created as a solution for visually impaired persons to be able to write and go about their learning. There are many other innovations like this that have come as a solution to the problems that PwDs face.

Madam Temporary Speaker, this Bill also offers solutions to PwDs in this country. Unfortunately, the 2003 Act is not in line with the Constitution we adhere to today. It should never have to be incumbent on somebody experiencing a disability to understand that it is important for those provisions to be made and frameworks to be put in place to support PwDs in this country. That is all this Bill is trying to do.

Technologies and designs have moved forward since 2003. Universal access has moved mountains, lips and bounds since 2003. Unfortunately, that Act does not mirror what we, PwDs, need today. As this Bill, hopefully, moves past its Second Reading and Third Reading and over to the National Assembly, it will continue to be known and appreciated that PwDs right now do not have any legal framework that is in line with the Constitution for them to fall back on. Right now, we have no security as it stands.

Madam Temporary Speaker, all that this Bill requests is to give PwDs security in the country we live in and call home. Access, freedoms and rights should not only be provided for non-disabled person but for PwDs in the country. I thank the Senators who have been kind enough to support the Bill and those who - as I was drafting it - gave their ideas and contributions and will continue to do so. I now beg to reply.

Madam Temporary Speaker, I request your indulgence pursuant to Standing Order No.63(3) to defer the vote on this Bill. Thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Hon. Senator. We will defer the division and putting of the question due to numbers. This will happen next week on Tuesday at 2.30 p.m.

*(Putting of the Question on the Bill deferred)*

We will also reorganize the Order Paper. Clerk, kindly call the next Order.

*(The Clerk-at-the-table approached the Chair)*

Next is Order No.15

### *Second Reading*

#### THE KONZA TECHNOPSIS BILL (SENATE BILL NO.2 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Hon. Sen. Orwoba.

**Sen. Orwoba:** Madam Temporary Speaker, I rise to propose that the Konza Technopolis Bill (Senate Bill No.2 of 2023) be read a Second Time.

As we are all probably aware, the Konza Technopolis right now actually operates and exists based on a flagship project under a *Gazette* Notice and a regulation that has expired.

This Bill stands to give a legal framework for Konza Technopolis to address certain issues that have given Konza the slow movement in terms of investors and picking up. The Bill proposes to establish the Konza Technopolis and Konza Authority. This is a legal framework that is going to guide the operations of Konza Technopolis. It is going to ensure that certain things which are not in place are put in place based on our Constitution.

The Bill will also ensure we give investors the confidence they need in terms of pumping in more money to Konza City. Most of the investors that have expressed interest in pumping in money have certain fears. One of them is that we have regulations that lapse. This means that when you are putting in money, you have to consider that the

Return on Investment (ROI) which is actually pegged within the timeframe of the regulations.

Madam Temporary Speaker, the Bill will address this by ensuring we have a semi-autonomous authority, which will have a legal framework that can operate as an entity, sign contracts, purchase land and sue or be sued. This will give investors confidence that they are dealing with a legal entity that can be held accountable.

The Konza Technopolis Bill also seeks to create a Board. The Board will consist of a Chairperson recruited by the Public Service Commission (PSC) and appointed by the President; Principal Secretaries (PSs) of Information, Communications and Digital Economy, Finance, and Trade, Investment and Industry, as well as two members proposed by the Council of Governors (CoG). We will also have one member appointed by the Cabinet Secretary for Information, Communications and Digital Economy.

The Chief Executive Officer (CEO) will be an *ex-officio* member of the Board. The board will play oversight in the operations of the Konza Technopolis and make certain decisions and be held accountable.

You will realise that based on certain policies and regulations that we have right now, we are unable to push for more investors to come to Konza Technopolis. One of the issues that need to be addressed in order for this Bill to make sense is that most of data produced by Kenyans is stored abroad. We are trying to push to have a data centre industry here in Kenya.

One of the issues I hope will be addressed by the Data Protection Bill that I have also sponsored is that we will have local storage for all our data in Kenya. Therefore, we will have investors wanting to take up leases under Konza Technopolis, so that they feed the market using data stored locally.

This Bill that I am proposing also seeks to give a framework to give incentives to investors. If you look at Part IV of the Bill, we will have incentives for investment in the Technopolis. Clause 38 states as follows:

“(1) The Authority shall develop and publish in the Gazette the criteria for identifying persons to carry on the business of investors in the Technopolis.

(2) The Authority shall, in formulating the criteria under subsection (1), specify —

- (a) the categories of industries for investment;
- (b) the minimum amount of resources to be invested;
- (c) the minimum number of local staff to be employed; and
- (d) the percentage of local content to be applied to the various categories of local goods, service and human resources by foreign investors.”

Madam Temporary Speaker, we are trying to push for job creation under Konza Technopolis. We need enough investors to come on board and take up leases, put up data centres and Business Process Outsourcing (BPO) or engage Kenyans in businesses that will create jobs.

Some investors wanted to come in a big way, including the Fortune 500 companies such as *Facebook*, which is now referred to as *Meta*. They look at the kind of incentives the Government provides. That is, the kind of incentives they will get from where they set up their business. This Bill will provide a framework in terms of the incentives.

Having the Board and the Technopolis as a legal framework will address that. We will have investors come in big time and looking for tax exceptions, incentives in terms of Government innovation grants and such things. This is one of the issues that the Bill will address because as it is now, there is no legal framework of the same and so the same cannot be achieved.

In terms of the financial framework, the Konza Technopolis Bill seeks to ensure accountability of funds from the Exchequer and revenue that will be collected from the leaseholders and those who will be operating at Konza Technopolis.

As it is, there is no financial framework for the same because as I stated, the Konza Technopolis exists on a flagship project under the Vision 2030. It is embedded on a Gazette Notice under a regulation that has expired. Therefore, this Bill is needed to legalise the operations of Konza Technopolis.

Madam Temporary Speaker, it goes without saying that we are now moving to the innovation era. This Bill will give a basis for all other upcoming technopolis cities in different counties, so that they have a legal framework to use. For instance, when we are done with Machakos County and move to Kisii County, what will be the legal framework of setting up a technopolis there? It will give a basis in terms of further scaling up the technopolis to other counties.

It goes without saying that, first of all, we are late. This Bill needs to be passed. As it is, the Konza Technopolis is illegal since it does not have a legal framework. This Bill seeks to cure that and ensure that we scale up the technopolis across all other counties.

As I conclude, I would like to place emphasis on our Government owning the spaces of innovation and putting up policies that will ensure that we own the revenue that we will get in terms of online businesses.

Recently, there was a tax imposed for online content creators. Having a background in ICT and managing a big facility, that is the Facebook Data Centre in Denmark. We are looking at the wrong areas in terms of revenue collection by the Government.

We need to look at how to get our taxes back to this country. How can we have online operators coming to set up base in Kenya and be taxable entities? As it stands, none of the big online companies such as *Facebook* and other social media companies are set up legally in Kenya. Some of them say that we do not have the infrastructure, policies or legal frameworks. That is what the Konza Technopolis Bill will address.

We have the infrastructure at Konza Technopolis. We have proper Faiba and facilities where you can plug and play a data centre. What is remaining is the legal framework to operate with, so that we convince investors to come and set up their businesses at the Konza Technopolis.

Most importantly, it is not just about the jobs that will be created by having investors setting up their businesses locally. It is also about the opportunities in terms of capacity building of our young people who engage in online and innovative businesses.

We need a place where we can enhance the capacity and an authority that will further give opportunities to our youth. That is what the Konza Technopolis Bill will address. I hope we will see this Bill to its fruition.

Madam Temporary Speaker, I would like to call upon Sen. Kisang to second the Bill.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kisang', please proceed.

**Sen. Kisang:** Madam Temporary Speaker, I rise to second the Konza Technopolis Bill by Sen. Orwoba.

As it has been said, the Konza Technopolis was established as one of the flagship projects under the Vision 2030. That was in 2012. It operated under a legal notice that expired last year. As I speak, the Konza Technopolis is being run without any legal backing. We needed to renew that legal notice so that as we continue with the Bill, at least, the establishment runs properly.

As the Mover has said, this Bill seeks to establish the Konza Technopolis. This particular Bill will be replicated across the counties and economic blocs. As it is, the Konza Technopolis cuts across three counties; Makueni, Machakos and Kajiado. That is one of the reasons we said that since the technopolis will be domiciled in the counties, we need two board members proposed by the CoG.

We will bring an amendment to ensure that the two that will be proposed will be of the opposite gender, so that we have representation of both men and women in the Board.

Clause 5 of the Bill proposes to give the functions of this Technopolis -

“(1) The Authority shall administer the planning, development and management of the Technopolis.

2(f) Facilitate the specialized research and development in high technology in collaboration with relevant institutions of higher learning and research institutions.”

Madam Temporary Speaker, as we speak now, we have the Kenya Advanced Institute of Science and Technology, a university set up at Konza. It is at an advanced stage and by next year around March, the President is likely to go there and open the University.

This is a University that specializes mainly in science and technology at bachelors, masters and doctorate level. There is also a proposal to do online learning so that, you do not have to go to Konza or the university to study. You learn online.

One of the other functions is –

“(g) Facilitate the conduct of scientific research and development in technology and innovation in Kenya in collaboration with the National Commission for Science, Technology and Innovation established under section 3 of the Science, Technology and Innovation Act and the Kenya National Innovation Agency established under section 28 of the Science, Technology and Innovation Act.”

This is important. When we had the COVID-19 pandemic in the year 2020 to 2022. There was a proposal to have our own research Centre that can manufacture vaccines. Konza was one of the places that was seen to be ideal because of the land area.

In the past, the Silicon Valley in the United States started in the same manner. It is only that the Konza Technopolis has taken so long. Since 2012, it is now 11 years. We should be far and have already taken off by now.

However, because of bureaucracy and lack of resources it has not picked. I believe with this law in place, Konza Technopolis should take off. Already they have buildings and a headquarter.

There is a proposal that this should be a smart city. We use a lot of resources to go to hotels in Mombasa and Naivasha. However, if we had a smart city at Konza with conference facilities and hotels, we should be going there as Government institutions.

There is a big data centre that has been set up at Konza. Our Ministries should be having Konza as a disaster recovery centre to ensure that Government data is safe. My colleague has promised to come up with a proposal to amend the Data Protection Act to ensure Government data is safe and secure.

I second this Bill. Members, let us support it and fast track so that it is passed in the Committee of the Whole with amendments because I know there are several that are coming up. We have had consultations with the Ministry of Information, Communication and the Digital Economy, engagements with stakeholders and Konza itself. I am a member of the Committee and they have told us that they need this Bill to be passed so that it can be enacted into law.

I know the Bill will have to go to the National Assembly. We hope and pray that the National Assembly will support it. We hope we do not see issues that arose in the 12<sup>th</sup> Parliament where the Senate came up with the Data Protection Bill but along the way, the one from the Senate was stepped down and another one was brought. It is good to move with speed and ensure the Bill is passed.

With those many remarks, I wish to second. I request colleagues to support this Bill for Konza to get investors. As we speak, most investors are not willing to come because there is no law in place. You could lose your money in the absence of a law.

Madam Temporary Speaker, I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Veronica Maina): I now call upon Sen. Mungatana, to contribute to this Motion.

**Sen. Mungatana, MGH:** Thank you, Madam Temporary Speaker for giving me the opportunity to make my contribution to the Konza Technopolis Bill, 2023.

I take this first opportunity to thank Sen. Orwoba for the work she has put in this.

I know there has been a lot of hurdles and frustrations along the way in terms of getting this Bill to the Floor of this House. I thank the hon. Senator for staying focused and bringing this Bill to this stage.

I stand in support of the Bill. I share in the views of previous speakers. I pray that other Senators who will speak to this Bill will support it. There is something I see in a lot of the Bills we bring to this House. I hope Sen. Orwoba will have a chance to relook at this.

We bring Bills which talk about the authority of a board or organization being created under the law. You will find clauses after clauses speaking on a board or an authority being created. This is a repetition. It happens many times that hon. Members who bring Bills shift away from the main purpose of the Bill.

This Bill has suffered the same. I would like the sponsor of the Bill to go and see how many more clauses they can add to the functions and the main purpose of this Bill.

I would like to propose things that should be added here for purposes of clarity. There is Clause 5 (2a -p) which talks about -

“(p) promote and market, locally and internationally, opportunities for investment in information and communications technology and industrial activities in the Technopolis”

This Senate must continually speak about and openly promote counties.

It would not have hurt this Bill in any way by stating that even activities and opportunities that exist within counties should be part and parcel of what is being promoted through the Technopolis that is being created here.

Madam Temporary Speaker, it is clear that counties can make a great contribution in being the source for markets that will be created within the Technopolis.

For instance, if a county like Tana River produces a lot of mangoes, there ought to be a mention within the activities of the Technopolis. That from the 47 counties, all entities and investors who are coming to invest here will have the opportunity to get fish, mango and rice from Tana River, so that the activities of this technopolis do not become theoretical to the rest of the countries and our counties.

It is critical that this Technopolis, as it is being created, we find within the law a system of reporting back on the activities that they are carrying out. Sometimes, we have formed authorities and created activities but there is no benchmarking and reporting back mechanism for those authorities.

Like today, we were talking about the Victim's Charter earlier on in the Senate session. For instance, a Board that is not independent has been set up and it fails to report to anybody. Therefore, we see nothing going on and citizens start petitioning the Senate here that something needs to be done. So, even for this, we should have a reporting mechanism so that whatever it is that they have achieved, we should be able, as a Senate, to receive reports.

This is a Government effort. Therefore, there must be a reporting-back mechanism. There must be a way in which we can say that all the money and incentives that have been put there, there has been a return back and it was this or the other.

Madam Temporary Speaker, still sticking to the activities. We have to create clauses that speak to the existence of our counties. Within this particular Kenya Konza Technopolis Bill, we would want a clause created that would speak specifically to the Konza Technopolis creating opportunities in Information and Communication Technology (ICT) for development in county governments and in counties which are outside the three counties where this Technopolis is situated.

Part of the reporting mechanism must be said that in Turkana County, this and this has been done, as may be, part of the Common Reporting Standard (CRS) for the Konza Technopolis Bill.

We must make these requirements, so that they have the thinking embedded in law and within them that they have gone outside the three counties where they are located to promote technology, and ICT Across the country.

I have looked at Clause 6 and we have all these Permanent Secretaries (PSs) that have been put up as members of this authority and the board. When you look at this list again, it is speaking to a national body and very little about counties.

Madam Temporary Speaker, in fact, we have two persons who are nominated from the opposite gender by the Council of County Governors (CoGs). We need to possibly add more members who should be recruited in a competitive manner.

I want to repeat, that when they are choosing the board of management, we should have a fair spread so that, we do not have two persons of the opposite gender, for example, nominated from the COGs coming from the same county.



We do not have the Chief Executive Officer (CEO) who is an ex-official member of the board and the one person appointed by Cabinet Secretary coming from the same counties. It has happened in other authorities where there is no spread.

Madam Temporary Speaker, I propose to Sen. Orwoba to consider putting a clause that will ensure that there is fair spread across the county in terms of selection of who should be sitting there.

There is Clause 8 which speaks to the qualifications for the Chairperson of the board. It seems there is a fixed requirement for 15 years of experience in information technology, development of special economic zones, science parks, and infrastructure and so on.

To me, there is a huge gaping hole when you say that someone must have at least 15 years of experience in finance, economics or tax. This seems to be the same genre and yet you have left out someone who has practiced Information and Communication Technology Law for the last 10, 20 or 30 years.

I think we should increase the requirements to make it inclusive of law. Instead of just having finance, economics or tax, we should say finance, economics or law. That goes for all the board members as well. However, critically, when it comes to the recruitment of staff which is in the proposed Clause 18, I propose to Sen. Orwoba, the sponsor of this Bill, that this being a Senate Bill and the Senate is the place where we promote counties, let us find wording that will make sure that there is a spread in terms of staff across the nation.

If we leave it the way it is, staff are most likely going to be recruited from Nairobi County and the three counties; Makueni, Machakos and so on that are within the Konza Technopolis area.

People from Tana River, Turkana, Mandera, Mombasa, Vihiga and other counties should also have an opportunity to work in this Technopolis. We forget that if we do not encourage deliberate spread, then what tends to happen is Nairobi dominating in almost everything. If it is located within Machakos area, then what will happen is that most of the staff will come from Machakos besides Nairobi. Therefore, let us find wordings like it is in Cabinet, that there shall be reasonable geographical spread, gender mainstreaming and other consideration. This Bill that is coming from the Senate should have that trademark of Senate, that we are defenders of county governments.

Madam Temporary Speaker, Part III of this Bill talks about regulation and licensing. It says that if someone has applied for a license, then they should be given the results within seven days. On a practical basis, I think seven days is not enough. We should increase it to 21 days in case there is any reason that the board cannot meet like for example, we have now had *maandamano* that have disrupted the way things would work. We could also have many other issues like natural calamities. If you say within seven days and then the seven days are not met, you will be exposing the board to legal liabilities for absolutely no reason. Therefore, I encourage that we increase this number to the normal 21 days, so that we do not expose the board to unnecessary difficulties.

I am also going to mention here that there are provisions on denial of license to operate within this zone. I am looking at the proposed Clauses 31 and 32 that the board can revoke a license issued to Konza Technopolis if several other issues are raised.

If investors are putting in million or billions of shillings, then we have to be very careful so that we do not create situations where people are going to be afraid to come.

Let us make it difficult for a board, Cabinet Secretary (CS) or anyone else to come and say that I am revoking your license after putting up a very serious investment in Konza Technopolis. I may have invested millions of shillings, done stuff, employed and then you come and say that I am giving you a notice of non-compliance. I think this clause should be relooked.

I have a proposal. There are international corporations that you are targeting in that area. Have them come for public participation of this Bill. I know for instance that Microsoft is already in Kenya. I know of some young people who are earning huge salaries, even much higher than sitting Members of Parliament or the President of the Republic. They are employed by international organizations like Microsoft, which is already here. I believe Microsoft would want to go to Konza Technopolis when it becomes a reality. I believe that other tech companies will come and they would want good working conditions. I encourage my colleague to find a way of ensuring that these already operational mega companies that might be attracted to go there to come for public participation.

Let them look at some of these provisions. Are these provisions business friendly? There is no provision for negotiations in case there are infractions on the licensing requirements. There is really a way to ---

*(Sen. Mungatana's microphone went off)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Mungatana, your time is up but I will give you one minute to finish that statement.

**Sen. Mungatana, MGH:** There is no way of amicable settlement, to sort out problems, which may arise within this Technopolis. Let us not give too much power to the board. Let us give the investors who are going to create jobs for our young people an opportunity to be comfortable as they work in these areas.

Madam Temporary Speaker, with those many remarks, I support.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator. Sen. Cherarkey, please take the Floor.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. From the onset, I support this wonderful Bill by Sen. Orwoba. I know she has undergone many challenges until this Bill has finally come on the Floor. This is one of the Bills that has generated interests and express opinions from many individuals who do not want to be held accountable. I am happy that the Konza Technopolis Bill of 2023 is finally here. I therefore thank Sen. Orwoba. I see she has seized the moment and is doing a wonderful job. Those of us who have been around for some time can only tell her that the future is bright.

Madam Temporary Speaker, the future of many nations is in information, communication and technology (ICT). It is one of the versatile areas that will keep changing in many aspects. It is one of the lucrative businesses because technology tends to become absolute over time. The Republic of Kenya is yet to benefit from the aspects of technological development. I appreciate the fact that many universities are offering technological courses.

The other issue is smart cities. I laud the President because smart cities are being developed in every county. One of them is Konza Technopolis. We want it to be the hub that breeds and babysits most of the other smart cities and economic processing zones that we are going to have in this country including aggregation centers.

Madam Temporary Speaker, I have seen counties that have lost vital documents because of lack of technology for storage.

We have had cases of some organizations like Safaricom who are storing their data in other countries and thereby denying us revenue. We hardly get anything from Meta which owns *Facebook*. We are the leading country in usage of internet. Therefore, we must hold these companies including Meta to account. They should pay taxes to enable us fix our economy. We cannot allow them to run away.

Madam Temporary Speaker, you have heard of Elon Musk. Is he the richest person on earth? You know there is a difference between being rich and wealthy. If you are wealthy, then your children, wife and you are happy and everything is okay. I am told that in Nairobi, if you want to know whether your wife is unhappy, then you will hear her sing some songs and utensils being thrown. You will then know that there will be no peace in that house.

You should be wealthy when you have God; and your children and your spouse are happy. That is now being wealthy.

However, I am told that the richest man on earth, Elon Musk, who happens to come from Africa, bought Twitter. You remember, there was a craze where we were told to get the Twitter verification, the blue badge. We were paying. Personally, I paid for the authentication in dollars. I wish, for the dollars that I paid for my Twitter verification blue badge, some taxes would have gone to our Government to build roads and give ICT and digital economy opportunities to many young people.

Madam Temporary Speaker, you heard our beloved President, His Excellency, Dr. William Ruto say that he will create digital jobs for young people across 290 constituencies and ICT hubs. We know Konza City has been run like an organisation of witchcraft and sorcery before. They have not been open. We are calling them out. They are getting billions of shillings but when legislation comes in place that wants to regulate their activities, they go haywire.

In the Finance Act that was passed unanimously by this Parliament, I saw one of the aspects is to tax content creators. It is okay because it will assist in regulating the industry and also provide services.

I know that this matter came up before the court and I am happy you are holding brief and you are making strong submissions. Some of these arms of Government have what we call "State capture". We want the orders to be revoked. I have seen there is a bench that has been constituted.

Madam Temporary Speaker, the Finance Act is trying to be creative in getting taxes. We want a creative economy to thrive and also we want taxes to be creative. Therefore, we need to move to the digital economy. One of the aspects is ensuring that Konza Technopolis does not exist in isolation. Why is it an offense for Konza Technopolis to be held accountable? Konza Technopolis does not exist outside Kenya. It is part of Kenya. It must be regulated. I am happy that Sen. Orwoba has taken the bull by its horns. This is a woman made of steel. I do not want to say what we normally say in the corridors.

Madam Temporary Speaker, this is the first time we want to regulate properly the legal framework. I heard my brother talk about a functional authority, a development plan for the technopolis, initiate the formulation of policies and strategies, facilitate, monitor and evaluate development. Therefore, I agree that we must ensure that the powers of the authority do not come. There is a famous saying in the French Revolution that “absolute power corrupts absolutely”. This is what is happening in Konza Technopolis.

I only have one problem; why is it an offense for you to account for taxpayers’ money? I thought everybody in this country should be happy when you are called to account for the money that the public gives you. This is a public entity. We know of many companies such as Huawei and Samsung that have pitched tents in Konza Technopolis. Kenyans must get value.

Madam Temporary Speaker, you are a learned senior in this profession, the only way to get value is by not taxing something that has no legal framework. We want Konza Technopolis to have a legal framework in the future.

I urge Sen. Orwoba that when it comes to the Third Reading, let us include counties. We want counties to be part of this and benefit. I would have expected that in the board, at least we ensure a representative from the Council of Governors (CoG) and of course the Upper House, the Senate. This is because I have seen the ICT Minister everywhere in matters of Wi-Fi and many others.

In the upshot ruling when this matter came up, I heard the then Chief Justice Willy Mutunga asking:” When you want to do a budget implementation, do you implement it within a county or outside the boundaries of the county?” I do not remember the proper citation. This is because counties are within Kenya. We have 47 county governments, one indivisible people and one nation. Therefore, I expect the representative of the CoG and the Senate or the Parliament to be here on this board. This is so that we can be effective in terms of the board authority that it has.

Sen. Orwoba is one of us in the Kenya Kwanza Coalition and the ruling party, of course. She is aware of the position of the Kenya Kwanza Government and President William Ruto. We are going to ensure that we have digital jobs, ICT hubs in the 290 constituencies across the county and for several county governments. Therefore, counties become important. In Article 96, the Senate represents the interest of the counties and therefore, this being our baby, we can decide how this baby will grow. We can either take it to an international school, a normal school or even not to take it to school. I know Sen. Orwoba is open to many ideas to enrich the Bill. I expect that she will relook at it so that we can also defend it.

Madam Temporary Speaker, I am also aware that some individuals have run to National Assembly to try and duplicate the Bill. I have heard people arguing about Article 113, the excuses given about the Mung Bill, and they are writing concurrence letters. I can tell you, as a Parliament under Article 93 of the Constitution, each and every one of us has an opportunity to generate a Bill. Since you sit in the Senate Business Committee (SBC), I propose that if we want to work together with National Assembly, which is the Lower House, we can agree on co-sponsoring Bills. Where you can have a Senator sponsoring a Bill and then we have a colleague in the National Assembly Seconding. That is how we enrich the role of Parliament.

Let us ask the National Assembly not to be excited about fighting us. They have tried to fight us before but we won. In 2013 on the Division of Revenue Bill, this House

won. When yours truly was one of the powerful chairpersons of Justice, Legal Affairs and Human Rights in the last session, we pleaded with your department. We have defeated them in the courts of law. We are not interested in fights in the courts of law, we want to work for Kenyans. If you want to work for Kenyans, you do not need to duplicate a Bill, you appear as a brilliant fool.

Madam Temporary Speaker, on the powers of the board, I agree with the Bill. However, I ask Sen. Orwoba, since she is one of us and a youthful person, to at least not put in too many years of experience. She should just put around five years. I remember when we were pushing for the County Attorney Act, we had a push and pull. People wanted ten years' experience as a lawyer to be a county attorney. We told them that you do not even get a lawyer in some counties in this Republic. What we did is, we pulled it down to five years' experience. Sen. Orwoba, I ask that even in the experience for board membership, at least relook at the age and experience so that we can have more youthful people.

You know Kenya is one of the IT hubs. We want to ensure that the common seal of authority is there. Of course, the form of licenses, class licenses, and revoking. I have a request on the revocation of a license. Clause 31 says that the board shall before revoking a license issue to Konza Technopolis Enterprise notice in a prescribed form. I know that you can review the High Court. This is important so that we do not have powers on the board that can be revoked.

Madam Temporary Speaker, on the issue of register of license among others, these are things we will agree on. In Clause 46 on accounts and audit, I request that once in a while when these reports are taken to the Auditor General, the Authority should also appear before Parliament.

I request Sen. Orwoba to be careful and not put the National Assembly but Parliament, in order for this Authority to appear before the Senate and the National Assembly because this is our making. The Board will therefore go in that direction.

In conclusion, this is what this nation wants to do. Kenyans elected all of us to come and sit in this House. I do not know of any other reason an elected Member of Parliament in Senate or National Assembly, should go to the streets or villages yet people elected them to sit here.

Madam Temporary Speaker, today is a usual working day. If you have a divergent opinion, come to the Floor of the House and given us a policy or legislative intervention the way Sen. Orwoba has done. That is how we move this country. We cannot move this country by going to the streets and making noise. We are not powerless. We exercise authority as provided by the Constitution and on behalf of Kenyans. If there is any alternative, then it should be the alternative of giving Kenyans leadership and doing our work.

Therefore, I call upon our colleagues that we should be in Parliament. I also saw many people yesterday on social media say that there is *maandamano* in the Senate. There is no *maandamano* in the Senate. We are discharging our constitutional mandate. Those are excited people on social media. It is no news about the Minority Side. Azimio One Kenya Alliance have always walked out even when the Speaker was being elected in this House. However, the House has moved on.

I have heard the clergy say that the President and the former Premier should sit. To discuss what? Elections were done and dusted. There is a constitutionally,

democratically elected Government in place. What will be the value of elections in future? Why should we go for elections?

Madam Temporary Speaker, let us have an honest conversation. I ask the clergy and the people who are giving the clarion call for engagement, what should we engage about? Why have elections then? Why should we not sit as the political class *chini ya miti* in some village, either in Kisii County where Sen. Orwoba comes from and share seats.

Why should we disturb Kenyans after every four years? We sell our agenda, manifestos, campaign and use resources and then afterwards, we come and tell the Nation that we do not agree with those elections. There is no value of elections. There were some people I defeated in the last general elections. I cannot negotiate with them for any power sharing deal.

Madam Temporary Speaker, when Kenyans go to elect someone, they do not elect just for the sake of it. Sometimes, I see a lot of ignorance by individuals who just want to say “negotiate”. What should we negotiate about?

This is a wonderful Bill. I ask Sen. Orwoba and the Senate to hold this Bill dearly. This is our baby. We should not allow anyone to snatch it. We will not sit somewhere where someone will tell us to divide the baby into two. We will not allow that to happen. Even the Biblical principle did not allow that. We will not allow our baby to be divided into two.

Madam Temporary Speaker, let the Members of the National Assembly generate their own Bills. If they lack intelligence, capacity and ability, I always give *pro bono* legal services on drafting of the bills. They can look for me.

With those remarks, I congratulate the Senator and wish her well. We hope to see the President assenting this to law. The Konza Technopolis should be held accountable because they used tax-payers’ money.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Cherarkey. Sen. Mandago, proceed.

**Sen. Mandago:** Thank you, Madam Temporary Speaker, for this opportunity. I rise to support the Konza Technopolis Act by Sen. Orwoba. This piece of legislation has come at the right time in this country, when the Kenya Kwanza administration wants to roll out a robust use of technology on service delivery for Government services and digital infrastructure to enable the private sector and the business community to transact business on the technology platform.

This Bill will bring sanity in the industry and generate revenue for the country. As a nation that aspires to depend on themselves in terms of managing their internal affairs, this Bill will enable the Government begin to generate revenue in areas that have not done so in the past. The Kenyan Government and its people lose a lot of taxes through technology and business opportunities that we have not been able to generate revenue because of lack of a legal framework. Today, data is being traded across the globe while Kenya earns nothing from that trade.

Madam Temporary Speaker, some mobile operators in this country have termination centers for international calls outside this country. We are aware that those who are asking the National Assembly to have a parallel bill and Act are being sponsored by those who are not interested in this nation bringing sanity into the data industry.

Therefore, we support this Bill because it will create sanity and make sure that the process of data transfer and release of private data will be properly addressed and governed in law. With that, this nation will earn a lot of revenue.

Even as we process this Bill, this House has another Bill for start-ups. The Konza Technopolis Bill should come before we finalise the Start-up Bill because it will be the enabler of young people in the innovation sector. Earlier in this House today, I said there was need for the Committee on Finance and Budget to review access to business by preserved groups.

Madam Temporary Speaker, when it comes to the technology space, you do not need to have been in the industry for 10 years to innovate or develop a software or system that can address a certain problem that exists. We therefore support this Bill because it is going to be an enabler to our young people and technological innovators and those who want to trade on the digital platforms as well. It will make sure that we have a regulated industry and in institution that can be accountable to Parliament and to the people of Kenya.

The revenue we have lost over time, even from popular platforms we use on social media will now be within the purview of this Government to earn that revenue and we will transfer that money for use in the developing this Nation.

Madam Temporary Speaker, with those remarks, I support this Act and urge the Members of the National Assembly to avoid divisionary tactics and being compromised by merchants who want to ensure that this country remains in disarray on technology. They should allow this Bill to proceed so that the country, innovators and people who want to use the digital space to do business can be enabled.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Mandago. There are no more Senators who want to contribute to the Bill. So, I call upon the Mover, Sen. Orwoba, to reply.

**Sen. Orwoba:** Thank you, Madam Temporary Speaker. I rise to move. Since I tabled this Bill in Parliament, it is true that I have received a lot of pushback from various industries. The data industry is a multi-million industry that has many cartels and many people who do not want good for this country.

It even reached a point where the Bill was to be dropped and I raised concerns in terms of how the committee was dealing with it. I am excited that we are now on the Second Reading because it has been a long journey to get to this point.

Just like Sen. Mandago said, there are many people who make a lot of money out of the data that Kenyans generate. We have companies in the data industry that are making billions of profits but they do not remit any taxes to Kenya.

As a Government, we set up the infrastructure for Konza Technopolis. We came up with incentives for those willing to set up BPO and manufacturing plants in this country. However, our policy and legal framework are against Kenyans working in this industry.

This Bill is not only going to be an eye-opener for most of the youth who are not making money out of that but also a gateway to finally taxing most social media companies where Kenyans produce the highest content. In East Africa and Africa, Kenyans are leading in most social media platforms like *Facebook*, *Twitter*, *TikTok* and even *WhatsApp* which is being used as a platform for businesses.

Currently there are demonstrations. You will realise that *WhatsApp* is being used to propagate certain illegalities. However, none of these companies remit taxes because they are not registered in Kenya.

I was in Kigali recently for a conference on women empowerment. We were struggling with the logistics and how to get from point A to B. I simply asked colleagues who were with me why we could not request for an Uber. It was shocking to find out that Uber does not operate in Rwanda because the Rwandan Government has ensured that all the data being generated, even by the digital taxi apps, is stored locally.

If the Government of Rwanda can legislate to ensure that their data is stored locally so as to take care of the data and security industries, then it is possible for us as Kenya to legislate and clean up this industry.

Our data is being stored out there and we do not even know who is trading with it. We know that there are third-party service providers who trade on our data. This Bill is just the first of many steps we need to take in order to regulate this industry.

I have sponsored another Bill called the Data Protection Bill where I will be pushing that we store our data locally. In the absence of the Konza Technopolis Bill, then we are lost. Many innovative Bills are going to be brought here but in the absence of a legal framework that we are trying to put that is going to be scaled up to all the counties, then we will not legislate effectively.

Madam Temporary Speaker, it is time we said no to cartels out there. It is time we made hard decisions as a government. We need to regulate the industry. We need a legal framework for Konza or any other technopolis in the nation. We also need to look into digital content creation, innovation and online space and regulate them.

As we are here in this Chamber, there are many things happening online that are creating instability in this country. We have people who create fake accounts to incite the public and push them to what they call *maandamano*. It is because we do not have legislation to ensure conviction of the criminals.

We must start from a place of understanding that any industry that exists must be regulated. There has to be some form of oversight. Konza Technopolis should no longer exist in oblivion or operate in moonlighting. We need accountability, oversight and legal frameworks. This Bill seeks to ensure that the same is achieved.

Some of the feedback we are getting is to ensure that county governments are involved more. That is what I got from Sen. Mungatana, Sen. Cherarkey and Sen. Mandago. That is something we will consider.

The 10 years required for a person to be a Chair, board member or the CEO has been my concern and I raised it with the committee. As I said, it has been difficult to even relay the message as the Sponsor. As the Sponsor of this Bill, I have repeatedly told the committee and stakeholders involved that a 10-year minimum qualifications is not what I fronted.

There is also an issue when it comes to the qualifications of the CEO that they must have a degree. We are moving to competence-based education. We want to ensure that our informal skilled workers can thrive and get to spaces where they can have an impact. We changed our curriculum such that it is not just about churning out papers and degrees but skills and competencies.

I have relayed the same information to the committee. I told them that I feel the number of years being stipulated as a minimum qualification for a person to be Chair or



CEO will lock out our youth who could have the competencies. If we say that the minimum qualification should be a degree, what about those who go to Technical and Vocational Education and Training (TVET) institutes? That provision will lock them out.

As I said, this has been a difficult Bill to even move because the stakeholders involved, including Members of the Committee on Information, Communication and Technology have been difficult. I celebrate the fact that we have reached the Second Reading but I do not want to lose sight of what the Bill was intended to do. That is something I will pick up.

Madam Temporary Speaker, the intention of this Bill is to push for job creation for our youth and ensure that we have oversight for any money taken from the exchequer by any authority or individual.

For purposes of continuity and scaling up our innovation centres, we need a legal framework. I hope that while we are pushing for this, that is going to be seen by those who are going to interact with the Bill. It is an issue of safeguarding our spaces, ensuring we do not export our jobs to servers abroad and ensuring that investors who want to come and pump in money have the security of operating with a legal framework.

With those few remarks, Madam Temporary Speaker, pursuant to Standing Order No.66(3), I request that putting of the question be deferred to a later date.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Orwoba, putting of the question is deferred to next week on Tuesday at 2:30 p.m.

*(Putting of the question on the Bill deferred)*

I am going to reorganize the Order Paper. I request the Clerk-at-the-Table to call out Order No.17.

## MOTION

### INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING

THAT, AWARE THAT water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya's vulnerability to climate change;

NOTING THAT there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

APPRECIATING THAT the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and deactivate water flow when necessary thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

NOW THEREFORE the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i. incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and;
- ii. undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.

**The Temporary Speaker** (Sen. Veronica Maina): It is resumption of debate on this Motion. Since no Senator is interested in debating, I will defer it to next week on Tuesday at 2:30 p.m.

*(Motion deferred)*

Next Order.

## **BILLS**

*Second Reading*

THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT)  
BILL (SENATE BILLS NO. 13 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): The Mover of this Bill Sen. (Dr.) Murango is equally not there. I direct that the same be deferred to next week Tuesday at 2:30 p.m.

*(Bill deferred)*

*Second reading*

THE EQUALIZATION FUND (ADMINISTRATION)  
BILL (SENATE BILLS NO.14 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): The Chairperson Standing Committee on Finance and Budget? I do not see him in the House today. I direct the same be deferred to next week Tuesday at 2:30 p.m.

*(Bill deferred)*

*Second reading*

THE COUNTY LICENSING (UNIFORM PROCEDURE)  
BILL (SENATE BILLS NO. 9 OF 2022)

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Mariam Omar? I do not see her in the Chambers today. I direct that this be deferred to next week Tuesday at 2:30 p.m.

Next Order.

*(Bill deferred)*

*Second reading*

THE TEA (AMENDMENT) BILL  
(SENATE BILLS NO. 1 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Wakili Sigei? He was here earlier in the Sitting. I do not see him in Chambers now. I direct that the same be deferred to next week Tuesday at 2:30 p.m.

Next Order.

*(Bill deferred)*

*Second reading*

THE COUNTY BOUNDARIES BILL  
(SENATE BILLS NO. 6 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): Sen. M. Kajwang? Equally, he is not in Chambers now. I direct that the same be listed next week on Tuesday at 2:30 p.m.

*(Bill deferred)*

## MOTION

NOTING OF REPORT OF THE SENATE DELEGATION TO  
THE 67<sup>TH</sup> SESSION OF CSW HELD IN NEW YORK

THAT, the Senate notes the Report of the Senate Delegation to the 67<sup>th</sup> Session of the Commission on the Status of Women (CWS) held in New York, from 6<sup>th</sup> to 17<sup>th</sup> March 2023, laid on the Table of the Senate on Thursday, 29<sup>th</sup> June 2023.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Dullo is not in the Chambers right now. I direct that this Motion be deferred to Tuesday next week at 2:30 p.m.

*(Motion deferred)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators,

there being no other business on the Order Paper, the Senate stands adjourned until Tuesday 25<sup>th</sup> July 2023 at 2:30. p.m.

The Senate rose at 5:53 p.m.