

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD**

**Wednesday, 23<sup>rd</sup> September, 2020**

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

*[The Speaker (Hon. Lusaka) in the Chair]*

**PRAYER****PETITION**

**The Speaker** (Hon. Lusaka): Is the Chairperson of the Standing Committee on Education in the House to give a report of the Petition that is listed in the Order Paper?

**A Hon. Member:** The people's Chairperson to the Committee on Education is in the House.

*(Laughter)*

**The Speaker** (Hon. Lusaka): I am referring to the Chairperson of the Committee on Education who is recognized by the House.

In the absence of both the Chairperson and Vice Chairperson of the Committee on Education, we shall defer that Order.

**REPORT ON PETITION: REVIEW OF THE BASIC EDUCATION CURRICULUM  
FRAMEWORK BY THE MINISTRY OF EDUCATION**

*(Petition deferred)*

Next Order.

**STATEMENTS**

**The Speaker** (Hon. Lusaka): We shall start with the Statement by Sen. (Dr.) Mbito.

**BOOSTING OF DOMESTIC TOURISM IN KENYA**

**Sen. (Dr.) Mbito:** Mr. Speaker, Sir, I wish to issue a Statement on an issue of general topic of concern on boosting of domestic tourism in Kenya.

I rise pursuant to standing order 47(1) to make a statement on an issue of general topical concern, namely; boosting domestic tourism in Kenya. An encouraging sign of things to come is reports of local tourists flocking to the Maasai Mara to enjoy the annual wildebeest migration spectacle. This is a welcomed development in an industry greatly hit by the COVID-19 pandemic with magnificent facilities such as hotels and lodges laying idle.

Tourism is not just a major source of revenue for the investors in this industry and tax to the Government. It is also a big employer to our people, particularly the youth. However, the trouble with the tourism industry is that it is mainly externally driven. All the beautiful tourism attractions are largely meant only for the enjoyment of foreigners. A domestic tourism campaign to get Kenyans to travel and know their country better has made little progress so far. However, the clampdown on international travel due to COVID-19 pandemic has shut out foreigners. The COVID-19 adversity should turn out to be a blessing in disguise. Hundreds of Kenyans are heading to the Maasai Mara Game Reserve to watch a wonder of the world that is the wildebeest migration.

There is a huge potential in domestic tourism waiting to be tapped. The tourism industry should, besides the stimulus package to revive the businesses, also consider incentives to encourage more Kenyans to sample their country's famed attractions. Waiving pack fees is one of the key incentives, but the reduction in accommodation and other hospitality charges by industry players can go a long way in reviving tourism. This is the best chance to reduce the over reliance on foreign tourists, but their return after the COVID-19 pandemic should further strengthen the industry.

I thank you.

**The Speaker** (Hon. Lusaka): Kindly proceed, Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, I thank you for giving me the opportunity to support the Statement by Sen. (Dr.) Mbiti. Tourism is a big revenue earner for this country and a source of employment to many young Kenyans. Tourism industry provides business for local manufacturers and contractors. There has been clamp down in the tourism sector as a result of COVID-19. The tourism sector slackened because the locals have not been cultured in a way that they can also be tourists themselves.

There is need to have subsidies that will be attractive enough for locals to go for tours. The Kenya Wildlife Society (KWS) can allow children to tour tourist attraction sites free because most children mostly direct the actions of their parents. That can be an incentive for parents to take their children to tourist attractions sites.

Children below four years be exempted from paying when they visit those sites. We want to encourage the culture of site visits in this country.

This can also help us as locals to collect more revenue from the tourism industry. We need to encourage this industry to grow. We must make sure that our youth are not idle by encouraging them to visit tourist attraction sites by reducing charges. Our children can learn a lot when they visit those sites.

When the Committee of Tourism, Trade and industrialization where I sit is seized of this Statement, I believe we will propose mechanisms of encouraging many Kenyans to site visit our games reserves, national parks and other tourist attraction sites.

I support.

**Sen. Seneta:** Thank you, Mr. Speaker, Sir, for giving me a chance to add my voice to this important Statement by the Chairperson of Health Committee, Sen. (Dr.) Mbiti).

According to Schedule Four of the Constitution, local tourism is a county government function. When we encourage local tourism we help counties generate revenue. I urge Committee that will interrogate this Statement to come up with innovative ways of encouraging counties to benefit from game reserves and national parks within their jurisdictions. I urge them to encourage the Ministry of Tourism and Wildlife to conserve, not only wildlife, but also the environment.

The Committee must also encourage county governments to come up with innovative ways of marketing local tourism and conserving environment so save wildlife. This is the only way we can encourage local and foreign tourists to visit our game and national parks.

As I speak today, wildlife in Narok County is endangered. People have encroached river banks posing some danger in the migration corridor of wildlife.

As I conclude, I congratulate the Chairperson for this important Statement.

**Sen Faki:** Asante sana, Bw. Spika, kwa kunipa fursa hii kuchangia arifa ya Sen.(Dr.) Mbiti kuhusu utalii wa nyumbani. Kutoka janga la korona liingie katika ulimwengu, biashara ya utalii imeathirika pakubwa, hasa hapa nchini. Utalii ni huduma iliyogatuliwa. Ni matarajio yetu kuwa Serikali kuu ingekuja na mwongozo wa kuimarisha utalii nchini.

Hata hivyo, kumekuwa na kimya kingi upande wa Serikali. Ni juhudi za wenye biashara za utalii ambazo zimesaidia kufufua utalii katika nchi yetu. Kwa mfano, majuzi kulikuwa na kivutio kikubwa cha utalii kule Watamu wakati kulikuwa na kuhama kwa wale papa wakubwa kuingia Bahari ya Hindi na kuelekea Afrika Kusini. Hii ilikuwa fursa kubwa ya kuwaonyesha Wakenya kwamba utalii una vivutio vyake vingi katika nchi yetu.

Hivi majuzi tulikuwa na kuhama kwa nyumbu kule Maasai Mara. Kuhama huko huwa ni kivutio kikubwa cha watalii hususan wa Kenya. Hata hivyo, Wakenya wengi wameathirika na korona kwa sababu biashara zao zimezama na uchumi kuzorota. Hawana uwezo wa kuzuru sehemu kama hizi ili kujivinjari, kusoma na kuangalia ni vitu gani ambavyo wanaweza kuona katika maeneo yao.

Ipo haja ya Wizara ya Utalii kubuni mbinu mwafaka za kufufua utalii katika nchi yetu. Kwa mfano, wazo lililotolewa la kupunguza kwa ada za kuingia mbugani za wanyama litasaidia pakubwa na wananchi wengi watazuru kuwaona wanyama na mandhari mengine.

Bw. Spika, ninaiomba Serikali kupunguza bei ya chakula katika mikahawa katika mbuga za kuhifadhi wanyama. Hii ni njia pekee ya kupunguza gharama na kuhakikisha watu wengi kabisa wanazuru sehemu hizo.

**Sen. Kinyua:** Thank you, Mr. Speaker Sir. from the onset I support the Statement by Sen. (Dr.) Mbiti. Now that we had Corona---

**Sen. Sakaja:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your intervention, Sen. Sakaja?

**Sen. Sakaja:** Mr. Speaker, Sir, if you remember, at the Senate Business Committee (SBC), we noted we have very many Statements. In fact, on this Order Paper

today, I can see we have 22 of them. If we take 10 minutes on each, it will take us three and half hours. We also have a lot of Bills to deal with.

We had earlier agreed that the Statement just be read out by the person issuing and then given to the Committee so that we can at least deal with most them and go to other business.

I seek your guidance on how we can manage the time because we are still on the first one and there are 21 left to go.

**The Speaker** (Hon. Lusaka): Yes, we agreed that we would use the approach. I think I am going to limit those who ride on and those make the statements. Those who make the Statement can just do so and then it goes to the Committee so that we save on time.

Sen. Kinyua, you are lucky.

**Sen. Kinyua:** Mr. Speaker, Sir, I have always been lucky. It should be a new normal that we do not concentrate so much in terms of marketing our tourist site attractions outside country. We should start by marketing it in this Republic so that Kenyans can know the sites where they can see animals.

In some parts of this country, we do not benefit much from tourists. For example, in Laikipia County, there many elephants and other animals, but the local communities do not benefit. Instead, those animals keep invading our farms, attacking them and even killing our domestic animals. Even revenue generated from tourism in Laikipia County does not benefit our people.

As I speak, we should take care of locals. The money used to market our country so much in other countries should be used in marketing our sceneries to the locals. We want to encourage them to be visiting those areas.

**Sen. Nyamunga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to add one or two things to the Statement.

When I was growing up, the main source of income for Kenya was agriculture followed by tourism. Over the years, we have seen that the budget for agriculture has improved and increased in a big way. However, when you look at the budget for tourism, it has always continued to shrink.

Tourism is a source of income in Kenya and we have shrunk the budget with no subsidies. When you go to other countries, there are many subsidies for tourism during this time, especially during the COVID-19 times, where many people have suffered and businesses have closed. Therefore, it would be in order for the Government to think about enhancing the budget or subsidising the tourism sector.

Secondly, in these tourism areas, we have restaurants, hotels and bars. It is important that we reduce the levies on restaurants and hotels to improve the tourism sector. Tourism is not meant for foreigners alone.

Looking at the county governments, we are crying about resources at the county level. Governors are not doing enough because we have many wasted resources. We need to be innovative in order to generate resources within our counties. This is one of the major resources that can be tapped so that counties can generate income that they require for development and other issues at the county level.

**Sen. (Dr.) Langat:** Thank you, Mr. Speaker, Sir, for giving me this chance to say something on domestic tourism. This week we were in Maasai Mara with the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration. We

witnessed this one practically because there are so many local tourists. The management of hotels were telling us that the economy is stable because of domestic tourism. They told us that if the Government assisted them in terms of infrastructure, improved roads and water in those areas, domestic tourism can bring a lot to this country.

The Ministry concerned should take this sector seriously so that they promote it through effective marketing strategies locally. Some of us who have gone to various countries have seen that marketing outside Kenya is more popular than marketing tourism within our country. If this is improved, domestic tourism will improve.

There is something that Sen. Kinyua talked about which we witnessed when we visited Taita Taveta, Narok and Laikipia counties. The people living next to the tourism attraction areas have a negative attitude towards the animals. The locals feel that anything that comes from the tourism industry does not touch their lives.

When the animals attack their domestic animals and human beings, compensation is almost nil and, if any, it takes so many years. Something should be done.

In Samburu, for example, we witnessed people living there appreciate them. However, in other areas, the way the Government handles the animals *vis-a-vis* human beings has made them look like enemies.

I would like to encourage the Ministry of Tourism and Wildlife to protect and make sure that the people whose land has been taken in the national reserves for the animals, benefits them in a big way. Promoting tourism is very important.

I support this Statement.

**Sen. Olekina:** Mr. Speaker, Sir, I thank you. In the interest of time, I support this Statement by Sen. (Dr.) Mbito to not only consider the tourism sector, but to also look at restaurants and bars that employ many people in this country who are now jobless.

If we talk about a stimulus package, we must think of a stimulus package that will benefit people directly and put food on their tables. I appreciate what Sen. (Dr.) Langat and Sen. Kinyua have spoken about with regard to the lives of the people who live close to the parks.

In the Maasai Mara, many people suffered because they depended on tourism dollars to sustain their livelihood. Those people had pubs and restaurants. In fact, if you listen to advertisements in developing countries, musicians are now streaming music live and asking people to donate a dollar or shilling to help those people, like deejays.

Some of us are very lucky that we can get a salary. When COVID-19 hit, the poor local people who depend on music, small restaurants and the waiters are not getting any money because they were fired. Now that we still do not know when the economy will be opened, it is imperative that we think about how we can encourage these people to continue carrying out their businesses so that we can stop them being out in the streets.

We have many street children now. The other day, I was looking at the streets of Nairobi and that takes me back to 1980s when there were many children on the streets. With *Kazi Mtaani*, I hope that we can target the street children and people who sleep around Waiyaki Way. When I drive going home at night, you find people lighting firewood on the side of the roads. These are people who the stimulus package must help.

Mr. Speaker, Sir, I support and I hope that the Committee will make serious recommendations on how we can continue helping these people who are suffering.

**Sen. Madzayo:** Asante, Bw. Spika. Mimi ninataka kuenda sambamba na ile taarifa ya Sen. (Dr.) Mbito. Utalii ni muhimu sana kwa taifa hili. Vijana wengi katika

vyuo vya utalii walipendelea sana kusomea utalii kwa sababu ilikua ni biashara kubwa na ilichangia pakubwa nafasi za kazi.

Lakini hivi sasa ukiangalia, utaona ya kwamba wamepoteza nafasi hizo. Katika eneo la Pwani, utalii wote umekufa. Utapata watu wameketi katika mitaa kwa sababu hawana la kufanya. Wanaenda kwa mambo ya mjengo na mambo mengine ambayo si ya utalii.

Ninaishtumu Serikali kwa sababu jambo lolote kwao linalohusu kuhusu eneo la Pwani ni bahari na starehe kubwa katika mahoteli. Lakini, hawafikirii kuwa kuna vijiji ambavyo nikama maeneo ya Maasai Mara ambapo watalii huenda katika vijiji vya wamaasai kuona jinsi wanavyoishi.

Katika maeneo ya Pwani, kuna vijiji kama kule alikozaliwa, kuishi na kufariki Mekatilili wa Menza. Maeneo hayo pia yako wazi kwa utalii. Lakini, Serikali haitii msisitizo wa aina yoyote kuona kwamba maeneo kama lile la Shujaa Mekatilili wa Menza limepewa kipau mbele ili liweze kustawisha utalii katika maeneo hayo.

Ukizingatia utalii bila kutengeneza barabara, hutakuwa umefanya jambo lolote. Watu wasifikirie kuwa utalii pekee ndio unafaa kule pwani. Barabara katika vitongoji mbalimbali zinafaa kutengenezwa ili kuwe na mbinu za usafiri kuelekea maeneo ya utalii na burudani.

Kuna Ronald Ngala Utalii College ambayo imemaliza karibu miaka saba bila kukamilika. Jambo la kusikitisha ni kwamba Serikali inajua hivyo. Ndugu yangu Najib Balala ambaye ni Waziri wa Utalii na Wanyama wa Pori anafahamu kwa sababu anaishi katika eneo hilo. Urithi atakaoacha ni kuhakikisha kwamba Ronald Ngala Utalii College imekamilika ili vijana wa maeneo ya pwani wasomee hapo ili wapate kazi.

Kuna hoteli za Wazungu kama kule Malindi. Maeneo ya utalii yamezoroteka. Watalii wanakuja lakini wengi wanakwenda katika nyumba za watu binafsi. Hiyo inafanya Serikali kukosa ushuru.

Wale wanaohusika na utoaji wa kodi za utalii wanafaa kujua kuna mabwenyenye wanaoleta watalii kutoka ng'ambo na kusema ni wageni wao. Wakiwa huko, wanafanya safari zao kisirisiri na kutoka malipo kwa wenyeji wao bila kutoa ushuru ambao unasaidia Serikali kuendeleza mambo ya utalii. Nasisitiza kwamba wasimamizi wa mambo ya utalii wachunguze watu wanaofanya Serikali kutopata ushuru.

Utalii wa nyumbani ni wa maana sana. Ada inafaa kupunguzwa ili wananchi wa Kenya wenye mapato ya chini waweze kwenda kufurahia mandhari ya pwani na kila mahali ambapo watalii huzuru hapa nchini.

**The Speaker** (Hon. Lusaka): I can see a bit of interest, but we have to move on.

We will now go to the Statements under Standing Order No.48. Let us have Sen. Wetangula. As I said, there will be no riders unless it is extremely necessary.

#### PLANS TO LEASE OUT STATE OWNED SUGAR COMPANIES

**Sen. Wetangula:** Mr. Speaker, Sir, this is a Statement under Standing Order No.48(1).

I seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding plans to lease out state owned sugar companies. In the Statement, the Committee should-

(1) Disclose the State owned sugar companies the Government plans to lease out.

(2) Explain the criteria used to identify the State owned sugar companies to be leased out.

(3) Explain if any public participation was undertaken, including but not limited to consultations with farmers, factory workers, cane cutters, relevant local leadership, including MCAs, Members of the National Assembly and Senators of the relevant catchment areas.

(4) Explain in detail the role played by the Privatisation Commission, the statutory body mandated to deal with issues of privatisation of public institutions, and table their recommendations, if any, in this regard.

(5) Give a detailed account and table the Report of the Presidential Task Force on the Sugar Industry in Kenya explaining whether leasing of factories was one of their recommendations.

(6) Explain why the Government has taken the decision to lease the factories against the long publicised intended Government policy of engaging strategic investors and partners with shareholding percentage insulated for farmers, workers, and other local stakeholders.

(7) Confirm that the intended alleged leasing is in fact a disguise sell of the sugar factories at throwaway prices to politically correct entities and/or individuals without any regard to the interests of stakeholders and the public at large.

(8) Confirm the fears that, in fact, the intended leasing of sugar factories has a hidden intention and agenda of creating domination of the sugar industry by one or two players through close ownership and control of multiple milling companies in the sugar growing zones by lessors.

(9) Elucidate measures, if any, put in place by the Ministry of Agriculture to safeguard interests of cane farmers in order to protect them from exploitation by the lessors of State owned sugar companies.

(10) Explain how nucleus estates of the public millers will be protected against misappropriation by bidders whose notoriety in cane poaching and destabilisation of the sugar industry is well known.

(11) Explain why agriculture, a fully devolved function, is still under the tight grip of the national Government to the near exclusion of county governments.

Mr. Speaker, Sir, this Statement affects Kericho, Kisumu, Busia, Kakamega and Vihiga counties. I would have loved to have one or two members to comment despite your ruling.

**The Speaker** (Hon. Lusaka): We will have just two; the Senator for Kericho and Sen. Malalah.

**Sen. Cheruiyot:** Mr. Speaker, Sir, this is an extremely important matter. I wish---

**Sen. Cherargei:** On a point of order, Mr. Speaker, Sir. Nandi is also part of them.

**The Speaker** (Hon. Lusaka): You are the ones who said the Statements are too many and we should try to control.

**Sen. Cherargei:** So that it goes to the HANSARD, Nandi is also part of the sugar belt. The intention of leasing will also affect Nandi. So, I would like to comment on it.

**The Speaker** (Hon. Lusaka): Sen. Cheruiyot proceed.

**Sen. Cheruiyot:** Mr. Speaker, Sir, as I have said, this is an extremely important issue. I can see the Vice Chairperson of the Committee on Agriculture, Livestock and

Fisheries is in the House. Members of the Committee should give it the seriousness it deserves.

Mr. Speaker, Sir, the issue of the sugar belt along the lower parts of Rift Valley and the regions, including where you come from, is the backbone of our livelihood as a people. The State has continued to disregard those farmers. It left them to the sharks who imported sugar into the country and ensured that their crop continued rotting in fields. With the intended leasing of sugarcane factories, it is important that Parliament which represents the people be brought into the full attention of the details concerning this sale.

We need to draw a clear distinction. I have seen some records claiming that once you have a sitting with Gov. (Prof.) Anyang'-Ny'ong'o and Gov. Oparanya, you are done with that region. That is not the case. Even our country assemblies need to be informed of what is going on in this leasing exercise.

I suggest that when the Committee of Agriculture, Livestock and Fisheries convenes to consider this matter, the hearing should not only be held in Parliament, but in the region where those sugarcane factories are located, so that *wananchi* can tell them the pain they are undergoing.

We know this is an arranged programme. This is not different from what was done to the Kenya Co-operative Creameries (KCC). These are old known games. They will undervalue. In fact, the interest is not even in the factories, but the nucleus of those factories.

There are huge tracks of land owned by companies like Nzoia, Mumias and Muhoroni that tenderpreneurs are interested in. We cannot allow that.

This House must stand for the people of Kenya and defend against this fraud. That deal is a fraud. The Committee on Agriculture, Livestock and Fisheries must expose it.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Malalah, kindly, proceed.

**Sen. Malalah:** Thank you, Mr. Speaker, Sir. I stand to support the Statement by Sen. Wetangula. The issue of sugarcane farming in our region is very important and it is at the heart of the economy of western region in general.

Mr. Speaker, Sir, I support Sen. Wetangula to ensure that this process is done in a transparent way. The common *mwananchi* of western region has not been consulted. There has not been any public participation as pertains to leasing of these sugar factories.

Mr. Speaker, Sir, we shall be demanding for a thorough public participation. We want the farmers to take part in the negotiations and in this deal. We want thorough valuation reports to be tabled before the Committee on Agriculture.

We have seen companies like Pan African Paper Mills (Pan-Paper) being bought at a very low value. The people who want to buy the sugar factories are not interested in the plant. They are interested with the non-core assets.

Mumias Sugar Company has stadiums, buildings here in Nairobi, land and five schools. Those people are not even interested in that plant that is situated in the factory. It is very important for every stakeholder in western region to be involved in these negotiations.

I have seen people who have bided to buy these sugar industries meeting with governors in hotels. Leasing of these factories has nothing to do with individual governors. Leasing of these factories must involve every stakeholder in the western



region. We want to see Senators, Members of the National Assembly and MCAs seated there. As Sen. Cheruiyot has suggested, we want a public hearing on this matter. We shall not negotiate about our sugar industries in hotels and in governors' offices.

I want to take this opportunity to assure the people of western region and farmers of Kakamega County that we will stand with them and they will get a good deal out of this.

**The Speaker** (Hon. Lusaka): I can see Sen. Cherargei---The last Senator to comment on that, so that we make progress.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir, for this opportunity. I want to support Sen. Wetangula. Nandi County being part of the sugar belt region, I had a discussion with farmers from Chemase and they already feel that they are being short-changed. I was told the people who want to lease or want to sell the land under the nucleus estate have been meeting them at the wee hours, when sorcerers are more active, especially at 1.00 a.m., yet the farmers who are the main persons in the discussion have not been part of this process.

I want to agree with my colleagues and advise. There is culture that is not good in this country. When some entities or organizations meet a governor, they imagine that they have met a county government. When they meet a governor, they imagine they have met a Senator, Women Representative, Members of the National Assembly or MCAs. If you ask our county assemblies who are in the sugar belt regions, they will tell you that they have not even seen an iota of any proposal that has been put before the governors.

The Constitution has given us a very good practice of what we call public participation. The problem in this country is that we have "tenderpreneurs" on the loose. We have people who want to sanitize everything where it is possible. I can see my Vice Chairperson of the Committee on Agriculture, Livestock and Fisheries, who is also a Bishop--- Through you, Mr. Speaker, Sir, please, do not let us down on this issue. Our farmers are suffering on this issue of leasing.

Mr. Speaker, Sir, as I conclude, there is a strategic way of awarding specific sugar companies as a way of edging other sugar companies. We should not allow that. In fact, by next week, they should be able to report back on the progress because those people are at the tail-end of negotiations. I see them in hotels with governors and they say that they have agreed. Farmers are left aside. Even Members of National Assembly have not been involved.

Mr. Speaker, Sir, I hope that this matter will be treated with the urgency it deserves, so that our farmers from the sugar belt region, including Kisumu, Kericho, Nandi, Vihiga, Kakamega, and many other areas can rest easy.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Hon. Senators, the matter of sugar is so critical to the economy of a very large area in this country. I want to encourage the Senator who brought the Statement to come up with a Motion, so that this House discusses in depth the issue of sugar and the leasing that is in progress. I want to encourage the Senator for Bungoma to do so.

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir, for that positive direction. In fact, if you look at Nzoia Sugar Company, the target is the 30,000 acres of the nucleus estate land. They are not interested in the factory; they just want the land. If you go to

Muhoroni, Chemelil, Sony and Miwani sugar companies, it is the land. They are targeting only one individual who wants to take all these factories.

I am going to draft a Motion - thank you for the direction – and bring it next week.

**The Speaker** (Hon. Lusaka): Okay. Sen. Murkomen, you came in late; we are already past that.

Next Statement by Sen. Kwamboka.

POLLUTION OF THE ENVIRONMENT  
BY INDUSTRIAL EMISSIONS

**Sen. Kwamboka:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding pollution of the environment by industrial emissions.

In the Statement, the Committee should-

(1) Explain measures put in place by the National Environment Management Authority (NEMA) to address industrial pollution by industries in residential areas.

(2) State interventions made by NEMA to ensure protection of human life from excessive industrial emissions in communities near manufacturing industries, including residential estates and businesses neighbouring *ENDMOR STEEL MILLERS LTD* Company in Syokimau, Machakos County.

(3) Expound on the measures put in place, if any, to compensate those affected by excessive industrial emissions.

(4) Elucidate the actions being taken by NEMA to bring to account companies that pollute the environment.

**The Speaker** (Hon. Lusaka): Next Statement by the Senator for Kakamega County, Sen. Malalah.

PROPOSED INCREASE OF EXCISE DUTY ON BEER  
MADE FROM SORGHUM, MILLET AND CASSAVA

**Sen. Malalah:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 48(1) to seek a statement from the standing committee on finance and budget concerning the proposed increase of excise duty on beer made from sorghum, millet and cassava.

In the Statement, the Committee should-

(1) Explain reasons for the proposal by the Ministry of Finance to double the excise duty on beer made from sorghum, millet and cassava from the current Kshs22 per litre to Kshs44 per litre, through the proposed Remission of Excise Duty (Amendment) Regulations of 2020.

(2) State whether an impact study has been done in accordance with The Statutory Instruments Act, 2013, to assess the effect of passing these regulations.

(3) Provide a full account of the members of the public who made their submissions on the proposed regulations as per the requirements of Article 118 of the Constitution.

(4) Demonstrate that the announcements inviting the public to make submissions met the threshold as set out in Article 201 (a) of the Constitution of Kenya, 2010, and Part 2 of the Statutory Instruments Act, 2013.

**The Speaker** (Hon. Lusaka): Next Statement by Senator for Trans Nzoia County, Sen. (Dr.) Mbiti is deferred.

PAYMENT OF ALLOWANCES TO OFFICE ADMINISTRATIVE PERSONNEL  
WORKING IN THE HEALTH SECTOR IN COUNTY GOVERNMENTS.

*(Statement deferred)*

Next Statement by Sen. Cheruiyot. Do you have a Statement?

OPERATIONS OF ADAK AND THE RAMPANT DOPING  
TEST FAILURE BY KENYAN ATHLETES

**Sen. Cheruiyot:** Thank you, Mr. Speaker Sir. I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Labor and Social Welfare regarding the operation of the Anti-Doping Agency of Kenya (ADAK) and the rampant doping test failure by Kenyan athletes. In the Statement, the Committee should explain what the Government is doing to address the frequent cases of doping amongst young athletes which has led to banning or suspension of 55 Kenyan athletes from international athletics, including 2017, 1,500 metres champion Elijah Manangoi.

Two, state the measures, if any, the Government has put in place to ensure that the image of our country is not tarnished by increasing suspension or bans of our athletes due to violation of antidoping rules.

Three, explain what is being done to address the current unavailability of the world anti-doping agencies, administration and management system on mobile phone platform thus forcing athletes to cover long distance to file their whereabouts and information.

Finally, let them state the policy and the mitigation measures the Government has put in place under ADAK to sensitize our athletes on banned performance enhancing substance in the list of the world antidoping agency and ensure our athletes steer clear of them.

**The Speaker** (Hon. Lusaka): Sen. Murkomen, you were not here when we said there were no riders. Let me give you time for brief remarks.

**Sen. Murkomen:** Thank you, Mr. Speaker, Sir, for your indulgence. As a Senator who comes from Elgeyo-Marakwet County where Etien is one of the global training centres for all athletes, including international athletes like Mo Farah.

This question is very critical on two accounts; one, sports is a devolved function. There is a role that is played by county government in terms of providing enabling environment for our sports people. Second, the issue of doping has given us a bad name internationally. Most importantly, as a person who interacts more often with athletes, most of whom who have been banned, the case of Elijah Manangoi and others is a failure to follow procedure. That is availing yourself at a particular time for test or following particular protocols related with the rules.

Mr. Speaker, Sir, is it possible that the reason why most of these counties---

*(Loud Consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones.

**Sen. Murkomen:** Thank you, Mr. Speaker, Sir. Is it possible that most of these athletes failed in doping not because they were tested and found to have used enhancing substance, however, because the antidoping agency is not funded enough to carry out awareness among most of them and provide infrastructure for them to avail themselves for testing, including the use of technology. If we do not address this issue, we are going to lose our reputation internationally as a country that has produced top athletes for many years since 1968.

Mr. Speaker, Sir, I beg that this issue be taken seriously by the relevant Committee and have a meeting with the antidoping agency. If there is need to amend any law, we are ready as a Senate to fast track the process and protect our athletes.

**The Speaker** (Hon. Lusaka): Next Statement by Sen. Kwamboka is deferred. She had requested for deferment

STATUS OF GRADUATIONS IN VARIOUS  
LEARNING INSTITUTIONS IN 2020

*(Statement deferred)*

Next Statement by Sen. Iman is also deferred.

USE OF EXCESSIVE FORCE BY POLICE WHEN  
ENGAGING WITH CIVILIANS

*(Statement deferred)*

**The Speaker** (Hon. Lusaka): Next Statement by Sen. M. Kajwang is also deferred.

ALLEGED INDUSTRIAL STRIKE BY HEALTH WORKERS IN  
HOMA BAY COUNTY IN THE MIDST OF COVID-19 PANDEMIC

*(Statement deferred)*

**The Speaker** (Hon. Lusaka): Sen. (Rev.) Waqo, proceed.

ELECTRICITY SURGE AND OUTAGE IN MARSABIT COUNTY

**Sen. (Rev) Waqo:** Thank you, Mr. Speaker. I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Energy regarding the frequent cases of electricity surge and outage in Marsabit County, and in particular Saku Constituency. In the Statement the Committee should-

(a) Explain the cause of frequent electricity surge and blackout in Marsabit County, in particular Marsabit Town and its environs, which has led to inconveniences and losses due to distraction of business and household electrical equipment.

(b) Elucidate actions the Ministry of Energy and the Kenya Power and Lighting Company (KPLC) is putting in place to curb the rising cases of electricity surge and the outage in Marsabit County in order to ensure stable supply of electricity in the county.

(c) State plans by the Government if any, to compensate residents of Marsabit for loss of business as well as for the damage caused by the said and unstable electricity supply on business and household electricity appliances.

I thank you, Mr. Speaker Sir.

**The Speaker** (Hon. Lusaka): We can only allow the Senator for Wajir on the same. We agreed and are doing very well.

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, I wish to support that Statement. Marsabit has a lot of problems.

**The Speaker** (Hon. Lusaka): Sen. Halake, what is your intervention?

**Sen. Halake:** Mr. Speaker, Sir, it is not fair that for the tea growing belt you allowed a few more people, but not for the other belt. We also would like to be heard and add our voice because it is affecting the northern part of Kenya and we do not have electricity on the grid.

**The Speaker** (Hon. Lusaka): I was not allowing on the basis of the sugarcane.

*(Laughter)*

That is a wrong statement, I allowed Sen. (Dr.) Ali to ride on and maybe one more person.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. As it has been stated, the whole of the northern region does not fall under the grid and has a lot of problems from the generators from KPLC.

Hon. Members can remember that I have brought several Statements concerning power blackouts in Wajir. Every time the Principal Secretary and the Chairman of KPLC-- Wajir is always in darkness. People of Wajir have problems. There are several useless generators which are not helping our people.

Mr. Speaker, Sir, whenever we ask questions, you will see a helicopter landing there and say within one week everything will be okay, but blackouts are there day in, day out. They are now doing rationing. A quarter of the town has no power.

**Sen. Wambua:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of intervention, Sen. Wambua?

**Sen. Wambua:** Mr. Speaker, Sir, the matter being discussed on blackouts and KP is, probably, a matter that affects everyone in this House. It will be unfair to give these two Senators from the North Eastern region and leave out the rest of the country.

Mr. Speaker, Sir, this is a national crisis. You may want to revise your direction and, perhaps, allow a few more Senators to ventilate on this matter.

**The Speaker** (Hon. Lusaka): Let me allow, I wanted to give Nandi County Senator since he has a similar Statement. Let him finish his remarks.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. As it has been stated, this is a crisis, but the worst areas affected are the ones not on the grid. They are given useless generators which burn and make people's lives miserable.

My hometown town, Bute in Wajir, gets power from Moyale. Every other day, you get it for two hours and then it disappears. Everybody, everywhere in Wajir County has that headache; a place called Hegel in Wajir South, Griftu in Wajir West and Tarbaj in Wajir East. Those generators have a problem. I think we need to call the Cabinet Secretary (CS) and his team here. These questions should be asked properly so that they answer us in time.

**The Speaker** (Hon. Lusaka): Sen. Khaniri, what was your point of intervention?

**Sen. Khaniri:** Mr. Speaker, Sir, the Statement raised by Sen. (Rev.) Waqo is very important. As stated by Sen. Wambua, it affects almost everyone. The next Statement from my neighbour, Sen. Cherargei of Nandi County, is on the same; power outages and blackouts. It affects me and everyone else.

Riding on the Statement will not solve this matter. I propose that instead of the Chairman of the Committee coming up with a Statement, we invite the CS, the suppliers who are Kenya Power (KP), to come here to appear before the relevant Committee, but members who are affected can come in, so that we can raise these matters and get answers there and then. Otherwise, I do not think we will solve the problem by riding on the Statement.

Thank you.

**Sen. (Dr.) Kabaka:** On a point of order, Mr. Speaker, Sir

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. (Dr.) Kabaka?

*(Loud consultations)*

**Sen. Olekina:** Mr. Speaker, Sir, I am a Member of the Committee on Energy and I agree with Sen. Khaniri. Since this is a matter that affects the entire country, instead of riding on the Statement, it would be proper to have a Committee of the Whole on that specific matter. I completely concur with my brother on that one.

**The Speaker** (Hon. Lusaka): I also agree that it is a matter that affects the entire country. Therefore, I direct that the CS, his team, Kenya Power Company and the stakeholders come to the Committee of the Whole next week on Tuesday at 10.00 a.m. in the morning.

Sen. Cherargei, you can read your Statement.

Yes, Sen. Khaniri.

**Sen. Khaniri:** Just a quick one on the same, Mr. Speaker, Sir. As they come to explain the issue of power outages and blackouts, the letter that goes to them must be very clear that there are many other issues like inflated electricity bills and unreasonable disconnections that affect many people. They should be ready to come and answer all those questions. I know if it is not specified in the letter, they will say that they just came to answer the questions on power outages.

**The Speaker** (Hon. Lusaka): That is okay. I agree with you. Secretariat, you have heard what the House has resolved.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I have two Statements. Let me start with the one on mass electricity blackouts due to several faulty transformers across Nandi County.

MASS ELECTRICITY BLACKOUTS IN NANDI COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Energy regarding the mass electricity blackouts in Nandi County due to several faulty transformers.

In the Statement, the Committee should-

(1) Explain why Nandi County is facing massive electricity blackouts caused by alleged faulty transformers.

(2) Explain why KP has failed to reinstall electricity connections in most areas that are experiencing faulty transformers despite several complaints by the resident of Nandi County.

(3) State the major reasons that have caused the massive faulty transformers totalling to 76 transformers awaiting repairs/replacement across Nandi County.

(4) Explain what action the Ministry of Energy is putting in place, if any, to curb the rising cases of faulty transformers in Nandi County and other parts of the country that takes several months to replace yet Kenyans are have paid for the services.

Mr. Speaker, Sir, I have a second Statement.

**The Speaker** (Hon. Lusaka): Wait, I have not given you permission. Do not use a shortcut. Can you take your seat?

Sen. Wambua, what is it?

**Sen. Wambua:** Mr. Speaker, Sir, on the matter of transformers that Sen. Cherargei is talking about, that is, probably, the biggest scandal---

**The Speaker** (Hon. Lusaka): I thought I had already ruled on this. Are you on a point of order?

**Sen. Wambua:** Mr. Speaker, Sir, I am on a point of order. As the Managing Director (MD) of Kenya Power Company and the CS for Energy appear, they should be accompanied by the MD of the Kenya Electricity Transmission Company (KETRACO). That is where the problem lies. Thousands of transformers were imported, but they are not functional.

**The Speaker** (Hon. Lusaka): What is your point of intervention, Sen. Wetangula. Sen. (Dr.) Kabaka, I will give you a chance next.

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir---

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order, Senators! Sen. Wetangula!

**Sen. Wetangula:** Mr. Speaker, Sir, I know you have already given a direction on the Statements by Sen. (Rev.) Waqo and Sen. Cherargei, but I just want to add my voice.

As they come to the Committee of the Whole, they must explain to Kenyans how employees of Kenya Power Company go to certain places, take away a functioning transformer, and leave the area without power. Where they take them, nobody knows.

Mr. Speaker, Sir, you and I come from Bungoma County. We have power blackouts from Friday to Monday, every weekend. By the time the power goes off, all your electronics are destroyed, and you live in a blackout. Your direction to the clerks is that the CS comes with all the heads of his relevant parastatals. We are being told that there is a power surplus in Kenya. If we have a power surplus, how can we have power outages and blackouts?

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Kabaka, what was your intervention? Then we will have Sen. Halake.

**Sen. (Dr.) Kabaka:** Thank you very much, Mr. Speaker, Sir. Mine is to caution the Senate with regard to the kind of answers that are anticipated from the personnel of Kenya Power Company and the related agencies. They need to know that the issue touching on the defective transformers is a matter before the Ethics and Anti-Corruption Commission (EACC), Code No. 1.

I am aware---

*(Loud consultations)*

**Sen. (Dr.) Kabaka:** I have not finished.

**The Speaker** (Hon. Lusaka): Are you on a point of order?

**Sen. Cherargei:** Yes.

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Cherargei?

**Sen. Cherargei:** Mr. Speaker, Sir, Sen. (Dr.) Kabaka is my senior in in the legal profession. There is no arm that can direct Parliament on what to do. Whether those matters are in court is not the business of the Senate. We need to proceed with our matters. My learned Senior should allow the relevance of the House to supersede other matters that are before other forums.

**Sen. (Dr.) Kabaka:** Mr. Speaker, Sir, I appreciate that, but we have a ruling on *sub judice* with regard to matters which are pending. That is the point which I am bringing to the attention of the Senators. We need to be very careful on matters that are already in court as they cannot be canvassed.

**The Speaker** (Hon. Lusaka): Order! Sen. (Dr.) Kabaka, take your seat. The Senator for Kericho is saying that you should be thrown out, but I am not going to throw you out. Let us invite them. Let them come. If they have any issues, they will raise them themselves. We cannot start protecting them now before they even appear to discuss the matter.

Sen. Halake, what was your intervention?

**Sen. Halake:** Mr. Speaker, Sir, I was trying to draw your attention to the fact that you ruled and now through other means my colleagues have spoken. I would also like to contribute.

Is it in order for me to say that---

**The Speaker** (Hon. Lusaka): Sen. Halake, I have already given direction on that matter. We really need to make progress.

What is your point of order, Sen. Linturi?

**Sen. Linturi:** Mr. Speaker, Sir, it also important for me to bring to your attention and that of the House, that before we were de-whipped from the Committee on Energy, where I served as a Member with Sen. Seneta as our Vice Chairperson--- I cannot see the



Chairman of the Committee on Energy. We were looking at the matter of inflated bills and transformers. I am surprised that this report has never come to the House.

Mr. Speaker, Sir, you should reprimand the Chairperson of this Committee because we took a lot of time considering this matter; the fraud, theft and the racket that involved the procurement of the equipment was major.

**The Speaker** (Hon. Lusaka): Sen. Linturi, it is for that reason that I made a ruling that the matter will be heard by a Committee of the Whole.

Sen. Nyamunga, what is your point of intervention?

**Sen. Nyamunga:** On a point of order, Mr. Speaker, Sir. I read in the *Business Daily* that Kenya is generating surplus energy but in the 1990's, a contract was entered between the Kenyan Government and other suppliers of generators, which is supposed to run for the next 15 years.

If we have a surplus of energy and we can use cheaper means of getting energy, why should we stick with a very expensive mode of energy generators that was entered into in the 1990's?

**The Speaker** (Hon. Lusaka): What is your point of intervention, Sen. Pareno? I hope that it is not on the same matter because I have already given direction.

**Sen. Pareno:** Mr. Speaker, Sir, my point of order is still on the same matter. Last year, I requested for a Statement on the same issues. Over 19 electricity transformers had been stolen in Kajiado County. To date, some of the transformers have not been replaced and we were not told who stole them. It will be good to summon them so that they can explain on the pending issues.

**The Speaker** (Hon. Lusaka): I have already made a ruling on that matter. The next Statement is by Sen. (Dr.) Mwaura who is not in the House. Therefore, it is deferred.

OPERATIONALIZATION STATUS OF THE COUNSELLORS  
AND PSYCHOLOGISTS ACT, 2014

*(Statement Deferred)*

The next Statement is by Sen. Pareno.

**Sen. Seneta:** On a point of order, Mr. Speaker, Sir. You have not made a ruling on the issue of energy. I cannot even see the Chairperson of the Committee on Energy in the House. Kindly give a ruling on the matter.

**The Speaker** (Hon. Lusaka): What ruling are you talking about?

**Sen. Seneta:** Mr. Speaker, Sir, you have not given direction on the matter.

**The Speaker** (Hon. Lusaka): Hon. Senators, it is important to be attentive and listen. I gave a directive on that matter.

**Sen. Cheruiyot:** On a point of order, Mr. Speaker, Sir. Sen. Seneta has a point. There is a long lost tradition that is very important in this House. When the Speaker is assigning a question to a particular Committee, the Chairperson, Vice Chairperson or a Member of that Committee should nod in acceptance that they shall undertake to deal with that question in the time stipulated by the Speaker. Sen. Seneta is valid in that regard.

We are increasingly seeing a habit where the leadership does not take the business of this House seriously. The Senate Majority Leader and the Senate Minority

Leader, together, with their deputies and the Whips of both sides are not in the House. The Chairpersons of Committees are also not in the House.

**Hon. Senators:** We are here!

*(Loud Consultations)*

**Sen. Cheruiyot:** Mr. Speaker, Sir, those are their deputies.

**The Speaker** (Hon. Lusaka): Order, Sen. Cheruiyot!

**Sen. Malalah:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Cheruiyot is also on a point of order. Kindly allow him to finish.

**Sen. Cheruiyot:** Mr. Speaker, Sir, I may have lost the point by mentioning the deputies but let us stick to the issue that was raised. Sen. Seneta had a point that Committee Chairpersons and their deputies should take the work of the House seriously.

Committee Chairpersons should ensure that their deputies are in the House, if they are unable to be in the House during Statement Hour. Who will consider the issues that Senators are raising when they go to the Committee?

**The Speaker** (Hon. Lusaka): Sen. Malalah, what is your point of order?

**Sen. Malalah:** On a point of order, Mr. Speaker, Sir. I am concerned with what my good friend, Sen. Cheruiyot, has raised that the leadership of the Minority side is not in the House. I would like to inform him that the leadership of the NASA Coalition is intact.

If Sen. Orenge is not in the House, he is represented by Sen. Malalah, who is the Deputy Minority Leader. If Sen. Cheruiyot has an issue with the leadership of the Jubilee Coalition in the Senate, he should raise it with them.

*(Loud Consultations)*

**The Speaker** (Hon. Lusaka): Order, Sen. Malalah! Take your seat.

*(Sen. Cherargei raised his hand on a point of order)*

Order, Sen. Cherargei! This is not a market. This is a House!

Sen. Malalah, the point you should have raised is that the leadership is there. Leadership is an office. If the Chairperson of a Committee is not in the House, he or she can be represented by the Vice Chairperson.

Sen. Linturi, what is your point of intervention?

**Sen. Linturi:** On a point of order, Mr. Speaker, Sir. I agree with the directions that you have given. If the Chairperson of a Committee is not in the House, the Vice Chairperson is supposed to take charge and ensure that business goes on but do not forget that a precedence has been set in this country where deputies are not assigned any work to do.

I have been a Vice Chairperson of a Committee, so I know what happens in the Committees. The Vice Chairpersons are not allowed to even chair meetings. I say that because I do not know whether the oversight role of this Parliament was designed to fail.

I was shocked today when people appeared before a Committee of the House and we were told that we have a very short time to deal with the matter as if our queries to the people who appear before the Committees are limited by time. In the end, we were unable to interrogate the people who were invited to appear before the Committee.

Mr. Speaker, Sir, I seek your indulgence. Kindly give guidance on how we must conduct ourselves during Committee meetings in the absence of Chairpersons or in the presence of Chairpersons who are 'permanently in defense' of the Executive because these are their proxies. That is why most of the business is not going on.

I thank you.

**The Speaker** (Hon. Lusaka): I will allow Sen. Olekina to raise his point of order followed by Sen. Wetangula.

**Sen. Olekina:** Mr. Speaker, Sir, Sen. Cheruiyot has raised an important issue. I am a Member of the Committee on Energy. I am sure that the Clerks are also taking notes and the HANSARD is also available for reference.

I undertake to communicate the Statement to the Chairperson of the Committee on Energy. The Secretariat should also draft a letter as directed by the Speaker to invite the Cabinet Secretary in the Ministry of Energy to appear before a Committee of the Whole. We will look at the HANSARD and transmit the relevant issues raised by fellow distinguished Senators.

**Sen. Wetangula:** On a point of order, Mr. Speaker, Sir. I would like to draw your attention to the manner in which the distinguished Senator for Nandi was conducting himself when he was shouting 'Point of Order', he was standing like he was in a classroom with his hand up.

*(Laughter)*

That is not the way business is conducted in this House.

**The Speaker** (Hon. Lusaka): I took note of Sen. Cherargei's actions. It is also very hard to tell where Sen. Cherargei sits because he is very nomadic in his operations. He is all over the place using his hands to express himself. He should learn to behave honorably.

Sen. Cherargei, what is your point of intervention?

**Sen. Cherargei:** On a point of order, Mr. Speaker, Sir. I just came out of school recently and when we were in class, we had to raise our hands to get the teacher's attention. I hope that I will soon learn the practice in this House.

When I was still in leadership, you gave a ruling that in a situation where the Chairperson of a Committee is not in the House during Statement Hour, the Vice Chairperson must be there.

For the efficiency of our Committees, I request the leadership to organize a retreat so that the new Chairpersons and Vice Chairpersons who are in place currently can learn the operations of the Committee. Chairperson who were recently appointed from the NASA Coalition including Sen. Faki, need to learn. There are some Chairpersons who when witnesses are invited, they defend the witnesses more than the invited persons.

Mr. Speaker, Sir, kindly organize a retreat for the Chairpersons and Vice Chairpersons of Committees and teach them how Committees operate.

I thank you.

**The Speaker** (Hon. Lusaka): What is your point of intervention Sen. Sakaja?

**Sen. Sakaja:** On a point of order, Mr. Speaker, Sir. I would like to disagree with Sen. Cherargei and point out that our Standing Orders are clear about imputing improper motive and the blanket condemnation of Chairs.

The two Members who have spoken about some Chairs behaving in a certain way need to be specific in terms of who has become “protector of the Executive” *et cetera*. I am a Chair and Members of my Committee and any that I have chaired will tell you that when I chair, I do so with the authority of the Senate.

**Hon. Senator:** On a point of order!

**Sen. Sakaja:** I am on a point of order.

**The Speaker** (Hon. Lusaka): He is on a point of Order.

**Sen. Sakaja:** I think that is the induction Sen. Cherargei is asking for.

*(Laughter)*

Mr. Speaker Sir, I assure you even on the issue Sen. Linturi has raised, that my Vice-Chairman, Sen. Mwaruma has responsibilities and he runs the Committee very well and I give him a lot of leeway. My former Vice-Chair in the Select Committee on Covid-19 Situation in Kenya did so well and now she is chairing the Committee.

We have seen that there is an issue of deputies all over, that people are not giving their deputies work and, therefore, they have to go and look for work. Just have security and give them the leeway. My current Vice-Chair is Sen. Mwaruma and he is exceptional. In fact, I feel as if I should resign and give it to him because he is doing a good job.

Sen. Linturi, if you have an issue with a certain Chairperson, tell us who that is and hold another election within that Committee. If you have an issue with a Member, bring a substantive Motion and discuss their conduct because this House must remain an oversight body and not an appendage of any other arm of Government.

**The Speaker** (Hon. Lusaka): Let us have Sen. (Eng.) Hargura lastly, so that we make progress.

**Sen. (Eng.) Hargura:** Mr. Speaker, Sir, I wanted to follow up on what Sen. Seneta said, that it has been the practice and tradition of this House that when a Statement is sought, it is assigned to a particular Committee and the Chair or any Member of that Committee has to take responsibility.

If work is not assigned to a particular Committee, it is a sign that nobody has taken responsibility. At the end of the day, we will have lapses somewhere and nobody will pick that up.

It is very important that whenever there is a Statement, then at the end of interrogation of that Statement, the Committee takes responsibility. We all used to have time limits, that within two weeks, we had to bring an answer to the House.

*(Loud Consultations)*

**The Speaker** (Hon. Lusaka): Order, hon. Senators. Order, Sen. Malalah. I am making a communication.

I confirm that we are going to organize a retreat for the Committee Chairs and the Vice-Chairs so that we read from the same script. I also want to add a rider that styles of

management by various people are different. You may find a Chairperson who is very overbearing and does not give opportunity to the Vice-Chair to do anything.

These are some of the management issues that always come up whenever we have a Chair and a Vice-Chair. We will have a retreat where all these things can be discussed because we cannot exhaust all of them on the Floor of the House.

Let us make progress. Proceed, Sen. Pareno.

BOUNDARY DISPUTE BETWEEN KAJIADO AND  
MAKUENI COUNTIES AT MERRUESHI AREA

**Sen. Pareno** Mr. Speaker Sir, I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Committee on National Security, Defense and Foreign Relations on an ongoing boundary dispute between Kajiado and Makueni counties at Merrueshi area of Kenyawa Poka Ward, a place commonly known as Oloirien.

In the Statement the Committee should –

(1) Outline the measures, if any, that the Ministry plans to put in place to resolve the ongoing conflict which has led to several people being injured with three individuals having lost their lives and several animals getting maimed.

(2) State whether the Government will compensate the affected families for this loss.

(3) State whether there is any form of compensation to the following who have been directly affected by the conflict and when such compensation will be given.

(a) Those affected are 26 homes which have been destroyed and owners forced to seek shelter in the neighboring Merrueshi area despite having valid title deeds to their land.

Mr. Speaker, Sir, I had requested to amend the Statement to include the names of the owners of the homes that have been affected.

These are the homes owners -

- (i) Rakoi Kishanto
- (ii) Kuran Kishanto
- (iii) Tumatele Nkina
- (iv) Papayai Kakoi
- (v) Sime Lemunada
- (vi) Jonathan Lemunada
- (vii) Singet Lemunada
- (viii) Sopilal Lemunada
- (ix) Tinka Kishanto
- (x) Pailol Surungai
- (xi) Kitili Kitongo
- (xii) Osoi Kitili
- (xiii) Samuel Kitili
- (xiv) Liesen Kishanto
- (xv) Rakoi Saning'o
- (xvi) Maiyani Make
- (xvii) Julius Leisi
- (xviii) Jamson Partaluai

- (xix) Kutita Kantima
- (xx) Motoine Kantima
- (xxi) Ntasikoi Kaisa
- (xxii) Kanamotago
- (xxiii) Makui Kishanto
- (xxiv) Lepole Lemunada
- (xxv) Lemalon
- (xxvi) Lemoroloi Leisi

Mr. Speaker Sir, those are the 26 homes that have been destroyed and the owners are not even living there.

(b) There are churches that have been destroyed: Olosira PCMA, headed by Pastor Sangale, Olosira Paranai, headed by Pastor Kalasinga and Oloirien MPFK, headed by Pastor Rakoi.

(c) Oldonyo Sampu Primary School that has been completely vandalized. The children are opening schools and we do not know where they will go.

(4) State the measures being taken by the national and county governments to deal with the matter conclusively and also ensure residents are enabled to continue with their normal activities of daily living, including access to the waters of Oloirien River and without being subject to constant attacks.

I thank you.

**The Speaker** (Hon. Lusaka): Hon. Senators, under that Standing Order, I am deferring all the other Statements and inviting the Chairperson *Ad Hoc* Committee on Covid-19 Situation in Kenya to make a Statement under Standing Order No. 51(1).

Next Order.

#### DISPLACEMENT OF SQUATTERS FROM HIDABWO AREA

#### EQUAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

#### PROVISION OF THE NEW KENYA POLICE UNIFORM TO POLICE OFFICERS

#### ENCROACHMENT OF LAKE KENYATTA RIPARIAN LAND IN LAMU COUNTY

*(Statements deferred)*

**Sen. Pareno:** On a point of order, Mr. Speaker, Sir. I did not hear your guidance at to where you are committing the Statement I have just read.

**The Speaker** (Hon. Lusaka): It automatically goes to the Committee on National Security, Defense and Foreign Relations.

**Sen. Mwaruma:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Take your seat first, Sen. Kasanga. What is your point of order, Sen. Mwaruma?

#### ADMINISTRATIVE BOUNDARY BETWEEN TAITA/TAVETA AND MAKUENI COUNTIES

**Sen. Mwaruma:** Mr. Speaker Sir, I had raised a similar Statement to the one by Sen. Pareno. The other day I was trying to raise a point of order but the Deputy Speaker shut me down. I have not received a response. I have tried to track that Statement on the boundary conflict between Taita Taveta and Makueni and have not had it.

It was given to the Committee on National Security, Defense and Foreign Relations and the Committee on Legal Affairs, Justice and Human rights.

Is it possible to direct that the Statement be traced?

**The Speaker** (Hon. Lusaka): The Secretariat is here. Make sure that the Statement is traced and brought on Tuesday next week.

What is your point of order, Sen. Cherargei?

#### NON-PAYMENT OF SALARIES BY THE NANDI COUNTY GOVERNMENT

**Sen. Cherargei:** Mr. Speaker, Sir, I was requesting your indulgence before you moved to the Statement on Covid-19 Situation in Kenya. There was a Statement on non-payment of workers in Nandi County. It is good that the Chair of the Committee on Labour and Social Welfare, Sen. Sakaja, is here.

When that matter came before the Senate, the county government of Nandi went ahead and fired all the employees. I needed your direction on that.

Secondly, on the issue of police uniform, since it is a matter that is alive and urgent, could you kindly give me two minutes to read and then you commit it to the relevant Committee?

I know you will become the Governor of Bungoma in future---

**The Speaker** (Hon. Lusaka): You are out of order. In fact, because of that, I am not allowing it.

*(Laughter)*

You will give your Statement tomorrow.

**Sen. Sakaja:** On a point of order, Mr. Speaker Sir.

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Sakaja?

**Sen. Sakaja:** Mr. Speaker Sir, you are too gracious. Such a Statement is not just out of order. It must be withdrawn. When you make it look like the Speaker of the Senate of the Republic of Kenya aspires to be demoted to be one of the 47 governors, you are diminishing the stature of the Senate of the Republic of Kenya. The Speaker is number three in Kenya after the President, Deputy President and the Speaker of the National Assembly.

To say that the Speaker of the Senate at night when he dreams, the biggest thing he is thinking about is to be Governor of Bungoma is completely out of order. It needs to be withdrawn from the HANSARD. Twenty years from now, my children should not think that after you are the Speaker of Senate, the next position is Governor of Bungoma. It is the other way round.

**The Speaker** (Hon. Lusaka): Let us not waste time on that. Sen. Cherargei, just withdraw so that it is not on the HANSARD.

**Sen. Cherargei:** Mr. Speaker, Sir, blessings are unAfrican to withdraw. Those are just blessings.

**The Speaker** (Hon. Lusaka): It is not a blessing, and I did not ask for blessings.

Just withdraw.

**Sen. Cherargei:** Mr. Speaker, Sir, I withdraw. I want to tell Sen. Sakaja that I said “will”. I did not use the word “shall”. Which part of English is not clear? I said “will” which means “maybe.”

**The Speaker** (Hon. Lusaka): Order, Sen. Cherargei. You have withdrawn. All those things that you are saying now do not add up.

**Sen. Cheruiyot:** He has withdrawn, but Sen. Sakaja is also out of order. He was doing so well until he did the ranking of seniority in the country.

The Speaker of the Senate comes third after the President and the Deputy President. He needs to amend that part.

**The Speaker** (Hon. Lusaka): Sen. Sakaja, can you put the records right on HANSARD?

**Sen. Sakaja:** Mr. Speaker, Sir, for HANSARD, I withdraw that erroneous ranking. I want to state categorically that you are actually ‘Kenya 3,’ the Rt. Hon. Kenneth Lusaka Makelo.

**The Speaker** (Hon. Lusaka): Sen. Farhiya, what is your point of intervention?

#### NON-PAYMENT OF WORKERS BY WAJIR COUNTY GOVERNMENT

**Sen. Farhiya:** Mr. Speaker, Sir, I wanted a rider on the point raised by Sen. Mwaruma. I brought a Statement on people who have not been paid by the County Government of Wajir for 23 months.

I brought that Statement when their contracts were ending. Their contracts have now ended and they had requested that they should be stopped from recruiting.

Mr. Speaker, Sir, I have not heard the conclusion of that Statement and I beg your indulgence. You had committed that Statement to the Standing Committee on Labour and Social Welfare and up to now, I do not know where it is.

**The Speaker** (Hon. Lusaka): The Secretariat, you should undertake to get all these Statements; we should know where they are disappearing to. You can see that the hon. Senators are raising issues.

Please, by Tuesday, we should get a feedback on where the Statements are.

#### REPORT ON COUNTY VISITS UNDERTAKEN BY THE AD-HOC COMMITTEE ON COVID-19

**Sen. Kasanga:** Mr. Speaker, Sir, I rise pursuant to Standing Order 51(1)(a) to make a Statement on an issue which the Committee is responsible for, namely, the Report of the Senate on visits undertaken.

I have been holding this Statement for quite a number of weeks, but I have not been able to table it because of the business of the House at that time was to deal with revenue allocation.

A week after our visits, this is a Report to the House on our fact-finding mission at the coast region and on various items and issues that the *Ad hoc* Committee on the COVID-19 Situation in Kenya is carrying out.



I have not been able to speak as the Chairperson since the Members saw me fit to chair the Committee after our very able former Chair resigned. I would like to put it on record that I am grateful that the Committee saw it fit that I should be the Chairperson. We are also grateful to the former Chairperson because he led us well and set the pace for the Committee. We were the first Committee to sit during the COVID-19 time.

*(Loud consultations)*

Mr. Speaker, Sir, please, protect me so that I can be heard.

I also want to appreciate our new Vice-Chairperson, Sen. Linturi, who is a very committed Member of our Committee, as all our Members are. I also want to appreciate Sen. (Dr.) Langat who was added to the Committee and his contribution to the Committee.

As Senators will recall, the *Ad hoc* Committee on the COVID-19 Situation in Kenya was established on 31<sup>st</sup> March 2020 with an oversight mandate on actions and measures taken by national Government and county governments in addressing the spread and effects of COVID-19 in Kenya.

Just to add a rider, COVID-19 is not over and we are not safe as a country and as a region. COVID-19 is still there and we are seeing many irresponsible things happening. We see crowds gathering, completely ignoring all the protocols that have been set by the Ministry of Health.

We are still not safe. We are seeing in the West, where countries are going into a second wave. We are still looking at how prepared our counties are because we shall soon see a surge in the counties. There is still a lot of work to be done.

*[The Speaker (Hon. Lusaka) left the Chair]*

*[The Temporary Speaker (Sen. (Dr.) Lelegwe) in the Chair]*

So far, the Committee has held a total of 90 sittings. We have met with all sorts of stakeholders at the national and county level, county governments, frontline workers, healthcare workers, private sector, employers associations, trade unions, civil societies, business owners and experts in different thematic areas that we initially reported in our first reports.

Unfortunately, The Pandemic Response and Management Bill (Senate Bills No.6 of 2020) has been declared a Money Bill in the National Assembly. We are hoping and waiting to see a direction on how we can proceed with it, so that we do not lose the Bill that was very progressive and the work of many Kenyans.

While it was not possible to undertake site visits at the time of the lockdowns, we had to put a lot of pressure to be allowed to do so. After all the reports that we had received, it was necessary for us to go to the ground and assess the situation of preparedness in the counties.

We visited Isiolo and Meru counties in June. With permission from the Speaker, we were able to visit Mombasa, Kilifi and Kwale counties. During these visits, we met and held discussions with frontline healthcare workers in the three counties.

We met with human rights organizations, resident organization of Old Town Mombasa, National and county government officials as well as other organizations that had partnered with the county governments in responding to the pandemic. We also met the Red Cross Society of Mombasa and the Rotary Club of Mombasa.

These were very fruitful engagements. In fact, we were truly impressed with the cooperation we saw with some of these organizations and county governments, especially the County Government of Mombasa. We saw how they were able to come together at such a critical time to help the citizens of the counties.

With these engagements, the Committee was able to identify some key successes that we have now recorded. We also came across many challenges, which have hampered the containment and response to the pandemic in these counties.

I wish to talk about some of the highlights that I want this House to be seized of. As you go back to your counties, these are the areas that you need to assess and oversight. The frontline workers from Mombasa, Kwale, Kilifi, Taita-Taveta, Tana River and Lamu made presentations to us. We had challenges, including access to quality Personal Protective Equipment (PPEs).

The healthcare workers had to contend with delayed payment of salaries, some spanning to several months. In some counties, there were non-remittance of their statutory deductions and other financial obligations. That meant that the workers could not access their own healthcare because their National Hospital Insurance Fund (NHIF) fees had not been remitted.

The lack of medical insurance from NHIF and other providers for the doctors and frontline workers, as well as other labour issues of training, deployment and promotions stood out as a key challenge.

The Committee was informed that other than allowances sent by the national Government, which we confirmed through the Controller of Budget that the allowances from the national Government arrived and were paid to the frontline workers, they had not received any other incentives, either from the national or county governments. You can imagine the sacrifices that they are putting as well as that of their families. This issue is still outstanding to this day.

We were able to address some issues with respect to county governments. For others, we have to reach out to the office of the Clerk, so that we can assist in drafting and bringing a Petition to the Senate, so that this can be substantively considered by the Standing Committee on Labour and Social Welfare that is chaired by the former Chairperson of the *Ad hoc* Committee on the COVID-19 Situation in Kenya.

We also met with residents of Old Town, Mombasa. As we all remember, Old Town in Mombasa and Eastleigh in Nairobi were two areas where we had complete lockdown. There are human rights concerns that arose, particularly the perceived discrimination and deferential treatment for the residents in these two areas.

The Committee further received submissions from human rights groups. We received a report from Muslims for Human Rights (MUHURI) and Haki Africa on the overly forceful manner in which curfews and lockdown measures were enforced, particularly in the initial stage of the pandemic.

On Wednesday of that week, the Committee visited an isolation centre at the Technical University of Mombasa (TUM). We inspected the project that was

implemented jointly by the Rotary International and the County Government of Mombasa to supply fresh water to the residents of Moroto Area in Mombasa.

We visited and observed the operations at the Likoni Ferry Services (LFS) as well. We inspected facilities and held meetings with officials at the Coast General Teaching and Referral Hospital. Finally, we met the Mombasa County COVID-19 Emergency Response Committee that is co-chaired by Gov. Ali Hassan Joho and Mombasa County Commissioner.

If Members can recall, we received detailed expenditure reports on how funds received from the national Government, development partners as well as own source revenue that had been allocated towards the response of COVID-19 we used.

The gap that the Committee identified from the Special Budget Review Implementation Report submitted by the Controller of Budget (CoB) is something that the Committee looked into. It formed part of the conversations we had with the response teams in the counties that we visited.

We made some key observations in that regard. Some positives from our interactions with the county governments are that we saw local innovations in response to the pandemic. We saw the use of telemedicine in minimising contact between healthcare workers and COVID-19 patients. We saw that in the Coast General Teaching and Referral Hospital and it was quite impressive while ensuring they are monitored and attended to.

We also saw the impact of the change of the Ministry of Health guidelines regarding home-based care, which has greatly freed up the space in the facilities in the hospitals. The frontline workers explained to us how the home-based care is being done and how the outreach programmes were done. That enabled them to free up the hospitals and isolations centres significantly.

On Thursday of that week, we visited Kilifi County where we inspected the facilities and held a meeting with the county health team. We received some detailed reports and got some of the questions answered to do with the healthcare workers and issues in the CoB's Report that we had raised. Unfortunately, in Kilifi, we were not able to meet with the county response team because the Governor was not available for us at that time.

On Friday of that week, we visited Kwale County. We held a meeting with the County COVID-19 Response Team that is co-chaired by Governor Salim Mvurya and the County Commissioner. Thereafter, we visited Msambweni County Referral Hospital as well as Lunga Lunga One Stop Border Post, between Kenya and Tanzania.

We made some observations from the two visits. We were impressed by the partnership between the national and the county government at the border to make sure that the operations of the border were not affected. We have to acknowledge the County Government of Kwale for supporting the national Government facility.

Irrespective of the fact that there were still challenges because samples had to be taken all the way to Kilifi for testing, the County Government ensured they give as much support as possible, including transport, providing protective equipment to the workers at the border and ensuring that the functions at the border were ongoing.

We also took note of the reduced trade volumes between the two countries. That was a critical issue. When we were told of the reduced trade from a possible 27,000

crossings or thereabout per month down to less than 1,000 crossings per month at the height of the pandemic, it shows the impact on trade that COVID-19 has brought.

Through these visits, the Committee observed and received firsthand accounts of the impact on the citizens, health workers and county governments. It has also helped us to gain insights. We would not have gone far without county visits.

I thank the office of the Speaker as well as the Clerk for enabling us to do county visits and for continually giving us the support as a committee to do these things at this time. We will have further details of the county visits in the next report, which we are preparing. Hopefully, we will table the 9<sup>th</sup> Progress Report tomorrow where we will have all these details for Senators to access.

In the 9<sup>th</sup> Progress Report, we also have detailed reports from the Ministry of Health on their own audit and assessment of county preparedness to the point where they have even ranked the counties that are most and the least prepared. It is important that when we table it, Senators should know how their respective counties have performed. I want to assure the House that we are fully seized of our mandate as a Committee.

We had requested for a report from the CoB, which was brought. We have relied on it significantly on issues of budgeting and expenditure for county governments and we continue to do so. We are also waiting for a special audit report from the Auditor-General on the financial operations of the county governments during the pandemic. We shall greatly rely on that report as well.

It is also good that I put on record that we sit jointly with the Committee on Health in undertaking the procurement irregularities that have happened at the KEMSA. Again, Senators need to be seized of this because when it comes, it will be an interesting turn of events.

Every time we meet a key stakeholder, we learn something new. As an oversight House, it is important that we be seized of these issues. The law may need to be tweaked and amended so that in future we do not see such situations, where a body like the KEMSA that is supposed to oversee dissemination of medicine and medical equipment becomes the source of grand corruption especially on funds that are donated.

I am grateful to this House, the Clerk and the secretariat of the Committee for the commitment they have and continue to show. They have done good work and dedicated time. Our secretariat is stretched but they work.

Senators are also stretched because all Committees are becoming operational. We are sitting three times a week. So, our afternoon meetings are no longer feasible. All our meetings are happening in the morning and it is becoming a little crazy weaving in and out of meetings but the commitment still continues.

As a Committee, we assure this House that as we begin to wind up our mandate, we shall give adequate and good reports which the Senators can rely on.

I thank you.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir, for affording us this opportunity as centres to receive this progress report from a Committee that is considered to have done a sterling job up to this far. They have given us good visibility as a House. Citizens of this Republic can appreciate the good work that Senators do.

I have a number of issues that I have continued to raise. I wish the Chair to listen to me specifically. This is because in your next update report, as you continue with this very important assignment, I have insisted that this report will not be complete until we

receive a tabulation of how much each county has spent in their COVID-19 response programme.

What are the products that they allege to have bought? At what price? When and where are those materials up to this particular time? If it is medication or is Personal Protective Equipment (PPEs), and who are the suppliers?

Mr. Speaker, Sir, this is an issue that is extremely important because as we focus on the COVID millionaires at Kenya Medical Supply Authority (KEMSA), we must also be reminded that our various localities; different counties where we come from, there are also small COVID-19 millionaires who instead of ensuring that our counties are properly kitted to fight this pandemic, maybe their business is to enrich themselves from the donations that have been given to the various counties.

It is extremely shameful. I am moving on to my second point of the response that I want to get from this Committee when they eventually table their continuous progress report. These thorny issues of the donations by philanthropist Jack Maa, up to this particular point, I have not seen a report of any House of Parliament.

I also follow the business that goes on at the Lower House. I saw interrogations. I saw our former colleague, the Chief Administrative Secretary (CAS) for Transport, Hon. Chris Obure, giving answers on a Tuesday saying that those donations were received by the garment handling equipment at the Jomo Kenyatta International Airport (JKIA). The following day, he gave information that appeared to be contradictory.

This Committee must inform us. Kenyans deserve to know how much in terms of PPEs did we receive from Jack Maa. Is it true, as it is being alleged out there in the media that these donations were stolen and some were even sold to neighbouring countries, as it was exposed by the recent *exposé* by Journalist Dennis Okari?

Mr. Speaker, Sir, it will be important for Kenyans to know the kind of Government that is in place. If, indeed, there are people who sold these donations, then their names need to be made public. They need to be brought to book. They need to go to jail.

On the third issue, I would wish that this Committee will also be more reactive to the current debate around the COVID-19 issue. The current debate in the country is based on two things: First, it is the issue of reopening of schools. Secondly, relaxation of COVID-19 measures.

Your report will be more updated if you told this House what assurance is the Cabinet Secretary (CS) for the Ministry of Education, Hon. (Prof.) George Magoha, giving the country as he plans to reopen our schools? Are we saying that we are satisfied that all measures have been put in place such that, even if it is Class Eight only and Form Four candidates that are returning to school, how sure are we that our kids will be safe? I do not see the hurry.

Mr. Speaker, Sir, I am not convinced whatsoever, that there is need to hurry the reopening of schools. We need to learn from the rest of the globe. I have seen countries that have got better facilities, and better prepared in terms of how they have handled this pandemic. They made the rushed decision to reopen schools and right now, they are reconsidering receding that decision.

Yesterday, in the House of Commons, the Prime Minister, Boris Johnson, said that they now want to come up with more stringent measures that will be put in place for six months. Given the kind of challenges that they are facing with this pandemic, they are

even considering deploying out military to enforce some of these regulations because people are not listening.

Therefore, what is it that has satisfied the Kenyan Government to a point that you are now beginning to discuss that we need to reopen our schools? I thought schools will be the last of all the public places that we are going to reopen. Let us discuss about church, mosques and places of entertainment because they are optional, but not our public institutions like schools especially for the young people.

Is it the case, as I have read today, that since KEMSA is stuck with dead stock of close to Kshs6 billion of all the masks that they bought at an inflated price and they are looking for somewhere to dump them, that is why they want to open schools, so that it is said that the Government of Kenya (GoK) has distributed free masks and somebody will have quickly solved the puzzle? Out of the theft that happened at KEMSA, they are now stuck with dead stock. Masks that were bought at Kshs1,000, right now, the prevailing price is Kshs200. They do not know who to sell to.

It is important that this Committee tells this House the satisfactory measures that the Ministry of Education has undertaken to ensure that when our children return to school, they will be safe. Otherwise, you are sending our kids into a line of battle, which will be unfortunate and all of you Members seated in this House, will have abdicated on your responsibilities.

History will be very harsh on you that at a time, as critical as this, when it was needed for us to give leadership to the country, we surrendered our responsibility and sat as bystanders. We cannot be the same with Kenyan citizens who are watching Hon. (Prof.) Magoha talk about all those issues that do not make sense on Television (TV), yet you are a Member of Parliament. You can summon him. You can call him here and put that man to order so that he speaks things that make sense.

Mr. Temporary Speaker, Sir, it will not be fair. I recommend to this Committee that in the next few days, before they make any policy announcements with regard to the education of our children, please, summon those officials and be satisfied.

You know how Government people reason. So long as they are satisfied, and they have earned their per diem from these trips after going around the schools, they will make a decision and say please proceed. Kenyans are looking up to you.

Mr. Temporary Speaker, Sir, I had said there are two issues, majorly around the discussion of this topic about reopening of the economy which is something that is being discussed across the county. People are feeling tired that it is about time we relaxed the rules.

Top politicians have begun moving around, going to rallies and getting people to mix and tangle. People are not putting on masks including the same leaders. It will be important for this Committee to tell us, is it true that the curve has flattened or it is because of the absence of reagents to test people?

If, indeed, it is confirmed that we have managed this disease to a point where we are satisfied that we can relax some of these regulations and rules, we thank God and we go back to our lives the way we know it. However, until such a point that we have information that is based and backed up by research and science that confirms to us that we are doing the right thing as a country, then it will be completely wrong of us as a House of Parliament to just allow Kenyans to continue to make these discussions.

You cannot blame Kenyans. The reason why most Kenyans will debate these issues in places of entertainment, newspapers, and on *Twitter* is because that is the only platform they have. For us, we have this institution, the House of Parliament; we can summon every public official. We can get them to come here and give Kenyans credible answers. The questions that they do not answer in press conferences, they can answer them here. There is absolutely nobody else they should answer to.

Sen. Kasanga, it is your Committee that Kenyans can get answers and be satisfied that next week when the President makes that address, and says that he is relaxing the rules and some of the containment measures---

I agree with some of them that it is important to continue observing some of these rules, but those that we find for one reason or the other, that they do make sense, then it is proper to continue enforcing them.

Finally, Mr. Temporary Speaker, Sir, I will be remiss if I do not celebrate the work that is being done by our frontline workers. Our health care workers are serving this country diligently under very difficult circumstances. We must celebrate them.

Mr. Temporary Speaker, Sir, I want to thank the health care workers for the response that some of these health care professionals have done in this county despite the fact that we do not celebrate them. Recently I saw those games that go on.

I am disappointed with what our former colleague, Sen. Mutahi Kagwe, is doing. Afya House is a place of great disrepute with all these issues that we read in the newspapers. After transferring one of the leading doctors from that office, World Health Organization (WHO) was not satisfied. They felt that this is underutilization of the resources that are deployed to us as a country.

They wrote a letter and requested the Ministry, that please, if you are not satisfied with the services that are being offered by these particular officers, instead of transferring him to Nakuru because of your small little egos, please lend him to us.

We want to make use of him and that particular officer--- I say this because he is a man from my county and he is somebody I know. Somebody we celebrate very well. WHO sent him to South Africa to assist with response in that particular country. That is how doctors and healthcare professionals in this country are rated. It is unfortunate that other countries can make use of our healthcare professionals, but because of the tribal wars, we end up misusing them. Those are the things your Committee needs to investigate and put the Cabinet Secretary to order. Tell them that all these appointees, from the Principal Secretary, should respect the work done by our frontline workers.

Otherwise, I celebrate the work that this Committee continues to do.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Sakaja, proceed.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, at the very outset, allow me to congratulate my successor, who seems to be successful in the exercise of her mandate as the Chairperson of the *Ad hoc* Committee on the COVID-19 Situation in Kenya. Congratulations, Sen. (Arch) Kasanga! I had faith in you and I am glad that the Members of the Committee have the same faith. So far, your Committee is doing a good job; Sen. Halake, Sen Linturi who is the Vice Chairperson, Sen. Faki and the rest of the team.

Mr. Temporary Speaker, Sir, when we started this work, one of the key questions in the series of meetings--- I chaired at least 72 meetings of this Committee before I threw in the towel. The major issue that was going to help this country make a decision was the research work being done by the Kenya Medical Research Institute (KEMRI) on

how the virus is behaving. It is based on that information that you know whether the virus is attenuating in its mutation or becoming strong.

When KEMRI came to us earlier, they said that they highly suspected that the version or strain of COVID-19 in Kenya is different from the one in other countries where people are dropping dead, numbers increasing daily and the fatality rate-- In Kenya, we are at 37,000 cases, but we have had 650 deaths.

This information is important because decisions being made by various agencies of Government are not scientific but political. Without listening to the science, we might fall into the trap of many other countries. You saw what happened in Japan and China earlier. When they reopened schools after a crazy surge, they had to close down the schools again.

Yesterday, the Prime Minister of the United Kingdom, Boris Johnson, announced stricter measures and said that they might go up for the next six months. What we would like to hear from this Committee in another session with KEMRI, since at the time they had started culturing the virus because it has to grow to a certain level from where you can see how it behaves--- I am sure that the six months have already passed; they can tell us the version in Kenya, so that these decisions can be made.

I urge Sen. (Arch) Kasanga to take full charge. The Health function is devolved and the Senate has been given a full mandate. If there will be a meeting or conference by the Executive to discuss reopening or not, the Senate must be represented by Sen. (Arch) Kasanga's Committee. This Committee has been a focal point of all the thematic areas, from the health issues, economic issues, social public order, justice issues and connecting issues like education.

This Committee is the only entity in the Republic of Kenya that has had the entire spectrum of issues surrounding COVID-19. The opinion of the Committee must be taken seriously because you have a bird's eye view. You have seen all the aspects including the transport sector. We discussed many things and I am sure the Committee has gone further.

Mr. Temporary Speaker, Sir, Sen. Cheruiyot has raised an important point on the frontline health workers, and I want to give an example. In Nairobi, which is the county that has been hardest hit, one of our institutions had an inordinately high number of infections, possibly 50-70, and that is Pumwani Maternity Hospital. We saw what happened last week in that hospital, which is related because due to that there has been a go-slow. The issues that are yet to be addressed were those we had raised when we spoke to the health workers. First, there is serious staff shortage in Pumwani Maternity Hospital.

I am glad that when the Statement from Sen. Omanga came yesterday, we agreed to summon the Nairobi Metropolitan Service (NMS) Director General, who will be here on Monday. I hope that Sen. (Arch) Kasanga's Committee will join the Committee on Health in that Session. There is need for more than 100 doctors who are able to see and deal with issues as they come up. The reason many nurses got infected even in training is that they were overwhelmed and were dealing with anybody and everybody who come in, in an inefficient manner. We need medical officers, pharmacists, pediatricians and obstetricians.

Next to Pumwani Maternity Hospital, there is a white elephant project; a 600-capacity that has been there for years. The facility needs to be worked on because it will



help ease the pressure on Pumwani and expand healthcare. In Nairobi, we have that one and Mathare North, which is another 400 capacity. Since the time of Dr. Kidero, it has not been completed.

Mr. Temporary Speaker, Sir, if we help these facilities, we will reduce the strain in the high traffic areas like Mama Lucy, Mbagathi and Kenyatta National Hospital, stop the spread of COVID-19 and help the people of Nairobi.

I would suggest that Pumwani Maternity Hospital be elevated to a National referral hospital because it serves more than three million Nairobians and across counties that are around Nairobi City County.

On behalf of the doctors, nurses and all health officers, the issue of National Health Insurance Fund (NHIF) reimbursements must be dealt with. The issue of the budgetary allocation, the locum doctors, who are not being paid and the casual workers who clean. A huge part of dealing with COVID-19 is the cleanliness and sanitation, yet these workers have not been paid for more than four months. I hope these issues will also be dealt with when the Committee sits with the Committee on Health Monday.

We would like to know the update, not just on the research on the virus, but also on the strides made on the vaccine. I must commend KEMRI that is hailed as one of the leading and foremost medical research institutions in Africa. At the early outset of the virus, KEMRI was exporting the vials and the transfusion transportation equipment that many other countries had run out and could not get from elsewhere. Since we could not get it, they decided to make and manufacture.

Our doctors and civil servants do not get enough credit for the kind of work they have been able to do. We want to see better allocations to KEMRI and keep affirming them. If they are listening, we have faith in them. You are the best in the continent. In many respects, you are the best in the world.

We need to continue affirming our frontline workers. When I was in first year at the University of Nairobi, I was in Chiromo Campus. We studied with the medics for the first two years. They had real cadavers where they would dissect real bodies. Somebody told me that the reason we have the best doctors who come out from Kenya is that we are the only country that has the capacity to have pathology on real cadavers; real humans not dolls. In other countries, they deal with dolls or they are shown in a computer. In Kenya, from that outset of first year, we have been producing the best medical personnel. However, we do not treat them with respect, dignity and prominence that such professionals deserve.

I want to assure our frontline health workers that they are fighters. There are people who value you in the Senate of the Republic of Kenya. We will keep fighting for our doctors and nurses.

Mr. Temporary Speaker, Sir, we have seen a whole lot of confusion in the education sector. The Cabinet Secretary (CS) for Education, who is the former Vice Chancellor, is my good friend. He remembers me from my days in the Student Organization of Nairobi University (SONU). He says that he has been misquoted, but he sounds like he is always speaking from both sides of the mouth.

Very early on, we agreed to accept that there is no education in 2020. What is the rush? We must accept that education will not happen in 2020. They started telling us that there are lessons on television. If you switch on the *Kenya Television Network* (KTN) today, you will see Class Six, Science. Tomorrow, it is Class Three, English. What

curriculum is that? Not all children across the country can access the internet, phones or radios. Even televisions are not everywhere.

Mr. Temporary Speaker, Sir, we have not built the capacity of our schools. I can assure you that in Nairobi, because of the huge numbers, they will not social distance. I have not seen new classrooms being built. Why does he want children to go to school in October, yet we have not provided that facility? Teachers have not been trained even on the psychosocial issues of how to counsel these children.

Our children cannot be the guinea pigs, to see how this virus behaves. If anything, they should be last to be opened up. This is because once you open up education, you have opened up the transport sector and many other sectors. For those of you who have young children, what we know is that children may be asymptomatic, but they are the worst carriers. Have you ever gotten a flu from your child? You will be bedridden, when your child is jumping up and down. They might not get sick themselves, but they will go back home to their parents and grandparents, and we will see a spike. I urge the CS to stop this rush. Let us build the facilities.

I have seen the executive running helter skelter looking at desks. They are telling us that they are giving each school 50 desks. I have schools in Nairobi with more than 3,000 students. What are 50 desks for? I have donated desks across this county; in Kibra, Roysambu, and it is a drop in the ocean. If you give me 50 desks per public school, yet the population of a school is 1,000, what distance are you talking about? Is this another scandal that is coming up? Has it been properly thought out?

Instead of using that money for that, let us use that money to see how we can properly provide for a double intake in the next year. We will have a new Class One, and so, we will have two groups of Class Ones and two groups of Form Ones, if we do exams. Otherwise, there is no rush. It is already October. We have November and December. Let us wait and start the education calendar properly.

I know that many Members want to speak. There is the issue of economic cushioning. We earlier on had commitments of around Kshs200 billion. In fact, the CS said that there is a grant coming from our partners in Europe that would create a Credit Guarantee Scheme for Small to Medium Enterprises (SMEs) that have been hard hit by the Coronavirus Disease (COVID-19).

We said that it will be easy for us to tell because of their relationship with the banks. In the last financial year, a time like now, if this was your turnover, especially for those in the hospitality sector, whether it is restaurants or tourism, and you are able to show that because of COVID-19 your income has gone down and you are not able to keep your staff, then you get a Credit Guarantee and it can be a concessionary loan at very low rates.

We are forgetting the number of people who are hurting from COVID-19. I am sure that Senators here--- I can bet that if the Senate Majority Leader gives me his phone, I will see messages of people asking for jobs and food.

Mr. Temporary Speaker, Sir, just walk across and go to my office. If you find less than 50 people at my door, then a Good Samaritan came and helped them. Every day, hundreds are flooding my office for *unga* and food. We are trying to donate. You will see Sen. Omanga always posting her donations. I do not post mine, but we are feeding people from our pockets.

Where is the scheme that the Government issued, giving people Kshs1,000 or Kshs2,000? Sen. Kasanga should tell us about it. If there is one thing that gives human dignity, it is food, and you cannot lie about food. Therefore, we want to see economic cushioning.

The mandate of the Committee is coming to an end, and I am sure they will get an extension. At this point, we want the Committee to start focusing on what the post-COVID-19 economic strategy was. The COVID-19 economic recovery strategy, which was supposedly headed by Cabinet Secretary, Hon. Kobia, has never given any report or announcement to the country on what we will realign. How are we relooking at our budgets? What are we doing with our counties?

Mr. Temporary Speaker, Sir, you heard the governors say that they want to shut down the hospitals. They forgot to tell us that they want to shut down hospitals, yet they had been given more than Kshs5 billion by the national Government. Where has that money gone to? Accountability must not take a back seat at this specific time.

I want to thank this Committee because there is a lot to talk about. This is good work. We wish you all the best and pray that in his address, the President would consider the reports of this Committee, which are public reports and property of the Senate. That he would actually look through the reports, sit with the National Emergency Response Committee again and give them a summary of our reports.

I speak to some of these fellows and I am sure that Sen. Kasanga has more information than some of the Cabinet Secretaries; I promise you. This is because they have listened to the Kenya Medical Supplies Agency (KEMSA), the private sector and the public sector and doctors. In some of the *Zoom* meetings, they were listening to actual nurses, and so, you have all of that information with you. They are the ones who should give that information.

Finally, The Pandemic Response and Management Bill is a Bill that we toiled to make in this House. We received more than 200 submissions. We have members from every part of this country who came and enriched a Bill that would help deal with whatever pandemic that comes in future. I am glad that the Clerks-at-the-Table are listening, and this is on record.

In our Committee, part of the Secretariat was the Deputy Director of the Parliamentary Budget Office. How is it that when the Bill is taken to the National Assembly, which is 20 steps across, with the same Parliamentary Budget Office, which had told us to amend many sections, it becomes a Money Bill? You know how long it takes us to make amendments in this House, so as not to make a Bill a Money Bill.

Mr. Temporary Speaker, Sir, I urge the Senate Majority Leader to take this matter up. At least, it was not communicated from the Chair of the National Assembly. That Bill needs to be passed as it is, because it is a Bill for posterity, and not just COVID-19. If there is another pandemic in two months, that is the Bill that will help have the proper protocols and accountability measures to deal with a pandemic without the loopholes.

Thank you very much and, congratulations to the Committee.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Farhiya.

**Sen. Farhiya:** Thank you, Mr. Temporary Speaker, Sir. I also wish to compliment the Committee on the COVID-19 Situation in Kenya for the work well done.

I support Sen. Sakaja on The Pandemic Response and Management Bill. That Bill was thoroughly worked out. We looked at all the other aspects, and therefore, for the

National Assembly to call it a Money Bill is not acceptable. Let us create rapport with the leadership of the other House, so that we have a better way forward. If that Bill is good for Kenyans, let us not have people throwing it away for flimsy excuses like it being a Money Bill.

Mr. Temporary Speaker, Sir, there are many questions we have requested from the Committee on the COVID-19 Situation in Kenya in a Statement. In Wajir County, for example, the preparedness was not that good. I just want to know when the Committee will also visit there.

Another issue around COVID-19 is schools. There are many people who talk about the curve flattening. The curve might not flatten. There could be another wave. I commend the Government for doing a great job to ensure that our casualties are at least not as bad, had we had not taken precaution.

However, the impact of schools being closed has so many faults in terms of economics. It has been scientifically proven that the longer the schools are closed, the longer it will have an impact. There are many issues around gender based violence, with children being molested and cases of early pregnancies. Seeing that schools are closed, it is causing a lot of problems for this country.

I think that the earlier schools reopen--- It is not that we do not want our children at home; we really value them as our children. The other day, I heard a story of how having schools closed is negatively impacting the future generations of this country. I think we need to address that issue urgently.

Mr. Temporary Speaker, Sir, the issue is on schools losing business. The Government continues to pay teachers salaries whether they are teaching or not. Some private schools have closed because they are unable to pay rent or their teachers. We might lose a big portion of our society because we are too cautious with the COVID-19. We should continue to follow protocols on social distancing, but schools should reopen fully. We should also continue to sensitize schools on the COVID-19 protocols and how children will be handled, but let the schools be reopened.

I thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, we are past the Statements Hour. I will, therefore, give Senators one minute each to comment on this Statement.

Kindly proceed, Sen. Mwaruma.

**Sen. Mwaruma:** Bw. Spika wa Muda, umenipa dakika moja ambayo nitaitumia vizuri ili kuwasilisha ghadhabu ya watu wa Taita-Taveta kihusiana na Kamati inayuhisika na COVID-19 ilioundwa tarehe 31 Mwezi wa Machi mwaka huu. Niliwasilisha taarifa yangu kwa Kamati hiyo tarehe 23 Mwezi wa Juni, kuomba Kamati hiyo itupe maelezo kuhusu pesa zilizogawiwa Kaunti ya Taita-Taveta kwa ajili ya kupambana na janga la COVID-19. Taarifa hiyo niliyotoa haikuangaziwa na Kamati hiyo, hivyo niliomba Spika anipe mwelekeo kuhisiana---

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Mwaruma, your one minute is up. You were to comment on the Statement by Sen. Kasanga and not give your own Statement. Kindly restrict your contributions to the Statement by Sen. Kasanga. I will give you an extra two minutes to finish up.

**Sen. Mwaruma:** Mr. Temporary Speaker, Sir, on 28<sup>th</sup> July, 2020, a letter was written by the Clerk of the Senate to the Governor of Taita-Taveta County. However, no response has been received to date.

Wananchi wa Taita-Taveta walitaka kujua vile Gavana wa Kaunti ya Taita-Taveta alivyotumia pesa alizopokea kwa sababu ya kupambana na janga la COVID-19. Tulitaka kujua vile hospitali katika Kaunti ya Taita-Taveta zimejiandaa kupambana na COVID-19.

Sasa hivi---

**The Senate Majority Leader** (Sen. Poghisio): On a point of order, Mr. Temporary Speaker, Sir. Have you noticed that Sen. Mwaruma is speaking in two languages at the same time? He keeps interchanging languages. Kindly, give directions on that.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Order, Hon. Mwaruma! Kindly choose one language to proceed in.

**Sen. Mwaruma:** Mr. Temporary Speaker, Sir, the short and long of my point of order is that the Statement that I sought in June has not been responded to. The Committee on the COVID-19 Situation in Kenya visited the Coast region, but they chose to visit Kilifi, Kwale and Mombasa counties, which had not sought any statements. The people of Taita-Taveta are not happy because they wanted to know how their funds have been utilized and how much money was received by Taita-Taveta County to help in the fight against the COVID-19 pandemic.

Moi Hospital, which is a referral hospital in Taita-Taveta County, has been close. The male ward is serving as an isolation centre. I would like to know whether other wards have been built to serve the people of Taita-Taveta County. Those are the questions that we needed the Committee on the COVID-19 Situation in Kenya to respond to. The Committee has underserved the people of Taita-Taveta County. We have not received answers to a Statement that I sought in June.

**Sen. Kasanga:** On a point of information, Mr. Temporary Speaker, Sir. We are seized of the statements from the Senators of Wajir and Taita-Taveta Counties. We have started receiving reports from the Council of Governors (CoG), whom we had asked to do an overall report on the performance of counties on the protocols that were sent by the Ministry of Health and how they have adhered to them. We shall consider the Report from the CoG and invite the Senators who sought questions to join in the online meetings, so that they can see the performance of their counties.

Our Committee will also consider the report from the Controller of Budget that has been tabled. I ask Sen. Mwaruma to look at the report by the Controller of Budget because it gives an account of what every county received and how they had budgeted.

The Committee on the COVID-19 Situation in Kenya had intended to visit Taita-Taveta County, but the budget did not allow. Therefore, we only visited counties that we could access within the day and come back to Nairobi. However, we have requested the Speaker's Office to facilitate our Committee to visit the counties in which Senators have raised statements and conduct fact-finding missions.

I thank you.

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

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Order, Sen. Mwaruma! We have to make progress.

*(Sen. Mwaruma spoke off record)*

Order, Sen. Mwaruma! I have not given you a chance to speak. You should press the intervention button to get a chance to raise your point of order.

Kindly, proceed, Sen. (Dr.) Ali.

**Sen. (Dr.) Ali:** Mr. Temporary Speaker, Sir, I wish to thank the Committee on the COVID-19 Situation in Kenya for doing a good job, even though there are a lot of grey areas. First and foremost, this country is facing a lot of risks right now. People no longer wear masks in the streets of Nairobi City. Some Members of this House no longer wear masks and the same is reflected throughout the country.

I have removed my mask as I speak so that I can be heard clearly, but a number of Members do not have their masks on, yet they are not making contributions to the debate.

There is a second wave of the COVID-19 in some countries around world and things are not going very well. If we experience a second wave of COVID-19 in this country, we will face many problems because people are taking things lightly. I support fellow Members in pushing for the reopening of schools. The Ministry of Health is proposing partial reopening of schools and that even when boarding schools reopen, the cooks and other support staff should wear PPEs as they go about their duties. I wonder where school will get the PPEs. Where will the money meant to buy PPEs come from?

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Mwaruma, what is your point of order?

**Sen. Mwaruma:** On a point of order, Mr. Temporary Speaker, Sir. I am concerned that I was the only one who was given one minute to speak. Sen. (Dr.) Ali has spoken for over three minutes. That is unfair.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Order, Hon. Mwaruma! I gave instructions that any Senator who wishes to comment on the Statement by Sen. Kasanga will have two minutes and you had three minutes to speak.

**Sen. (Dr.) Ali:** Mr. Temporary Speaker, Sir, Sen. Mwaruma spoke for more than five minutes, while I have not spoken for more than two minutes. Our children should report to schools without the Ministry of Education overburdening schools with the issue of PPEs for cooks and other support staff. We have already wasted a lot of time in allowing our children to stay at home.

Mr. Temporary Speaker, Sir, Sen. Kasanga talked about the issue of COVID-19 and a Statement regarding Wajir. I have three reports from Wajir. There is one from the Controller of Budget (CoB), the Ministry of Health (MoH) and another one that was sent to the Council of Governors (CoG), and all of them are different.

When you go to Wajir, and I would like them to go there, they will be surprised that there is nothing there. If you check the one of the MoH, there is only a cylinder of oxygen in the referral hospital. They are talking of four or five other hospitals with beds and facilities when there is nothing there. The only way one can ascertain those issues is by going there.

Wajir has utilized Ksh253million. It is number three in the country in terms of those who have utilized the money for COVID-19, and there is nothing on the ground. This is what is happening in many counties.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, we have to make progress. I will give the last chance to Sen. (Dr.) Musuruve.

*(Loud consultations)*

Order, Senators! We need to make progress and if you need to contribute, you can restrict yourself to two minutes. I have seen so many requests here.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to add my voice. Sen. Kasanga is doing a very good job with her team. However, there is some information they do not have, especially when it comes to issues of reopening of schools.

I sit in the Committee on Education where we have talked a lot concerning schools reopening. We have even called county governments and put them in regions, just to inform us how prepared they are. We realize that from almost all the counties, they are not prepared with regard to reopening of schools. They do not have the Personal Protective Equipment (PPEs) and the infrastructure.

At the Committee on Education, it was very clear that the Ministry of Education was proposing to give a loan of Kshs7 billion to private schools, yet they committed only Kshs1.9billion to desks.

There is information that needs to come to the Floor of this House, so that the Ministry of Education accounts for what they doing. At the moment, when one moves around, one cannot see the Ministry of Education having allocated Money for Infrastructure, but they already have desks. In my view, their priorities are not right. They needed to start with the space, so that the desks could come after.

Allow me kindly because I sit in the Committee on Education. They do not know what to do with regard to children with disabilities. There is no preparedness at all, even in the counties. We interrogated county governors to see their preparedness, and most of them were just saying---

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Your time is up, Senator. Lastly, we let us have the Senate Majority Leader.

**The Senate Majority Leader** (Sen. Poghio): Thank you, Mr. Temporary Speaker, Sir. Let me just take the few minutes to thank the Committee, now led by Sen. Kasanga, but the foundation was laid by Sen. Sakaja. It looks as if Sen. Sakaja had a very good succession plan in terms of the Committee.

Let us look at West Pokot and the monies that went there because you have not gone there. In West Pokot you do not see anything. I think the monies are being used for something else. Is there a way the Committee can let us know the progress, where the monies for West Pokot have gone?

On schools reopening, we need to look at the Report from this Committee and the recommendations. This Committee should weigh in on that debate. We should hear its voice of this Committee on whether schools should re-open or not. I think this is a challenge to the Committee at this moment. Let us not just give statistics and not weigh in on policy issues. We want the policy issues to become very prominent in your Report.

Finally, as we go forward, let us see how we can spend as little time as possible when it comes to Statements, so that one Statement does not cover so much time. Let us

be disciplined on how much time we take. You do not have to say the things we wanted to say about everything else. Let us focus on that particular Statement.

Thank you for the opportunity.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, we have to make progress. I defer Order No.7 (d), pursuant to Standing Order No.51 (1) (b).

ACTIVITIES OF THE COMMITTEE ON  
AGRICULTURE, LIVESTOCK AND FISHERIES

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION  
AND INTERGOVERNMENTAL RELATIONS

ACTIVITIES OF THE COMMITTEE ON ENERGY

*(Statements deferred)*

Hon. Senators, I defer Order No.8.

**BILL**

*Third Reading*

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO. 7 OF 2020)

*(Bill deferred)*

**MOTIONS**

PROVISION OF CEMETERY, FUNERAL PARLOURS  
AND CREMATORIA IN ALL COUNTIES

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or



burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

*(Motion deferred)*

## MOTION

### ADOPTION OF REPORT ON THE INQUIRY INTO THE CONDUCT OF SEN. SENETA AND SEN. KWAMBOKA

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Sen. Beatrice Kwamboka, MP, and Sen. Mary Seneta, M.P, during the Election of the Chairperson and Vice-Chairperson of the Standing Committee on Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

**Sen. Kasanga:** Mr. Temporary Speaker, Sir, I am not sure if the two Senators we are discussing in the Motion need to be present.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): They do not need to be here. Proceed. Sen. Kasanga. If you are not ready, we can proceed to the next Order.

**Sen. Kasanga:** Is it possible to check if my Seconder is in the Lounge because I do not want to defer it to another day. The Motion has been on the Order Paper for some while.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): It seems you are not ready. We will proceed to the next Order. Your Motion will come up tomorrow.

**The Senate Majority Leader** (Sen. Poghisio): On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): What is it, Sen. Poghisio?

**The Senate Majority Leader** (Sen. Poghisio): Is it in order for the Mover of the Motion that once the Order has already been called to sort of withdraw from the Motion? I think this is a very important Motion and the more we postpone it, the more it looks very bad for us. It is a Motion on privilege. The Senator should move and ask somebody else to second. It is not a very difficult one to second.

Next time it will keep going and the two Senators will continue to look like their issue has not been resolved. It is a privilege matter and that is why it was prioritized.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, the Chair has already given direction that the Motion comes up tomorrow. We proceed to Order No.11.

What is it, Sen. Sakaja?

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I would also like to ask Sen. Kasanga as a Member of this Committee to also maybe amend her Report because these two Members not being there is also a disciplinary issue, when their matter is supposed to be solved.

Maybe she also amends and looks at this as well. They are the ones who are not here. Everyone else is ready to proceed. That is misbehavior.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Let us proceed to the next Order!

*(Motion deferred)*

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS  
TO THE COUNTY OUTDOOR ADVERTISING CONTROL BILL  
(SENATE BILLS NO. 19 OF 2018)

**The Senate Majority Leader** (Sen. Poghisio): Mr. Temporary Speaker, Sir, I beg to move that The National Assembly Amendments to The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018) be now considered.

This is a very straightforward Bill. I am the one who sponsored the Bill. I know that it is very important that this House, at the Third Reading, looks very keenly at the amendments that have come from the National Assembly.

I have looked at the Bill, but cannot go into the details of it. The gist of it is that we would like to have a unified Act of Parliament that looks at the county outdoor advertising within the county. There has been confusion where so many organizations are taxing and imposing charges to members of the outdoor advertising organizations, making it so difficult to know where the money goes.

It is important that as the Standing Committee on Information, Communication and Technology, we look at all the possible ways of making sure that this group of people who do outdoor advertising, billboards and all the other technical aspects of advertising can be brought to one common regime and given controls. Some of these controls can be given to the counties and the other controls can be given to the Kenya National Highways Authority and all the other authorities that control advertising, including the Kenya Railways.

When the Bill went to the National Assembly, they went through all the aspects of it in their Committee. They have made proposals for some amendments. We agree with some of them and think we can look at the others again. This consideration is very important to someone who is close to this kind of business, who is in this House, and I shall not name them now.

We come to the place where there should be no confusion when you want to advertise in the county in terms of who you are going to pay, who is going to determine who gives you conditions, and which conditions you follow. We have had this problem for long.

We have talked about the Bill itself before. I am only talking about the amendments now and that is why there is need for us to consider these amendments. We have to accept that in this business, technology has come to overtake us. Since the new way of doing outdoor advertising is cloud-based, it is now electronic. There is a lot of moving; it is not static. Thus, we have new ways of doing outdoor advertising that counties must accept.

One can decide that they are not mounting this here; they want to be mobile. One will want an advertisement that moves all over.

With those few remarks, I beg to move and ask Sen. Sakaja to second.

**Sen. Sakaja:** Thank you very much, Mr. Temporary Speaker, Sir and the Senate Majority Leader. Standing Orders demand declaration of any interest if it exists. I want to confirm that I am in this business. It is one of the businesses that I conduct and understand very well.

Because I run a marketing agency and one of the things we do is advertising, practitioners in advertising for a long time have had a hard time across counties. This is an industry that employs very many people, from drivers, designers, creatives, fabricators in the *Jua Kali* sector who help in fabricating billboards and night boxes, people who do maintenance and a whole wide spectrum within the society. It is one industry world over where we have seen a lot of evolution. It has evolved over the years.

What we had locally five years ago is very different today. What we are seeing across the world and with some of the innovations coming in, we should expect to see some huge changes.

I would like to note that many counties have been charging differently in many aspects. For instance, where we have branded vehicles that are moving from one county to another, they have so many challenges because they do not know where they will be stopped, for what and charged at what rate.

Sen. Poghio moved this Bill when he was the Senator for West Pokot and is now the Senate Majority Leader. He did a good thing to try and harmonize. When you have devolution and have devolved certain aspects of the economy, you do not want actions of a different county that affect the stability of an industry.

In fact, it is so bad that in many respects, people have had to use different and longer routes when they have branded vehicles or want to deal with outdoor sites.

This is a very simple Motion because we are not looking at the amendments themselves, but just accepting or passing in this House; that the amendments by the National Assembly be considered. They will come in the Third Reading, where we will see whether we agree with the amendments.

Just a cursory glance at them on six clauses makes sense. I hope that we will be able to pass this so as to bring sanity and also make sure that we have a standardization of this sector that has the potential of employing very many of our young people as well as contributing to the society.

I will give an example. In three of the counties that I operate in, companies, some associated with me, are lighting up the streets because of the work that they are doing.

If you have a certain road that you are beautifying and have put advertisements, you pay the electricity bills for the streetlights and have to plant trees. That helps to engage our young people. You need to have people who look at it every day through maintenance, to make sure that certain standards are approved. If done well, you will not have the kind of haphazard billboards and night boxes and outdoor advertising as we have seen.

It adds to the beauty of a city or town. If you have gone to the well-lit place in New York, it is extremely beautiful because of the kind of screens. At night, you might think that it is daytime because of the screens, moving videos and the billboards that have been put there. If organized, it is actually not an eyesore to the environment, but helps the environment. That is where we are moving to in this sector.

I want to thank the Senate Majority Leader and the National Assembly for considering this Bill. I second this Motion that The National Assembly Amendments to the County Outdoor Advertising Control Bill be now considered.

Thank you, Mr. Temporary Speaker, Sir.

*(Question proposed)*

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this Motion. We must remember that advertisement has a role to play in marketing a product. If you have a product and do not advertise it, people may not know what you have. It is like being interested in a lady and winking at her in a dark room. The lady will not see the non-verbal gestures expressing that you have admiration for her. It is the same role that advertisements play.

When you advertise a product, your intention is to reach out to the consumer to tell them what you have. Once the consumer gets to know the product that you have, then they can come for it.

It is also important to know that advertisements also help in marketing strategy, so that there is high demand for a product. When there is demand for a product, the economies of scale comes in, where consumers buy products at a cheaper price. That makes the product pocket friendly.

There is need to harmonise the charges across the counties with regard to how much advertisements should cost. Most of our youth are techno-savvy. In this era of technology, you will find many youth engaging in advertisements.

County governments need to bring the youth on board to help in advertising products because this is also a source of employment to our youngsters. It is also a way of making youngsters engaged mentally, so that they are not idle.

Sen. Sakaja put it rightly that when it comes to advertisements, they also have the aesthetic value of it. For instance, when you go to a county and see advertisement for a product, you see the beauty of the county. Advertisements also help consumers to know where to get a specific product.

We should consider the amendments from the National Assembly, so that it becomes law.

I support.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, there are no requests to contribute to this Motion as moved by the Senate Majority Leader. Therefore, I will call upon the Mover to reply.

**The Senate Majority Leader** (Sen. Poghio): Mr. Temporary Speaker, Sir, this is a straightforward Motion. Since we will have time for the Third Reading, I thank Members for understanding that we should accept those amendments.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, this is a Motion that does not concern counties. Therefore, we will have a voice vote.

*(Question put and agreed to)*

Hon. Senators, I defer Order No. 12.

**BILLS***Second Reading*

THE SECTIONAL PROPERTIES BILL  
(NATIONAL ASSEMBLY BILLS NO.23 OF 2019)

*(Bill deferred)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Let us go to the next Order.

*Second Reading*

THE PROMPT PAYMENT BILL  
(SENATE BILLS NO.3 OF 2020)

*(Sen. Farhiya on 2.6.2020)*

*(Resumption of debate interrupted on 23.6.2020)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Farhiya, before you proceed, when we were considering the Bill, you had a balance of 57 minutes. You do not need to utilise all your time.

**Sen. Farhiya:** Mr. Temporary Speaker, Sir, I do not need all those minutes because this is a short Bill and most of the things have already been said. If I say everything, my Seconder will not have anything to say. I will donate some time to Sen. Sakaja who is the Co-sponsor of the Bill to second.

There has not been any legal framework to fast-track payment. This Bill seeks to address that by creating a legal framework to ensure that people are paid promptly.

According to the advice of the Legal Counsel attached to the Committee on Finance and Budget, we have been asked to be more specific. There will be an amendment. Instead of saying “chronological order”, it will be “first in, first out”. If you supply and raise an invoice for payment, it will be serialized, so that the first one is paid first. This will take care of corruption.

There are two levels of corruption. We have corruption where people influence when tenders are awarded. Another one is when you want to be paid. If you want to be paid by either the national Government or county governments, you have to part with something for you to get your payment. It will be automatic. The moment you raise your invoice, you will be paid. They are supposed to keep registers.

Mr. Temporary Speaker, Sir, I beg to move and ask Sen. Sakaja who is my Co-sponsor to second.

I thank you.

*[The Temporary Speaker (Sen. (Dr.) Lelegwe) left the Chair]*

*[The Temporary Speaker (Sen. (Dr.) Mwaura) in the Chair]*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Proceed, Sen. Sakaja.

**Sen. Sakaja:** Thank you very much, Mr. Temporary Speaker, Sir, yet again just when you take the seat, I always rise to speak. This is ordained. Hon. Members should know I am the first Senator to ever call you Mr. Temporary Speaker on the day of your election.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Kabisa. Kwanza, pia wewe ndio ulinipendekeza kugombea kiti cha Naibu wa Spika.

**Sen. Sakaja:** Yes. Members should take my words seriously. There is prophecy.

Mr. Temporary Speaker, Sir, I am very proud to second this Bill that I have sponsored together with Sen. Farhiya. I thank Sen. Farhiya because she has shown such great diligence and commitment to her work as a Senator. That is why she was automatically elected to be the Deputy Whip of the Majority side.

Mr. Temporary Speaker, Sir, she is always the first one in the House and the last one to leave after the Speaker. We want to appreciate her effort. Sen. Farhiya, myself and the Temporary Speaker were both nominated once. When we were nominated, we were very diligent. That is why Sen. (Dr.) Mwaura is on the Speaker's Panel because of what he did as a nominated Member of Parliament (MP) and even now as a nominated Senator.

I was a nominated MP. I sponsored Bills in the National Assembly. The 30 per cent Procurement Law that we have today, I am proud to have sponsored it in the National Assembly, where women, youth and PWD get at 30 per cent of the procurements. I am proud to have sponsored the National Employment Authority which has been set up. In as much as it is moving as fast as it should, it exists and it has got a budgetary allocation. In the last Parliament, as a nominated MP I sponsored many other Bills.

I want to encourage Sen. Farhiya to keep sponsoring Bills. We are here to legislate. You can amend laws. Some people will say we have enough laws. However, if we had enough laws, then we would close Parliament. We need to keep strengthening the legal framework in this country to make sure that we are assisting young people, women, economy and those whom we have been elected to represent.

Mr. Temporary Speaker, Sir, as I second this Bill where I have cosponsored, I am proud as well that this week, another Bill that I sponsored called the Startup Bill has been published. It should be coming for First Reading soon. The Startup Bill is going to look at how do we help our young people, especially in the tech startups to be able to attract investment, to be guaranteed, and for us to have incubation centres across the country because we have seen the kind of innovation that is out there.

Mr. Temporary Speaker, Sir, I am not preempting debate, but I am just saying that all of these Bills I have mentioned from the 30 per cent of procurements going to women, youth and PWD I did in the last Parliament to the Startup Bill that has come now to the National Employment is themed around what I felt, for the years I will be a legislator, I would focus on. That is economic empowerment for the young people of this country. That is what I have consistently focused on. Even for those who are proposing changes in the Constitution, there is no way you will even create unity or cohesion unless we have

created opportunities and equality of opportunities, especially economic opportunities for our young people.

Mr. Temporary Speaker, Sir, if our young people in this country were doing well economically in 2007, you would have no one to send to the streets to fight. If our young people are doing well economically, no politician will have a crowd to address on a Tuesday afternoon in a rally and fill Uhuru Park. The young people of this country of these counties are the trustees of its posterity. A country that is vibrant, especially in the Small and Medium Enterprise (SME) sector is a country whose economy will grow. If you go to many of these countries that we consider to be doing well economically or first world, you will notice in the streets of New York, Washington DC, China, and Singapore that in every 10 metres, there is a shop. Every five metres, there is a business. It is the SME sector that holds together the economies of those countries.

Mr. Temporary Speaker, Sir, what we have seen in this country is that many people who are in that sector are ignored by the Government. This Bill, for me, is a culmination--- I am glad that Sen. Farhiya really pushed us to do this together. She is also a Member of the Nairobi Delegation. Therefore, this is also a Nairobi Bill.

We have realized that we provided 30 per cent for young people, women and PWD to register their businesses. However, they do business with Government, but they not paid.

Mr. Temporary Speaker, Sir, I know of a case of a few people. There is a lady who committed suicide after not being paid during the *Kenyatta International Convention Centre (KICC)* fiasco or after the *United Nations Conference on Trade and Development (UNCTAD)*. Many young people are even saying that what we gave them was not a gift, but it was a curse. They would rather not even have gotten into procurement because they have made commitments, they get loans, they supply to Government entities, but those Government entities never prioritize paying them what they are owed. It is for obvious reasons. I am glad Sen. Farhiya has alluded to it. That many times, those young people cannot give you kickback. If you are an accounting officer, they do not give kickbacks.

Mr. Temporary Speaker, Sir, I can give you a very clear example. For a long time, and I am glad that it has changed, if you did business with Nairobi City County, and you were paid - that time they would even write for you a payment to Cooperative Bank, City Hall Way Branch. If you go there, unless some two gentlemen make a phone call, you will not be paid. The first thing they do, they give you a percentage of what you are owed. You have to go, get it in cash, bring to them and then they give you the rest of your money. I have had to help so many business people in this city to get their payments from the two Governments; the former County Government led by the former Governor and the current one.

Mr. Temporary Speaker, Sir, this morning, a business person who has constructed for us one of our very beautiful markets told me that his certificate which he asked for last of Kshs13 million has been stopped because he has not given a kickback of Kshs1.5 million. He said that he has given so many that he started asking whether he is just a cashier because he has no profit margin.

Mr. Temporary Speaker, Sir, corruption of looking for 10 per cent and kickbacks is the reason why we have a compendium of stalled projects. They are so many because many accounting officers are only excited about a project when it is starting. During the

procurement process, when you are bidding, is where you get your 10 per cent. After that, they leave it, they do not pay for it, and they go on to the next one where they can get a 10 per cent.

Mr. Temporary Speaker, Sir, this Bill seeks to outlaw any delayed payment. The Public Procurement and Disposal Act already provide that for anybody to procure without a budget, it is an offense. It is an offense to procure without a budget. However, now we are saying, even when you have the budget, you must prioritize payment of those who have come in first and have supplied and their goods have been noted to be delivered in good order and condition as stipulated in the contract terms. There are timelines by which you must be paid.

Mr. Temporary Speaker, Sir, unless we stimulate and inject a serious stimulus in to young businesses, women led businesses, Medium-Sized Enterprises, our economy will not be vibrant. We will not have the tangential benefits like increasing the rate of employment, growth in revenues, and investor confidence. At a micro level, we seek to solve the problem of late payments to suppliers of goods and services. At a micro level, we seek to use this Bill as an impetus for growth of our economy and business in this country.

The first thing this Bill has done, we propose to require a procuring entity, at both levels, county and national governments, to pay by a prescribed payment date. A prescribed payment date must be agreed upon. If a procuring entity fails to pay a supplier by that prescribed payment date, we are providing that the procuring entity shall pay interest to that supplier in accordance with that section on the amount due under the contract for the supply of goods or services at market rates. We have provided the maximum interest chargeable. It shall be based on the base rate that is published by the CBK, so that that money is earning interest. Many times, the people you are paying have taken a loan. That loan is also attracting interest.

In fact, the rate we are setting is lower than the interest rate in the banks. There is a law that was repealed of Hon. Jude Njomo that we passed in the last Parliament with you that sets---

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Samahani, Sen. Sakaja, ningelikuomba usipungukiwe na muda wa kuzumnguza kwa sababu kama unavyoangalia manthari ilivyo, tafadhali jieleze kwa ufasaha zaidi.

**Sen. Sakaja:** *Kabisa.* Thank you, Mr. Temporary Speaker, Sir. Sorry for mixing language.

The law that was passed that sets the maximum above the CBK rates what banks should charge which has now been repealed. You will find that we have set the base rate of interest if you have not paid me lower than what someone is being charged at the commercial banks. Sometimes an excuse is used like the investigation is ongoing, or we have not received Exchequer. That should be a thing of the past.

Government must know that when you delay payments because you are not getting favors or whatever reason, it is an additional cost to you.

Mr. Temporary Speaker, Sir, we have proposed to place an obligation on procurement to ensure that priority is given to outstanding debts for the supply of goods and services to the procuring entity. We provide a way that determines debts that will be given priority. We shall have regard to the debts upon which, payment fell due and are



done in a chronological order. The Committee suggests, first in first out, which is a chronological order. Nonetheless, there must be a determination.

There is too much discretion, which you are aware of. How many people come to you as Senators or as leaders telling you: "I have a pending payment in a certain county government or Ministry", which is opening a way for brokers. There are some people I know who sit somewhere in some hotels who are known to unlock pending bills. They walk around with brown envelopes. You tell them where your payment is stuck, he knows the Director of Finance and the accountants, they will spend some money but you will have to give them a kickback. How are we helping the private sector and businesses, if the biggest procurer of anything is the Government?

The Government is the biggest consumer of all goods; whether it is milk, the biggest consumer is the Government, by the military. Whether it is being a contractor, the biggest client you can have is the Government. The Government is constructing roads and buildings.

In the earlier Motion, I said that the industry - I must put a disclaimer because I am in many industries, on that specific one - I have never and I have refused to accept to do business with Government, not just because they do not pay but because it will look like a conflict of interest. I am on record that I have never accepted even one client to use any of my sites across the country because I am privileged. I want to give another disclaimer that even when I brought the 30 per cent procurement law while still a youth, I was 30 years when the law passed in 2015. Even then, I never got an Access to Government Procurement Opportunities (AGPO) certificate, for any of my businesses.

Affirmative action is not for those who are able to access but for those who are not able to access. Why should a Member of Parliament or a Senator with a business associated with him go around with AGPO certificates asking for preferential treatment, yet they can access credit and flexible payment terms? This Bill is not in any way made to benefit anybody, but help those who are locked out of the systems through which people are getting paid in this country.

We have heard of many scandals where we are told: "I got a phone call, a Short Message Service (SMS) to prioritize this". This Bill will make it difficult, and I hope Members will strengthen it further in the Third Reading, for brokers to come in between a legitimate hardworking Kenyan supplier and their payment. This is what we intend to do.

Mr. Temporary Speaker, Sir, because sometimes delayed payments are compounded by disputes on the terms of the contracts, we propose that where there are procuring entity disputes, an invoice - because it comes up and is used as an excuse - the procuring entity shall within 14 days return the invoice to the supplier, identify in writing any defects in the invoice and require the supplier to correct those defects. Sometimes you are told that there is a dispute, there is no timeline and you are left hanging because, 'you have not seen people nicely.'

We further provide that where a procuring entity returns the invoice returns, the invoice under the procuring entity shall pay the supplier at least 50 per cent of the amount due, even if you have returned it. The same way we are talking about vote on account, you will still pay 50 per cent as you sort out the defect or as the procuring entity and the supplier may agree. We are giving leverage and strength to suppliers to be called to the table and agree on what percentage, but we are proposing 50 per cent in absence of any such agreement between the procuring entity and the supplier.

A supplier who receives an invoice from a procuring entity shall within 14 days deliver a corrected invoice to the procuring entity. Interest shall accrue upon expiry of the 14 days after receipt by the procuring entity or after the prescribed payment date. This is to protect businesses in this country.

As a means of ensuring that the provisions of these law are implemented, we are providing that where a supplier has delivered an invoice to the procuring entity and the accounting officer or the officer responsible in the department, negligently, maliciously or without reasonable cause, fails to return the invoice as provided for rectification or to pay the amount due, the person responsible is personally culpable. They have committed an offence and they are liable to a fine not exceeding Kshs5 million or to imprisonment for a term not exceeding five years or both.

People we have spoken to are proposing that instead of the Kshs5 million, we put it as a percentage of the invoice amount. If they have negligently or maliciously gone against the provisions, they have to pay because you have to take responsibility. We have people who are walking around, they are happy, comfortable and are in the Government's procuring and finance departments and because they have not been 'seen', 'hawajaonwa', they do not care. They will say the day you will come and 'see me', when somebody is languishing. Some of these kickbacks are bigger than the profit margin that the supplier was supposed to get.

The people have been kicked out of their houses, their children cannot go to school, they cannot feed their families and they have trauma. Since some people have decided that they are the 'big boss' in a finance department and will be paid the day they wish. The word used today about a certain Government official by a business man who was seeking my help said that: "The person has become a Personal Identification Number (PIN)". You cannot be paid unless he says. He is asking for a huge percentage as kickback.

Mr. Temporary Speaker, Sir, I am glad Nairobi Metropolitan Service (NMS) has started on a good footing. However, some of the stories we are hearing, I want to tell Gen. Badi not to allow this to be the story at NMS. It has been the story in Nairobi and many other counties for too long. You might have good intentions at the top but there are people in the Finance Department who are making Kenyans suffer. That should not be allowed.

We are glad that through public participation, I was looking for the report of the Committee. The Private Sector Alliance said that this Bill is so good and they want to be part of it. Within the private sector, there are smaller entities harassed by big entities. I can say this because I have experienced it in the private sector. You know that once you have done business with some big companies it will take 90 days or 180 days if you are lucky.

You are such a small player and you have just provided a tent. We have young people making tents. We should help them set up event management companies. They have collected tents, chairs and have come to Kenyatta International Conference Centre (KICC) and set up, the function is dazzling since it is a huge corporation. Unfortunately, for three months, the young people are crying and languishing because they hired a truck to bring the tents and hired staff who they have not been able to pay.

Some people doing activation for some of these big companies in manufacturing and in fast moving consumables - let me not say because some are my clients - make small suppliers suffer.

The private sector has said that we should also include them in this Bill, because we legislate not just for Government entities, but for the Republic of Kenya. We govern how people do business even in the private sector. Therefore, we are going to put it in here that there must be that kind of agreement. Some of these people cannot even access the top person who deals with finance in those corporations. Some have huge security barriers and you cannot get to them.

This Bill now brings suppliers to the table. Once you have agreed that you would do this and that for someone, you have received the goods and services and acknowledged that they have been received in good order, and you have to pay by a certain date. If you do not pay, you will pay plus interest. I pray that this Bill passes.

Mr. Temporary Speaker, Sir, the consequence of this Bill is that we shall now have a framework for prompt payment of monies due to suppliers of goods to national and county entities, as well as the private sector, once we get to the Third Reading. We have always asked ourselves why we have pending bills. As the Senate, we have really battled this issue.

The Procurement Act says that you shall not procure what you have not budgeted for, and your budget as a county government has been done based on your revenue allocation. The Constitution states that counties get the full complement of what was allocated to them, and the first charge is on any pending payments. I do not understand why we have pending bills in this country. It is just lack of good manners, and it is corruption.

As a result of that, we will reduce the amount of pending bills that have plagued the budgets of governments at both the county and national level, and thus give effect to the principle of prudence in the management of public finance and accountability in the use of public funds.

Mr. Temporary Speaker, Sir, we will also ensure that persons who undertake business with the Government receive their dues in a timely manner, in a bid to create a conducive environment for business. Kenya ranks highly and has been improving on the ease of doing business index. I want to thank the different agencies; the Office of the Attorney-General and the work we did as Parliament on some of the legislations. However, it is said that *'kwa ground vitu ni tofauti.'*

We might get big international rankings in terms of the ease of doing business, but you just take a walk and talk to business people. My county is the biggest county, and I have the highest number of business people. Just go down the street to Nyamakima and ask my people there. There is the chairlady called Nyokabi. They are importers and do a lot of business with the Government. Ask them whether there is ease of doing business. They will say that, that is the English for the Senate, and there is no ease of doing business there. When they do business with the Government, they just know that it will come at a huge cost. The same applies to the county government. Contractors know that.

Mr. Temporary Speaker, Sir, unless we give a true indicator of not just access, registering your business and how easy it is to get information of how to pay your permits and licenses--- The fact that if you come to this country and do honest and clean business, you will also be paid in a timely manner. Delays in payments do more than just affect the

issue of loans; they stop the growth of businesses. This is because until you are paid by that entity, you cannot do any other business, yet you would have had a faster turn around and a higher turnover if you were paid promptly.

I thank the Committee on Finance and Budget, led by Sen. Kibiru, who followed Standing Order 140 (5) and facilitated public participation. I thank all of those who came and attended before the Committee. I thank my Co-sponsor, because she was there promptly, just like The Prompt Payment Bill. As a result of that, we were able to provide serious amendments that will really improve this Bill.

I would like to ask Senators to support and fast-track this Bill. Yesterday, I posted on *Twitter* about the startup Bill and somebody asked me: “What happened to your Bill on reducing the Kenya Revenue Authority (KRA) rates, the Higher Education Loans Board rates and all the requirements?” I said: “First of all, it was not a Bill, but a Motion arising from a Statement by Sen. (Dr.) Mwaura.

Just because of our intervention, HELB has responded and the Credit Reference Bureau (CRB) has stopped charging people who are going for the first time. There are things that we do in this House that actually have an immediate impact. I am grateful that you brought that to my Committee and we got it done.

Somebody else asked: “Sen. Sakaja, we do not hear about the National Employment Authority.” Most members of the public might not be aware that once we legislate, another arm of Government executes. What we do is oversight. I would love to urge the Executive to take legislation seriously. If the 30 per cent Access to Government Procurement Opportunities (AGPO) for which we have even set up a secretariat worked, we would transform this economy.

Mr. Temporary Speaker, Sir, imagine 30 per cent of Government procurement. If you look at the budget and assume that 60 or 70 per cent is recurrent, because I know that the budget for many counties and the national Government is recurrent and there is little for development. Even in recurrent expenditure, there are procurable items. If Kshs300 billion plus is circulating among young people, women and Persons with Disabilities (PWDs) in a year, who are then further guaranteed by this prompt payment legislation and are getting paid on time, this country will be transformed.

It is not for the Chinese, Americans or huge corporations like General Electric (GE) Technologies Ltd. to transform this country. We do not need consultancy from McKinsey. We just need to put money in the pockets of our young people, women and PWDs. We need to put money in the pockets of Small and Medium Enterprises (SMEs).

Mr. Temporary Speaker, Sir, study the Industrial Revolution and look at what happened in Italy and the United Kingdom (UK), years and years ago, what later went to the United States of America and happened in China only 40 years ago. Many people do not know that only 40 years ago, China was nowhere near being an economic superpower. In fact, it was just an agrarian economy that was struggling with a lot of poverty.

What transformed those countries was getting ordinary people to produce things. Whatever they were producing was going into the market, and what was going into the market was being consumed by government and then exported. The same trick that happened centuries ago is what China used less than 42 years ago to become one of the strongest economic powers. There is no way to reinvent the wheel. There is nothing new under the sun; it is the same thing. Produce whatever.

Here, we are still importing toothpicks. We are importing very small things that we should have produced and consumed. Let us create hygiene in doing business with Government and within the private sector, and it will then encourage that production. We have seen people pouring milk in parts of this country. We have seen maize farmers in Trans Nzoia knowing that even if they take their maize to the National Cereals and Produce Boards (NCPB), they will not be paid. We have seen people uprooting coffee because they are not sure, and business depends on stability and predictability; that if I produce particular goods, they will be sold at a particular price, at the right time, and I do not need to know anybody. That is the country we want.

Mr. Temporary Speaker, Sir, the country we need is where equality of opportunities and a fair chance at life becomes the prerogative of all. That for you to do business in this country, you do not need to know a Senator or a Member of Parliament (MP). We are talking about e-procurement. You do not even need to know who is the procurement or finance director.

We do that by removing as much as human subjectivity by having such automatic provisions. Once this has come in, the days start counting. Once the days start counting, you pay. The less human intervention, the less the corruption. That is why they call the United States the land of the free the home of the brave. It is opportunities for all and everybody runs there. That is because once you know you have an idea, you can be anything.

The Temporary Speaker has advised me I have a lot of time. My county, Nairobi is bursting at the seams with innovative young people. They are very innovative. Many of them are hiding in employment because they know if they venture out and start producing and supplying, they will never be paid. We cannot grow our economy like that.

Even in the Building Bridges Initiative (BBI), we must talk about equalization of opportunities. Mr. Temporary Speaker, Sir, you a Member of a Committee I chaired in the last Parliament that was a joint committee. It was a Committee on National Cohesion and Equal Opportunities. Initially when we joined it, I thought it is an oxymoron or there was a mistake to name the committee “National Cohesion and Equal Opportunities.” However, as we did our work, we realized you cannot have cohesion without equalization of opportunities.

Mr. Temporary Speaker, Sir, why do people fight to have a governor from their tribe or clan? You know if you have a governor from your clan, you will do business and you will be paid. However, if another one comes in, he stops everybody who had done business with the former governor and they are not paid. That discretion is what we must take away from elected leaders and from those top bureaucrats in different levels of bureaucracy at the national and county levels.

Why do people fight for the presidency from their region or community? That in this new set up we must have our person. It is because it has been that when your person is somewhere then you know you can have an opportunity to do business. That is just wrong. I am very proud that I have never been caught up in that. Since I started voting, I have never voted for a candidate of my tribe since my first vote ever. I have voted for ideas and character. I do not know if that will change in 2022. It is possible. However, let us always know that we must look at Kenya not in terms of what it has been but in terms of what it must be.

Mr. Temporary Speaker, Sir, this work by Sen. Farhiya and I, I must admit and confess to the country and this House that she did a good portion of this work. I did maybe 30 per cent and she did 70 per cent. So, the credit is yours. In fact, when we were cosponsoring she said her name must be first. I said put your name in capital letters and bold and then you put “and” in small letters “Sen. Johnson Sakaja”. That is because she has done much of the work. These are the steps we take. It might look small, Sen, Farhiya, but these are the things that make a country.

If you have read the book on why nations fail, it shows you that systems are the difference of two countries with the same geography, minerals, same kind of people, but one country where you have systems of how things can be done. In another country, it is corrupt and there are no values and systems. These are systems. This is what will make us stand out within the region. This is what will make us become a fully functional country, where as I have said, a fair chance is a prerogative of all.

Mr. Temporary Speaker, Sir, I want to finish by saying this. I would like advice on how much tie I still have.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Chukua dakika mbili kwa sababu bado kuna Sen. (Dr.) Musuruve.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I do not know if Sen. (Dr.) Musuruve will take 25 minutes.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Ningalipenda pia kumpatia muda zaidi Sen. Farhiya. Pengine nikupatie dakika tano.

**Sen. Sakaja:** Bw. Spika wa Muda, hata nitamaliza. I will finish, sorry. You tempt me. I wish I had started moving in Kiswahili. I would have moved this Prompt Payment Bill. I am sure in Kiswahili, you would say “Mswada wa kuharakisha malipo”.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Malipo ya papo hapo.

*(Laughter)*

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, however, I am not as gifted. Having been born and raised in Nairobi, my Kiswahili is *Sheng'* and so, Kiswahili is also foreign a bit.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Lakini, Sen. Sakaja, pengine niseme kwamba sio lazima mtu azungumze Kiswahili fasaha. Kiswahili ni Kiswahili.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, thank you. Next time when you are on the Chair, I will give my contributions in Kiswahili. I just want to say that even at this time as a country, we are looking at very uncertain occurrences. We are looking at a referendum possibly coming. We are looking at an election. We are looking at a possible dissolution of Parliament.

I would like to urge because I was given an opportunity to comment on this BBI process, I want to connect it with these Bills. Mr. Temporary Speaker, Sir, I have been with you in this and the last Parliament. You know the kind of work we have put in for young people.

Mr. Temporary Speaker, Sir, I know this Bill is not just about the young people. However, in a country where you have more than 80 per cent people considered young, only five per cent of Kenyans are above the age of 50. About 91 per cent are below 50. It is a young country. All issues are of young people.

There is a level of disillusionment that is setting in that all of the initiative we have put in place for young people are not implemented. I hope this does not become one of them. This is because Access to Government Procurement Opportunities (AGPO) was one of them. We had *Kazi kwa Vijana* and we saw what happened to it. We have had the issues of *Biashara Kenya* and we have seen what is happening to it.

Mr. Temporary Speaker, Sir, there was Stawi Fund. We have had the ministries trying to do something called *Ajira*. It has not been implemented properly because it is just computers in constituencies. The young people are not getting these jobs. What we are doing is telling people *Kazi Mtaani* is what will transform your life. Those things will not transform the life of any young person.

Young people are not hoping to just have a carwash or to own the next bigger carwash. Young people's dreams are not just to get an extra *boda boda*. In as much as those are essential services, the dreams that you had when you were young were not about that or to get a hair drier. However, we have imagined that youth empowerment---, and all our political leaders have failed in this. That you sit and you are in charge of government and think that youth empowerment is carwashes, laundries, hair driers and bicycles.

Mr. Temporary Speaker, Sir, young people want to be known by more than just an over quoted statistic of these kind of jobs. They want to be Chief Executive Officers (CEOs). They want to own enterprises and businesses. Even if it is that person who is on a *boda boda*, he wants to own a transport enterprise that moves from a *boda boda* to have tracks. That young person wants to own a stream of Ashley's saloons and not just one drier.

We need to change our thinking. Even within this BBI, the place for young people must be solidified otherwise we shall have a revolution. The young people will be tired of seeing their destiny pass them by, while they continue being led by nine per cent of the republic as opposed to 91 per cent of this Republic.

Mr. Temporary Speaker, Sir, that is a rider I wanted to add just to say how important such initiatives are and for Sen. Farhiya to realize. You said that it is a simple Bill and you would not move it for long. However, it is not a simple Bill. This will go a long way in strengthening what we already have in the Public Procurement and Asset Disposal Act and what Public Procurement Regulatory Authority (PPRA) should be looking at.

I urge you that do not make the mistake some of us have made before. Once this Bill passes, immediately start overlooking its implementation. Many of us assumed goodwill and gave some lead time for entities to start implementing our Bills. We have had to really jumpstart and shake them up before they started implementing legislations that we brought to this House. I am confident we will pass this.

Mr. Temporary Speaker, Sir, I thank the startup community because they have already started responding to the other Bill that we are bringing. We will do public participation. Fin Tech and startups are a new frontier. Kenya is known as the silicon Savana but they are not being supported as much as they should be. I hope all of those can be supported.

Thank you very much and I beg to second.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana kwa vile ambavyo umeuwasilisha Mswada wako mbele ya Bunge hili la Seneti. Sasa hivi nitapendekeza swali.

*(Question proposed)*

Sen. (Dr.) Musuruve una dakika 15 za kuchangia Mswada huu. Unapofanya hivyo tafadhali eleza jinsi Mswada huu utawasaidia watu wenye ulemavu kujizatiti na kujikimu kama wanabiashara.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support the Bill before us. I begin by commending Sen. Farhiya and Sen. Sakaja for coming up with this Bill. It is a timely Bill geared towards correcting some of the wrong in budget making process in counties. There is need for a legal framework to ensure that those who supply goods and render services are paid promptly because many people take loans to do business with counties.

Sometime banks do not even give them a grace period within which they are supposed to start servicing their loans. Banks start immediately recovering their loans without notice. Therefore, when a person delivers goods and renders service to a county and he is not paid immediately, he ends up suffering psychologically because the bank wants him to start honouring the loan repayment immediately.

I support the stringent measures being proposed in this Bill. If goods and services are rendered to counties, payment should be done immediately. Failure to do so within a given timeframe, fines and interest be charged in line with Central Bank of Kenya (CBK) rates. This will force counties to honour the contracts they enter with our suppliers of goods and services.

Mr. Temporary Speaker, Sir, procuring entities of goods and services must be fair to suppliers so that there is a win-win situation. When a Government agency floats tenders for it to get services and goods, it means it is in dire need. Therefore, if a supplier has supplied goods, then he must be paid promptly.

I want to speak on the issue of Access to Government Procurement Opportunities (AGPO). You will find that quite a number of Persons With Disabilities (PWDs) have the AGPO certificates. When they supply goods and services, they are not paid immediately. It takes time before they are paid and this causes a lot of frustrations among PWD. I want to give an example of a PWD, Mr. Gushu who is a businessman. Three or five years ago, he supplied goods to National Youth Service (NYS), but to date he has never been paid.

Mr. Temporary Speaker, Sir, during the Budget, the Government sets aside some allocation for AGPO so that PWDs can benefit. However, the reality on the ground is that they do not benefit because when they do business with Government entities they are not paid promptly. There is need for them to be paid promptly so that they can continue supplying goods and rendering services to the Government. It is a pity that people we refer to as briefcase service providers are always paid upfront without supplying goods or rendering any service to the Government.

Mr. Temporary Speaker, Sir, sometimes you will find contractors of roads are paid upfront even before the construction of roads commences or is completed.

When it comes to women, PWDs and youths, sometimes they rely on the AGPO to do their businesses hence they should be paid promptly so that they continue supplying goods and services. In that way, they will see the benefit of the AGPO. On the ground, let



the AGPO money that is set aside be a reality. Let the money paid be commensurate with the services offered.

Mr. Temporary Speaker, Sir, I also thank Sen. Farhiya and Sen. Sakaja for ensuring that there was public participation on this Bill. I am happy that even stakeholders have spoken on it. They want it fast-tracked so that it becomes law. This will deal with malpractices that happen in many Government offices. You find that someone has already delivered goods and services, but he is not paid. Before he is paid, he is asked for a 10 per cent or five per cent. If this Bill becomes a law, it will deal with the cartels who demand kickback before they can pay those people who have supplied goods and services.

Talking about PWDs, women and youth on how they will benefit once this Bill is enacted into law, it is also important to talk about farmers who supply their produce to the Government. For example, they supply their beans and maize to Government, but they are not paid immediately. They end up getting frustrated and even regretting why they supplied their produce to the Government.

Mr. Temporary Speaker, Sir, every county government has an annual budget for services and goods to be supplied during the financial year. Therefore, I do not see the reason why they do not pay immediately for goods or services rendered to them. Why do they not pay before the financial year ends? It is because of malpractices going on within the Government offices.

There is need for us to do our oversight role in the counties. We should ask ourselves the following questions: what did they procure? What money was set aside yearly for whatever has been procured? Whatever has been procured; has it been paid for? Once we do that, we will ensure that there is sanity in the counties and Government offices. Suppliers will not be taken for granted.

Mr. Temporary Speaker, Sir, this Bill will kill the so-called briefcase suppliers of goods and services. We want to see genuine suppliers and providers of goods being paid promptly. When we are talking of AGPO, why should the PWDs not benefit? Why should they cry now and they supplied goods and services yet they have not been paid?

I want to speak to all public organizations and private sectors as well. There is need for them to ensure inclusivity. Even when they are procuring services, they ensure that an element of PWD is brought on board so that they are given an opportunity to continue doing business with our counties.

Mr. Temporary Speaker, Sir, many times persons with disabilities (PWDs) lack the opportunity and they end up not making it economically. That is why I have said many times that we have to see how to help PWDs improve economically so that the cyclic nature of poverty does not recur in their families.

When you follow most PWDs, their families are languishing in poverty. Some of them are not able to take their children to school. Some of them are not able to manage themselves. I will say on the Floor of this House that when many people look at PWDs they imagine that the businesses they can do is selling sweets. You will find people donating to PWDs a wheelchair that has a carrier behind for them to sell sweets.

Mr. Temporary Speaker, Sir, allow me just a minute, kindly. The PWDs also need to be in businesses that are doing well. They should not just be given opportunities to supply stationaries, stapling pins and all that. They should also be given opportunity to

supply desks, build infrastructure, roads and so on and so forth, depending on their ability.

Thank you for the opportunity and I support.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana. Kwa kweli, unaweza kuzungumza hadi sijajua vile muda umeyoyoma wakati ulikuwa unazungumza. Sasa hivi nampatia fursa Seneta wa Kaunti ya Migori, Sen. (Dr.) Ochillo-Ayacko. Una dakika tatu tafadhali.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Mr. Temporary Speaker, Sir. Is it five minutes or it could spill over?

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Ni dakika tatu kwa sababu lazima pia tupate majibu ya mdhamini wa Mswada.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Mr. Temporary Speaker, Sir. I want to whole heartedly support this Bill and congratulate the sponsor of this Bill, my good sister, Sen. Farhiya and the co-sponsor, my very good friend Sen. Sakaja.

The issue of pending bills is eating up counties. Counties are governments that default in contracts that they commit to. Such defaults have spiraled into poverty and bringing down business people. In several counties, unfortunate business persons have committed suicide because of runaway bank loans and interests.

Counties were put in place to spur development, entrepreneurship and business in wherever they were established in the 47 counties. This has not happened because of pending bills. This has not happened because year in, year out, new governors come and disregard all commitments that their predecessors made.

We are told that part of it is attributed to difficulty in cash flow. However, I believe commitments are commitments and governments must be at the forefront in honoring commitments that are made. This is so that governments set good examples for citizens and citizens follow what governments do. This piece of legislation has come in handy. I believe it will make commitment bankable for businesses and contracts that are made in counties.

Mr. Temporary Speaker, Sir, I thank my sister and good brother, Sen. Sakaja, for coming up with this Bill. My county is notorious for pending bills. If you do not exhibit loyalty that is beyond what the law prescribes to the current administration, you will not get paid. You may be entrapped into a contract that is a sinking hole and you will regret ever working for that county.

With this piece of legislation, the gap and the grey area will be addressed. Once that is addressed, I will encourage as many Kenyans in my county, young or old to come up with innovation and offer such services and innovative ideas to my county, hoping that they will be paid in time.

Mr. Temporary Speaker, Sir, in acknowledgment of the short time, I conclude by saying that we should, as Senators join hands, expedite the passage of this Bill and solve the problems that rock or bedevil our counties.

Thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana Sen. (Dr.) Ochillo-Ayacko, Seneta wa Kaunti ya Migori. Sasa hivi ningependa kumuomba mdhamini wa Mswada huu, Sen. Farhiya, aweze kumalizia. Una dakika chache mno. Kwa hivyo, tuangazie muda kwa sababu tunatamatisha kikao.

Una dakika tatu, Sen. Farhiya.

**Sen. Farhiya:** Thank you, Mr. Temporary Speaker, Sir. Initially when I was sponsoring this Bill, there were two things that made me think about it in the first place. President Uhuru Kenyatta at some point said that both national and county governments must reduce pending bills. He tasked the national Treasury to ensure that bills have been paid. It was because of that, that I started thinking about it. At the same time, Sen. Sakaja was also thinking about the same idea. Both of us went to our legal teams and that is the time we decided to co-sponsor the Bill, because both of us had the same ideas.

I wish to thank my co-sponsor for ably seconding this Bill and speaking to the core of the matter of this Bill. I also wish to thank Sen. (Dr.) Musuruve and Sen. (Dr.) Ochillo-Ayacko for supporting this Bill.

Mr. Temporary Speaker, Sir, I have an opportunity of also being in the Committee on Trade, Industry and Cooperatives. When the Cabinet Secretary (CS) for the Ministry of Trade, Industry and Cooperatives came to our Committee as part of the induction, this is the Bill that she said will make a difference to the people. She is the one actually who even gave the idea that traders must be included because the big brothers are influencing and they are not paying the small ones.

Part of the reasons why affirmative action is not coming out in terms of procurement for marginalized groups, is because there is no mechanism of monitoring who has compiled and who has not. Even if that happens, there are no consequences. That is part of the reason that loopholes that exist for the marginalized groups.

Mr. Temporary Speaker, Sir, finally, I submit that because of this Bill and the empowering that comes along, I have no doubt that the economy of this country will improve and businesses will flourish.

I beg to reply.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Je una ombi rasmi kuhusu upigaji wa kura wa Mswada wako?

**Sen. Farhiya:** Mr. Temporary Speaker, Sir, I request that pursuant to Standing Order No. 61 (3) that putting of the question be deferred to a later date.

I thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante. Waheshimiwa Maseneta, kutokana na maombi ya mdhamini wa Mswada huu, ningependa sasa kuhairisha kupiga kwa kura hadi kesho Alhamisi, Tarehe 24 Septemba 2020 saa nane unusu adhuhuri.

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

## ADJOURNMENT

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Waheshimiwa Maseneta, sasa hivi ni saa kumi na mbili unusu, wakati wa kusitisha hoja za Bunge la Seneti. Kwa hivyo, Jumba hili la Seneti sasa limehairishwa mpaka kesho Alhamisi, tarehe 24 Septemba, 2020 saa nane unusu adhuhuri.

The Senate rose at 6.30 p.m.