

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 2nd October, 2024

Afternoon sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, please, take your seats. Clerk, you may proceed to call the first Order.

PETITION

PLIGHT OF PERSONS LIVING
WITH INVISIBLE DISABILITY

The Speaker (Hon. Kingi): Hon. Senators, I hereby report to the Senate that a Petition has been submitted, through the Clerk, by Ms. Beatrice Likwop, a resident of Narok County and a person living with invisible disability (Status Epilepticus, Bradycardia and Fibromyalgia) concerning the plight of persons living with invisible disability.

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

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

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

(1) THAT the Government of Kenya has failed to recognise and include people living with invisible disability in Government policies and management strategies.

(2) THAT the Ministry of Health (MoH), the Department of Social Protection, and the National Council for Persons with Disabilities (NCPWD) policies have barriers denying people living with invisible disability access to life-saving treatment and medicine.

(3) THAT the Petitioner requires constant essential medicine and urologists and cardiologist services which are not available in county referral hospitals and are not affordable in private hospitals.

(4) THAT the NCPWD and the Department of Social Protection have not established programmes to benefit people living with invisible disability. Job opportunities, financial support, donor funding and projects are allocated solely to people living with physical disabilities.

(5) THAT the Petitioner has not been in any contact with the Community Health Promoters (CHPs) and has not been successful in getting a card, which is a necessity for proper attention during an emergency.

(6) THAT the Government has not sensitized the society about invisible disability and, therefore, this has led to stigmatization and discrimination within the society, resulting in, *inter-alia*, denial of job opportunities, isolation by the community and denial into rental premises for purposes of suitable accommodation.

(7) THAT people living with invisible disability ought to be considered for universal healthcare and be granted prompt attention and express services in hospitals, banking services, supermarkets, among others, which is not the case currently as their conditions, symptoms or signs are not visible and that their status is not acknowledged.

(8) THAT the Petitioner made several attempts to resolve the concerns presented in this Petition were the Ministry of Health, Department of Social Protection, Ministry of Public Service, the NCPWD, the Kenya National Human Rights Commission (KNHRC) and the Kenya Women Parliamentary Association (KEWOPA), all of which have been unsuccessful.

Consequently, the Petitioner prays that the Senate investigates this matter with a view to recommend to the relevant Ministries to do the following-

(1) Recognise and include people with invisible disability in Government policies and management strategies and sensitize the public with the aim to reduce stigmatization and discrimination.

(2) Oversee and ensure constant supply and availability of essential medicine and treatment to referral hospitals and provide financial support to cover basic needs.

(3) Ensure people with invisible disability have a representative to champion and safeguard their interests in terms of benefits, funding, job opportunities and programmes among others.

Hon. Senators, pursuant to Standing Order No.238(1), the Petition is hereby committed to the Standing Committee on Labour and Social Welfare for consideration. In

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terms of Standing Order No.238(2), the committee is required, in not more than 60 calendar days from the time of reading this prayer, which is today, to table its report to the Senate for consideration.

I thank you.

*(The Petition was committed to the Committee
on Labour and Social Welfare)*

Let us go to the next Order.

PAPERS LAID

Sen. (Dr.) Lelegwe: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 2nd October, 2024-

ANNUAL REPORT OF NPSC FOR FY2023/2024

The National Police Service Commission Annual Report for the Financial Year (FY) 2023/2024.

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Report of the Auditor-General on Financial Statements of Kapkoros Level 3A Hospital - County Government of Bomet for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Eldama Ravine District Hospital - County Government of Baringo for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Marigat Sub County Hospital - County Government of Baringo for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of J. M. Kariuki Memorial County Referral Hospital - County Government of Nyandarua for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statement of Kwale Sub County Level 4 Hospital - County Government of Kwale for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Laisamis Sub County Level 4 Referral Hospital - County Government of Marsabit for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Embu Level 5 Hospital - County Government of Embu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kombewa County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Ukwala Sub-County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statements of Maragua Sub-County Level 4 Hospital - County government of Murang'a for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Muriranja's Level 4 Hospital - County Government of Murang'a for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Engineer County Level 4 Hospital - County Government of Nyandarua for the 14 months period ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of J. M. Kariuki County Referral Hospital - County government of Nyandarua for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kapkoros Level 3A Hospital - County Government of Bomet for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Cheptalal Level 3B Hospital - County Government of Bomet for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Ndanai Sub-County Level 4 Hospital - County Government of Bomet for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Baringo County Referral Hospital - County Government of Baringo for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Eldama Ravine District Hospital - County Government of Baringo for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mogotio Sub County Level 4 Hospital - County Government of Baringo for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kisegi Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nyandiwa Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nyangiela Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kandiege Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Marindi Sub-County Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Tom Mboya Memorial Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kegonga Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Othoro Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Muhuru Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Awendo Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Rongo Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statement of Oyani Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statement of Machakos Level 5 Hospital - County Government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statement of Matuu Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statement of Kathiani Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statement of Mutituni Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statement of Kangundo Level 4 Hospital - County government of Machakos for the year ended 30th June, 2023.

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

The Speaker (Hon. Kingi): Chairperson of the County Public Investment and Special Funds Committee, proceed.

REPORT ON CONSIDERATION OF AUDIT REPORTS OF
VARIOUS WATER SERVICE COMPANIES

Sen. Osotsi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 2nd October, 2024-

Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for Water Service Companies for the Financial Years 2018/2019 (Volume VI), 2019/2020 (Volume VII) and 2020/2021 (Volume IX).

(Sen. Osotsi laid the document on the Table)

REPORT OF PROCEEDINGS OF PARLIAMENTARIANS'
DIALOGUE AT AFRICA CLIMATE SUMMIT, 2023

The Speaker (Hon. Kingi): Sen. Moses Kajwang', proceed.

Sen. (Dr.) Lelegwe: Mr. Speaker, Sir, on behalf of the Chairperson, I beg to lay the following Paper on the Table of the Senate, today, 2nd October, 2024-

Report of the proceedings of the Parliamentarians' Dialogue at the Africa Climate Summit, 2023, held in the National Assembly Chamber, Parliament Buildings, Nairobi, on 3rd - 6th September, 2023.

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

REPORT OF THE 64TH OACPS PARLIAMENTARY ASSEMBLY AND
1ST SESSION OF OACPS-EU JOINT PARLIAMENTARY ASSEMBLY

Sen. Kathuri: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 2nd October, 2024-

Report of the Kenyan delegation to the 64th Session of the OACPS Parliamentary Assembly and the 1st Session of the OACPS – EU Joint Parliamentary Assembly held in Luanda, Angola from 17th to 21st February, 2024.

(Sen. Kathuri laid the document on the Table)

The Speaker (Hon. Kingi): Let us go to the next Order.

NOTICES OF MOTIONS

EFFECTIVE WASTE MANAGEMENT IN THE COUNTRY

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I beg to give Notice of the following Motion-

THAT, aware that waste management in cities, towns and urban areas in Kenya has clearly stood out as one of the greatest challenges to the wellbeing of urban dwellers particularly those living near dumpsites infringing their right to a clean and healthy environment as provided for under Article 42 of the Constitution and Section 3 of the Environmental Management and Co-ordination Act;

NOTING THAT, most of the developed countries and some countries in Africa have managed to sufficiently deal with the issue of waste management in their cities, towns and urban areas, making them attractive to their residents and investors from other countries and significantly reducing the risk of diseases caused by poor sanitation;

CONCERNED THAT, if proper waste management mechanisms are not put in place, the increased populations in cities, towns and urban areas in Kenya will worsen the situation considering the culture displayed by most Kenyans in waste disposal;

COGNIZANT THAT, paragraph 2 (g) of Part 2 of the Fourth Schedule to the Constitution mandates county governments with the function of refuse removal, refuse dumping and solid waste management;

NOW THEREFORE, THE SENATE calls upon county governments to develop county specific frameworks in their respective counties to regulate the challenge of waste management that will avert the associated environmental and health related risks to the residents of cities, towns and urban areas in Kenya.

The Speaker (Hon. Kingi): We will defer Order No.6(2) and go to Order No.6(3).

ADOPTION OF REPORT ON CONSIDERATION OF AUDIT REPORTS
FOR VARIOUS WATER SERVICE COMPANIES

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume VI), 2019/2020 (Volume VII) and 2020/2021 (Volume IX), for the following Water Service Companies laid on the Table of the Senate on Wednesday, 2nd October, 2024;

- i) Eldama Ravine Water and Sewerage Services Company Limited;
- ii) Eldoret Water and Sanitation Company Limited;
- iii) Embu Water and Sanitation Company Limited;
- iv) Githunguri Water and Sanitation Company Limited;
- v) Homabay Water and Sanitation Company Limited;
- vi) Kahuti Water and Sanitation Company Limited;
- vii) Kakamega Water and Sanitation company Limited;
- viii) Kapenguria Water and Sewerage Services Limited;
- ix) Kapsabet Nandi Water and Sanitation Company Limited;
- x) Karuri Water and Sanitation Company Limited;
- xi) Kericho Water and Sanitation Company Limited;
- xii) Kiambu Water and Sewerage Company Limited;
- xiii) Kibwezi-Makindu Water and Sanitation Company Limited;
- xiv) Kikuyu Water Company Limited;
- xv) Kitui Water and Sanitation Company Limited;
- xvi) Lamu Water and Sewerage Company Limited;
- xvii) Limuru Water and Sewerage Company Limited;
- xviii) Mathira Water and Sanitation Company Limited;
- xix) Matungulu – Kangundo Water and Sewerage Company Limited;
- xx) Mbooni Water and Sanitation Company Limited;
- xxi) Meru Water and Sewerage Services Registered Trustees;
- xxii) Municipal Council of Machakos Water and Sewerage Company Limited;
- xxiii) Murangá Water and Sanitation Company Limited;
- xxiv) Murang’a South Water and Sanitation Company Limited;
- xxv) Naivasha Water and Sanitation Company Limited;
- xxvi) Nakuru Rural Water and Sanitation Company Limited;
- xxvii) Nakuru Water and Sanitation Services Company Limited;
- xxviii) Narok Water and Sewerage Services Company Limited;
- xxix) Olkalou Water and Sanitation Company Limited;
- xxx) Olkejuado Water and Sewerage Company Limited;
- xxxi) Othaya Mukurweini Water Services Company;
- xxxii) Ruiru-Juja Water and Sewerage Company Limited;
- xxxiii) Siboi Water and Sanitation Company Limited;
- xxxiv) Tavevo Water and Sewerage Company Limited;
- xxxv) Tetu Aberdare Water and Sanitation Company Limited; and
- xxxvi) Wote Water and Sewerage Company Limited.

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(Notice of Motion deferred)

NOTING OF REPORT OF PROCEEDINGS OF PARLIAMENTARIANS'
DIALOGUE AT AFRICA CLIMATE SUMMIT, 2023

The Speaker (Hon. Kingi): Sen. (Dr.) Lelegwe, I am told you are holding brief for Sen. Moses Kajwang'.

Sen. (Dr.) Lelegwe: Mr. Speaker, Sir, I beg to give the following Notice of Motion-

THAT, the Senate notes the Report of the Proceedings of the Parliamentarians' Dialogue at the Africa Climate Summit, 2023, held in the National Assembly Chamber, Parliament Buildings, Nairobi, on 3rd – 6th September, 2023, laid on the Table of the Senate on Wednesday, 2nd October, 2024.

NOTING OF REPORT OF THE 64TH SESSION OF OACPS
PARLIAMENTARY ASSEMBLY AND 1ST SESSION OF
OACPS – EU JOINT PARLIAMENTARY ASSEMBLY

Sen. Kathuri: Mr. Speaker, Sir, I beg to give notice of the following Motion-
THAT, the Senate notes the Report of the Kenyan delegation to the 64th Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 1st Session of the OACPS – European Union (EU) Joint Parliamentary Assembly held in Luanda, Angola from 17th to 21st February, 2024 laid on the Table of the Senate on Wednesday, 2nd October, 2024.

The Speaker (Hon. Kingi): Let us go to the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): We will begin with the Statement pursuant to Standing Order No.52(1).

Proceed, Senator for Kilifi County.

RISE IN CASES OF FRAUDULENT JOBS
BY RECRUITING AGENCIES

The Senate Minority Leader (Sen. Madzayo): Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of national general tropical concern, namely, the rise in cases of fraudulent overseas jobs by unscrupulous recruiting and travel agencies in Kenya.

Since last year, Kenya has experienced a disturbing increase in job fraud, leaving many desperate job seekers vulnerable to unscrupulous schemes. A particular alarming

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incident occurred in August, 2023, when Mr. James Wanjohi, who is associated with Jesus Culture Ministries Church, was accused of orchestrating a large-scale fraud operation. He reportedly collected an astonishing Kshs600 million from thousands of hopeful Kenyans, promising them non-existing overseas job opportunities.

On 24th September, 2024, another scandal emerged implicating Mr. Cesar King'ori of Vintmark Travel Agencies Limited in a multi-million-shilling fraud. According to the Directorate of Criminal Investigations (DCI), Mr. King'ori, is accused of defrauding both Kenyans and foreigners of nearly Kshs730 million.

To further deceive his victims, he falsely claimed to have participated in a high-level meeting in Germany alongside presidential official entourage, thereby exploiting the trust of many. This is audacious public confidence in the viability of such opportunities.

These cases underscore the alarming rate of exploitation of vulnerable individuals who are made to pay between Kshs100,000 and Kshs150,000 in their pursuit of employment opportunities. This not only impoverishes them but also, in some instances, leads them to facing bans on obtaining visas from embassies due to false documents.

The situation demands urgent and decisive action. We cannot afford to remain quiet while our citizens are exploited and their dreams shattered. It is our duty to endeavour that every Kenyan seeking an opportunity abroad can do so with the assurance that their rights and dignity will be upheld.

While we recognise the importance of exploring employment opportunities beyond our borders, these opportunities must be legitimate and secure. No Kenyan should be left vulnerable to exploitation in the name of seeking opportunities.

Finally, the Government, through relevant agencies such as the Cabinet Secretary for Labour and Social Protection, and the Cabinet Secretary for Foreign Affairs, must intensify enforcement measures in combating these fraudulent actors and ensure that legitimate channels are used to get overseas employment.

I urge all Kenyans to exercise caution and thoroughly verify the credibility of any company offering overseas employment opportunities.

*(Sen. Cheruiyot, Sen. Wambua, and Sen. Ali Roba
consulted the Speaker)*

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

Sen. Kathuri: Mr. Speaker, Sir. I have three statements to make, and I can read them simultaneously.

ALLEGED TENSION AND VIOLENCE ATTRIBUTED TO
LAND OWNERSHIP DISPUTE IN MERU COUNTY

Sen. Kathuri: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security Defence and Foreign

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Relations regarding the escalating tension and violence attributed to a land ownership dispute in the area in Kirunyu Area, Igembe Central Constituency.

In the Statement, the Committee should-

(1) Investigate and report on the causes of the long-standing land ownership dispute in the Kirunyu Area of Adiru Rojiene Ward in Igembe Central Constituency, Meru County, which has heightened tension between the disputing parties, and resulting in the death of Mr. Morris Kimathi Ntuating'u, of National Identification (ID) Card No.2061144 and Mr. Robert Mwithale Mutuma of ID No.34906980;

(2) Provide a status update on investigations with the amount of Mr. Tuating'o and Mr. Mutuma, stating whether any person has been apprehended, charged and prosecuted; and,

(3) Explain actions taken by the government to quell tension between the disputing parties and to permanently dissolve the land ownership dispute.

BANDITRY ATTACKS IN IGEMBE NORTH CONSTITUENCY

Sen. Kathuri: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence, and Foreign Relations regarding the ongoing military attacks in Igembe North Constituency, Meru County, which have claimed the lives of five residents and two police reservists from Mawathi Ward.

In the Statement, the Committee should-

(1) Provide the reasons for the persistent banditry attacks despite the various promises and assurances from the Ministry of Interior and National Administration to end these menaces and restore peace to the residents of Meru County;

(2) Clarify whether the Ministry has assessed the impact of these recurring attacks on the residents, including the disruption of their daily activities and way of life, as well as the socioeconomic, cultural, and political consequences;

(3) State the interventions made by the Ministry to support residents affected by the ongoing banditry;

(4) Outline the mechanisms being implemented to permanently restore peace and order in the region and to build public confidence in the security apparatus.

HUMAN-WILDLIFE CONFLICTS IN IGEMBE NORTH CONSTITUENCY

Sen. Kathuri: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment, and Natural Resources regarding the reported cases in Kirang'onde Ward and Igembe East Ward in Igembe Central Constituency, Meru County, that has caused one death, several injuries, loss of livestock, and destruction of property.

In the Statement, the Committee should-

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(1) Investigate the circumstances surrounding the escape of the wildlife from the natural habitat, specifically Meru National Park and Nganya Forest without the knowledge of the oversight of the Kenya Wildlife Service officers, outlining the measures that are being implemented to address any gaps and prevent similar incidents in the future;

(2) State measures the Kenya Wildlife Service (KWS) has put in place to mitigate human-wildlife conflict in the area and whether there is any infrastructure in place to facilitate timely reporting of wildlife attacks, KWS ensuring a rapid response to such incidents; and,

(3) Outline measures in place by the State Department of Wildlife to ensure that claims made by victims of wildlife-human conflict are processed efficiently and promptly allowing victims to restore their livelihoods and return to their usual way of life.

Mr. Speaker, as I read my Statements, my colleague here, Sen. Cherarkey, made a lot of noise. It was like listening to myself. It is only that I could not interrupt my Statement.

The Speaker (Hon. Kingi): Senator for Nandi County, you are cautioned.
Sen. Gloria Orwoba, you have the Floor.

ONGOING RENOVATION OF GOVERNMENT BUILDINGS

The Speaker (Hon. Kingi): That Statement is dropped.

(Statement dropped)

The Speaker (Hon. Kingi): The second Statement is also dropped.

OPERATIONS OF THE X PLATFORM IN THE COUNTRY

(Statement dropped)

The Speaker (Hon. Kingi): Proceed, Sen. Richard Onyonka.

OPERATION AND MANAGEMENT OF KTRH IN KISII COUNTY

Sen. Onyonka: Thank you, Mr. Speaker, Sir, for giving me the opportunity. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Health regarding the operation and management of Kisii Teaching and Referral Hospital in Kisii.

There have been numerous reports and allegations indicating mismanagement and systemic failures at Kisii Teaching and Referral Hospital, which if not addressed, could have dire consequences for the management and eventual health care providing services to the residents of Kisii.

In the Statement, I would like the Committee to-

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(1) Inquire into the allegations of fraudulent practices involving the misuse of patients' National Hospital Insurance Fund (NHIF) cards at the Teaching and Referral Hospital and demand an investigation and transparent accountability and information pertaining to the truth as to how these cards are being utilized;

(2) Investigate the alleged mistreatment and unlawful transfer of clinical officers at the hospital from one area to another without even consultation or without anybody making a mistake which has led to the disruption of essential health care services, financial mismanagement, and discrimination against all these employees who work in the county health facility;

(3) Examine the audit reports of the hospital's pharmaceutical inventory to determine if the medicines that have been procured and supplied in the hospital have been procured and supplied professionally as is required by the law;

(4) Establish reports that patients at the hospital are being compelled to seek critical medical services in private clinics and health facilities, some of which are linked to individuals within the hospital management at the Kisii Teaching and Referral Hospital; and,

(5) Investigate the reasons behind the deterioration of donor relations with this hospital, particularly with the utilization of the funds that have been provided by these donor funds and donor agencies.

DELAYED COMPENSATION OF LANDOWNERS
AFFECTED BY ELDORET BYPASS PROJECT

Sen. Onyonga: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources, regarding the delayed compensation of landowners whose property was compulsorily acquired for the construction of the Eldoret Bypass road project.

The Kapchorwa-Suam-Kitale and Eldoret Bypass road, is a project that has been done by a multi-agency and departments of Government that provide an important link between Uganda and Kenya. However, the families who owned this land and had acquired it, paved way for the project to continue. As a result, they were offered and informed that they would be compensated and that did not happen.

I would like, therefore, to make a request that we seek the National Land Commission (NLC), to make sure that they can explain to the Committee on Land, Environment and Natural Resources in this House why these individuals have never been compensated for the last nine years.

This delay has severely disrupted the livelihood of these landowners causing significant financial strain on the affected families. Some of them moved from their lands and went and bought other land which they were not able to pay the full amounts and now they are being asked to make sure that they vacate the land which they had bought.

In the Statement, the Committee should-

(1) Investigate claims of undue delay in the compensation of these families around the Eldoret Town Bypass Road project whose properties were compulsorily acquired.

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(2) Explain the reasons for the partial payments to some of the families and leaving out others outside.

(3) Find out the criteria which was used by the NLC in the selection of the individuals to be compensated and confirm whether this was done transparently or otherwise.

(4) Examine allegations of the NLC, disobeyed court orders and transferred land to the Kenya National Highways Authority (KeNHA), without providing full compensation to the owners who were supposed to be compensated within the law.

(5) Recommend a review of the procedures and advise the Committee to recommend and advise on the review of the procedures used by the NLC, on the accusation and compensation of private land to individuals who may not have the capacity to influence or even change the system that is being used right now.

Thank you for giving me the opportunity.

The Speaker (Hon. Kingi): Hon. Senators, for the convenience of the House and pursuant to Standing Order No.45 (2), allow me to rearrange the sequence of the Order Paper and we do Division on the Division of Revenue Bill.

Thereafter, we will resume debate as contained in the Order Paper. Anything that is on the Floor of the House is a debate, Sen. Orwoba. So, stand guided.

(Interruption of Statements)

POINT OF ORDER

UTTERANCES BY SENATORS ON MATTERS CURRENTLY BEFORE THE NATIONAL ASSEMBLY

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

The Speaker (Hon. Kingi): Yes, what is your intervention, Senate Majority Leader?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I have a matter of concern that perhaps you may need to guide us, as a House, and tell us how you want us to proceed.

I am aware that there is a matter presently before the National Assembly, which may or may not find its way to the Senate. Previously, there have been findings in court against Senators for utterances that they made before the matter got to the Senate. Therefore, I would wish to request your good office to guide Senators on how to conduct themselves in the next few days in relation to that very matter that is before the National Assembly.

I have seen colleagues, some publicly, take positions this way or the other on this matter, yet there is a Court of Appeal decision against one of our colleagues here in 2015, on something that they just said about an impeachment proceeding before it got to this House. The court was able to find that indeed that particular Senator was prejudiced even before the hearing of the matter.

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Mr. Speaker, Sir, would you perhaps guide us on how to behave, where to go, where not to go, and so many other things.

I thank you.

The Speaker (Hon. Kingi): Thank you, Senate Majority Leader. I will give a Communication before the end of the day on this particular matter.

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

The Speaker (Hon. Kingi): It cannot be a point of order, Senator for Nandi.

Kindly, proceed.

Sen. Cherarkey: Mr. Speaker, Sir, while the issue that has been raised by Senate Majority Leader is of weighty concern, under the law, there is what we call, fair comment. It is judicial notice that your counterpart in the National Assembly and his deputy have taken a position on the matter that is active before them.

Therefore, as you consider your ruling, you should also be able to guide us because the umpire of the arbiter-neutral House, who should be neutral, have already taken a position on that matter.

Mr. Speaker, Sir, even as you rule on it, there is also the principle of access to information, fair comment, and freedom of media. Some things are also judicially notice that, going by the decision in your Solomonic ruling, should not appear in any way to gag Members from giving fair comment.

This is because we have seen people who are senior in Parliament taking certain positions. This might be presumptuous of their thinking and the position they hold can affect the outcome and decision that is actively in the matter.

While that needs to be guided and the decision has been made in the courts of law, I think the proper reading of the ruling of the Supreme Court was not in any way to gag Members, but of course, to try and avoid the principle of *sub judice* as well as in the principle of *res judicata* in matters that have already been estopped by a court of law and Parliament.

The Speaker (Hon. Kingi): Thank you. I will consider that in the Communication.

Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I have heard what my colleague, Sen. Cheruiyot, has asked from the Chair. My only worry is we are actually anticipating debate. This matter is not before us. Nobody even knows whether this matter will come before us. As things stand now, we are just hearing things happening in the National Assembly. There is no guarantee that this matter will come before the Senate.

The only issue that I would ask you to consider in your direction is the fact that this is a matter that is happening in the public space. There will be a lot of people, including leaders, addressing themselves to this matter.

As I said, there is nothing in that process so far that anybody can cling on and say this matter will definitely come before the Senate. That would be determined by the vote in the National Assembly.

I hope that this Senate will never go down that level, where a Speaker and the Deputy Speaker waiting to sit on a matter, would pronounce themselves on the outcome of the matter. I hope that it will never happen in the Senate; that the Speaker, the Deputy

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Speaker or a Member of the Speaker's Panel will ever pronounce themselves on any matter irrespective of how they feel about it

I submit.

The Speaker (Hon. Kingi): Serjeant-at-Arms, close the Door.

(Sen. Orwoba spoke off record)

We will come back to you once we are done with the Division.
Clerk, proceed to read the two Orders.

BILLS

Second Reading

THE DIVISION OF REVENUE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.38 OF 2024)

(Sen. Cheruiyot on 19.9.2024)

(Resumption of debate interrupted on 25.9.2024 – Afternoon Sitting)

Second Reading

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO.53 OF 2023)

(Sen. Mariam Omar on 25.9.2024 – Afternoon Sitting)

(Resumption of debate interrupted on 26.9.2024)

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

Serjeant-at-Arms, I am informed that there could be Senators in the Lounge wishing to come in. Kindly, ring the Bell for two minutes before you close the Door and draw the Bar.

(The Division Bell was rung)

Senate Majority and Minority Leaders, kindly approach the Chair.

(Loud consultations)

Serjeant-at-Arms, ring the Bell for a further five minutes.

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(The Division Bell was rung)

The Speaker (Hon. Kingi): Order, hon. Senators.
Serjeant-at-Arms, kindly, close the doors and draw the bars.

(The doors were closed and Bars drawn)

Hon. Senators, please, take your seats.
We are going to defer Order No.8 until tomorrow. We will now proceed with Order No.9.

Clerk, call out that Order.

BILL

Second Reading

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO.53 OF 2023)

(Sen. Mariam Omar on 25.9.2024 – Afternoon Sitting)

(Resumption of debate interrupted on 26.9.2024)

Hon. Senators, this is how we are going to proceed. This Order, The Co-operative Societies (Amendment) Bill (Senate Bills No.53 of 2023) has been called out. It is up for Division now.

I will ask you to pull out your delegates cards from the units and the Serjeant-at-Arms will go around and pick any card that is unattended.

Sen. Ali Roba, kindly, take your seat.

Hon. Senators, I will now put the question; that The Co-operatives Societies (Amendment) Bill (Senate Bills No.53 of 2023), be now read a Second Time. You may proceed to log back in and vote.

(The Senators proceeded to vote)

The Speaker (Hon. Kingi): Sen. Mbugua, you have the authority to vote on behalf of Sen. Methu; you may proceed.

(Sen. Mbugua approached the Dispatch Box and voted manually)

Sen. Kavindu Muthama, kindly, proceed to the Dispatch and cast your vote.

(Sen. Kavindu Muthama approached the Dispatch Box and voted manually)

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Sen. Ogola, proceed to the Dispatch Box and cast your vote.

(Sen. Ogola approached the Dispatch Box and voted manually)

(Sen. Mbugua and Sen. Munyi Mundigi stood in their places)

The Speaker (Hon. Kingi): Order, hon. Senators. Sen. Mbugua and Sen. Munyi Mundigi, Order.

DIVISION

ELECTRONIC VOTING

(Question, that The Co-operative Societies (Amendment) Bill (Senate Bills No.53 of 2023) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Kavindu Muthama, Machakos County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. Mbugua, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): The results of the Division are as follows-

AYES: 30

NOES: Nil

ABSENTIONS: Nil

The 'Ayes' have it.

(Question carried by 30 votes to Nil)

(The Bill was accordingly read a Second Time and committed to a Committee of the Whole tomorrow)

Serjeant-at-Arms, you may draw the Bar and open the Door.

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(The Bar was undrawn and the doors opened)

(Resumption of Statements)

STATEMENTS

The Speaker (Hon. Kingi): Now, hon. Senators, we will go back to Statements pursuant to Standing Order No.(53)(1). There are two Statements that had been dropped, sought by Sen. Orwoba. Having explained herself to the satisfaction of the Chair, I will allow her to proceed to read her two Statements.

Sen. Orwoba: Mr. Speaker, Sir, please, protect me from the Deputy Speaker and Sen. Cherarkey.

ONGOING RENOVATIONS OF GOVERNMENT BUILDINGS

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding ongoing renovations on Government buildings across the country.

In the Statement, the Committee should-

(1) State Government entities currently undertaking renovations on their buildings, confirming whether the said renovations are part of the said entities' approved work plans for the Financial Year 2024/2025.

(2) Disclose the budget allocated for these renovations, stating the specified timeframe for each renovation.

(3) Provide the scope of the renovation works and details of the entities awarded the renovation tenders, stating the contract sum for each tender.

(4) Explain reasons for the renovations noting the need to adhere to austerity measures and provide timeliness for completion of the said renovations.

OPERATIONS OF THE X PLATFORM IN THE COUNTRY

Mr. Speaker, Sir, I rise, pursuant to Standing Order No. 53 (1), to seek a Statement from the Standing Committee on Information, Communication and Technology concerning the operation of the social media platform X Corporation, formerly Twitter in the country.

Recently, Brazil's Supreme Court ordered a nationwide suspension of X social media platform for defying court orders to take down accounts and posts that violated its laws on disinformation, misinformation and hate speech.

Back in Kenya, abuse of social media, including X, to spread disinformation, misinformation and hate speech continues to be of concern with the proliferation of the internet and social media in the country. Social media has been used to attack innocent persons, including revealing critical information of the victims in violation of the Data Protection Act.

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Social media has been used to attack innocent persons including revealing critical information of the victims in violation of the Data Protection Act.

This worrying trend should be dealt with urgently to deter the perpetrators.

In the Statement, the Committee should:-

(1) Outline the basic guidelines that the Communication Authority of Kenya (CAK) and the Office of the Data Protection Commissioner (ODPC) have laid to ensure that X complies with Kenyan laws and regulations.

(2) Confirm whether the following social media platforms are registered in Kenya: X, Facebook, TikTok and Instagram.

(3) State the measures in place to ensure victims of abuse of social media have access to customer care services within the country where they can report the case of misuse of social media perpetrated through social media platforms available in Kenya.

Thank you, Mr. Speaker, Sir.

ASBESTOS ROOFING IN GATEGI GIRLS, GITARAKA GIRLS
AND WACHORO BOYS IN MBEERE SOUTH CONSTITUENCY

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources regarding asbestos roofing in Gategi Girls, Gitaraka Girls and Wachoro Boys School in Mbeere South Constituency, Embu County.

On 28th August 2024, the Cabinet Secretary for Environment, Climate Change and Forestry, Hon. Aden Duale, directed that the National Environment Management Authority (NEMA) removes asbestos roofing from schools and private facilities, citing public health safety concerns. He directed that within the next three months, all public institutions should remove asbestos roofing and dispose of them in line with NEMA guidelines.

In the Statement, the Committee should-

(1) Explain the measures the Ministry of Environment has put in place to ensure the removal of all the asbestos roofing at Gategi Girls, Gitaraka Girls and Wachoro Boys School in Mbeere South Constituency, Embu County, and provide timelines as directed by the Ministry to replace the asbestos roofing in these schools, in order to protect students from the dangers associated with asbestos such as the risk of cancer.

Thank you, Mr. Speaker, Sir.

DELAYED DISBURSEMENT OF CAPITATION
FUNDS TO TVET INSTITUTIONS

Sen. Wafula: Mr. Speaker, Sir, I rise to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the delayed disbursement of capitation funds to Technical and Vocational Education Training (TVET) institutions.

In the Statement, the Committee should-

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(1) Indicate the budgetary allocation for capitation to TVET institutions in the Financial Years 2023/2024 and 2024/2025, stating the total amount disbursed by the end of the year 2023/2024, as well as the projected capitation per student in each financial year.

(2) State when the last disbursement of capitation funds was made to TVET institutions, indicating the period to which the disbursement was related.

(3) Explain the current delay in the disbursement of capitation funds, indicating when TVET institutions should expect to receive their arrears.

(4) Outline the steps taken by the Ministry of Education to ensure that TVET institutions remain fully operational and continue to pay their workers and suppliers without delay, which in some cases persists for months.

(5) State measures put in place by the Government to ensure that such delays are resolved and do not recur.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The second Statement by Sen. Wakoli is deferred.

MANAGEMENT OF KITINDA DAIRY FARMERS
COOPERATIVE SOCIETY IN BUNGOMA COUNTY

(Statement deferred)

Senator for Isiolo County, Sen. Fatuma Dullo?

SUSPECTED ABDUCTION OF MR. ADAN MAKONA
ALI FROM DABEL IN MARSABIT COUNTY

Sen. Miraj: Mr. Speaker, Sir, on behalf of Sen. Dullo, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the suspected abduction of Mr. Adan Makona Ali from the Dabel area in Marsabit County.

Mr. Speaker, Sir, Mr. Ali was taken by police officers and held at Moyale Police Station on Sunday, 25th August, 2024.

Upon the family's visit to the police station the following day, they were informed that he had been released. The family is, however, unable to locate him and fears for his safety and well-being. I, therefore, request the Committee to-

(1) State the circumstances surrounding the detention and alleged release of Mr. Adan Makona Ali from the Moyale Police Station on 25th August, 2024;

(2) Outline the actions taken by the police so far to locate Mr. Ali, clarifying whether the National Police Service (NPS) will undertake further investigations into the matter to determine the culpability of police officers in his disappearance and, if so, provide details on the nature of investigations; and,

(3) Explain steps taken by the NPS to ensure that similar incidents are not witnessed again in future.

STATUS OF PENDING BILLS ACCRUED BY
MIGORI COUNTY GOVERNMENT

Sen. Oketch Gicheru: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of Finance and Budget regarding the status of pending bills accrued by the County Government of Migori.

In the Statement, the Committee should-

(1) Provide a detailed breakdown of the pending bills accrued by the County Government of Migori from the Financial Year 2013/2014 to date;

(2) Indicate the nature and current status of payment of each pending bills, the suppliers owed, reasons for the delay in payment, as well as the financial year in which each was accrued;

(3) Explain how the County Government intends to clear the outstanding pending bills in Migori County;

(4) Provide a list of all payments processed through the Internet Banking (IB) platform in the Financial Year 2024/2025, stating reasons for inordinate delays in finalizing such payments;

(5) Explain how the County Government of Migori has addressed audit queries regarding pending bills highlighted in reports of the Auditor General and the Senate; and,

(6) State any measures in place to ensure the timely payment of suppliers of goods and services by the County Government of Migori to prevent further accumulation of pending bills in Migori County.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator of Nandi County, Sen. Cherarkey, kindly, proceed.

STATUS OF NARIGP PROJECTS IN
NANDI COUNTY

Sen. Cherarkey: Thank you. Mr. Speaker Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the status of the National Agricultural and Rural Inclusive Growth Project (NARIGP) projects in Nandi County.

In the Statement, the Committee should-

(1) State the total amount disbursed by the World Bank to the Nandi County Government to fund agricultural projects under the NARIGP.

(2) Provide a breakdown of the total funds allocated and disbursed by the county government, specifying how the funds were utilized across the four identified NARIGP projects that comprise farming in dairy, poultry, avocados and potatoes.

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(3) Indicate the location of the potato farms, where the harvested produce is stored, and the income generated so far from potato farming in Nandi County under NARIGP.

(4) Explain why the county government deviated from the World Bank's requirement that the farms being developed should be those owned by local farmers, instead implementing the projects on Government-owned farms like Kaimosi Agricultural Training Centre.

(5) Clarify why Kshs100 million allocated for the Kamasia Water Project in Kabiyet Ward and Kshs130 million allocated for the Coffee Cherry Fund were diverted to the Kabiyet Diaries Project which had already been sufficiently funded by various funders- stating the total amount spent on the diary project and explaining why it has not been completed to date more than five years since its inception.

I thank you.

The Speaker (Hon. Kingi): Sen. Ogola, proceed.

ALLEGED UNFAIR LABOUR PRACTICES AT SUKARI INDUSTRY IN NDHIWA SUB COUNTY

Sen. Ogola: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding claims of unfair labour practices at Sukari Industries in Ndhiwa Sub County, Homa Bay County.

In the Statement, the Committee should-

(1) State the number of drivers in the company who are mandated to collect/transport cane and how many hours they work per day;

(2) Explain whether they are compensated for the extra hours whenever they work overtime in line with the Employment Act, 2007 and whether such overtime hours worked comply with Section 27 of the said Act; and,

(c) Investigate whether the longer working hours might be the reason for rampant accidents involving Sukari Industry trailers transporting sugar cane and whether the workers are allowed at least one rest day in every seven-day period, regardless of weekends or public holidays, as stipulated in Section 27(2) of the Employment Act.

I thank you.

The Speaker (Hon. Kingi): Sen. Lemaletian, proceed.

STATUS OF YAMO DAM IN MARALAL TOWNSHIP

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of Yamo Dam in Maralal Township in Samburu County;

The Yamo Dam project, initiated in 2019 by the Northern Water Works Development Agency, was designed to provide clean and safe water to at least 64,000 households in Maralal Town and its surrounding areas. The first phase, which involved

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constructing a dam with a capacity of 1.2 million cubic meters, was completed by March 2023.

The second phase, involving the construction of a water treatment plant, requires an additional Kshs1.5 billion, which is expected to be allocated by the Government for its completion.

In the Statement, the Committee should-

(1) Provide an update on the current status of the project, including whether it has been completed, handed over, its current maintenance status, and water levels;

(2) Establish whether the dam has successfully alleviated the challenge of access to clean and adequate water for the residents of Samburu County; and,

(c) State the measures in place to permanently resolve the recurring water shortages in Samburu County.

I thank you.

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.56(1)(b), Chairperson Standing Committee for Trade, Industrialization and Tourism.

ACTIVITIES OF THE COMMITTEE ON TRADE,
INDUSTRIALIZATION AND TOURISM

Sen. Seki: Mr. Speaker Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement relating to the activities of the Standing Committee on Trade, Industrialization and Tourism for the Second Quarter of the Third Session covering the period between April to August, 2024.

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

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

Mr. Deputy Speaker, Sir, during the period under review, the Committee held 32 sittings, during which it considered eight Statements, one Petition and four Bills. The Committee also undertook one report writing report retreat in Machakos County and considered the Schedule of Amendments from the National Assembly on the County Licensing Uniform Procedures Bill, (Senate Bills No.9 of 2022). (Attached to this Statement is a schedule of legislative business considered by the Committee).

Mr. Deputy Speaker, Sir, during this period, the Committee concluded and reported on three Bills-

(a) The Street Vendors (Protection of livelihood) Bill, (Senate Bills No.41 of 2023);

(b) The Co-operative Societies (Amendment) Bill (Senate Bills No.53of 2023); and,

(c) The Schedule of Amendments to the County Licensing Uniform Procedures Bill, (Senate Bills No.9 of 2022). The Bill was assented to by the President on Thursday, 27th June, 2024.

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The Committee held a consultative meeting with the Cabinet Secretary, Ministry of Investments, Trade and Industry on the legislative business under the Ministry. The Committee also invited the Principal Secretaries in the Ministry of East Africa Community, the Arid and Semi-arid Lands (ASAL)s and Regional Development to respond to Statements committed to the Committee.

The Committee also considered a petition concerning alleged fraudulent dealings at Diageo PLC, East Africa Breweries Ltd (EABL), Kenya Breweries and United Distillers and Vintners (UDV) Kenya Limited and has met with the petitioner, Managing Director, EABL, the Competition Authority of Kenya and the Capital Markets Authority to gain insight into the Petition.

The Committee is in the final phase of stakeholder engagements before concluding and adopting its report for tabling in the Senate.

As a part of its capacity building, the Committee participated in the 7th Kenya Institute for Public Policy Research and Analysis (KIPPRA) Annual Regional Conference that took place from 26th to 28th June, 2024 in Kisumu County, themed “The Future of Industrialization in Kenya: Pathways to Industrialization in the Bottom-Up Economic Transformation Agenda”. The forum enhanced the capacity of the Committee on the status and opportunities for industrialization in Kenya as well as the legislative interventions required from the Senate.

Mr. Deputy Speaker, Sir, during consideration of the Statements, the Committee observed that there was an increasing number of Statements pending before it that required the attention of the relevant Cabinet Secretaries in person. However, due to the recent changes in the Government, the Cabinet Secretaries were not available. The Committee has therefore scheduled to re-invite the substantive Cabinet Secretaries, following the reconstitution of the Cabinet, to apprise the Committee on the status of the pending Statements relating to their specific mandates. The Committee will prioritize the finalization of these pending statements and other legislative business before it.

The Committee will continue with its oversight of the counties through scheduled county oversight inspections, networking visits and public engagements to ensure continued implementation of programmes and legislative business within its mandate. In particular, the Committee will visit the county aggregated industrial parks, tourism facilities and markets in the counties.

In conclusion, I wish to thank your office and the Office of the Clerk of the Senate for the support accorded to the Committee in its work of executing its mandate. I also wish to thank the Members of the Committee for their diligence and contributions during Committee activities and the Committee Secretariat for their facilitative responsibilities.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next is the Report from the Chairperson Select Committee on County Public Accounts.

Proceed, Vice-Chairperson, Sen. Cherarkey Samson Kiprotich.

ACTIVITIES OF THE COMMITTEE ON COUNTY
PUBLIC ACCOUNTS

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I am reading on behalf of the Chairperson, Sen. Moses Kajwang', who is away on official parliamentary duties. We are enjoying a cordial relationship unlike what is happening in the country.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the County Public Accounts Committee for the period commencing April to September 2024. During the period under review, the Committee held a total of 40 meetings---

Mr. Deputy Speaker, Sir, you need to protect me from the Minority Whip because this is his Committee.

During the period under review, the Committee observed that most counties have consistently failed to meet their Own Source Revenue (OSR) targets in all the fiscal years since the start of devolution. Counties have the potential to generate approximately Kshs200 billion in OSR from various streams.

The County Government Budget Implementation Review Report for the Financial Year 2022/2023 by the Office of the Controller of Budget (COB) indicates that the county governments raised Kshs37.8 billion, way below from Kshs200 billion projected by the Commission on Revenue Allocation (CRA) from their sources of revenue, accounting for 65.9 per cent of the annual target of Kshs57.37 billion.

Mr. Deputy Speaker, Sir, it is for this reason that the Committee plans to conduct a special audit on revenue collection, starting with Nairobi, Kiambu and Narok counties.

(Sen. Olekina stood up in his place)

The Committee plans to undertake this process in partnership with National Treasury---

I wish the Senator of Narok could have sat down to listen to this.

The Committee plans to undertake this process in partnership with the National Treasury, since they have a lead role as outlined in Section 12(e) of the Public Finance Management Act 2012. It states that the National Treasury shall, among others, design and prescribe an efficient financial system for the national and county Governments to ensure transparent financial management and standard financial reporting, as contemplated by Article 226 of the Constitution.

Therefore, we shall do a special audit on three counties. We will focus on Nairobi because we have heard the Governor saying his own things when on the ground things are different; Narok because of the Masaai Mara Game Reserve; and Kiambu where there are more than five service providers for revenue collections. We want to know what is happening over there.

Mr. Deputy Speaker, Sir, during the period, the Committee noted that most of the counties including Nandi were processing payments of salaries outside the Integrated Payroll and Personnel Database (IPPD). We were able to establish the scandal, including

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hiring the mother and close relatives of Governor Sang, happening in Nandi, which is forming the basis of the impeachment of the Governor.

Most of these counties; Kilifi, Vihiga, Migori, Kitui, Mombasa, Lamu, Narok and even Meru were being paid through IPPD or payment vouchers. Meru is worse, they pay outside IPPD to ensure the side effects of what transpired in this House---

I would appeal to Members that my office, as the office of the Vice Chairperson of the County Public Accounts Committee is always open to share such information with Members. Of course, this is in consultation with my Chair. In no way am I insubordinating or usurping his powers.

Mr. Deputy Speaker, Sir, this personal file numbers are inefficient and we plan to engage the national Government through the State Department of Public Service. The Public Service continues to do human resource audit in counties. We would want to know the amount they are being paid, the reports and the number of counties that the Public Service Commission audits. The latest being Nandi, we want to know how much was used.

In April 2023, the workers were 3,000. In April 2024, the workers are 5,000, a growth of 2,000 ghost workers. The Council of Governors (CoG) should prescribe and design an efficient human resource management system to be used by counties to eliminate human resource-related complexities in counties.

The Committee pursuant to Article 235 of the Constitution of Kenya, as directed by the Cabinet Secretary for the Ministry of Public Service, Youth and Gender Affairs, develops regulations to provide guidance and clarity to county governments on the engagement of casual employees, contracted workers, acting positions and development of a progressive platform for management of county human resource.

Colleagues, you have to agree with me that most counties are struggling with labour crisis and it must be addressed. We established in Tharaka-Nithi that the Governor had what we call road marshals hired to maintain roads.

(Sen. Olekina consulted loudly)

Sen. Ledama Olekina, I am not debating. I am just stating what is on the Report. I am giving an example.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, Vice Chairperson Committee on County Public Accounts.

Sen. Cherarkey: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Who are you answering? I gave you permission.

Sen. Cherarkey: Okay, I should proceed. I stand guided.

For example, on this issue of human resources, Tharaka-Nithi had what we call road marshals. They were under the pretext of road marshals but we established that they were the Governor's goons. There is a crisis in issues of labor, even in Vihiga.

Mr. Deputy Speaker Sir, the Committee also observed that there was rampant voiding of payments by county governments. The approved cash plans by the Controller of Budget (CoB) are not adhered to contrary to Section 22 (c) of the CoB Act, 2016. The

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Committee recommends the CoB institutes mechanisms to enforce compliance of approved cash plans by county entities to avoid rampant voiding payments.

During the interrogation of the reports of the Auditor General on the Financial Statements for Financial Year 2021/2022, and the election period, the Committee observed that some county entities did not submit or made late submissions of the relevant documents or provided false or misleading information to the Auditor General during the audit exercise contrary to Section 62 of the Public Audit Act, 2015. On this, people were voiding payments even two days before elections in August.

Following an engagement with the Auditor General, the Committee shall consider introducing amendments to Sections 196 and 197 of the Public Finance Management Act, 2012 and Section 62 of the Public Audit Act, 2015 to include administrative sanctions to individuals who do not provide information. It is worth noting to the Committee that we provide information on members who have taken gross professional misconduct and are removed from the roll of the Institute of Certified Professional Accountants of Kenya (ICPAK).

In conclusion, I wish to thank the members of the Committee, including yours truly, for attending more than 40 committee meetings. It is not easy and needs hardworking Members who work tirelessly. I also thank the dedicated secretariat, courtesy of your office, who usually sit for long hours to ensure we reduce the backlog of audit reports. On Mondays, we sit from 8.00 a.m. to 6.00 p.m., transacting serious businesses. We want to ensure the financial audit review---

Mr. Deputy Speaker, Sir, I must say this; we are trying to look at the financial years of the sitting governors. For example, in Narok, we are considering 2022/2023 Financial Year because we do not want to be morticians but to be objective.

The Committee will use various strategies, including subcommittees and merge financial years to shift to a more proactive mandate and to ensure the Senate is current in its interventions.

With those remarks, I thank you and beg to lay this Statement on the Table.

(Sen. Cherarkey laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): The Vice Chairperson, our mandate as Senators is domiciled in oversight by your Committee. You also check on the money that we give to counties every year. Like in the discussion we had here this afternoon, we will exchange notes on the way forward. In the future, we would wish to get reports, county by county, not lumpsum.

The 40 meetings cannot be on one piece of paper like this. If you examine even 10 accounts for 40 meetings, it cannot be on one paper. We need a report with details of every county; on what has not been done in those specific counties. You can do better than that.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, while I stand guided, through your secretariat, we normally table reports in which we give directions and recommendations. However, I am happy to try and do a summary version of each county.

Thank you.

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The Deputy Speaker (Sen. Kathuri): Thank you. There is a Statement by the Chairperson Standing Committee on Roads, Transportation and Housing. That Report is deferred.

ACTIVITIES OF THE COMMITTEE ON ROADS,
TRANSPORTATION AND HOUSING

(Statement deferred)

There is a Statement by the Chairperson Standing Committee on Land, Environment and Natural Resources. Could it be that the Chairman has delegated to a Member of the Committee? If not, we also defer that Statement.

ACTIVITIES OF THE COMMITTEE ON LAND, ENVIRONMENT
AND NATURAL RESOURCES

(Statement deferred)

DISBURSEMENT OF FUNDS TO
COUNTY GOVERNMENTS

There is a Statement by the Chair of Finance and Budget. Proceed.

Sen. Ali Roba: Mr. Deputy Speaker, Sir, thank you very much for this opportunity.

This is a Statement concerning the disbursement of funds to county governments in the present circumstance, where there has been a delay in the enactment of County Allocation of Revenue Bill 2024.

I rise pursuant to Standing Order 56(1)(a) of the Standing Orders of the Senate, to make a Statement on the disbursement of funds to county governments in the present circumstance where there has been a delay in the enactment of the County Allocation of Revenue Bill, 2024.

The Division of Revenue Act, No.7 of 2024 was assented to on 10th June, 2024 and came into effect on 25th June, 2024. The Act divides nationally raised revenue between the two levels of Government. The County Allocation of Revenue Bill, (Senate Bills No.25 of 2024), was passed by Parliament on 25th June, 2025 and transmitted to the President for assent.

In accordance with Article 115(1)(b) of the Constitution, the President referred the Bill back to Parliament with reservations. Parliament is yet to consider the President's reservations and, therefore, the County Allocation of Revenue Bill has not been enacted.

The County Allocation of Revenue Bill divides among the counties the revenue allocated to the county level of government on the basis determined in accordance with the resolution in force under Article 217 of the Constitution. Therefore, the law contemplates that the allocation of nationally raised revenue is effected through a two-step process: vertical sharing of revenue between the two levels of Government through

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the Division of Revenue Act; and, the horizontal division of revenue between the 47 counties through the County Allocation of Revenue Act.

With respect to the Financial Year 2024/2025, the first is complete as there is a Division of Revenue Act in force. However, the second step is in abeyance as the County Allocation of Revenue Bill has not been enacted into law.

As a result, the National Treasury has not made any transfers to counties of their share of nationally raised revenue. The delay in disbursement of the county share of nationally raised revenue has paralyzed county governments, impeded their ability to discharge their functions and is likely to lead to devastating consequences in crucial areas such as service delivery in health sectors, among others.

Mr. Deputy Speaker, Sir, following a request by the Standing Committee on Finance and Budget on possible remedies to fund the counties while waiting for passage of the County Allocation of Revenue Bill, the National Treasury and Economic Planning, through a letter dated 5th August, 2024, indicated that there are possible remedies for counties to access a certain percentage of the equitable share pending the passage of the County Allocation of Revenue Bill, 2024.

The Treasury indicated that there exists a court's opinion in Advisory Opinion No.3 of 2019 and the provisions of Regulation 134(1), which allow the CoB to authorize withdrawals of up to 50 per cent from the Consolidated Fund, based on the last County Allocation of Revenue Act approved by Parliament to meet the expenditure of the county governments for the current financial year.

Further, during a meeting held on 16th September, 2024, with National Treasury and Economic Planning, the Cabinet Secretary, indicated that the National Treasury was ready to avail some funds to counties to facilitate them meet non-discretionary monthly expenditures such as salaries. However, the National Treasury had requested an advisory opinion from the Office of the Attorney General.

Mr. Deputy Speaker, Sir, Regulation 134 of the national Government Regulations 2015 provides that -

“134. (1) If the County Allocation of Revenue Bill submitted to Parliament for a financial year has not been approved by Parliament or is not likely to be approved by Parliament, by the beginning of the financial year, the Controller of Budget may authorise withdrawals of up to 50 per cent from the Consolidated Fund based on the last County Allocation of Revenue Act approved by Parliament for the purposes of meeting expenditure of the county governments for the financial year.”

Further, in Supreme Court Advisory Opinion No.3 of 2019, the court had occasion to consider the question of allocating revenue to the county governments, where the enactment of DoRA has been delayed and made the following findings-

- (a) That, should an impasse occur due to the failure of the mediation process occasioned by a lack of concurrence between the two Houses over the Division of Revenue Bill and the National Assembly, for the purpose of meeting the expenditure necessary to carry out the services of the County Government during that year until such a time the Division of Revenue Act is assented to, can authorize the withdrawal of money from the consolidated fund. The money so withdrawn shall be included under separate votes for the several services in respect of which they are withdrawn.

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It is to be expected that each County Assembly would have to readjust their respective budget and appropriation Bills accordingly; and,

(b) The percentage of money to be withdrawn is based on equitable allocation to counties in the Division of Revenue Act of the preceding financial year.

In keeping with the spirit of Article 222(2)(b) of the Constitution of Kenya 2010, the money to be withdrawn shall be 50 per cent of the total equitable share allocated to counties in the Division of Revenue Act.

Mr. Deputy Speaker, Sir, the opinion of the court as set out was premised on the fact that Article 222(1) of the Constitution provides an avenue for the continuation of the national Government business where the Appropriation Act has not been assented to.

The Constitution could not countenance that there would be any remedy for the County Government to access a percentage of national revenue to avoid paralysis in service delivery at the counties.

Mr. Deputy Speaker, Sir, while Advisory Opinion No.3 of 2019 dealt with the question of transfers to counties in the event of a delay in the enactment of the Division of Revenue Bill, the conclusion arrived at by the court supports the provision of Regulation 134(1) –

That the counties must access a percentage of nationally raised revenue in the event of delay in the passage of any one of the legal requirements to facilitate that.

The Committee is privy to an advisory that has been rendered by the Attorney General to the Cabinet Secretary for National Treasury and Economic Planning dated 20th September, 2024, in which the Attorney General canvasses the provisions of Regulation 134(1) of the Public Finance Management National Government Regulation 2015 and Advisory Opinion No.3 of 2019 and advises the National Treasury as follows-

That the applicable law that would allow the disbursement of equitable share to the counties is Regulation 134(1) of the Public Finance Management, National Government Regulation 2015.

Both Regulations 134(1) and Supreme Court Advisory Opinion No.3 of 2019, provide the same remedy for the disbursement of up to 50 per cent of the total equitable share to the County Government in the absence of the County Allocation of Revenue Act.

In light of these provisions of the law canvassed in this Statement, the Standing Committee on Finance and Budget has written to the National Treasury and the Controller of Budget (CoB) to direct as a matter of utmost urgency, the authorisation and withdrawal of up to 50 per cent from the Consolidated Fund, based on the last County Allocation of Revenue Act approved by Parliament for meeting expenditure for the county government for the financial year.

I thank you.

The Deputy Speaker (Sen. Kathuri): I will allow one or two Senators to make brief comments on that Statement.

Sen. Olekina, you have the Floor.

Sen. Olekina: Mr. Deputy Speaker, Sir, let me begin by thanking the distinguished Senator for Mandera County for being very diligent in ensuring that our counties get what is theirs.

If I remember very well, this Senate passed the Division of Revenue Bill and the County Allocation of Revenue Act (CARA). Therefore, the only thing we are waiting for is for the President to assent to CARA.

I held an earlier consultation with the Chairperson of the Standing Committee on Finance and Budget. The only point that I could see that we are differing is that we already have DoRA, which has already been assented to.

So, the advisory given by the Attorney General is sound. However, I still feel like even that advisory came short of saying that the Parliament - the National Assembly and the Senate - have already passed a law. We cannot bring an argument and say that now because you want to amend a law, you stop operating with the existing law.

So, the Cabinet Secretary in charge of Finance really ought to just follow the law and ensure that money is sent to counties. We cannot say we are now putting everything in abeyance until we have a new amended DoRA. In fact, this will be the first time that people will amend the DoRA.

I have sat here and we have never amended DoRA. We passed CARA and CARA was passed by the National Assembly. It was just waiting for it to be assented to. Surely, we cannot be sitting here and even entertaining a debate over amending DoRA.

The earlier debate that we had here when that Order was called is because we know that this House passed DoRA and the law is in existence. So, I do not even know why the Standing Committee on Finance and Budget entertained having this business of saying let us use Regulation 134, yet there is an existing Act of Parliament. Therefore, that is the only challenge we have. This is where now we have to argue and see what will befit us.

Article 219 of the Constitution of Kenya on transfer of equitable share says:

“A county’s share of revenue raised by the national government shall be transferred to the county without undue delay and without deduction, except when the transfer has been stopped under Article 225.”

Since we passed and agreed to send Kshs401 billion to our counties, if we have a shortfall, I do not believe that we are losing the Kshs400 billion. This will be now the third quarter or the second quarter. Why can we not release money and then in the process, if this House and the National Assembly agree to amend DoRA, then the money can be reduced?

So, apart from arguing that we should use the previous DoRA and CARA and also the previous Cash Disbursement Schedule as the law envisioned, let us continue applying the existing law that we passed, so that we do not ground our counties to a halt.

What is so hypocritical is that currently the national Government is continuing with its programmes. It is a pity that our county governments are at a halt because there is no money being sent to them.

*(Sen. Cherarkey and Sen. Oketch Gicheru stood
at the Dispatch Desk)*

In summary, I want to beseech my colleagues---

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Olekina.

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I request that the two Senators standing between the Chair and the Member contributing to run very fast to their seats.

*(Sen. Cherarkey and Sen. Oketch Gicheru
took their seats)*

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir, for protecting me. This Statement does not require us really to beg. This Statement should be a directive to the Ministry of National Treasury and Economic Planning to use the existing law. We are trying to correct everything.

I know there was a problem with the Finance Act, but we should not just be looking at raising mechanisms, but the expenditure on the other side. So, if already there is a law that says send money to counties, then do so without hesitation.

I remember we have been agonising over this for a long time. I hope that today when the Cabinet Secretary for National Treasury and Economic Planning appeared before us, he demonstrated that he can lead that department.

Finally, allow me to comment on this issue of pending bills that my brother has brought up. I am happy that you gave directions. I hope that we can include that issue of Migori in the existing Motion that we passed where your Chair gave a directive that next week, the Cabinet Secretary will be coming here to respond to that.

I thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Any other Member commenting on this report should use less than three minutes.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I do not know what your secretariat or the legal department led by Dr. Okello was advising the Committee on Finance and Budget. This is because we already have a law that we had passed. The argument of the Committee on Finance and Budget should be based on the DoRA 2024, which had been assented to by the President alongside the Appropriations Act. The Appropriations Act was later amended by the National Assembly after the collapse of the Finance Bill, 2024.

Mr. Deputy Speaker, Sir, when we say we want to allocate 50 per cent of the allocation, it should be within the Act of 2022/2025, not the previous Act. We did pass the DoRA here. That is why Members were hesitant to proceed with the Second Reading of the amendment of the Act that is in existence. We wanted to ensure that we reject this amendment and retain it at Kshs401 billion as we had agreed.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I want to be very clear that under Article 219, the National Treasury is very critical.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, when I am speaking to you---

Sen. Cherarkey: You know I am looking at the time that you have given us.

The Deputy Speaker (Sen. Kathuri): Do not mind about the time. Do you want to be informed by the Chairperson of the Committee on Finance and Budget?

Sen. Cherarkey: Can I finish?

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The Deputy Speaker (Sen. Kathuri): Perhaps, he is not interested Chair. It is okay. Proceed.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, Article 219 of the Constitution states that –

“A county’s share of revenue raised by the national government shall be transferred to the county without undue delay and without deduction, except when the transfer has been stopped under Article 225.”

I expected the Committee on Finance and Budget to issue a scathing indictment against the Ministry of National Treasury and Economic Planning for not releasing money.

They should release money as approved by the DoRA that we passed in 2024/2025. We will not amend that Act. We will ensure that it is only Kshs401 billion that will go out to counties. We are not about to budge about that. In fact, if you take this matter before a District Magistrate Courts (DM 1), they will tell you this is basic and the law is in place.

Finally, on the issue of pending bills in Migori County Government. I am disappointed that when you are being owed by Migori County Government and for you to be paid, you must give 30 per cent of what they owe you to some senior officials. This is why even the Governor of Migori has declined to appear tomorrow. He knows these are some of the serious issues of pending bills that he is facing in Migori County. Therefore, we shall not allow.

There are many people who have pressure and diabetes in Migori County because they used their resources to provide services and goods to Migori County Government. In line with our resolution on payment of pending bills that we did adopt, they should be paid.

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

Sen. Osotsi: Mr. Deputy Speaker, Sir, first of all, let me start by thanking the Chairperson of the Committee on Finance and Budget for the focus on matters to do with the division of revenue and disbursement of funds to counties.

This Senate is very crucial in devolution as stipulated in Article 96 of the Constitution. However, we need to get concerned as a Senate that we should not just pass money that goes to counties, but we must also ensure that our counties get timely disbursement.

It defeats the purpose of us every year passing the cash disbursement schedule with clear amounts, debts and then someone seated in the National Treasury, who is not representing the people of Kenya, decides when to send or not send the money. I think that really indicts us, as Senators, that there is something that we are not doing right.

I wish the Members of the Committee on Finance and Budget who are conversing there could listen to me.

*(Sen. Tabitha Mutinda and Sen. Oketch Gicheru
consulted Sen. Ali Roba)*

The Deputy Speaker (Sen. Kathuri): The Vice-Chairperson of the Committee on Finance and Budget and Sen. Oketch Gicheru, have your seats.

Sen. Osotsi: I want to believe that the Committee on Finance and Budget, which is chaired by the able Senator for Mandera and the Vice-Chairperson, Sen. Tabitha Mutinda, is within their mandate to ensure that the moment we have a late disbursement of funds to counties, they rise up. They should summon the Cabinet Secretary for National Treasury and Economic Planning and all the people involved, and find out why our counties are not getting the money.

If there is a good reason, the committee knows what to do. If there is no valid reason, they should enforce and ensure that this Ministry disburses money to our counties.

It is painful that our counties can stay three to four months without any money. People are not earning salaries while the national Government employees are earning.

I have just seen on my phone that Kiambu doctors are on strike because they have not earned the July/August salaries. These are problems that we expect the committee working with us, as a Senate, to ensure that our counties receive money in time.

Mr. Deputy Speaker, Sir, allow me to comment on the Statement by Sen. Orwoba on social media platform. When you read this Statement, it clearly tells you that there is a gap in the management of the Data Protection Act and the regulation in this country.

I think it is time that this Parliament called to order the Office of Data Protection. I do not think they are doing adequate work to protect Kenyans who have continued to suffer.

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

Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute on the Statement that has been tabled by the Chairperson of the Committee on Finance and Budget

Indeed, we passed the DoRA. We, as leaders, know that the country has been going through a very challenging situation. On the issue of disbursement of funds, there is no discussion. It must be timely as envisaged to allow the county governments to be able to plan.

Mr. Deputy Speaker, Sir, in the same breath, it is also the responsibility of the county governors to work in tandem with the Executive, so that the projections that are there can be aligned to the allocations.

I want to commend the Governor for Nyeri County because since he took power we have not had strikes because of unpaid wages. I also commend him because he is one of the few governors who have managed to sort out the issue of pending bills. This is because it is a question of setting out the right priorities, knowing what money to allocate where and what money to spend at what time.

It is not lost to us, as Senators, that our role to oversight in the county government and the expenditure of resources have been very heavily hampered by the fact that we are underfunded. To say the least, our functionality as oversight people has not been quite effective because of inadequate facilitation.

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We, as the leaders of this country, it is not lost to us that this country like many other countries globally has been going through a lot of challenges. This calls for leaders to sit down, see the situation as it is and adjust correspondingly.

Mr. Deputy Speaker, Sir, some counties have huge pending bills, not because they do not get their disbursement timely, but because they do not set their priorities right.

It is known that once a new governor is elected, he does not give priority to pending bill as the first charge as it is supposed to be. Instead, they take advantage by giving their friends, cronies or preferred contractors and suppliers a contract, so that they can make some money.

If we address the issue of governance alongside disbursement of funds and ensure that the money that has been disbursed is also used prudently, we will not only cure the problem of pending bills, but ensure that no employee goes unpaid. This is because it will be a priority.

Mr. Deputy Speaker, Sir, it does not come as a surprise to see county governments and national Governments repairing roads and buildings, while wages remain unpaid.

The Deputy Speaker (Sen. Kathuri): Sen. Oketch Gicheru, proceed.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, in the spirit of the Finance and Budget Committee and the concerns that have been put forward, I want to comment on the Statement read by the Chairperson of the Committee and make some clarification.

The Senator for Nandi County, Sen. Cherkakey, and the Senator for Vihiga County, Sen. Osotsi, have expressed concerns that perhaps the Chairperson together with the Vice-Chairperson and Members of Finance and Budget Committee might not be keen on the disbursement schedules that is supposed to go the counties.

I know very well that the Chairperson of the Finance and Budget Committee is one of the biggest thorns in the flesh of the Ministry of the National Treasury and Economic Planning. This is because he calls them all the time to make sure that money goes to counties. When the Chairperson is not there for any official reasons, the Vice-Chairperson, capably also fights so hard.

Mr. Deputy Speaker, Sir, the DoRA does not ensure the National Treasury gives counties money. We pass DoRA to determine the money shared between national and county governments. It stops there.

The instruments used to get money for counties in law is the County Allocation of Revenue Act (CARA). It is the Bill that helps us to define what counties get among themselves of the shareable revenue between the national Government and county governments.

In the last Financial Year, CARA was not passed so the schedule has also not been passed. That is still a lacuna in law. That is why the advisory had to come in place to help solve that lacuna. There is no reason whatsoever to indicate to the public that there is any instrument that we can use to take monies to counties.

Lastly, I want to comment on the Statement by Sen. Cherarkey. We must find a methodology to audit and query any donors who are dealing directly with counties. Otherwise, counties will end up losing money, like what we are seeing in happening in Nandi County and other counties. Projects that are directly funded by donors---

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The Deputy Speaker (Sen. Kathuri): Next Order.

MOTION

ADOPTION OF JOINT REPORT ON APPROVAL FOR APPOINTMENT OF MR. DAVID KIBET KEMEI TO THE POSITION OF DG, CAK

THAT, the Senate adopts the Report of the Joint Sitzings of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the approval hearing of Mr. David Kibet Kemei, nominee for appointment as the Director-General (DG) of the Competition Authority of Kenya (CAA), laid on the Table of the Senate on Thursday, 26th September 2024; and that pursuant to Section 12(1) of the Competition Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, the Senate approves the nomination of Mr. David Kibet Kemei for appointment as the Director-General of the Competition Authority of Kenya.

(Sen. Tabitha Mutinda on 01.10.2024)

(Resumption of debate interrupted on 01.10.2024)

The Deputy Speaker (Sen. Kathuri): Sen. Murgor had a balance of 11 minutes. Since he is not in, let us have the next interested Senator.

Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. Let me confirm from the desk that I have about 20 minutes. Is that right?

(The Clerk-at-the-Table consulted with Sen. Wambua)

I rise to make a few comments on the report of the Joint Sitzings of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate on the approval hearing for Mr. David Kibet Kemei for the position of DG of the CAK. The CAK is a very important body for any developing country, whose economy is under transition and want to ensure fair play in the marketplace. It is for that reason in the wisdom of Parliament that the Competition Act was passed. Cap 504 of the Act creates the position of DG.

The Director General of CAK is charged with very serious responsibilities. Key among them is putting in place measures to ensure effective competition across all markets to stop misleading market contact throughout Kenya in order to protect the welfare of the Kenyan business people and investors from outside the country who are pursuing fair play in the marketplace.

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The protection of farmers, consumers and business people fall under the purview of the CAK. It is, therefore, the expectation of all players in the marketplace that the character of the DG of CAK must be in a position to ensure that there is fair play. He should protect us and the business community from middlemen, barons, or businesses that take advantage of their privileged positions in the market to exploit and push other players out of the market.

I am looking at a situation where the DG of the CAK will be expected to ensure that we do not have rogue business people who use shortcuts to ensure that they get unfair advantage in the marketplace.

Mr. Deputy Speaker, Sir, I am talking about this because the Prime Cabinet Secretary, hon. Musalia Mudavadi, wrote to Parliament proposing the name of David Kibet Kemei to take the position of DG of the CAK. I realized that there were serious issues with the letter. First, in his mind and his officers', 'the National Assembly' means 'Parliament,' yet the law is very clear that when you talk about Parliament, reference must be made to both the National Assembly and the Senate.

That notwithstanding, I have looked at the Report and realized that the Joint Committee wrote to various organizations, including the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the office of the Higher Education Loans Board (HELB), the Office of the Registrar of Political Parties (ORPP) and the Ethics and Anti-Corruption Commission (EACC), seeking clearance for one David Kibet Kemei in order to approve the appointment to the position of DG of CAK.

Mr. Deputy Speaker, Sir, I have looked at those letters and realized that the letter that came from the EACC raised serious issues about Mr. Kibet Kemei. They said that Mr. Kibet alongside other board members of the Kenya Medical Training College (KMTC) sat and approved a wrongful recruitment of the KMTC Corporation Secretary in 2015.

When the matter went to court, it was determined that the occupant of the position who was irregularly recruited, had earned over Kshs23 million and a decision was taken that the board members then, should be surcharged to recover that money.

The reason the Joint Committee was writing to these institutions was to get information to help them make a decision. However, here is the situation; information is received from the EACC, which contributes to an adverse report on the candidate, but the Committee is still asking us to approve that name. I have a problem with that.

Secondly, in the recruitment process of the DG, the CAK gave a local management consulting firm the job to recruit a new DG for them. That firm shortlisted 30 candidates. The independent firm that had been retained by the CAK to recruit a DG for them and its rating. Mr. Kemei was ranked number 29 with a 60 per cent score. The CAK undertook to interview the 30 shortlisted candidates by the consulting firm. Interestingly, Mr. Kemei, scored 87 per cent and was ranked number two.

Mr. Deputy Speaker, Sir, though the scoring and the recruitment of a person at the level of a DG can get subjective, there are tools used for this kind of recruitment. Therefore, the disparity would not be that big. You cannot score 60 per cent in one set of interviews for the same position and then in the next set, you are scoring 87 per cent.

The third issue I have with this recommendation by the Committee is that there is absolutely no formula for people to write their Curriculum Vitae (CVs). People can do their CVs the way they want. However, there are some common denominators in every CV. Top on that list would be the full names of the person.

Secondly, without a doubt, would be the year of birth. You know, Enock Kiio Wambua, born 31st October, 1972. When you look at the CV that Mr. Kemei gave to the Joint Committee, you will realize that ---

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

[The Temporary Speaker (Sen. Wakili Sigei) left the Chair]

Mr. Temporary Speaker, Sir, I take note of the changeover.

The detail of the name is there and then he jumped straight to his profession and says that he has 31 years of experience.

I have scanned through that CV and there is nowhere that Mr. Kemei indicates the year of birth. I have said on the Floor of this House many times and I repeat it; I am a good and a long-standing journalist. One of the characteristics of a good journalist is to have the capacity to identify the story that is not being told.

Before I take a vote on this matter, I would want to know the year of birth of one David Kibet Kemei. My fear is, perhaps, Mr. Kibet could be over 60 years of age. I have seen the Senate Committee on Labour and Social Welfare summoning governors and demanding a list of all county employees, complete with their years of birth in order to know whether county governments are retaining people in office who are over 60 years of age.

I want to see that year of birth of Mr. Kibet. This is so that we can determine the age of one Kemei and be sure that we are not recruiting a DG who is over age for the position as required by the law.

Mr. Temporary Speaker, Sir, I say this because just the other day, my driver, one Nguli Mutua, upon reaching 60 years of age, had to disengage with the Parliamentary Service Commission (PSC) because that is a law. It cannot be that there are some people or some cadres who have to exit public service and others who, for whatever privileges, are joining the public service or continue to serve when they are 60 years and above.

I said this is a very important national office and still looking at the CV laid before the Senate by the Joint Committee, there have been loud conversations, about the origin of where certain people in certain offices come from. It is a requirement of the law and the Constitution, that a fair distribution of Government positions be seen to be happening.

So, it is not just people from certain places who get certain jobs and other people from other places who cannot get those jobs. When I looked at Mr. Kemei's CV, I saw that he is a serious Kenyan with a lot of experience in Kenya and the United Kingdom in all manner of positions: chairperson of the board, director and lecturer; a person who has interacted with really the world. This is a citizen of the world.

It would be unfair to place Mr. Kemei among a certain community in this country. He is supposed to be a person who should reach out and serve with anyone and with everyone.

When I looked at the CV, I was grossly disappointed. I always say, and I will repeat it, the devil is in the detail. When you look at the referees and the references Mr. Kemei gives, you wonder, surely, what is this? His first reference is Mr. Simon Chelugui. The second reference is Ms. Farida Karonei and the third reference is Kipkorir Bett.

A world citizen seeking to be the DG of a national authority, reducing himself to just a village boy. I said, when you look at the CV, it is rich. This man has contacts all over the world. For heaven's sake, he would even have put Sen. Wambua as a referee. I mean, this looks too village. This is not the kind of DG I want to see at the CAK.

Mr. Temporary Speaker, Sir, even when people want to be given opportunities to serve and use their privileged positions to get to serious Government offices, honestly, a measure of a demonstration of a national outlook, even from their CV, would serve them better than this.

For those four reasons, I will reserve my decision as to whether to vote for Mr. Kibet Kemei at the time of voting. However, for now, I have serious reservations.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Wambua. Listening to you, you probably have been a good referee to the nominee. The unfortunate thing is he cannot reach you. He does not know you. We expect referees also to be people who can speak about you, people who know you. Nonetheless, thank you.

Hon. Members, we do not have any other member seeking to make a contribution to this. Therefore, I ask the Mover, Sen. Tabitha Mutinda, to reply.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I rise to reply to this Motion.

First of all, I thank all members who contributed to the vetting process we undertook for Mr. Kibet, the nominee for the CAK. We listened keenly, and I appreciate the responses and remarks.

These are the issues that we keenly focused on during our vetting process. My colleague, Sen. (Dr.) Khalwale, yesterday mentioned how we started this process. It was unique because it involved a Petition regarding the issue of age.

We were lenient enough as a committee and as leaders. We invited the petitioner, Mr. Francis, the president of Bunge la Wananchi, and gave them a platform to discuss their concerns. The matter was in court. However, because of Parliament's independence, that did not stop our vetting process. However, we wanted to hear from them.

This concern has been raised. I am bringing it up because it is the same concern that a few members have touched, especially the recent members who have contributed, regarding the age issue. Mr. Kibet is not yet 60, but he is almost that age. Right now, he has not reached the age of 60.

Yes, I agree we had an issue with the letters the EACC sent. The fact that one, Mr. Kibet, had worked as a board member at KMTC, and at that particular time, a recruitment process was done and some issues were raised. The Members of that

committee then at KMTC, him being one of them, the court ruled that some payments needed to be made.

I am happy because we always have a competent legal team with whom we work closely. Ms. Lucy leads the legal team in our secretariat team. We engaged the National Assembly team to understand the position and the legality of undertaking the whole vetting process. We received two letters. Legally, nothing stopped the committee from going on with the vetting process.

As I said when I tabled this Motion, the nominee was the only candidate that was referred to Parliament with the committees by the then Acting Cabinet Secretary, that is, hon. Prime Cabinet, who referred the name for Mr. Kibet to Parliament as the only nominee.

Since the recruitment process occurred through an agency and the board, our mandate focused on the candidate's credibility. Work experience is what we majorly focused on.

As Members have also said, as I listened to them, those two satisfied the committee in terms of work experience. As I noted in our Report, I stated clearly that Mr. Kibet has over 30 years of experience, which qualified him in regards to what we were keenly looking at.

Regarding academic qualifications, he holds a Master's degree, among other credentials or certifications that he has held.

The tribal issue has been raised. If today we had an opportunity to choose the tribes that we come from, maybe others would choose differently. However, this year in 2024, we are now desisting from tribal issues and being tribeless.

We did not vet the nominee regarding his culture or tribe. I have listened to members raise the issue of whether he is from a particular region. Article 27(4) of the Constitution is clear:

Article 27(4) of the Constitution is clear that no one should be discriminated upon based on age, background and gender. That is why I say we, as a Committee, focused on his experience, his credibility and all the other papers that he laid. That satisfied us, as a Committee, and that is how we approved this candidate.

We also focused more on how he will ensure that the issues that have been raised as far as competition is concerned he will be able to address them. We look forward to having a very dedicated and competent person, who is focused on ensuring that issues of competition will be taken care of.

Allow me to deviate a bit since I am the Vice-Chairperson of the Committee on Finance and Budget. Today, we were privileged to have the Cabinet Secretary for the National Treasury and Economic Planning for the first time in this House. My Chairperson had tabled a statement concerning the disbursements of the funds. This is something that we had raised as a Committee on why county funds are delayed.

When the Cabinet Secretary for the National Treasury and Economic Planning appeared before the House, he stated that he needed to seek legal advice from the Attorney General. I am happy that advice was shared. That was on Regulation No.134 of the Public Finance Management (PFM) Act; that if the County Allocation of Revenue Bill submitted to Parliament for the financial year has not been approved by Parliament

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or is not likely to be approved by the beginning, then 50 per cent should be authorized to be allocated to the counties.

Today, when the Cabinet Secretary appeared before this House, he replied to this Statement. He stated that through this advice that he received from the Office of the Attorney General, he disbursed Kshs31.8 billion. He said that even if there will be late disbursement, this would just be at least within a month as he is settling and ensuring that there is timely disbursement. So, he also agrees on timely disbursement.

Further to that, he mentioned that there is about Kshs42 billion still in the County Revenue Fund (CRF) account, which counties are not requisitioning. As much as counties are saying that they do not have money or they have not received the money, the response today from the Cabinet Secretary clearly stated as per what the Committee questioned regarding the funds to the counties, action has been taken and funds have been disbursed.

Still, money is lying in the CRF account. So, as Senators, we do not understand why are we still having delayed salaries. Why are we still having issues of pending bills if the Cabinet Secretary appeared here and stated that Kshs42 billion is still lying in the CRF account?

I have heard from the Chairperson of the County Public Investments and Special Funds Committee (CPISF), Sen. Osotsi, saying that the Committee on Finance and Budget should push the Ministry for disbursement of these funds.

We have done it. We have done our part, and we continue doing it. However, at the same time, we continue asking counties to requisition on time. This is because it has been stated that they also delay on the same and to ensure they increase their own-source revenue.

Today, we were to vote on the Division of Revenue Bill, which we postponed until tomorrow. We are still supporting the governors as far as the Kshs401 billion is concerned. So, governors and counties should know that the Senators have done their part.

The issues that we have raised while carrying out our oversight mandate in our different committees, as far as, for example, delayed payments, stalled projects, pending bills and salaries are also delayed and yet, monies have also been disbursed, that should be sorted as of now.

Mr. Temporary Speaker, Sir, concerning the Motion for one Mr. Kibet, pursuant to Standing Order No.66 (3), I request for the question on the Motion be deferred until a later time.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): The question is hereby deferred pursuant to Standing Order No.66(3) to the next session of the House.

(Putting of the question deferred)

Next Order.

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

For purposes of the business of the House and because of quorum, Orders No.11 to 16 are hereby deferred to the next session. We will proceed to call Order No.17

COMMITTEE OF THE WHOLE

THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO.70 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE METEOROLOGY BILL
(SENATE BILLS NO.45 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.59 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE CANCER PREVENTION AND CONTROL (AMENDMENT)
(NO.2) BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)
BILL (SENATE BILLS NO.40 OF 2023)

(Committee of the Whole deferred)

BILL

Second Reading

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
(CONTROL) (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): This is a Bill sponsored by the Deputy Speaker, Sen. Kathuri Murungi. He is supposed to move the Bill, but he is absent. Therefore, the Bill is deferred to the next sitting.

(Bill deferred)

Next Order.

BILL

Second Reading

THE COUNTY GOVERNMENTS ELECTION
LAWS (AMENDMENT) BILL
(SENATE BILLS NO.2 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Similarly, the Mover of this Bill, Sen. Crystal Asige, is not present in the House. This Bill is deferred to the next sitting.

(Bill deferred)

Next Order

BILL

Second Reading

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO.3 OF 2024)

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The Temporary Speaker (Sen. Wakili Sigei): Sen. Ledama Olekina is supposed to move this Bill together with Sen. William Kisang. They are both absent in the House. Therefore, this Bill is deferred to the next Sitting.

(Bill deferred)

Next Order.

BILL

Second Reading

THE COUNTY CIVIC EDUCATION BILL
(SENATE BILLS NO.4 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Esther Okenyuri is the sponsor of this Bill. She is not present in the Chamber. Therefore, the Bill is deferred to the next sitting.

(Bill deferred)

Next Order.

BILL

Second Reading

THE COUNTY STATISTICS BILL
(SENATE BILLS NO.5 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Ali Roba is meant to be moving this Bill, but he is not present. Therefore, the Bill is deferred to the next sitting.

(Bill deferred)

Next Order.

BILL

Second Reading

THE PROVISION OF SANITARY TOWELS BILL
(SENATE BILLS NO.7 OF 2024)

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The Temporary Speaker (Sen. Wakili Sigei): This is a Bill sponsored by Sen. Gloria Orwoba. She is supposed to move it for a Second Reading but she is not present in the Chamber. Therefore, it is deferred to the next sitting.

(Bill deferred)

Next Order.

BILL

Second Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO.10 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): The Senate Majority Leader, Sen. Cheruiyot, is supposed to be moving this Bill for a Second Reading. He is not present. It is deferred to the next sitting.

(Bill deferred)

Next Order.

MOTIONS

ADOPTION OF REPORT ON CONSIDERATION OF AUDIT REPORTS FOR VARIOUS WATER SERVICE COMPANIES

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies, laid on the table of the Senate on Wednesday, 29th May 2024;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and
- ix) Nithi Water and Sanitation Company Limited.

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The Temporary Speaker (Sen. Wakili Sigei): The Chairperson Committee on County Public Investments and Special Funds, Sen. Osotsi, is supposed to move this Motion, but he is absent from the Chamber.

This Order is deferred to the next sitting.

(Motion deferred)

Next Order

ADOPTION OF REPORT ON INQUIRY INTO THE LPG
EXPLOSION IN MRADI, NAIROBI CITY COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

The Temporary Speaker (Sen. Wakili Sigei): This Motion, the Chairperson Standing Committee on Energy, Sen. Wamatinga is not present. This is deferred to the next sitting.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON INQUIRY INTO THE LPG
EXPLOSION IN MRADI, NAIROBI CITY COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

The Temporary Speaker (Sen. Wakili Sigei): The Chairperson of the Standing Committee on Energy, Sen. Wamatinga, is not present. This is deferred to the next sitting.

(Motion deferred)

Next Order.

DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL
RISK MANAGEMENT IN INFRASTRUCTURE
DEVELOPMENT PROJECTS

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that-

(1)The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and

(2)The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mumma is the sponsor of this Motion. She is equally not present. Therefore, the Motion is deferred to the next sitting.

(Motion deferred)

Next Order.

CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE
ACCESS TO EDUCATION IN KENYA

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government-Constituency Development

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Fund (NG-CDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools' fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favouritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/2025, approximately Kshs656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

1) audit the funds allocated to bursaries by both the National Government and county governments;

2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and

3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Thang'wa is absent from the Chamber. This Motion is deferred.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until, tomorrow Thursday, 3rd October, 2024, at 2.30 p.m.

The Senate rose at 5.32 p.m.