

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 28<sup>th</sup> April, 2020

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

*[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]*

### PRAYER

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Members, it is good to see all of you. You all look different.

*(Loud consultations)*

Order! Sen. Khaniri and Sen. Murkomen, one of the new ways of doing things here is making sure you are as sedentary as possible. You stay where you are.

### MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILLS NO.3 OF 2020)

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Division of Revenue Bill (National Assembly Bills No. 3 of 2020) -

“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly: -

WHEREAS the Division of Revenue Bill (National Assembly Bills No. 3 of 2020) was passed by the National Assembly on Tuesday, March 17, 2020 without amendments and referred to the Senate for consideration in accordance with the provisions of Article 110 of the Constitution;

AND WHEREAS, the Senate passed the said Bill with amendments to Clause 4 and the Schedule on 14<sup>th</sup> April, 2020 and referred it back to the National Assembly for reconsideration in accordance with the provisions of Article 112 (1) (b) of the Constitution;

FURTHER WHEREAS, the National Assembly considered and approved all the Senate amendments to the Bill on 22<sup>nd</sup> April, 2020;

NOW THEREFORE, in accordance with the provisions of Article 112 (2) (a) of the Constitution and Standing Order No.148 of the National Assembly Standing Orders, I have since referred the Bill to His Excellency the President for Assent.”

I thank you.

Next order.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Chairperson on Standing Committee on Finance and Budget, you have a number of papers today. Who is ready? Yes, Senate Majority Leader.

### PAPERS LAID

#### RESTRICTION OF MOVEMENT OF PERSONS, RELATED MEASURES AND VARIATION RULES

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 28<sup>th</sup> April, 2020-

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, 2020 Legal Notice 56/2020; and

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, No. 2 of 2020 Legal Notice 58/2020.

*(Sen. Murkomen laid the documents on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senate Leader of Majority. The Chairperson Standing Committee on Finance and Budget.

#### REPORT ON THE IMPLEMENTATION STATUS OF THE SENATE RESOLUTION ON COUNTY GOVERNMENTS' INFRASTRUCTURE PROJECTS

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 28<sup>th</sup> April, 2020-

Report of the Standing Committee on Finance and Budget regarding the implementation status of the Senate Resolution on County Governments' infrastructure projects comprising County Executive Headquarter offices, Assembly chambers and offices and County State officers' residences.

*(Sen. (Eng.) Mahamud laid the document on the Table.)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Next is the Chairperson *ad hoc* Committee of the Senate on the COVID-19 Situation in Kenya.

THE THIRD PROGRESS REPORT OF THE *AD HOC*  
COMMITTEE ON COVID-19 SITUATION IN KENYA

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Tuesday, 28<sup>th</sup> April, 2020-

The Third Progress Report of the Ad Hoc Committee on Covid-19 Situation in Kenya.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Next Order.

*(Sen. Sakaja laid the document on the Table)*

**NOTICES OF MOTIONS**

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us have the Chairperson of the *Ad Hoc* Committee on the COVID-19 Situation in Kenya.

ADOPTION OF THE THIRD PROGRESS REPORT OF THE  
*AD HOC* COMMITTEE ON COVID-19 SITUATION IN KENYA

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I beg to give notice of following Motion - THAT, the Senate adopts the Third Progress Report of the *Ad Hoc* Committee on COVID-19 Situation in Kenya, laid on the Table of the Senate, today, Tuesday, 28<sup>th</sup> April, 2020.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Sakaja, although you said the Senate “adopts”. It should be “adopt” and not “adapt.” I presume it is the mask that is causing some of these challenges.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I wish to confirm that you and I went to a very good school.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Absolutely.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, there is no way I would say such a thing.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Next Notice of Motion.

ADOPTION OF REPORT ON THE IMPLEMENTATION STATUS OF  
THE SENATE RESOLUTION ON COUNTY GOVERNMENTS’  
INFRASTRUCTURE PROJECTS

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion -

THAT, the Senate adopts the Report of the standing Committee on Finance and Budget on the Implementation Status of the Senate Resolution on County Governments’ Infrastructure Projects comprising of offices, headquarters and county assembly chambers.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Eng.) Mahamud, you gave yourself the Floor, but I have ratified that *ipso facto*.

(Laughter)

Very well.

Senate Majority Leader, you have the Floor.

APPROVAL OF SENATORS TO SERVE IN SESSIONAL  
AND STANDING COMMITTEES

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion on the approval of Senators to serve in the respective Sessional and Standing Committees -

THAT, pursuant to Standing Orders Nos. 219, 220 and 221, the Senate approves the following Senators nominated by the Senate Business Committee to serve in respective Sessional and Standing Committees of the Senate as follows -

**A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

- (1) Sen. Franklin Mithika Linturi, MP
- (2) Sen. Hargura Godana, MP
- (3) Sen. Paul Wamatangi Kimani, MP
- (4) Sen. Millicent Omanga, MP
- (5) Sen. Irungu Kang'ata, MP
- (6) Sen. (Prof.) Samson Ongeru, MP
- (7) Sen. Ledama Olekina, MP
- (8) Sen. (Dr.) Ochillo-Ayacko, MP
- (9) Sen. Johnes Mwaruma, MP

**B. COMMITTEE ON DELEGATED LEGISLATION**

- (1) Sen. Samuel Poghio, MP
- (2) Sen. Victor Prengei, MP
- (3) Sen. Phillip Mpaayei, MP
- (4) Sen. Farhiya Ali, MP
- (5) Sen. Millicent Omanga, MP
- (6) Sen. Judith Pareno, MP
- (7) Sen. Boniface Kabaka, MP
- (8) Sen. Okong'o Omogeni, MP
- (9) Sen. Faki Mwinyihaji Mohamed, MP

**C. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS**

THAT, pursuant to Standing Order No. 189, the Senate approves Sen. Mary Seneta, MP, to replace Sen. Johnson Sakaja, MP, to serve in the Standing Committee on National Security, Defence and Foreign Relations.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senate Majority Leader. Next Order.

### STATEMENTS

The first Statement, pursuant to Standing Order No.47 (1) is by Sen. Halake. Is she not in the Chamber? The Statement is deferred.

#### ALLEGED MARGINALIZATION OF MUSLIMS FROM ACCESS TO FINANCES BY GOVERNMENT INSTITUTIONS

*(Statement deferred)*

Sen. Khaniri, proceed.

#### GOVERNMENT RESPONSE TO THE COVID-19 PANDEMIC, ACCOUNTABILITY ON EXPENDITURE AND ENFORCEMENT OF MEASURES TO MITIGATE THE PANDEMIC

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, thank you for the opportunity. I rise pursuant to the provisions of Standing Order No.47(1) to make a Statement on a matter of national concern, namely; the response of the Government to the Coronavirus Disease (COVID-19), to cushion and alleviate suffering of citizens, particularly in terms of accountability of Government spending, enforcement of preventive measures by security agents and socioeconomic support to the vulnerable.

Mr. Speaker, Sir, as we are all aware, Coronavirus is currently the biggest health and socioeconomic challenge of our time. I appreciate the direction taken by the Senate to form an *Ad Hoc* Committee to comprehensively tackle this disaster. The Committee has proven its competence and adaptability to the current times by successfully adopting technology to transact Committee business. They have been doing their meetings virtually and have had several virtual sessions. Further, the Committee has brought to the House the Pandemic Response and Management Bill (Senate Bills No.6 of 2020), which was read a First Time during our previous sitting.

I also take this opportunity to commend every Kenyan for their efforts in the fight against this pandemic. This is a totally different type of war. It is a war that is being fought in the hospitals and houses, and not in the battlefield; by medical practitioners and not soldiers; and by face masks and hand washing and not guns. The best strategy in this war is to conscientiously follow Government directives and advice.

Mr. Speaker, Sir, it is important to note and appreciate Government efforts through implementation of cash transfers for the elderly, people with severe disabilities, and now, stipends for the vulnerable in slum areas. The reduction in various tax categories and the establishment of the COVID-19 Emergency Response Fund are commendable. However, there is still need for the Government to explore additional social safety net measures that may include subsidization of commodities across board and increased food distribution.

Having said that, let me state that the common *mwananchi* has not felt the Government support. I speak so for Vihiga, a county that I represent in this Senate. I

know that the same story goes for most counties. Various leaders have tried to offer food aid and sanitation material to their constituents, but honestly, this is not sustainable. It is a tall order for an individual to feed the whole constituency or county for a week, let alone months.

The small food donations can only last a day or two. Also recognizing the danger posed by the logistics of distribution of food, like observing social distance, possibility of people scrambling for the aid and the indignity that comes with the process of queuing up with a begging bowl, means that the Government needs to do better than it is doing at the moment.

Mr. Speaker, Sir, reports from the National Treasury that the Government has spent Kshs40 billion during this pandemic are inconceivable to most Kenyans, as the impact of the money has not been felt. A total of Kshs40 billion is such a colossal amount that the impact would be felt everywhere.

To relate, from mandatory quarantine to testing, facemasks, hand sanitizers, evacuation of distressed Kenyans from China and other parts of the world and food are all at individual cost. County governments have also claimed that they have not received any monetary support. We should also keep in mind the fact that various donors have made huge donations. Where exactly is this money?

Mr. Speaker, Sir, it would be very unfortunate for Government officials to take advantage of the current situation to divert resources meant to fight COVID-19 into their pockets. Transparency and accountability is key to protect public funds during this time.

The national and county legislatures should be alive to the fact that oversight on the executive must be undertaken. As much as the calendar of Parliament has been affected, the vigilance should not be affected.

As has been observed, one of the weak links at the moment are the police officers, especially in the enforcement of Government directives, from curfew to isolation of certain counties and even precautions such as wearing facemasks. In their usual *modus operandi*, some overzealous officers are doing more damage than good in this war. Some are also exploiting the current situation to collect bribes and cause pain, injury and death to the population. Depending on how much one is willing to pay, all the Government directives can be suspended including buying freedom from quarantine as has been witnessed in the last few days.

Kenyans are so fearful of the police that if unfortunately, a family member needs urgent medical attention at night, the person is most likely to die in the house as no one is willing to risk meeting the police during the curfew. This should never be the case. If anything the police should be the ones at the forefront in saving such lives. This is sad. The Government needs to get rid of such elements from the National Police Service (NPS). Some police officers have been reported to knowingly and unapologetically harass essential service providers such as doctors.

The Independent Policing Oversight Authority (IPOA) should expedite investigations into reports of police brutality and ensure action is taken. This should not be limited to interdiction from the service, but also prosecution. The only way to reform the NPS is by individual conviction of police officers who abuse their power and authority. Kenya needs a police service that serves the people and protects human life not the trigger-happy police who will injure their fellow countrymen at any encounter.

This notwithstanding, there are numerous police officers who are doing a superb job and we need to congratulate them.

Majority of Kenyans are struggling to survive from paying their financial obligations such as loans and rent to meeting daily basic needs. Businesses have been affected negatively at all levels, people have lost jobs and their sources of livelihood as companies close or send employees on unpaid leave. The situation has further been complicated by the fact that almost the whole household is at home most of the time, increasing consumption.

Some people have had their doors and roofs removed and essential services like electricity and water disconnected. This is wrong and the executive needs to pronounce itself on the same. The stress coming from all this is immense. The Government needs to explore ways of having a dedicated online counseling platform in the form of a toll-free call centre where citizens can vent out their frustration and get assistance.

I encourage all Kenyans from all walks of life to continue being vigilant during this time of the pandemic. Be supportive and understanding and, above all, follow Government directives. Stay home if you can, regularly wash your hands with soap and running water or sanitize and keep social distance.

The discomfort of wearing a mask might be what will save your life and those around you. Above all, we shall overcome this pandemic.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I am looking at both sides of the House and only see that one side wants to say a few things. Colleagues, because of the heavy agenda we have this afternoon and much of it is related; much of the agenda is on the COVID-19 pandemic, I will just allow one or two observations and then the rest can come when the *ad hoc* Committee moves the Motion and their report.

Sen. Wambua, please, be brief.

**Sen. Wambua:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity to comment on the Statement by Sen. Khaniri.

It is true that there has been a lot of conversation on the social media platforms and local dailies on the amounts of money that the Government has received and expended on the fight against Coronavirus.

For the record, I want to say as the Senator of Kitui County that I have not seen a single thing in Kitui County by the national Government arising from the monies that have been donated towards this fight.

It will be remembered that we debated on the Floor of this House the matter of the national Executive and the county executives taking full control at the exclusion of elected leaders in the fight against Coronavirus.

I am beginning to imagine that the whole idea was to hide behind secrets and spend this money in ways that are not proper and ways not felt on the ground.

I would like to urge that the Senate *ad hoc* Committee zealously pushes forward the agenda of accountability on the part of the Government and the committees that have been set up to expend this money.

There is hue and cry in every corner of this country on the issue of masks, things as basic as masks. Masks are never available and there are no tanks for people to wash their hands. We are told that if we are found without a mask, it amounts to a crime and

you could be jailed for it. I urge the Committee to push that agenda and make sure that the Government is accountable on the spending of this money.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Sakaja, I hope you have been listening to Sen. Khaniri. He has made very useful comments, as well as Sen. Wambua.

Only to clarify that social distancing is not social disconnection, or else we might lose our nation. Stay far from one another, but do not disconnect.

**The Leader of Majority** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I want to congratulate Sen. Khaniri for his Statement. He always comes up with very innovative, timely and topical Statements. This is a very important Statement.

Mr. Deputy Speaker, Sir, I also agree with you that it marries with the work that Sen. Sakaja's Committee is doing. Therefore, we have a responsibility as a House to ensure that we look at the proposals that have been given by the Committee to see what are some of the proposals that we can pass as Parliament and ensure that we follow through for implementation by the executive.

I have said and I want to repeat here that the reason why the drafters of our Constitution and the people of Kenya gave themselves a Constitution that has many institutions, was because that there was a realisation that no arm of Government can govern on its own and no single individual can do everything on his own.

At this point, it was timely that we made a deliberate decision to continue meeting as Parliament because the people of Kenya expect that we be part and parcel of the oversight team.

Granted that we have praised our former colleague, CS Mutahi Kagwe, for the work he has been doing, but I have seen that the patience is running out from the people of Kenya and they want something more than updates. They want greater accountability. They want something greater than an update on numbers. They want an update on what is being done to flatten the curve and more importantly, to cushion the people who are suffering economically.

Mr. Deputy Speaker, Sir, it is important for us and the committees that are working here to continuing conveying the information to the public and making sure the Executive is more accountable.

Mr. Deputy Speaker, Sir, secondly, they say the importance of public participation in Article 10 of our Constitution is that you can do many good things to people. However, if they are not part of that deal, they may either feel that you are not doing the right thing or you may end up doing the wrong thing because you are not a monopoly of knowledge.

I urge the Executive to involve the public more in the process. When you see the conversation around the Kshs40 billion which has already been spent. This money came from the CS for the National Treasury and Planning. You can fault the newspapers for reporting in different versions. However, the Executive, in their anxiety to show that they are doing something, shocked the country with the kind of figures they communicated. There is no proper information that is going to the people. So, the Government should communicate as a whole---

*(Sen. Wamatangi walked into the Chamber  
without bowing at the bar)*



**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Sen. Wamatangi, why are you taking shortcuts? Even with the COVID-19, you must observe the Standing Orders.

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir, in conclusion, I would like to urge this House to be vigilant on the use of public resources. An emergency is one of the ways that many Government agencies use as an excuse to flout procurement processes. They end up taking shortcuts and enriching individuals at the expense of the people.

I have said in the Chamber of this House that in the past, efforts to combat HIV/AIDS has enriched individuals. We do not want this COVID-19 to become a mechanism for enriching certain individuals. That accountability must be achieved as a nation. So, Parliament must remain vigilant.

I thank you.

**Sen. Wetangula:** Thank you, Mr. Deputy Speaker, Sir. May I take the opportunity first to welcome you back in the House. I have not seen you for a while.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you.

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, I also support very strongly the Statement by the distinguished Senator for Vihiga County. There is always the temptation as the Senate Majority Leader says for people in Government to think that when there is an emergency, then accountability takes a back seat. They want to do things in a manner that is unaccountable and sometimes the end result is monstrous scandals and crimes.

Mr. Deputy Speaker, Sir, when I heard the CS for the National Treasury and Planning say that he has spent Kshs40 billion on COVID-19 since it first hit the country, I was horrified because it amounted to almost Kshs1 billion expenditure daily. When you look around the country - I do not know about my colleagues' counties - nobody in my county has received a single facemask, sanitizer or anything for free. In fact, when you go to the counties, what is more visible today are police roadblocks and not any issues that lead to fighting this pandemic.

Mr. Deputy Speaker, Sir, I want to urge the *Ad Hoc* Committee for Sen. Sakaja - my distinguished nephew - to look into this matter, knowing that this country has now gone for one year without an Auditor-General. An Auditor-General is not just an office. I is a constitutional individual whose signature brings documents of audit to the Houses of Parliament. We have not had an Auditor-General for one year and there is nobody, other than the Houses of Parliament that must now carry out this audit.

Mr. Deputy Speaker, Sir, secondly, regarding the interventions that ought to be done, Sen. Sakaja's Committee must bring to this House, tabulations on how much money has been spent in each and every of the 47 counties in the fight against this pandemic. We also want to know what interventions have been made. We all know that when such money is sent to counties, it becomes Appropriation-In-Aid (AIA) that must be appropriated by the county assemblies. We are not aware of any county assembly sitting to deal with these appropriations. We are not aware of any House of Parliament, either the Senate or the National Assembly appropriating Kshs40 billion for expenditure on COVID-19.

Sen. Mutahi Kagwe has been doing a fantastic job and everybody in Kenya is talking well of him. However, this does not substitute the desire and demand for accountability, especially now when we are even talking of the risk of freezing the

resources going to counties to help *wananchi* in their day to day lives. We are not aware of the Government giving food to the stressed families in any place. Accountability has no option in the management of public affairs.

I salute Sen. Khaniri for that Statement.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, I will allow two more Members. But as I have said, there will be several other opportunities on the same subject matter. Let us hear from the Senate Minority Leader.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, let me also thank Sen. Khaniri for coming up with this timely Statement. I congratulate him similarly for quite often coming up with Statements like this which are very important.

Mr. Deputy Speaker, Sir, when the President spoke to the nation on 25<sup>th</sup> March, 2020, on that particular, they identified 28 cases of COVID-19 infections. Worldwide, there were over 400,000 cases. Today, in Kenya, the figure is approaching 370 and worldwide, it is now over three million. As we face this crisis, there are countries which are going in the opposite direction. In New Zealand, today or yesterday, they announced that they had eliminated the virus, although they still warn their people that it could still come back.

Mr. Deputy Speaker, Sir, the issue of accountability is very important. In Kenya, when it comes to oversight, everybody is seen to be an enemy. If you look at countries which have done well, they have not only brought about enabling legislation, but they have also come up with a collateral statute, establishing an oversight committee. For example, in the United States of America (USA) where they have given a lot of money to the Government for the purposes of fighting against the pandemic, they have established a Committee of Congress to oversight the funds which have been given to the Government to fight the pandemic.

In Kenya, normally the issues of oversight are very difficult to deal with because everybody seems to fear them. In the world, countries that have done well have got very effective oversight tools. One of such country is New Zealand.

Mr. Deputy Speaker, Sir, the International Labour Organization (ILO) has come up with a report of the performance of countries in Asia, including the Philippines, Vietnam and Thailand. In fact, in Vietnam quarantine is now done at the expense of the Government. Testing and treatment are also at the expense of the Government. With this Kshs40 billion, we should be paying expenses for quarantine and treatment of the few that have been found with the virus.

*(Applause)*

When is the Kenya Government going to be in a position to give for once, something free, although it is not that free because it is coming from the taxpayers' money?

In Kenya, we are giving out one mask a day while Senegal and some countries like South Africa and Ghana are paying rent for their citizens in the major towns. At least in Kenya, we should be able to make a social response, an intervention on behalf of the people of Kenya. Otherwise, saying that we have allocated Kshs40 billion and there is nothing to show for it on the ground, I think that the country is not going to believe what is happening. It is high time that we lived to the country's expectations.

I am delighted to note that, for the first time, our amendments have been approved by the other House. Next time, since they think that they are the ones who originate Money Bills, when they give money to national or county governments, the oversight measures should always be in place.

I think that we should have a special Motion to have the Government to explain why they have not appointed an Auditor-General just like Sen. Wetangula has just said.

There is a lot to be said, but I again congratulate Sen. Khaniri for coming up with this Statement.

**The Deputy Speaker** (Sen. (Prof. Kindiki): Sen. Linturi, briefly.

**Sen. Linturi:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I join my friends in congratulating Sen. Khaniri for this Statement. However, I want to emphasize one or two issues raised by my colleagues.

I am lucky to be sitting in the *ad hoc* Committee on COVID-19. The other day we had presentations by the Governor of Kakamega, the Chairman of the Council of Governors (CoG), Hon. Oparanya and a member of the Committee that was formed to oversee the resources coming through the COVID-19 kitty. He shocked us when he told us that since Kenya Medical Supplies Association (KEMSA) by way of legislation makes it impossible, or there is hindrance in terms of acquisition of equipment or the Personal Protective Equipment (PPE) that are required, they had an agreement with the President that they would buy those items directly from the manufacturers.

I am raising this matter because as you know, for any Act of Parliament to be amended, they must involve Parliament. They did not bring it because, to emphasize the possibility of pilferage, looting of public funds and the possibility of turning people into overnight billionaires by taking advantage of the situation that we find ourselves in and appreciating the matter that has just been raised by Sen. Wetangula that we do not have an Auditor-General.

Mr. Deputy Speaker, Sir, you realize that the Auditor-General plays a very critical role in oversight. The Committee on Public Accounts and Investments, whether in the Senate or the National Assembly, gives material that is authentic and which can be relied on by the meetings of Parliament whenever exercising that oversight role.

In the absence of these reports coming from the Auditor-General because of his absence, it becomes difficult. I want to support what Sen. Orenge has said that we must get into a candid discussion on this matter. In my view, it is like Parliament in the manner that it is now, becomes very difficult to oversight, because of the attempts by the Executive to muzzle it and reduce money that goes to counties.

Mr. Deputy Speaker, Sir, we should wake up, interrogate and reflect on what we are supposed to do as Senators because we are the people that represent the issue of the majority and the people that vote for us. The National Assembly is in charge of the public purse.

I associate myself and want to commend Sen. Khaniri for coming with this Statement.

**The Deputy Speaker** (Sen (Prof.) Kindiki): Thank you, colleagues. We have to leave it there for now. As I said, there will be very many other opportunities. Let us try and manage our time.

Shall we move to the next one---

**Sen. Sakaja:** On a point of order, Mr. Deputy Speaker, Sir. I know that you have closed debate on that and, indeed, a lot of the issues raised and the concerns which I thank Sen. Khaniri, are in our Reports. In fact, today's Report is not one of noting progress, it is the Senate making a resolution on specific recommendations. Today, it is on the health issue.

On the matter of Kshs40 billion and accountability, I would like to invite him tomorrow morning. We were with him. He has tried to make clarifications. You have seen the newspaper that published that story saying the Government has spent Kshs40 billion. We do not use newspapers in the House as evidence.

The best way to know what is really happening, is for Sen. Khaniri to attend our meeting tomorrow and in the fifth progress Report. The meeting is virtual. In fact, if any Member is interested, we can have you logged in---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I think that almost every Senator will be interested. Those who are available, so---

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I will give information on how that can be done. We can all start to handle people, so long as---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Yes, just do the credentials so that as many Senators as possible can log in and participate in that meeting.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I believe all the issues raised, clarifications can be done on them. I would like to affirm to the House that the Committee that you have is working tirelessly. Senate is present and the Executive is following keenly.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you for that information, Sen. Sakaja.

**Sen. Mutula Kilonzo Jnr:** On a point of order, Mr. Deputy Speaker, Sir. Since we are only 67 plus you, 68 and zoom can take up to 100. I am proposing that Sen. Sakaja sends that link to the Senate Business Committee so that all of us can participate in that meeting.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Sakaja, so directed.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, once you direct, all I can do is to oblige.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Yes, Sen. Malalah. After you, I will allow Sen. Were to also say something because there is some relationship between the Statement and what she wanted to talk about.

**Sen. Malalah:** Thank you, Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order |No.48 (1) to seek a Statement from the Chairperson of the Senate *ad hoc* Committee on COVID-19; my distinguished cousin, Hon. Sakaja, concerning---

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Malalah! I think you seem to have inherited this from Sen. Wetangula who has a way of describing everybody as a distinguished kid brother, distinguished nephew *et cetera*. The Standing Orders are

very clear; you shall refer to other Senators as Senator so and so, not in terms of grandfather and---

*(Laughter)*

**The Senate Minority Leader** (Sen. Orengo): On a point of order, Mr. Deputy Speaker, Sir

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Senate Minority Leader?

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I am just wondering, the distinguished Senator for Kakamega seems to be having distinguished cousins and others who are not distinguished. This is the mischief that I think, Chair, you are trying to repair.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): He is causing social disorder by describing certain relatives as distinguished more than others.

**Sen. Sakaja:** On a point of order, Mr. Deputy Speaker, Sir. Now I am concerned. Is there a doubt towards the distinguished nature of the cousin that he is referring to?

**The Deputy Speaker** (Sen. (Prof.) Kindiki): No! There are two things Sen. Sakaja; the first is in the Standing Orders, everyone should refer to Senators in the manner provided for in the Standing Orders; Senator so and so. You can also add the distinguished. However, there is also the issue naming your relatives in the Chamber and you know it creates disharmony when you say, my distinguished cousin. All the other cousins are excluded as Sen. Wetangula will tell you all the time, to name one, is to exclude the others.

So, Sen. Malalah, be guided accordingly.

**Sen. Malalah:** Most obliged.

SACKING OF DR. JOEL LUTOMIA AS THE DIRECTOR,  
CENTRE FOR VIRUS RESEARCH (CVR), KEMRI

**Sen. Malalah:** Most obliged, Mr. Deputy Speaker, Sir. With that, allow me now to seek my Statement.

I rise, pursuant to Standing Order No.48 (1), to seek a Statement from the Chairperson of the Senate *ad hoc* Committee on COVID-19, the distinguished Senator for Nairobi, Sen. Johnstone Sakaja, concerning the sacking of Dr. Joel Lutomia as the Director, Centre for Virus Research (CVR) at the Kenya Medical Research Institute (KEMRI), and the general operations of KEMRI during the COVID-19 pandemic.

In the Statement, the Chairperson should respond to the following-

(1) State whether the Committee is aware of the sacking of Dr. Joel Lutomia as the director, CVR at KEMRI;

(2) Explain the circumstances that led to the sacking of Dr. Joel Lutomia as the director at CVR at KEMRI;

(3) State whether the sacking of Dr. Joel Lutomia as the director CVR at KEMRI followed the right procedure as set out in the Employment Act;

(4) Explain the impact of sacking Dr. Joel Lutomia as the Director, CVR at KEMRI on the general functioning of Centre and the morale of other researchers at the Centre during COVID-19 pandemic;

(5) State how much funding KEMRI has received from the Ministry of Health to help in testing and research on COVID-19 and purchasing of Personal Protective Equipment (PPE) for KEMRI workers;

(6) State the specific measures put in place by the Government of Kenya to motivate KEMRI as an institution at the forefront of helping fight the spread of COVID-19 in Kenya; and, lastly,

(7) The Chairperson should state the criteria used by the Government to select the health workers who benefit from risk, extraneous and non-practice allowances.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Malalah. The first bite of the cherry goes to Sen. Were since she has a similar Statement.

**Sen. Were:** Thank you, Mr. Deputy Speaker, Sir. I have a similarly different Statement, but with the same issues.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): In other words, the difference is the same?

#### DEMOTION OF DR. JOEL LUTOMIA AT CVR, KEMRI

**Sen. Were:** Yes, Mr. Deputy Speaker, Sir. Allow me to execute it because there are a few differences.

Pursuant to Standing Order No. 48(1), I rise to seek a Statement from the Chairperson of the *ad hoc* Committee on COVID-19 Situation in Kenya on the Demotion of Dr. Joel Lutomia at KEMRI.

In the Statement, the Chairperson, should -

(1) Provide details of the circumstances that led to the demotion of Dr. Joel Lutomia from his position as Director of CVR and Chairperson of KEMRI Rapid Response Committee;

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Senate Majority Leader?

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I am sure you take judicial notice of the fact that Sen. Malalah and Sen. Were are Members of the same political party. One is the Deputy Minority Leader and---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What does that have to do with the Statement?

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, those Statements are similar. Instead of issuing two different Statements, Sen. Were can make her contributions to Sen. Malalah's Statement. She can supplement, add or subtract then it becomes one Statement.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senate Majority Leader. However, Sen. Were started by promising us that she has one or two additions. That is why I gave her the first bite of the cherry. Let us make progress. We seem to be a bit relaxed this afternoon.

We know that the good doctor has been removed from his position. We have also heard what Sen. Malalah has asked. He wants an explanation on that, what is being done to fund KEMRI and also provide KEMRI with PPE. So, you can supplement on that.

I will allow one or two other observations then we move on.

**Sen. Were:** Thank you, Mr. Deputy Speaker, Sir. There are two or three other issues that Sen. Malalah's Statement may not have brought out. I would like the Chairperson to provide answers to those issues.

(1) Provide details of the officer's track record in submitting COVID-19 test results prior to the reported delay of Friday 17<sup>th</sup> April, 2020 and,

(2) Explain what administrative procedures and processes were utilized in executing his demotion in light of the public service rules and guidelines; finally,

(3) Provide details of the challenges that KEMRI may be facing in scaling up COVID-19 testing in regards to personnel, equipment, reagents and funding.

**The Deputy Speaker** (Sen. (Prof.) Kindiki: Well done.

Is Sen. (Dr.) Mbiti in the Chamber?

**A hon. Senator:** He is around.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Meanwhile, proceed, Senator for Migori.

**Sen. Ochillo-Ayacko:** Thank you, Mr. Deputy Speaker, Sir. I thank Sen. Malalah for raising an important issue. Now that the Cabinet Secretary (CS) has pronounced himself with finality over this matter, I suspect that it will likely be challenged somewhere. Can the Committee establish whether the CS will reclude himself from interfering with the challenge?

I am sure due process and the right to be heard were never followed. Can the CS assure the Committee that when this matter is challenged, he will not stand on the way, interfere or make a final decision that will make it impossible for restitution to be made to the affected doctor?

**The Deputy Speaker** (Sen. (Prof.) Kindiki: Well done, Sen. Ochillo-Ayacko. That is the kind of approach we require. You add value precisely.

Is there anyone from this side?

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, if you ask whether there is anyone from this side and there is no one. I will have to speak as the Senate Majority Leader.

There is a bad culture that is emanating from various Ministries. If a person is in charge of a particular Ministry, he or she would like to have people who are friendly to them to lead below them. They want people who are "Mr. yes, related to them, come from the same region or have been in the university together."

This culture has gone on for a while. I hope history will prove me right. There are many Chief Executive Officers (CEOs) who have been removed from office. Sen. Orenge will bear me witness even if he does not go on record.

There are a number of CEOs who have been removed from office because people are unhappy with them holding those positions for reasons that are known to them. It is either they want to make money or have control. That is why they fabricate charges against public officers.

This particular officer is lucky that he was sacked. For the last two years, there are a number of public officers who have been charged with ridiculous charges. Some are charged for a document that was picked by their Personal Assistant (PA) and shared with somebody else. They are quickly removed from office and replaced. Thereafter, the prosecution is not pursued further because the initial objective was to remove that person from office.

Mr. Deputy Speaker, Sir, there was an audit that was done by the National Cohesion and Integration Commission (NCIC) about the representation of public officers in office and their spread. I can say without fear of contradiction that from whatever county the CEO of KEMRI comes from, I suspect that we do not have another two or three CEOs. He is, probably, the only CEO who serves in the Government of Kenya that comes from that county.

We must think about this. We cannot just say that we passed a new Constitution then sit here and clap hands in support of everything that comes from the Executive because there was a handshake and there is no opposition. Everybody is fighting to be happy, and the Executive and everybody else will be punished for us to just wait for a morsel that we will perhaps never get. That is something that we must think about.

For the KEMRI situation, we might be wrong, but many Kenyans have said that the removal of the CEO might be linked to the fight for donor funds that are related to this emergency. The truth is that it casts doubt on what we raised earlier and gives credibility to what we raised earlier; that there are people who are preparing themselves to make money through emergencies. Therefore, the Committee must take this Statement very seriously.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you.

Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Deputy Speaker, Sir. I just want to correct both Sen. Malalah and Sen. Were. Where one is challenging an action of the Government or an action of a person, you cannot say that he was sacked or demoted. Use the word “allegedly” or “impugned” because what the Ministry has done is irregular. It cannot be regularized in any manner.

This comes on the backdrop of something that is being circulated about Senegal, where they are getting treatment at one Dollar. The sentiments by Sen. Murkomen, which are true, point out to the Jubilee Government that is incorrigible. It behaves like Nebuchadnezzar. The COVID-19 pandemic was supposed to come, so that we can at least change the way we do things.

Those who think and those who allege---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What do you mean by behaving like Nebuchadnezzar?

**Sen. Wetangula:** Are you a stranger in Jerusalem?

**Sen. Mutula Kilonzo Jnr.:** Nebuchadnezzar is the person--- Sen. Wetangula is asking whether you are a stranger in Jerusalem.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I am a stranger in Babylon.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, if the allegation is that he did not produce results within the time he was supposed to do so, the Cabinet Secretary (CS) must apologize to the country. This is because the first thing that he should do is ensure that KEMRI is properly equipped.

For a long time, Kenyans have been asking, “where is KEMRI?” The first time we hear of KEMRI, the Director has been demoted according to Sen. Were, and sacked



according to Sen. Malalah. I hope it is not a coincidence that Sen. Malalah and Sen. Were, from the western region, are speaking about this.

Mr. Deputy Speaker, Sir, the point is that when Sen. Orengo and I were defending doctors when they were going to jail, this is what we were talking about. It is a government that does not understand that you must treat the people who are doing essential services a little better, especially during this time of COVID-19.

Thank you.

*(Loud consultations)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Members!

There will be another opportunity to say the same things. Let us make progress on the Order Paper. It is the same topic. You can always come back to this officer if you need to. Therefore---

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Who are you informing?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I would like to inform the House. These things are alive and we deal with them every day. We had an engagement with KEMRI and they are doing an amazing job. If you look at Page 44 of the Report that that every one of you has a copy of on *WhatsApp*, you will see our engagement with KEMRI on the 21<sup>st</sup> April. They are doing an amazing job.

Mr. Deputy Speaker, Sir, you will be pleased to learn that as of now, the Virus Transport Media (VTM) that is being used in the entire region of East Africa is being produced and exported by KEMRI.

On the issue of Dr. Lutomia, we even noted in paragraph 15, and I will speak about it later, but that is a preliminary observation. We will not support anybody that is trying to bring down the morale of our frontline health workers and our laboratory people because they are doing an amazing job.

*(Applause)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Absolutely.

**Sen. Sakaja:** We have stated it and the action that we are already taking there. Therefore, I think that the questions asked by Sen. Malalah and Sen. Were will just enrich the communication.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Members, on that note, the Report by the *Ad hoc* Committee on the COVID-19 situation in Kenya and the proposed Bill are two items that are very critical for this afternoon. Therefore, the earlier we get there, the better. For that reason, I will allow us to wind up on Statements in the next not more than five minutes.

When Order No. 8 is called out, I will require that we try to dispense with it immediately because it is a Procedural Motion on the composition of committees. I hope that the leaders have consulted their Members, or rather they ought to have consulted. Therefore, we should not take more than ten minutes on that item. This is so that we tackle those two issues; the Report by the *Ad hoc* Committee on the COVID-19 situation in Kenya and the proposed Bill.

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Wetangula?

CRITERIA FOR ALLOCATION OF WB FUNDS TO IMPROVE  
PRODUCTION OF COFFEE IN THE COUNTRY

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, before we leave Statements, on Tuesday last week, I raised an issue of the CS for Agriculture and Irrigation unashamedly taking Kshs1.5 billion meant for coffee improvement to one region in the country to the exclusion of all other regions. The Speaker ordered that a Statement be brought by the Chairperson of the Committee today.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Do we have the Chairperson of the Committee on Agriculture, Livestock and Fisheries? Where is the Vice-Chairperson, or a Member?

Sen. Ochillo-Ayacko.

**Sen. Ochillo-Ayacko:** Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Wamatangi walked into the  
Chamber without bowing to the Chair)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Wamatangi, I hope that you are not protesting. There are no shortcuts.

*(Loud consultations)*

Order, Sen. Wamatangi! Just do the right thing.

*(Sen. Wamatangi walked to the Bar  
and bowed to the Chair)*

**Sen. Ochillo-Ayacko:** Thank you, Mr. Deputy Speaker, Sir, for restoring order to the House. I am a Member of the Committee on Agriculture, Livestock and Fisheries. I am in touch with my Chairperson, Sen. Ndwiga. The information available to the Committee is that on Monday next week, we will meet the CS who is responsible for this matter. Therefore, as I speak, we do not have an accurate and comprehensive answer. We are seeking the indulgence of the Deputy Speaker to give us one more week.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The issue raised by Sen. Wetangula is important. The last time I attended a coffee related meeting in the United States of America (USA), some of the coffee is now coming from the former Western Kenya and the Rift Valley provinces. So, it is good to look at how that facility has been distributed. On Monday, you will be meeting with the CS. I direct that you bring back a report to the House.

**Sen. Wetangula:** On a further point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): On my direction?

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, just before you conclude your direction.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Alright.

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, the reason the Speaker made that direction on our request was that there was a real risk that these funds are being disbursed

to the exclusion of areas that are now new frontiers for coffee growing. These areas have been growing coffee before. Areas like Pokot, Trans Nzoia, Bungoma, Kakamega, Vihiga, Kericho and others are being excluded from these funds.

Mr. Deputy Speaker, Sir, could you further direct that the Vice-Chairperson communicates with the CS that the House freezes any action on these funds until these matters are dealt with by the Committee and reported to the House?

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I direct the Committee to do a supplementary letter to the CS ahead of the Monday meeting, to ask the him to withhold any precipitate action, or action of any kind, on the disbursement of that facility until this matter has been dealt with satisfactorily by the Committee and the House.

It is so ordered.

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Wambua?

**Sen. Wambua:** Mr. Deputy Speaker, Sir, my concern is about directions from the Chair to committees. I have observed that the Chair makes directions to committees, which just sit back without acting on them. The next time the Order is called, they ask for more time to give responses. I am sure if Sen. Wetangula had not raised that matter, there would be no word from the Committee Chair with regard to the directive that the Chair gave on Tuesday. What is in the directive that makes us believe the Committee will bring the Report next week?

Mr. Deputy Speaker, Sir, I would like to bring to your notice that coffee growing does not just take place in this side of town. In Ukambani, specifically in Machakos and Makueni, there is a lot of coffee growing. Coffee from Matungulu used to be the best in the world. Therefore, this should not be taken like that.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I think the point has been made, and it cuts across. Committees should take their work seriously. However, on the other hand, it is the duty of the person seeking a statement to keep Members of committees on their toes and keep reminding the House on the deadlines. This is because the House cannot, on its own Motion, try to micromanage the activities of committees. That responsibility is shared.

As I keep on emphasising, how this House dispenses its work and how we look to the Kenyan Republic that we serve is extremely important. The Executive should be reminded constantly not to be taking lightly some of the directives we give here. I hope the freezing of the disbursement is an important issue that should be taken care of by the Executive.

**The Senate Minority Leader** (Sen. Orengo): On a point of order, Mr. Deputy Speaker, Sir. The Chair should not be speaking in vain. Whenever the Chair gives a directive, the Clerks must make sure that that matter is reflected on the Order Paper. If Sen. Wetangula had not risen to bring that to our attention, it could have simply disappeared. Once the Chair has given a directive, the matter belongs to the House and should appear on the Order Paper.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Absolutely. That is noted.

**Sen. Malalah:** On a point of order, Mr. Deputy Speaker, Sir. You have not given direction as to when I should expect answers on Dr. Lutomia's case. We want specific timelines.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Is Sen. (Dr.) Mbitio back in the Chamber?

**An hon. Senator:** Yes.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Dr.) Mbitio, there is the issue of a medical doctor who was purportedly demoted. Is this for the *Ad Hoc* Committee or it will go to the Committee on Health?

*(An hon. Senator spoke off record)*

Sen. Sakaja, you said that you have some references to read. I would like to give directions. Sen. Malalah, please, remind me at the time we conclude because we do not want to pre-empt a report, which has not been tabled for a debate, since the Motion has not been moved.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I would like Sen. Sakaja to look at Page 44. If there is no resolution on the question of Dr. Lutomia in this Report, then you can give directions immediately.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Sakaja, is there any particular recommendation or resolution in that letter?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I would like us to look at paragraphs 14 and 15 on page 13. That is where the Kenya Medical Research Institute (KEMRI) and the issue of Dr. Lutomia come. They observe that the time of dismissal is wrong and has significant impact on the morale and motivation of staff. It is unclear whether procedures and administrative processes were followed. As such, further investigation into the matter is required immediately. This is a preliminary observation.

We are already seized of the matter. Our reports are on themes. As an addendum to this Report, we will report on economic and finance issues but we will report on that specific Statement next Tuesday.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Accordingly, as you prepare to make that report, I would like you to have a conversation with the Ministry at all levels and the institution itself, including the Director of the KEMRI, on very specific issues that were raised about whether the public service rules were followed, and make some concrete findings and recommendations in your Report. That must be part of your Report in terms of seeking a specific resolution on that matter and bring it on Tuesday in the afternoon. It is so ordered.

Sen. Sakaja, I will allow you to make your Statement under Standing Order No. 51(1)(b). Since we need to move on, I will allow at least one comment maybe from the Senator of that county if he has to.

DEATH AND BURIAL OF JAMES OYUGI ALLEGEDLY  
DUE TO COVID-19 DISEASE

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No. 51(1) (b) to make a further Statement on the issue for which the Committee is responsible. This was a request by the Senior Counsel, Sen. Orengo, EGH, regarding the burial of Mr. James Oyugi Onyango, a resident of Siaya County, who reportedly died of the Coronavirus Disease (COVID-19).

As Senators will recall, the said Statement was sought from the *Ad Hoc* Committee on the COVID-19 situation during the sitting of the Senate held on Tuesday, 14<sup>th</sup> April, 2020. At the sitting of the Senate held on 21<sup>st</sup> April, 2020, which was last week, I reported that the Committee had received an oral response from the Cabinet Secretary (CS) for Health. The Committee was specific on having a written response for the specific information sought by the Senator for Siaya County.

Mr. Deputy Speaker, Sir, we have received the written response from the CS on the salient aspects, which are as follows -

(1) The CS for Health expressed the sincere regret of the Ministry regarding the way the burial of the late James Oyugi Onyango was carried out. He conceded that this was not in line with the guidelines issued by the Ministry, which should promote dignified burial process, respect for the deceased and the rights of the family.

(2) On the cause of death of Mr. James Oyugi Onyango, the CS stated that a posthumous laboratory test had confirmed that Mr. Onyango had Coronavirus infection.

(3) On the way the burial of Mr. Onyango was undertaken, the CS stated that the guidelines issued by the Ministry were not adhered to in this case.

(4) On the question why the protocols laid down by the Ministry were not followed in undertaking the burial, the CS restated that the burial was not conducted in line with the guidelines and protocols they developed.

(5) On the question why there was no consultation with the family and the community before the burial, the CS stated that the county health team in Siaya failed to adhere to the guidelines, which provide, among others, that family members must be informed and close family members to attend the burial and the limitation is 15 persons.

Mr. Deputy Speaker, Sir, the Committee considered this response from the CS and made the following recommendations, which were communicated back to the CS. I believe the Secretariat also passed this response to Sen. Orengo as I directed them.

(1) Having acknowledged that the burial of the late Mr. James Onyango was not carried out in line with the guidelines and protocols issued by the Ministry, and noting the distress this matter has caused not just to Mr. Onyango's immediate family, but also to the community in Siaya and beyond, the CS should get in touch with and offer an apology to the family of the late Mr. James Onyango. Making an apology to us, as a Committee, does not suffice. He needs to get directly in touch with the family because unfortunately, we cannot repeat that process.

(2) The Ministry should roll out a robust programme to train and create awareness of all the counties' health teams and the guidelines and protocols for burying a person who dies from COVID-19. They need to ensure that this does not happen again to avoid the stigma associated with coming into contact with the family member who died from COVID-19.

Mr. Deputy Speaker, Sir, the Committee did not ask for any disciplinary interventions by the CS because this is not the time to demoralise our frontline health workers. Many of them are dealing with something that they have never dealt with before. The Ministry should make sure that all county health teams are well trained on the protocols that need to be followed, so that this does not happen to any other family in this country.

I thank you.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I thank Sen. Sakaja for that response and the work they have done in relation to the burial of Mr. Oyugi Onyango. It is important that COVID-19 is not stigmatized. By the conduct of the authorities, including the police, the county governments and national Government, people feel stigmatized if they are in any way connected with this disease. Even if a member of the family has been quarantined for this particular disease, they feel stigmatized.

I am saying this because after the burial of Mr. Onyango, nearly the entire village was arrested. They were not even taken, but arrested and forcefully quarantined. After 14 days, no member of that family has tested positive. Although it is being told that the Ministry of Health has determined that this particular gentleman died out of the COVID-19, it is important to note that the specimens were taken after the man died.

Mr. Deputy Speaker, Sir, the control of specimens is very important. There are circumstances in which those specimens were taken from a non-state institution. This was not a Government hospital. It was transported to whatever laboratory. These are very important questions because even up to now, the cause of death has not been communicated to the family; it is not even known. As we speak today, there are members of the family who are still quarantined on the 14<sup>th</sup> day. They have been tested thrice and they tested negative. Another test was done today and I have every belief that they will test negative.

The point I am trying to make is that the way the Government is handling this issue is stigmatizing COVID-19. If the British Prime Minister can be infected, go to Intensive Care Unit (ICU), come out, go to his county of residence, and got back to work, we should not stigmatize this disease. In fact, in Siaya the problem now is that the people do not want to go to hospitals. This is because they believe that if they go there, they are likely to be quarantined and kept away from their families for a month or so. The whole direction on how they deal with this problem must be changed positively, so that people appreciate what the Government is doing.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Kindly, Senators, we just have to make progress, unless it is a point of order. Are you on a point of order, Sen. Wetangula?

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, this is information. I wish to inform the distinguished Senator for Siaya County not to let the Statement made by Sen. Sakaja go unchallenged. Sen. Sakaja said that posthumous tests were done.

Sen. Orengo, are you satisfied that this gentleman was exhumed and parts of his body or samples taken for any tests, to be taken to any laboratories, for us to have a posthumous test report, to confirm that in fact he died of COVID-19? If there was no exhumation of the body of this gentleman, then it cannot be possible that some posthumous tests were done on his body or part of his body to reach that finding.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I thought the two Senators said the same thing; that the tests were taken after the person had died, but not necessarily buried. It was when he was dead, but not buried; in between. It is still posthumous though.

Sen. Orengo, what do make of Sen. Wetangula's remarks?

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I think his point is important, but factually it is not accurate. The specimens were taken before he was buried, but it was still posthumous.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Let us leave it at that. Proceed, Sen. Madzayo.

**Sen. Madzayo:** Asante, Bw. Naibu Spika. Nilikuwa ninafikiria pengine unaona upande ule tu, na huku nyuma hakuna hata mmoja wetu ambaye ameitwa.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The Senator for Migori County spoke. He is your immediate neighbour.

Proceed.

**Sen. Madzayo:** Asante, Bw. Naibu Spika. Ningependa kukubaliana na vile Sen. Orenge amesema kwamba kuna tabia ya kushika watu bila heshima.

*(Sen. Malalah consulted closely with Sen. Were)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Malalah! You must be at least 1.5 meters from Sen. Were. You are out of order.

*(Laughter)*

Sen. Malalah, you are laughing about this, but people are dying daily all over the world. I will not preside over deaths in the Chamber.

*(Laughter)*

**Sen. Madzayo:** Asante, Bw. Naibu Spika. Nilikuwa ninasema ya kwamba ni ukweli kwamba saa zingine vile ambavyo majina ya watu yanaharibiwa ndio huleta shida katika familia. Utaona ya kwamba haswa Kilifi imetajwa sana katika mambo haya ya COVID-19.

Katika Kilifi, kuna naibu wa gavana ambaye alitajwa. Bw. Saburi ana mke na watoto watatu. Wale watoto watatu na mke wake walifanyiwa vipimo na hakuna hata mmoja alipatikana na virusi hivyo. Yeye pia ako na stakabadhi za hospitali za Kenyatta National Hospital, Nairobi Hospital na Mombasa Hospital. Vipimo hivyo vyote vilionyesha kwamba hana virusi hivyo. Tabia kama hiyo ni ya kuharibia watu majina.

Hivi sasa mtu kama Bw. Saburi hawezi kutembea mahali popote hapa Kenya. Inavunja heshima ya familia na inaweza pia kutenganisha familia.

Ni lazima kuwe na heshima. Hususan ikiwa jambo liko kortini, ni vibaya sana kwa mtu kama Rais kusema kwamba huyo mtu afungwe miaka kumi. Ni aibu na makosa kwa Rais kumtaja Bw. Saburi. Kwa hivyo, heshima si utumwa. Sio vizuri kusema kwamba katika Kilifi kuna watu ambao wako hivi na vile. Hivi sasa idadi ya maambukizi katika Kaunti ya Kilifi iko chini kuliko kaunti zingine. Kwa hivyo, heshima ni lazima idumishwe.

Hivi sasa heshima ya mtu kama naibu gavana ndani ya nyumba yake, watoto wake, jamii yake na marafiki zake imeharibika sana. Lazima kuwe na uchunguzi na heshima idumishwe katika mambo haya ya COVID-19.

Asante, Bw. Naibu Spika.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Thank you, Sen. Madzayo.

Next Order.

**MOTIONS****APPROVAL OF SENATORS TO SERVE  
IN SESSIONAL AND STANDING COMMITTEES**

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Murkomen, this should not take more than ten minutes for everything, including approval or lack thereof. That is the mood of the House.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT, pursuant to Standing Orders Nos. 219, 220 and 221, the Senate approves the following Senators nominated by the Senate Business Committee to serve in respective Sessional and Standing Committees of the Senate as follows-

**A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

- (1) Sen. Franklin Mithika Linturi, MP
- (2) Sen. Hargura Godana, MP
- (3) Sen. Paul Wamatangi Kimani, MP
- (4) Sen. Millicent Omanga, MP
- (5) Sen. Irungu Kang'ata, MP
- (6) Sen. (Prof.) Samson Ongeru, MP
- (7) Sen. Ledama Olekina, MP
- (8) Sen. (Dr.) Ochillo-Ayacko, MP
- (9) Sen. Johnes Mwaruma, MP

**B. COMMITTEE ON DELEGATED LEGISLATION**

- (1) Sen. Samuel Poghio, MP
- (2) Sen. Victor Prengei, MP
- (3) Sen. Phillip Mpaayei, MP
- (4) Sen. Farhiya Ali, MP
- (5) Sen. Millicent Omanga, MP
- (6) Sen. Judith Pareno, MP
- (7) Sen. Boniface Kabaka, MP
- (8) Sen. Okong'o Omogeni, MP
- (9) Sen. Faki Mwinyihaji Mohamed, MP; and

**C. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS**

That pursuant to Standing Order No. 189, the Senate approves Sen. Seneta, MP to replace Sen. Sakaja, MP, to serve in the Standing Committee on National Security, Defence and Foreign Relations.

Mr. Deputy Speaker, Sir, I do not want to say much. Most of these persons have served in various Committees and some sat in the respective Committee before. What is notable is to ensure that our responsibility as the Senate Majority Leader and Senate Minority Leader is to distribute responsibilities across the board, based on the weight of other responsibilities that other Members already have.



We felt it was time for a few changes to be made in the County Public Accounts and Investments Committee (CPAIC) and the Senate Committee on Delegated Legislation in the best interest of the Senate.

I request and this should go on record that if you are going to be a Member of this Committee--- I know, for example, that CPAIC takes a lot of time. We should not be ashamed to replace these Committees midway if we find that there is any individual who is not committed to participating in the process, because we are behind schedule.

Lastly, on the Committee on National Security, Defence and Foreign Relations, Sen. Sakaja, on his own volition, requested that he be replaced in that Committee to allow him to also concentrate on a Committee that he chairs. You can also see he is now chairing the *Ad hoc* Committee on COVID-19. Once we wrote to the Speaker, it was incumbent upon the Senate Business Committee (SBC) to work towards getting a replacement for him.

I beg to move and request the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I beg to second the two Motions.

My remarks are basically on the first Committee, the CPAIC. The Constitution gives the role of oversight to Parliament. The Office of the Auditor-General is established to perform certain functions for purposes of making it easy for Parliament to perform its oversight and audit functions.

I thank the outgoing Committee, some of whose Members have been retained. I thank the Chairperson of the Committee, the Senator of Homa Bay, who did a sterling job. Since this is a Sessional Committee, changes are always likely to be there. I also thank Sen. Faki of Mombasa and hope the new Members will do us proud.

We want a situation where all the work of oversight and audit in respect of accounts of the national Government and county governments can be seen actively in the work of this Committee.

Sometimes I believe that if these committees can do their work properly, then we can be a step ahead even of the other institutions such as the Director of Criminal Investigations (DCI) or the Director of Public Prosecution (DPP). The answer is not in arresting people, but making sure that no money that belongs to the taxpayer is lost

I hope that this Committee will not shy away from meeting its responsibility of oversight, and naming and shaming those that may be responsible for taking away money unlawfully from the public and the taxpayers.

*(Applause)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I will give one more from each side. Proceed, Sen. Kihika. Briefly, please.

**Sen. Kihika:** Thank you, Mr. Deputy Speaker, Sir. I also stand to support. It is time that we constituted the two Sessional Committees. The ones we had have carried us through the previous months or a year and have done a good job.

**The Deputy Speaker** (Sen.(Prof.) Kindiki): Order!

*(Sen. Kihika resumed her seat)*

*(Question proposed)*

**Sen. Kihika:** Looking at the Senators we have in the Committees, going forward, I am sure they will do just as good a job as those who were there previously. For those who have remained from the previous Committees, I am sure they will give context and history to the Committees, and help in carrying forward because there is a lot of work to be done.

We have a lot to do, especially for CPAIC. It goes without saying that there are so many reports they need to look at. Looking at the very able Senators that we have there, I am sure they will do a great job.

We also need to move in the Senate Committee on Delegated Legislation. In the last few weeks, we have had many regulations that the Committee needed to look into, but it had not been constituted. I am sure they will get started immediately and work on what needs to be done in the coming days, especially in the context of COVID-19.

As for the National Security, Defence and Foreign Relations, Sen. Sakaja has done a great job previously as the Vice- Chairperson of that Committee, but he is also a very able Senator who also knows when he needs or decides to maybe let others step into some roles, and he can continue with others. As we can see right now, he is leading very well as the Chair of the *Ad hoc* Committee on COVID-19.

I am sure we are well represented, and Sen. Seneta is a very able Senator. I am sure we shall do very well.

**The Deputy Speaker** (Sen.(Prof.) Kindiki): Thank you. You were very diplomatic today, Sen. Kihika, which is noted with appreciation.

*(Laughter)*

From the Senate Minority side maybe one other voice.

Proceed, Sen. Pareno.

**Sen. Pareno:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the nomination of Members to these committees. I think we need to do justice to the business of this House. For the last three months, the Committees on Delegated Legislation, National Security, Defense and Foreign Relations and CPAIC have not sat, just because the Majority and Minority sides were not able to constitute and ensure that there were Members to sit in these committees.

To me, it was a disservice to the people of this Republic to have Committees not sitting for three months. We should have a proviso in place, so that the previous Committee can sit in until it is reconstituted. This will ensure that we do not look like we are holding the House at ransom and not doing business, just because the two sides are not able to put in a list of Members.

I propose that we probably look into our Standing Orders to provide for a clause that will ensure continuity until the next Committee is ushered in.

I know the Members proposed to serve are able and should have started this a long time ago, rather than waiting for several months to go before sitting as committees.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. To ensure that there are no gaps in service delivery, that matter should be taken over by the Senate Business

Committee, so that at the end of every year there is no gap between formation of certain Sessional Committees and successor Committees, because the roles they play are quite essential. We cannot afford to even have a week, leave alone a month, when we do not have an oversight Committee in place.

I will call upon the Mover to reply.

Are you on a point of order, Sen. Sakaja? I am trying to save the agenda that you were sponsoring.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, it is not an agenda. It is regarding Part “c” of this Motion, where I am being replaced. It has been said that I resigned, and it is good for me to clarify to the House. Kindly, give me one or two minutes to make those clarifications.

First of all, it would be very unfair for us, as a House, to pass this Motion without commending Sen. M. Kajwang' for the work he has done as the Chair of the CPAIC. For the last two years, we have seen them reduce the backlog and very good work in terms of the fiduciary reports and having the Ethics and Anti-Corruption Commission (EACC) in the CPAIC. It is very important for us to commend him for the work he did while leading this Committee over that period of time. He has a similar background as you and I, and that might explain it. For me, that was the only surprising thing in this Motion.

*(An hon. Senator spoke off record)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You are being challenged to disclose this background.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, we all schooled in Lenana School. Secondly, it is true that I resigned from the position of Vice Chairperson of the Committee on National Security, Defence and Foreign Relations, and I thank all the Members of that Committee. I effectively chaired it for the last two years because the substantive Chair, Sen. Haji, has been engaged otherwise.

People usually say it is unusual for politicians to resign, but I resigned. I also chaired the Committee on Labour and Social Welfare and the Young Parliamentarians Association. I am also part of AFC Leopards Football Club. I am the Chairperson of an Ad hoc Committee and sometimes you shed off weight. I am grateful to the leadership for accepting that resignation and will always be keen to serve wherever else.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, indeed, in my replying remarks, I wanted to thank Sen. M. Kajwang' for his able leadership in that committee.

I served in that Committee under your leadership for a very short period of time; I did not finish a year because it was taking a lot of time. Anyone who serves in CPAIC must know that it takes a lot of time. When I sat in the Committee when the Governor of Elgeyo-Marakwet was appearing, I found out that they have innovatively added a number of things, including the investigators and EACC sitting there. That has really helped the Committee in doing its work.

I am sure that when the reports will be debated, we shall be kinder to Sen. M. Kajwang' for the great job he did for the two years that he led that Committee. I am sure he has got greater experience in that area, and will contribute in other ways.

Sen. Sakaja made a personal request that he would like to concentrate on his Committee and other parliamentary duties, which have now landed him in the *Ad hoc* Committee on COVID-19.

Lastly, you said that Sen. Kihika was very diplomatic today; it is for obvious reasons. Sen. Kihika is a diplomat, the top diplomat in this House because she is a Chair in the Inter-Parliamentary Union (IPU) globally. Therefore, if she does not behave here diplomatically, she will be betraying her diplomatic responsibilities.

I want to thank you for that opportunity and wish all our colleagues in their committees the very best as they serve. You should always remember that your commitment to the committees is more important to all of us. If the worst happens, we will replace you midway, if need be.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I am going to put the question. This is not a matter affecting counties and, therefore, we shall have a *viva voce* vote.

*(Question put and agreed to)*

Very well. Senators, we are not doing so well. We are really constrained for time. I am going to direct as follows, pursuant to Standing Order No.40(2): There is a request by the Chairperson of the Committee on Finance and Budget, who has assured me that we can dispose of the item appearing in Order No.9 in less than 15 minutes, all-inclusive and take a resolution.

I direct, therefore, that we go to Order No.9. It should not take more than 15 minutes, all-inclusive. After that, we shall move straight to Order No.15. Time allowing, if we dispose Order No.15, we shall then go back to Order No.10.

It is so ordered.

Next Order!

ADOPTION OF REPORT ON THE IMPLEMENTATION STATUS OF THE  
SENATE RESOLUTION ON COUNTY GOVERNMENTS'  
INFRASTRUCTURE PROJECTS

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget regarding the implementation status of the Senate Resolution on County Governments' infrastructure projects comprising County Executive Headquarter offices, assembly chambers and offices and county state officers' residences, laid on the Table of the Senate on 28th April, 2020.

Mr. Deputy Speaker, Sir, the House will recall that in 2018 the Standing Committee on Finance and Budget did the enquiry into matters relating to the government infrastructure projects comprising county executive headquarter offices, assembly chambers and offices and county state officers' residences, after there was a lot of hue and cry in the country. The Committee did make a report then and tabled it in the

House on 29<sup>th</sup> November, 2018. The report was adopted as a resolution of the House on 14<sup>th</sup> May, 2019.

Mr. Deputy Speaker, Sir, the Senate resolution then recommended that the county governments should customise the prototype designs provided by the Ministry of Transport Infrastructure, Public Works and Housing and Urban Development for their respective projects.

Mr. Deputy Speaker, Sir, the following were the given estimates for those infrastructure projects -

(1) County governors residences were estimated by the Ministry of Public Works at Kshs45million

(2) County Deputy Governors' offices at Kshs35million

(3) County Assembly Speakers' office at Kshs35million

The sizes were that they should not exceed more than two acres, and not below a quarter of an acre.

County executive headquarters were estimated to cost Kshs500 million and for the assembly chambers, assemblies that had 30 and below Members, up to Kshs400million; between 31 and 60 Members, up to Kshs500 million; and, between 61 and 90 Members, Kshs750 million.

Mr. Deputy Speaker, Sir, it was also recommended that the counties that had already awarded their tenders should renegotiate the contract with a view to adjusting the contract sum.

We have been following up on this matter and a lot of information has been coming to us, especially from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. Apparently, they are unable to move and the office of the Controller of Budget is not releasing funds on those projects because it is going by our guidelines.

The Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works requested the Committee to give guidance, since some counties have already commenced their projects. Some of them are at an advanced stage and their budgets were way above the provided limits.

The Commission on Revenue Allocation (CRA) also wrote to us, asking us to give guidance, while at the same time saying that counties should be sticking to the recommendations given by the Senate.

Mr. Deputy Speaker, Sir, the Committee is looking at the requests coming from various counties. We have received submissions from West Pokot, Mandera, Kwale, Meru and Marsabit county assemblies.

*(Sen. Omanga consulted closely with Sen. Wamatangi)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Wamatangi and Sen. Omanga! Sen. Omanga, as a Senator, you are a role model to millions of people in this country who are even watching these proceedings.

It makes our working impossible to talk about social distance when they see Senators just whispering to one another in the Chamber, like we used to do in the olden days.

*(Sen. Mutula Kilonzo Jnr. spoke off record)*

Order! In fact, part of the Speaker's guidelines during this season require you to remain at your seat; *in situ*, throughout.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Sen. Omanga, can you first comply with that direction before we proceed? You are making fun of it.

*(Sen. Omanga resumed her seat)*

If you continue like this, the Speaker may consider introducing safety belts on seats, which will be locked and the key kept elsewhere until the end of the sitting.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us proceed, Sen. (Eng.) Mahamud.

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, the communication from CRA was informing the Senate about various requests from county governments, which had sought for exemption from the established guidelines on the infrastructure projects. The letter from CRA further suggests that counties should stick to the recommendations set out in the guidelines.

The communication from county governments were requesting for exemption from the set guidelines concerning various projects. I mentioned the counties that have already written to us, that is, West Pokot, Mandera, Kwale, Meru, Marsabit and others.

The Committee considered the matter raised between the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works, CRA and also counties. The Committee notes as follows because we are being asked to do exemptions or waiver on recommendation or guidelines given by this Senate in 2019.

Whereas counties might have started the projects before that or whereas the contract figures could be above that, the Senate passes a resolution on infrastructure projects in the counties, in which guidelines were set in the spirit of public funds for this purpose.

That the guidelines set in the resolution of the House put into account the need for county governments to develop infrastructure to facilitate the discharge of their functions, while at the same time ensuring prudent use of public resources. In setting out the guidelines on expenditure on infrastructural projects in counties, the House was not making a mere perfunctory statement on funds used for infrastructural projects, but carrying out its constitutional duty as the body that oversees the prudent use of resources by counties.

That the Committee has noted certain counties commenced their infrastructure projects before the resolution on the guidelines was made by the Senate. While the Senate cannot vary or otherwise affect the rights of contracts to which this is not a party to, the resolution will, however, act as a guide for oversight in future, including the Senate, to determine whether prudent use of public funds was exercised.

The Committee wishes to bring your attention to Article 201(d) of the Constitution, requiring county governments to ensure prudent and reasonable use of public funds.

Mr. Deputy Speaker, Sir, the resolution was setting out guidelines on the scope and estimated cost, which were arrived at after consultation with the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works for county

governments infrastructural projects, with a view to ensuring that there is harmony and uniformity in the provision of these projects.

It is important to note that under Article 174 of the Constitution, one of the objects of devolution is to promote democratic and accountable exercise of power. This includes prudent management of all resources that have been entrusted to the devolved county governments.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Just summarise the recommendations.

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, the Committee did not, therefore, find it within its mandate to waive or exempt counties from the resolutions of the House.

I think the Senate does not have that mandate to exempt. The Senate is the oversight body and, therefore, we thought that it was not our mandate to exempt or waive entities from resolutions of this House. The entities have the right under the contract, to pursue, terminate and pay the contracts. We are not party to those contracts.

The resolution that we made was that prudent exercise of funds should be done. In fact, our Report, if any, will be utilised by the oversight authorities, so that we can follow up and see whether there was prudent use of funds.

The Committee implores that it is upon the implementing agencies, that is, county governments and, of course, the Controller of Budget that withdraws funds on their behalf, to ensure that they observe national values and principles of governance, especially when it comes to good governance, integrity, transparency, accountability and sustainable development in relation to this matter.

The essence of our Report is that, of course, we appreciate whatever difficulties counties are going through with that resolution, but have no mandate as the Senate to exempt or waive resolutions that---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Do those ceilings remain as approved by the Senate before, according to your Report?

**Sen. (Eng.) Mahamud:** Yes, Mr. Deputy Speaker, Sir. However, that does not stop the other bodies from exercising their authority as allowed by the law. I think the Controller of Budget (CoB) is using the Senate as an excuse not to exercise their role under the Constitution.

With those many remarks, I beg to move and ask Sen. Mutula Kilonzo Jnr. to second.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Sen. Mutula Kilonzo Jnr., proceed.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Deputy Speaker, Sir. This matter gave us anxious moments. Right from the beginning, it was apparent that county governments were using the facility of building for governors, speakers and deputy governors as an avenue for corruption. It would not surprise you that some of the houses that we have seen previously had swimming pools, gyms, five bedrooms, underground car parks and so on.

Once the Committee on Finance and Budget interrogated this matter, we thought it wise to have a standard house for a governor and speaker and standard headquarters for county assemblies, hence the resolution that we made. The Public Works gave us what would be a standard house for any governor or speaker together with their ego, to fit and

sleep in that house and not have a problem at night. It was indeed surprising after our resolution that we found the following on construction of the governor's residences. The County Government of West Pokot Speaker's residence is to cost Kshs68 million.

Mr. Deputy Speaker, Sir, allow me to say that our Chairman, Sen. (Eng.) Mahamud, has distinguished himself as an honest gentleman. I say so, even though I did not compliment him in the meeting because one of the impugned counties is Mandera County where they are seeking to construct a governor's house at Kshs258 million, a deputy governor's house at Kshs78 million and the speaker's residence at Kshs46 million.

This is a sort of exercise that makes our work of making sure that counties get enough resources to look as jokers, and counties are joking.

We cannot blame the Government sometimes when it says that counties do need the money that they get. This is because the proposals they make are extremely ridiculous. Sometimes back, we saw the pictures of a house of a governor which was possibly three floors in the middle of nowhere. That county wants justification for the Senate to approve those things.

What the Controller of Budget (COB) and these counties were doing, Sen. (Eng.) Mahamud is right, was to use us as *fait accompli* in this. This is corruption; let us call it as it is. Most of them were aware we have alluded to it, about the recommendations of the COB. They entered hurriedly into these contracts so that they can do what Kenyans are known to do best, which is to eat until you start vomiting.

For Kwale, the governor's residence is to cost Kshs149 million, for Meru County governor's residence is Kshs127 million and the deputy governor's residence is at Kshs63 million. For Marsabit County, governor's residence is Kshs344 million.

Yet these residences are not even fit for a king. There is no justification in law, before God and before for anybody to have residences costing that amount of money.

The Chairman did not say this, but as a Committee, this is what we have said in many words; any county that violates the ceilings set by the Senate must be held accountable before the Ethics and Anti-Corruption Commission (EACC) and the County Public Accounts and Investments Committee (CPAIC) that we have set up. This is because they have not given any reason for upsetting the ceilings that we have given.

It will make a devolution a joke if we can approve a house for a human being that cost Kshs250 million. It is ridiculous. Some people should be embarrassed for suggesting that they can live in a governor's house worth Kshs100 million. If the standard was to be used, most governors, even those who are billionaires, their houses have not cost that amount of money. Why would you use that amount of money to construct an official residence, which you will not live in it forever and you will not give it to your son, daughter, or any person? It is ridiculous.

Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Members, as we agreed at the beginning of the Sitting, this is not the most urgent matter to the nation. We have to use sparingly the limited legislative time in the interest of the most urgent matter, which is



the next agenda. So, I will allow very few observations and we shall agree to leave it at that.

Sen. (Dr.) Kabaka, be brief.

**Sen. (Dr.) Kabaka:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity.

I am also a Member of the Committee on Finance and Budget. I wish to congratulate my Chairman, Sen. (Eng.) Mahamud, for the job well done. However, he forgot to mention Machakos County which is part of the six counties on the list.

Machakos County wants to put up a county assembly beyond the specified ceiling. The ceiling is Kshs250 million, but their request which they presented before our Committee is Kshs400 million. Like Sen. Mutula Kilonzo Jnr. has said, this is an avenue for looting money.

Mr. Deputy Speaker, Sir, I have travelled to Nakuru County and I want to do some comparison analysis. It is good that the distinguished for Nakuru County, Sen. Kihika Kimani, is here---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! If you add Susan, the rest will be okay. It can be Sen. Susan Kihika Kimani.

**Sen. (Dr.) Kabaka:** It is a way of praising women's gender.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Kabaka! I was trying to rescue you only for you to muddy your waters.

**Sen. (Dr.) Kabaka:** Allow me to proceed, Mr. Deputy Speaker, Sir.

We once visited Nakuru County with the Standing Committee on Devolution and Intergovernmental Relations. Our mission was to evaluate whether they could qualify for the city status. One of the key things that I will never forget because I might leave this Senate next time when I am going to become the Governor for Machakos---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! Sen. (Dr.) Kabaka, if you want to become the Governor of Machakos County, this is not the place.

*(Laughter)*

Please summarise, your very good statements.

**Sen. (Dr.) Kabaka:** Mr. Deputy Speaker, you need to add some salt in some statements. I know from where you sit that you have similar interests.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Kabaka! Summarise.

**Sen. (Dr.) Kabaka:** Mr. Deputy Speaker, Sir, the Nakuru County Government spent Kshs250 million to refurbish its Level 5 Hospital. That hospital is functioning so well with all the equipment. So, it pains me to hear that Machakos County whose own source revenue collection is very low wants to put up a county assembly worth Kshs400 million. Let us call a spade a spade; this is corruption.

The counties that want their ceilings enhanced are looking for a way to loot public funds. We should pass a law where governors should be operating from their houses so that we use that money for service delivery to Kenyans who are suffering.

**Sen. Kang'ata:** Thank you very much, Mr. Deputy Speaker, Sir.

First is to congratulate the Committee for the recommendations. However, there are two entities that I propose that they need to be brought in because they are culpable to the mess in the counties.

Mr. Deputy Speaker, Sir, in 2015, the Salaries and Remuneration Commission (SRC) made a recommendation that governors should build their own houses, purportedly to save on the housing allowance. For me, that somehow gave the leeway for governors to commence construction of very expensive houses. If you compare the amount of money that has been expended in building these houses *vis-a-vis* the so-called savings in terms of their allowances, there is no connection. I see corruption. Therefore, the SRC should either revisit that resolution or be made accountable since it gave a leeway to governors to do this.

Secondly, we have engineers who ought to be punished. Most of these houses are usually built with Bill of Quantities (BQ) obtained from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. They are the ones who come up with such humongous Bill of Quantities. Therefore, the Chairperson of the Standing Committee on Finance and Budget, who is an engineer, we need to come up with a mechanism of punishing engineers who superintend these huge infrastructure projects. They are the ones who give the BQs and later, they give the certificates of completion. Those certificates of completion have huge cost.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Point noted. Move to the next one.

**Sen. Kang'ata:** My final point is that this issue should not be left at this stage. We need to either escalate it to the County Public Accounts and Investments Committee (CPAIC), the Directorate of Criminal Investigations (DCI) or the Director of Public Prosecution (DPP). We need to have governors and engineers arrested. We need to have every person who stole those millions taken to court for this kind of scandal, which we have just been told by this Committee.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I will allow two more Members.

Sen. Wamatangi, kindly, proceed.

**Sen. Wamatangi:** Thank you, Mr. Deputy Speaker, Sir. I want to congratulate the Chairperson and the Members of the Standing Committee on Finance and Budget for a job well done.

Mr. Deputy Speaker, Sir, I have come across this before since I am the Chairperson of the Committee on Transport. Urban Development and Public Works falls under my Committee. In our first term, when we paid a visit to Kitui County, and I was with Sen. Mutula Kilonzo Jnr., we found out that the Speaker of the County Assembly of Kitui had constructed a 20 by 20 bathroom and a Jacuzzi inside the office. Whenever things would get hot, he would go and dip himself in the jacuzzi.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): That is almost a criminal act.

**Sen. Wamatangi:** Mr. Deputy Speaker, Sir, it is a reality, and I was with Sen. Mutula Kilonzo Jnr. However, I wanted to say that, that Report needs to be taken a little further than that by the Committee. This is because in a tour where we went to inspect the buildings that have been constructed by governors as their residences and other buildings, one thing came out. For example, in Turkana County, the governor's residence that had already been constructed and was three quarters to completion had cost way much more than what the ceiling allows.

The same situation obtained in West Pokot and Kwale counties. Now that the counties cannot be given the money they seek because they have used money beyond the ceiling or they do not deal with the structures that are there--- Maybe, the Committee should take this further and recommend whether these facilities should be converted into county facilities that will serve other purposes. Otherwise, if those structures are left the way they are, we are going to have a replication of the National Youth Service (NYS) buildings and residential houses---

*(Sen. Sakaja stood in his place)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Sakaja, do not go away, we are almost going to your agenda. Do not go too far.

Is there need of repeating what has been said by other Senators?

**Sen. Wamatangi:** Mr. Deputy Speaker, Sir, I am not repeating. The point I wanted to make is very simple. We must have that Report finalized by stating precisely what should happen to the structures that have been put up.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you.

Sen. Hargura, kindly proceed.

**Sen. (Eng.) Hargura:** Thank you, Mr. Deputy Speaker, Sir, I would like commend the Standing Committee on Finance and Budget for coming up with this Report. I engaged the Chairperson of the Committee when the Clerk of Marsabit County Assembly came to follow on that issue.

Mr. Deputy Speaker, Sir, generally, we must have ceilings, which should have been given at the right time. We are not addressing the issue here. We are trying to save money, but we might lose more through litigation, since we have contracts that have been awarded and signed by contractors. Some of them have even done more than 50 per cent of the work, like Marsabit County.

We are running away from a situation where we are going to spend more than even the Kshs250 million for the chambers. This is because if a contract was given for Kshs344 million, the contractors will claim that because he was the cause of scaling down. We would rather go case by case. If the contracts were signed before the ceilings came in - the issue is that the Controller of Budget (CoB) is not releasing any money using the Senate resolution. The Senate is trying to run away from that resolution. Since we are the ones who created that situation, let us assess it. Going forward, new contracts should not be signed above the ceiling. But for the existing ones, let us own it up that we cannot allow losses----

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Point made. Thank you, Sen. (Eng.) Hargura.

Order, Senators! For those Senators who are retreating from the Chamber, please, note that we are just about to start the main business; the current business. Also, please, note that the Senate will rise at 6.30 p.m., and not at 4.30 p.m.

The Chairperson of the Standing Committee on Finance and Budget, you are the Mover of this Motion. Would you want to reply?

**Sen. Linturi:** Mr. Deputy Speaker, Sir---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Yes, what is it Sen. Linturi.

*(Sen. Linturi's spoke off record)*

You are not on record, Sen. Linturi.

Order! What did you say the Chairperson has done?

**Sen. Linturi:** Mr. Deputy Speaker, Sir, kindly, indulge me for a minute or two minutes.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I will give you one minute, Sen. Linturi.

**Sen. Linturi:** Mr. Deputy Speaker, Sir, I differ with the committee. I listened to the Chairman of the Committee and he laid a very good basis on the recommendations.

Mr. Deputy Speaker, Sir, in my view, the Committee has failed the objectivity test. He mentioned very well that counties started their projects before the Senate made that resolution. That resolution should not be binding to the counties, because these contracts were signed before the passage of that resolution.

Mr. Deputy Speaker, Sir, they have cleverly ran away from that responsibility of trying to advise on what should happen by stating that it is out of their mandate.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I think those are views of the Committee. However, using words like “cleverly running away from responsibility,” that is parliamentary. You can differ and say it is their mandate.

**Sen. Linturi:** Mr. Deputy Speaker, Sir, the reason I speak passionately about this issue is because I understand Meru very well. I may not agree with the administration. However, since I know what is happening there, the level at which the building is, the contractor having intimated of going to court and written to me, I would further advise that we bring in the Commission of Revenue Allocation (CRA) and the Controller of Budget. We have to seek a solution because if we run away from this issue, we are inviting serious legal issues that will end up letting counties incur a lot of costs.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have made your point, and the Committee has noted.

Chairman of the Standing Committee on Finance and Budget can reply. As you reply, I make a determination that this is a matter concerning counties. Therefore, you have to make the right application.

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, I thank the Members for their comments. The difficulty that the Senate and the Committee has is that we are an oversight institution; we do not run contracts for counties. We gave an advisory opinion that is meant to safeguard public resources.

We had a difficulty to come back and exempt and waive, the way our colleagues are saying. What they are saying could be true, but in the circumstances in which we are, as the Senate, as an institution of oversighting the Constitution, we do not have a mandate, and I stand to be corrected, to exempt and comment on eligible contracts. For that reason, the Controller of Budget is the one who is running away from responsibility. After all, there have been services and contracts. Suddenly, they come back to us as scapegoats. Nothing stops because they have their constitutional right.

This is the best we can do as a Committee of the House. My advice to you as the Senate is that nothing stops the Controller of Budget and the rest to continue with their contracts. We cannot come and say that we vacate the resolution since that will not be constitutional.

I thank you, Mr. Deputy Speaker, Sir.

I beg to move.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): And what else do you beg to do?

**Sen. (Eng.) Mahamud**: I beg to request that voting be deferred to another day.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): It is so ordered.

*(Putting of the question deferred)*

For those Senators who are within the vicinity, the precincts of Parliament, this sitting proceeds up to 6.30pm.

ADOPTION OF THE THIRD PROGRESS REPORT OF THE *AD HOC*  
COMMITTEE ON COVID-19 SITUATION IN KENYA

**Sen. Sakaja**: Thank you, Mr. Deputy Speaker, Sir; I rise to move -

THAT the Senate adopts the Third Progress Report of the Ad Hoc Committee on Covid-19 Disease Situation in Kenya laid on the Table of the Senate on Tuesday, 28<sup>th</sup> April, 2020.

May I seek guidance on how many minutes I have to move the Motion. I will just give an executive summary.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Can you do, in interest of time, and to allow as many of Senators as possible to speak on this issue, which is a nationwide pandemic? Can we give you 20 minutes?

**Sen. Sakaja**: Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): 20 minutes, but then because you need a seconder; the seconder will do 10 minutes and thereafter, every Senator will have 5 minutes. I want to assess the mood of the House. Is that acceptable?

*(Question, that the Mover be allocated 20 minutes,  
the Seconder 10 minutes, and five minutes for each  
Senator speaking, put and agreed to)*

**Sen. Sakaja**: Thank you, Mr. Deputy Speaker, Sir; as noted in the First and Second Progress Reports, dated 7<sup>th</sup> April, 2020 and 14<sup>th</sup> April, 2020, during the initial faces of the work of this *Ad Hoc* Committee, we clustered emerging issues into five thematic areas. These are issues arising from Covid-19 Disease outbreak. The issues are as follows:

- (1) Health;
- (2) Economic and finance issues;
- (3) Social public order and human rights;
- (4) Access to food, water and basic commodities; and,
- (5) Support services and cross-cutting issues.

Having already reviewed best practice from comparative jurisdictions and analyzed key issues and concerns arising from the five thematic areas as captured in the first and second progress Reports that are before this House and are available to the

public, the Committee resolved to focus on one thematic area at a time for purposes of facilitating a more in-depth analysis of the issues arising in each thematic area.

Accordingly, the focus of this Report is on the first thematic area of health. Subsequent progress reports will focus on the other thematic areas as captured above and from next week, we expect a report on economic and finance issues. That is the reason why the Chairperson of the Committee on Health will second this Report.

In relation to this thematic area, we have deliberated extensively on issues relating to community health, testing, quarantine, isolation, Intensive Care Unit (ICU) facilities, even resources for health, drugs and supplies, the role and the level of engagement of county governments and mental health and psychosocial support.

Subsequently, pursuant to Article 118 of the Constitution, and the Senate Standing Orders on public participation, the Committee invited stakeholders and members of the public to submit written memorandum arising from and or related to this pandemic. As of 27<sup>th</sup> of April, 2020, the Committee had received a total of 160 written submissions from members of the public, from public and private institutions and a majority of which directly addressed concerns arising from this first thematic area of health. So today, that it is the focus for this Report.

Boldly speaking, the key issues of public concern are isolated and categorized from the various written submissions to the Committee included: access to information, universal access to health care, community health services testing, Personal Protective Equipment popularly known as PPEs, availability and access to Intensive Care Unit (ICU) facilities in the country, quarantine and isolation, human resources for health, health products and technologies, access to essential and energy services, mental health and psychosocial support.

Having deliberated upon and analyzing the various issues and concerns raised on these issues, we held a number of sittings, seven key meetings; 13 key stakeholders' sessions in the health sector for all levels of government, the National and the county; professional associations and societies, health worker union, private sector as indicated below.

From the Government agencies and departments, we met with the Ministry of Health led by the CS. We met the Council of Governors (COG), the County Assemblies Forum (CAF) and the Kenya Medical Research Institute (KEMRI). I will speak more about that later. We also met the representative health worker groups, professional associations such Kenya Medical Association (KMA), National Nurses Association (KMA) of Kenya, National Nurses Association of Kenya (NNAK), Pharmaceutical Society of Kenya, Kenya Association of Clinical Pathologists. From the Health Workers Union, we met the Kenya Medical Practitioners and Dentist Union (KMPDU), the Kenya Medical Practitioners and Dentist Union (KMPDU), Kenya Union of Clinical Officers and the Kenya Union of Nurses.

From the private sector, we met the Kenya Healthcare Federation. These are the private health providers and Coalition of Community Health workers (CHWs).

I wish to take this opportunity on behalf of the Senate to thank all of them for the very useful contribution and for the work that they are doing. I pray that God may continue to bless them as they stand in the frontline of our battle against Corona.

Based on the analysis of the written memorandum and the submissions made by the key stakeholders in the health sector, the Committee is pleased to table before this

House this third progress report, which I will urge Senators to look at as a substantive proposal, observations and recommendation for adoption. Once adopted, then we can follow the implementation of these very specific recommendations.

Mr. Deputy Speaker, Sir, this situation is a highly evolving one; things keep changing everyday and as such, the observations and recommendations contained in this Report reflect the situational context and information that was available to the Committee at the time of writing this Report. Accordingly, as the Covid-19 Disease outbreak situation evolves, the Government's response evolves with it.

Some of the Committee's observations and recommendations on the thematic area may by necessity be reviewed and we will continue. That is why you gave us a six-month mandate coupled with a one-week reporting requirement.

For the current situation, however, and in relation to this thematic area, we observed that -

(1) Kenya is likely, still in the initial stage of the Covid-19 Disease outbreak. While consensus on the country's modeling projections is yet to be conclusively arrived at, according to submissions made by the Ministry of Health, Kenya stands at risk of losing up to 30,000 lives during the peak face of the outbreak unless strict adherence to the recommendations and the directives by the government on hygiene and containment measures; that is our exposure.

However, Mr. Deputy Speaker, Sir, and according to the Ministry of Health as well, the projected alarm on deaths attributed to Covid-19 Disease can be significantly be reduced by proper adherence to the recommended government measures and maintenance of strict hygiene standards. I am happy when you insisted that one of the Members in the House adhere to these very simple rules that have been set out, therefore, our good.

(2) While there are some disparities in the level of preparedness amongst counties, most counties remain largely unprepared to meet the demands of this pandemic.

According to several health workers' representative groups who appeared before the Committee, most counties still lack adequate supplies of Personal Protective Equipment (PPE); have poorly equipped isolation and treatment facilities; and, have not facilitated adequate COVID-19 training and sensitization for their health workers.

Mr. Deputy Speaker, Sir, in our meetings, we spoke to the nurses and clinical officers in different parts of the country; not just in Nairobi but where they are in hospitals. Many of them expressed fear. They are afraid that they are exposed and are not trained enough.

Nevertheless, some counties, for example, Mombasa, Makueni, Marsabit, Machakos, Kisumu, Laikipia, Kiambu, Isiolo and Kisii have been singled out by the Ministry of Health for having made laudable progress in initiating and implementing their specific county response plans;

(3) The Government has made commendable progress in ensuring universal access through commitments to meet the costs of treatment for COVID-19 patients at public hospitals and by demonstrating willingness to fully cover COVID-19 patients in a proposed Universal Health Coverage (UHC) scheme under the National Hospital Insurance Fund (NHIF) benefits package;

This is something that we will continue to follow up.

(4) The Committee further observes that enhanced utilization of telehealth/telemedicine services will have a significant impact on enhancing access to specialist services, addressing existing disparities in access to care and promoting quality affordable care. However, regulations, protocols and guidelines necessary for the delivery of these are pending completion and publication by the Ministry of Health and the Kenya Medical Practitioners and Dentists Council (KMPDC) at the time of the writing of this report;

(5) With regard to Intensive Care Unit (ICU) facilities, we face serious deficits as a country in the availability of ICU beds and ventilators. This is something that we seriously need to consider as a Senate.

According to the Ministry of Health and other stakeholders, we only have a total of 518 ICU beds in both public and private facilities. Of these, 94 per cent or 448 ICU beds out of 518 are already in use by non-COVID-19 patients requiring critical care services.

Mr. Deputy Speaker, Sir, the Division of Revenue Act will come back to us. So, through the County Allocation of Revenue Act or the Emergency Fund, we can help each and every county to get, at least, 10 ICU beds. That will raise the number by 470.

*(Sen. (Eng.) Mahamud consulted Sen. Kihika)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki) Order, Sen. (Eng.) Mahamud and Sen. Kihika. This disease is real. If you need our people to obey the rules, we must be seen to obey them.

Continue, Sen. Sakaja.

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Mutula Kilonzo Jnr.?

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker Sir, the rules further state that when you take your seat, you shall not sit on another person's seat.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Absolutely!

**Sen. Mutula Kilonzo Jnr.:** They have had to sanitize the seat at the Clerk's Table and other seats.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): When the Clerk transited, one clerk had to vacate and they sanitized the Table.

To be fair, we are all learning to adjust to life before corona and after corona. The disease is real. People are dying by the minute all over the world. Rich and poor, powerful and weak, old and young.

Proceed, Sen. Sakaja.

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker Sir. I was talking about ICU facilities and what we need to do as a Senate. We have 27 counties that do not have a single ICU facility. We need to look at that and direct allocations to specific counties.

(6) With regard to the availability of ventilators, we only have 297 ventilators, of which only 90 are available to the public at health facilities.

According to submissions, an additional 30 ventilators were procured by the Ministry of Health but the Council of Governors (CoGs) stated that none of these additional ventilators have been distributed to them.



We have written to the Ministry to establish where these ventilators are. As you know, they need personnel. Critically, what is needed is oxygen and basic oxygen equipment to the counties. The lack of this equipment threatens our ability to care for and manage Covid-19 patients who may develop mild to moderate symptoms.

(7) We note that according to submissions received from the CoGs and the Ministry of Health, the national Government has made a commitment to allocate Kshs5 billion to county governments to be disbursed over a period of three months to facilitate county response plans and purchase of necessary equipment, essential medical supplies and commodities such as PPE;

(8) In relation to human resources for health, we take note and laud the mass recruitment exercise by the national Government which is set to increase the number of human resource for health responding to the pandemic by 5,500 health workers under the UHC scheme. That is 703 contracted health professionals including 188 medical officers, 72 medical specialists, 94 clinical officers, 235 ICU nurses, 94 chest physiotherapists and 20 epidemiologists.

We note with concern the exclusion of other cadres of health workers such as graduate and specialist nurses from the mass recruitment exercise;

(9) With regard to providing an adequate compensation package for the motivation and welfare of health workers, we take note of and laud a commitment to develop a comprehensive compensation package for health workers that includes medical, disability and life insurance for health workers, risk allowances and tax relief.

During a pandemic, we can give income tax relief to all our medical personnel for that period, say, three or six months. It goes a long way in not only boosting their morale but also providing for them in these unique circumstances.

(10) With regard to PPEs, we note that at the time we wrote this report, the Ministry of Health reported that it had distributed and delivered 3,682 PPEs to various facilities. Of course, this number is lower than what is required. We are glad that they are continuing increase to produce locally.

We have insisted that every measure must be taken to ensure that health workers receive adequate PPEs and understand that the quality of the standard be set and verified by Kenya Bureau of Standards (KEBS).

The CS demonstrated to us that he tested the PPEs together with doctors from Kenya and elsewhere and at that point, our quality was up to par. We encourage local manufacturing and pharmaceutical sector to take off because we cannot rely on imports from China and other places.

(11) Mr. Deputy Speaker Sir, we further take note of concerns raised by the Ministry of Health and COG on the issue of personnel regarding resident doctors on study leave who are rendering services at national teaching and referral facilities. There are efforts by various county governments to recall these personnel back to their counties to facilitate the county response activities.

We observe that the Fourth Schedule of the Constitution assigns the function of training and capacity-building to the national Government according to submissions made by the KMPDU. These doctors provide over 60 per cent of the health workforce at national teaching and referral hospitals.

While we acknowledge that the national Government meets the cost of training, county governments have been forced to bear the heavy cost of paying salaries for

doctors whose services are essentially rendered at national level. For instance, Kisii County has 65 doctors on postgraduate training. The annual cost of training one such doctor is Kshs500,000. So, the total cost on the national Government for training 65 doctors is around Kshs32,500,000. However, the County Government of Kisii pays them around Kshs250,000-300,000 per month. These doctors are in Nairobi and not in Kisii. So, the cost to the County Government of Kisii in a year is Kshs195,000,000 or at most, Kshs234,000,000 which is six to seven times the cost incurred by the national Government. So, there needs to be a balance and we have specific recommendations on that.

Mr. Deputy Speaker, Sir, there are many other issues on human resources for health. However, I will keep them in the report because I do not want to miss out on some of the key issues. They include mass testing. We have the capacity through KEMRI to do 20,000 tests a day. There has been limitation in the transportation and actual recollection of the samples. However, I am glad to note that KEMRI is producing and manufacturing that equipment and exporting it to other countries. So, we expect testing to go up. Our current capacity is 37,000 test per day.

We need to address the issue of lack of adequate specialized and laboratory personnel, lack of adequate sample collection kits, insufficient reagents and consumables necessary for conducting the tests.

Mr. Deputy Speaker Sir, we take note of and laud efforts by the Ministry of Health and the Kenya Medical Research Institute (KEMRI) to scale-up testing as demonstrated by initiating automated testing; conducting whole genome sequencing of the Coronavirus (COVID-19) virus; developing points of care screening kits; and producing Viral Transport Media (VTM), which I talked about, and we are even supplying to our neighbours. It has resulted to a lot of cost-savings to the Government.

Despite these achievements, the Committee nonetheless notes that having exhausted most of its capacity in the personnel, equipment, reagents and materials, KEMRI urgently needs Kshs790 million to meet its institutional needs in personnel, reagents, consumables, and research and equipment needs.

Further, and as I intimated earlier, the Committee notes with concern the recent media reports regarding the demotion of Dr. Joel Lutomia, the Chairperson of the KEMRI Rapid Response Team and the Director of KEMRI Center for Virus Research by Mr. Yeri Kombe allegedly after being instructed by the Cabinet Secretary for Health, for failure to release timely results on Friday.

Mr. Deputy Speaker, Sir, in relation to the above, we observe that the timing of the dismissal or demotion is wrong as it is likely to have a significant impact on the morale and motivation of the various staff that were working under him.

Further, it is unclear if the proper laid down procedures as well as the administrative processes were followed. As I said earlier, we are inquiring further into this matter as a Committee, and we will bring the responses as requested by Sen. Were and Sen. Malalah.

With respect to isolation facilities, according to the submissions, we face a critical deficit in isolation capacity with the total projected needs for these beds are 3,116. That is an area where we have made recommendations.

Further, we note that for purposes of controlling against the risk of cross-contamination and minimizing disruptions, it is necessary for the governments at the national and county level to move expeditiously to designate specific facilities for the isolation of COVID-19 patients at national and regional level. We do not have to do it in every county as at this point, but can have one facility within the regions for now, as we go on to build the capacity of our counties moving forward.

Mr. Deputy Speaker Sir, quarantine is also another huge issue. With respect to this, we have noted the number of people who had been held. We have said that quarantine is being used illegally. People are being taken to quarantine for not adhering to the curfew. If you look at the notice on the public order, if somebody is violating that order, they need to be taken to a police cell and then to court. The reason why we are mentioning this is that it is contributing to the stigmatization and criminalization of Coronavirus, such that any Kenyan who wants to go and get tested is afraid of being criminalized and stigmatized, as opposed to us using a language that is supportive and empathetic when dealing with this.

With respect to Community Health Services (CHS), we have made clear recommendations that the law be followed, but let us also look at the state of quarantine facilities. We have been speaking to some of the quarantined Kenyans, and they have told us what they are going through, and the Ministry has assured of improvements in the state of such facilities

On CHS, we observed that community health workers, and Sen. (Dr.) Zani has a Bill on this, are a key part in dealing with this. In West Africa, the Ebola crisis was dealt with primarily because of what community health workers were able to do. In Nairobi, we have more than 5,000 community health workers, and there are many all over the country. We have asked for them to be deployed and for them to be engaged by county governments and be given a stipend for them to be able to operate. The Committee on Budget and Finance might need to look further into this issue in this Report.

Mr. Deputy Speaker Sir, there is need for mental health and psychosocial support, not just for Kenyans because of stigmatization, but also for the frontline health personnel. We have already started seeing the breakdown of society and increase in domestic violence. We have seen some of the health workers moving into undesired behavior as they themselves have said, and we need them to be supported to get trauma counselling.

We note that there is need for the Government to act urgently to ensure that there is delivery of mental health services. The Mathari National Teaching and Referral Hospital is singled out because services had been disrupted there, and we have said that it must resume work. This is because mental health has not taken a break during the COVID-19 pandemic.

The Kenya Healthcare Foundation (KHF) gave us very good submissions. We have been able to connect them to interact with the national Government to make sure that they get certain concessions in certain validation costs. They told us about the global supply chain pressures, the fragmentation of the supply chain between the public and private sector, and many other issues, including insurance. You will read that in the report. I am not able to go through them.

Mr. Deputy Speaker Sir, we want to laud the achievements of KEMRI in initiating automated testing, developing a whole genome sequencing, developing screening kits and VTM. However, the potential of Kenya's academic and research

institutions in driving Kenya's response to the COVID-19 pandemic remains largely untapped owing to several years of neglect and inadequate funding.

Without going into technical issues, because based on these sittings I have almost become a doctor, the issue of us dealing with HIV/AIDS and Tuberculosis has actually given us quite some capacity in gene expert machines across the country. Therefore, there are just small things that need to be done to add to the capacity of KEMRI.

Mr. Deputy Speaker Sir, I know that my time is up, but if you would allow me just five more minutes to give the recommendations then Sen. (Dr.) Mbitio can pick up from there.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Please, make it five minutes.

**Sen. Sakaja.** Thank you. There are very many recommendations. My Committee has done a thorough job, as you would expect, and so I will try to---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): It is very commendable. We will try and accommodate you, but I am sure that you also want to hear the input of other colleagues.

**Sen. Sakaja:** Mr. Deputy Speaker Sir, there are 44 recommendations, so I cannot read all of them. So, I will look for the top recommendations.

I must say that we need to leverage religious, political and community leaders at all levels of society for the dissemination of well-packaged, COVID-19 public messages.

Further, the current communication and messaging strategy employed by the Ministry needs to be shifted from one that emphasizes criminality, to one that emphasizes social responsibility and solidarity. We do not preach fear any more, let us preach social responsibility and solidarity.

Mr. Deputy Speaker Sir, the ongoing efforts by the Ministry of Health should include the proposed Universal Healthcare (UHC) Scheme and the NHIF benefits package needs to be fast-tracked. There is a role that we are playing as the Senate.

We have asked the Ministry of Health to provide a report to the Senate on the whereabouts of the 30 ventilators it is said to have purchased. In order to narrow the alarming gap in critical care services across the counties, we have recommended that a grant from the COVID-19 emergency fund be provided for every county to make sure that every county gets 10 extra ICU beds. That is a very specific proposal. We also recommend that this Kshs5 Billion grant promised to county governments be released. As at the time we spoke to them, they had not seen it.

County Assemblies need to speedily ensure the passage and proper prioritization of supplementary budgets needed by counties to enable implementation of county-led response plans.

Mr. Deputy Speaker Sir, we have said that a conditional grant be provided for counties for services foregone that is equivalent to the annual costs of releasing postgraduate doctors who have gone on study leave.

The Ministry needs to fast-track the activation of gene expert machines in counties and scale up the supply of sample collection kits.

Furthermore, it needs to fast track accreditation of regional laboratories in Machakos, Wajir, Malindi, Busia and Trans Nzoia, as well as the International Livestock Research Institute (ILIRI), the International Centre for Insect Physiology and Ecology (ICIPE), the African Medical Research Foundation (AMREF) and the United Nations (UN).

On top of that, I have spoken about Dr. Lutomia and we have asked that an amount of Kshs790 million be allocated to KEMRI. However, NHIF needs to expedite the release of all NHIF payments due to hospitals, including private hospitals. This is because they are really stretching their capacity at this time, and the Ministry needs to fast track appointment of the new Pharmacy and Poisons Board (PPB).

We need to expedite publication and implementation of the Mental Health Taskforce Report.

We need to make sure that we have adequate Personal Protective Equipment (PPEs). In ensuring the quality and standards, they need to engage the health workers, who are the end users. They are the ones who are going to wear them, so they need to be engaged on quality assessment for both locally manufactured and exported PPEs and the Kenya Bureau of Standards KEBS has to ensure strict adherence.

Mr. Deputy Speaker Sir, I will ask the Members to go through the report. There are very many other recommendations and you will be proud to note that as of today, this Committee has now held 33 sittings, and we continue to play a part on all those five thematic areas. A more comprehensive detailing of the Committee's observations and recommendations are contained in a matrix in the final chapter of this Report that goes to each and every part of it.

As I conclude, allow me to once again thank your office and the Office of the Clerk. The staff of the Senate, as I always say, are possibly the most amazing public officers, and they can even compete with many private officers in terms of their professionalism, alacrity and resource. Many times, when we ask the questions to even the professionals, because we have the professionals in our teams, they get shocked. I will shed more light in the next meeting.

Finally, Mr. Deputy Speaker, Sir, we know this is a tough time. Allow me to say this. I will not read the report next Tuesday if certain Ministries do not comply. There are certain Ministries that have been playing cat and mouse games with this Committee. We want to tell them politely that oversight has not been suspended by COVID-19. The Senate needs to play its role but we are not doing so in antagonistic manner. I think around five CSs have met us and they left enriched with new ideas. We have others who are calling back asking when the next meeting will be.

We have some Ministries that have been avoiding meetings. They should come so that we support each other. This is the time we should show leadership and partnership. All of us should play our roles from the different places we work in this Republic.

We assure our continued support to the Council of Governors (CoG), the County Assemblies Forum (CAF), the Kenya Medical Association (KMA), the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU), and all the stakeholders who came as we continue fight this pandemic. We will definitely overcome as a country.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Sakaja. I think the report is extensive and you have tried to do justice. Who is your Seconder?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I wish that you allow Sen. (Dr.) Mbiti, who is the Chairperson of the Committee on Health, to second.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Before I allow Sen. (Dr.) Mbiti to second in not more than 10 minutes, I want to give directions. After this, I will propose

the question where each Senator who wants to speak will get not more than five minutes to do so.

Around five minutes to time, I shall put the question so that we get the report because it is a weekly report on the matters as they are now. We do not want a carry over to next week because there will be another report. I will give further direction so that the report is not just a piece of beautiful academic policy in the workplace.

What is it, Sen. Sakaja, before I give the Seconder the Floor?

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker, Sir, for that direction. I wish to request further that once the question has been put, you allow us to move the Bill.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): As you have mentioned, then we need to agree to stop at 6.15 p.m., or put the question by that time. What is the mood of the House? What is it, Sen. Mutula Kilonzo Jnr.?

*(Sen. Mutula Kilonzo Jnr. Spoke off record)*

You were applauding the Chair? Thank you, Sen. Mutula Kilonzo Jnr. Sen. (Dr.) Mbito, I saw the Committee on Health engaging on the sad death of the late Prof. Ken Walibora that occurred at the Kenyatta National Hospital (KNH).

**Sen. (Dr.) Mbito:** Mr. Deputy Speaker, Sir, as I second this Motion by the *Ad Hoc* Committee, let me state that my able Chair has canvassed well on these matters. He has given a good summary of the issues we have covered.

Mr. Deputy Speaker, Sir, without fear of contradiction, I want to say that we have covered most of the stakeholders in the health sector. We sat down and listened to them and we got their concerns. I just wish to make a comment or two on what we have noticed so far.

In as much as the Ministry of Health has been supportive in terms of coming up with measures on how to address the issue of COVID-19, as a Committee, we still felt that there was some disconnect between the national and county governments. When we talked to the CS, we got many good promises, the kind of engagements he has to make with the counties, the resources he has to make available, and how they have identified areas where people can be quarantined. However, we realised that they have not gone to the ground.

Let me make a comment on community health workers. We met the CoG and the Chairman, Gov. Oparanya, confirmed that he has 3,000 community health workers in his county while Isiolo has about 700. When we asked him whether that was the case for the whole country, he gave an answer in affirmative. In Trans Nzoia, which is my county, we do not have any community health workers. If that is the case in my own county, what about other counties? That is the big question we need to ask.

The CS for Health, Hon. Mutahi Kagwe, informed us that he will send community health workers to every county. Where did the money for Trans Nzoia County where we even do not have any community health workers go? We are being told that right now, a lot of training for community health workers is going on and Personal Protective Equipment (PPE) is being procured for them as well because they are some of the frontline workers. Without community health workers, we cannot effectively deal with COVID-19. That is one of the issues I wanted to point out and request the county governments, county assemblies and my fellow Senators to be on the lookout because a

lot of money will go to the counties and we need to oversight and ensure that the money is put to good use.

I would also like to talk about restriction of movement of persons and other measures such as the curfew that have been put in place. We discussed these matters with the CS. The question is; do we just put these measures in place and hope that COVID-19 will go away? Once an area is locked down, the first thing should be testing. People should be tested and whoever is positive should be isolated. However, for our case, we have the curfew but nothing is going on. Why lock down a place like Kibera and do nothing? What is the national Government's intention of putting such restrictions? Testing should be done to know who is COVID-19 positive.

The other question is; are the isolation centres ready? I can assure you that those centres in the counties are not ready. Let it not be a talkshow. We should act. We hope that governors who will be given the money will ensure that testing is done and whoever is found positive is quarantined or put in isolation centre.

As my Chair has said, more work is going on and we will be keeping the House informed on whatever comes up during the course of our work.

With that, Mr. Deputy Speaker, Sir, I beg to second and thank you.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Proceed, the Senate Minority Leader.

**The Senate Minority Leader** (Sen. Orenge): Thank you, Mr. Deputy Speaker, Sir. I thank the *Ad hoc* Committee on COVID-19 Situation in Kenya for this Report. This is not the first Report they are making, but we can already see the fruits of the work. I hope that when you consider the legislation, some of what is born in the Report will find itself in the legislation.

Earlier on, Sen. Khaniri described this as a war except that this is a silent war with an invisible enemy. In every war, there are always merchants. This pandemic may not end in the near future. The estimations are that probably the worst cases may go beyond the year, but thereafter, it may keep on recurring. There should be some synergy between the *Ad hoc* Committee and the Committee on Health so that this is an ongoing exercise during the period at which there is national attention to this pandemic.

Mr. Deputy Speaker, Sir, as I said, normally there are merchants of war. In this particular case, we must watch out for these merchants. The taxpayer has already played his part and Parliament is playing its part. As you know, when funds are made available in billions, there is likelihood that there would be no transparency and accountability. That goes without saying, in Kenya, there are those problems that we are going to encounter in the course of this pandemic.

Those who remember the National AIDS Control Council (NACC) which was established under the Office of the President in 1999, suffered from many problems, including loss of taxpayers' money. In this regard, I hope that part of the role that this *Ad hoc* Committee is going to play is to make sure that the money that is made available for this process is properly used.

Mr. Deputy Speaker, Sir, on the second issue, you remember the case of Madison, by Chief Justice Marshall. That case in a way involved former American Presidents. It

was about an official who had been appointed by one President and the other President would not appoint. The good thing about this case is that, it led to probably a decision and a case in America which is greater than any other in constitutional law. It showed that however high the office is, you cannot sack or refuse to appoint or sack and fire public servants or State officers.

In Kenya, I know you remember the case of Mr. Steven Mureithi who again was sacked by former President. The matter was later on resolved by the courts.

I hope that the Cabinet Secretary (CS) who is in charge of the Ministry of Health and a former Senator is doing a very good job. I have no doubt about his capacity. However, there are things that if you begin to do they may erase the good work that one is doing. The public officers who are leading this charge, particularly the scientists, should not be treated in a manner in which it appears the Director of the Kenya Medical Research Institute (KEMRI) was being treated.

Mr. Deputy Speaker, Sir, when we were appearing for doctors with my colleague, Sen. Mutula Kilonzo Jnr., many people did not realize that at one time we will need these doctors. Now the whole world is looking for doctors. In fact, the other day could you imagine Somalia sending 20 doctors to help Italy? Can you imagine just like we have Cuban doctors here, another 200 went to South Africa? Doctors and health workers play a very important role.

I hope we will not just appreciate them now but even in the future. When there is a crisis like the one we have at the moment, that is when some people become very difficult. Our doctors and health workers have shown that they are true patriots and heroes. They should be so recognized.

Mr. Deputy Speaker, Sir, the other day, I saw on the social media, somebody who had been frustrated at Mbagathi Hospital and wanted to commit suicide. You could see all the health workers including nurses praying to this guy and tweeting; "please do not fall from the roof to commit suicide". These are some of the issues they are dealing with and yet they have not been trained to deal with them.

Thirdly, the counties are not very well prepared. They are completely unprepared. You find that in a county, somebody goes into a hall somewhere and says this are going to be our wards for the quarantine. Somebody sees that a stadium in the United Kingdom (UK) of the United States (US) has been turned into a hospital or a conference center, and they also go to a stadium and put some tents there and hope that, that will deal with this pandemic.

A time has come and I hope the governors will realize that they should be ready for these pandemics. Some of them if they do their work properly - like I am seeing the Governor of Mombasa County seems to be readier than even the national Government. You can even see that in the US, some of the States are doing much better than the Federal Government.

Mr. Deputy Speaker, Sir, finally, we live in a different world and science is very important in the current world we live in, be it in climate change or things confronting humanity. We should have people properly trained. We should have more research institutes and not just KEMRI. We need more of those institutes being given money.

One of the issues that the Chairman of this Committee should look at is whether we are giving our research institutions sufficient funds and resources so that we are not just good at sacking them. When occasion arises, we also look at whether they are



properly trained and whether they have the right facilities. We want to see a Mr. Fauci in the Kenyan context who speaks the truth to power.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Proceed, Sen. Farhiya. Order, the Senate Majority Leader!

**Sen. Farhiya:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I thank the Committee and the CS for the Ministry of Health whom I did not have an opportunity of knowing but is doing a very good job under very difficult circumstances. Apart from the few hitches like the sacking of that person and the burial of the Siaya gentleman, overall, he is doing very well.

I see a lot of opportunity in this pandemic in terms of how enterprising this country is. It is in such a way that right now, we are producing our own personal protective equipment (PPE) and masks. Some students are also doing trial for ventilators, if we are to progress to the next level, and I need this Committee to follow up on this one. In terms of our manufacturing dream and creating more jobs, I see this pandemic as an opportunity for us to develop our manufacturing capacity.

Mr. Deputy Speaker, Sir, I do not know whether this can be legislated but we have a lot of cheap products from other countries. I do not want to name them. They are stifling our small industries that would have come up. It is high time that the Government and everybody else became patriotic to this country to ensure that we realize our potential by protecting the small industries from cheap imports.

The other issue I see as an impediment to manufacturing in this country is scarcity of electricity. To date, a county such as Wajir, we have problems in terms of electricity and blackouts in the whole county that is paralyzing everything. We are still using generators and are not linked to the national grid despite our counties great potential in terms of green energy such as solar.

This country is not tapping into that. As long as electricity is expensive the way it is right now, we will suffer from competition from other countries. This is because electricity is one of the essentials we need for manufacturing.

Other than solar, we have rain water. There has been a lot of rain of late which we keep on wasting and it has been causing floods in communities instead of utilizing it to harness the hydroelectricity that we have access to. All these are these issues we need to have access to so that we become industrialized as a country.

As my colleagues have mentioned, there are many counties that are not prepared for this pandemic. The Committee needs to fastrack inquiry into this matter.

The other issue is on the media reports about Senegal mass producing testing kits. I think our economy will continue suffering as long we are on partial lockdown. Although we are not in total lockdown, there is a lot of economic loss. If we can give royalty of 50 per cent of what they are producing in Senegal, we can give them that royalty and then we can also help them to produce masks because we have a capacity to do so. That will be another way of ensuring that people are tested. The virus can be eliminated in each place. If we know that, for example, a place such as Nairobi, everybody has been tested and the virus is not there, then people can start doing business. That is an opportunity that we need.

As other Senators have mentioned, we also have our capacity in terms of producing our own test kits and better research. All these are avenues that we need to explore as the Committee interrogates this issue.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Watch your time.

**Sen. Farhiya:** Mr. Deputy Speaker, Sir, this will enable us to move to the next level. I thank you for giving me an opportunity. I also have some amendments for the Bill that is coming.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): We have not reached there. You are pre-empting debate. Well done, Sen. Farhiya.

Proceed, Sen. (Dr.) Lang'at.

**Sen. (Dr.) Langat:** Thank you, Mr. Deputy Speake, Sir, for giving me this opportunity to make my contribution. I thank the Committee for the good work they have done and a lot of effort that they have put in, despite the challenges that the country is currently facing.

My worry is that as much as we are fighting COVID-19, there are many challenges facing our people, especially in slums because of lack of food. My worry is that we might be fighting COVID- 19 only for our people to die as result of malnutrition.

What are we doing to the street children to alleviate their suffering? I saw some well-wishers yesterday trying to feed some street children who are so malnourished that they were almost unable to speak.

There is a strong disconnect between the Ministries of Health and Education. I have seen the CS, Ministry of Education coming up with some weird statements to do with education during this period of COVID-19.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order! You need to be a bit Parliamentary. Unless you have a substantive Motion, I do not think it is very appropriate to say the CS for education is coming up with “weird statements”.

Maybe you say he is issuing some statements that require further reflection or something like that.

**Sen. (Dr.) Langat:** Exactly, Sir. We shall go in that direction maybe from next week. Many people are also worried about matters to do with education, examinations and the rest. I tend to think that we shall as a Committee on Education take that up so that he may shed some light on the same.

I am happy that they touched on motivation of the health workers. It was unfortunate that Dr. Joel Lutomia was sacked during this period of time when his services are needed most on such a singular error or anything like that.

Mr. Deputy Speaker, Sir, you are a professor. To build a career to professorship or to be a director of an organization in this country, it is not something easy. For us to allow somebody's career just to die at once like that, is unpalatable. It is so serious. I know Dr. Joel. He has been hardworking at KEMRI. This is the time we need one another. We need to motivate health workers in one way or another.

To ruin his career in such a simple way sends a message to our workers in this country that they can be hardworking, but one omission can completely mess up their careers. I thank the Committee that they are already on it and we expect that that matter will be solved amicably.

I join the rest who are saying that the fight against COVID-19 in our counties has not been felt. One of those counties is Bomet. I was asking them what they have received from the national Government and they told me that they had only received a thermometer gun worth Kshs6,000, yet we hear the Government is spending almost Kshs1billion every day. Where does this money go to?

Our oversight in this area should be strengthened so that we may know where taxpayers' money is going to.

I am in the *Ad Hoc* Committee on Medical Equipment Scheme (MES) where we have sensed a lot of scandals. We are seeing scandals in reality. I am afraid that the way we are conducting things on matters COVID-19, it might also lead us to the same direction that we are wasting taxpayers' money.

Mr. Deputy Speaker, Sir, on the issue of quarantine, I am against the idea of mixing in the same facilities those who are abusing the directives of the Government with those who are genuine, which has raised a lot of stigmatization and that that is why they are running away.

In fact, I talked to the one who was followed up to Kericho-Bomet boarder who had run away from the quarantine facility. He told me that the quarantine facilities are so dangerous because people are not observing social distancing. These facilities are congested. They are bathing in one place. It is easier for one to be COVID-19 positive in those facilities.

That is why they are running away.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Avoid repetition. Proceed, Sen. Shiyonga. Let us go to the point.

**Sen. Shiyonga:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the *Ad Hoc* Committee Report on COVID-19. I will start by thanking the Committee Chair and the Members, who have worked round the clock to make this Report.

The country is at war and we are not different from other countries that have fought this war and are still at it. In Kenya, we are fond of taking advantage of any little aspect for intervention. We want to reap where we have not planted. I am talking about transparency and accountability.

There is so much money that has been mentioned, especially the Kshs40 billion that the Cabinet Secretary said has been spent. We need to know exactly how this money has been spent. It will not be the usual story that money has been spent, yet it has not. It is not time for Kenyans to listen and be told what has not been done. It is time to fight COVID-19 and I urge this Committee to find out where the money has gone from those responsible.

It is time for money to reach the counties, so that they justify to their citizens that they are working together with the national Government and not in isolation. It is very sad when we hear that money is being used during this pandemic, yet we do not have a substantive Auditor-General in the country. In Kenya we have many scandals when it comes to money. It is high time that the Executive appointed and we ratified the appointment of the Auditor-General, so that the office is occupied and money is accounted for.

I will go straight to the issue of quarantine, which is a good measure to deal with the pandemic. However, this approach has been abused and turned to a prison cell or victimization. There is money being collected in quarantine facilities. Can we know from the people who are handling these quarantine centers, who collects the money, how it is collected, why it is being collected, how much is collected and the accounts this money is taken to? Who suggested that money be collected from the people who are quarantined,

putting into consideration that some people got themselves into this situation without their knowledge or because of the contact tracing?

Lastly, this is notification to the Committee. We have a very important cadre of health personnel, who are always forgotten when it comes to accessing the patients. These are the health records and information officers who are front liners. There are receptionists who receive these patients and they are always forgotten while collecting views. I urge the Committee to allow these people to speak their minds, because they are the first people who receive the patients, record and keep the confidentiality of these patients. They are important and need to be protected and talked to.

Mr. Deputy Speaker, Sir, I will not leave the Floor without speaking on the issue of sacking or alleged demotion. I happen to work with the Ministry of Health and KEMRI. It is very unfortunate that when the Kenya Medical Research Institute (KEMRI) is putting its best foot forward to make sure that Kenya gets the best results when it comes to handling this pandemic, its personnel are demotivated. The sacking of the head of the institution is a demoralization to other people. This move may make them not work in line with their profession and expertise.

Mr. Deputy Speaker, Sir, it is my prayer that when they look at these issues, they will help us know exactly what happened so that justice can be done.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senator. Sen. Mutula Kilonzo Jnr., proceed.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Deputy Speaker, Sir. Thank you for being patient with us throughout the event on this session. I also thank the Committee led by Sen. Sakaja and his Vice Chairperson, Sen. Kasanga, for doing a good job. The Report is good.

I have a few points which I think should be considered. Sen. Sakaja, it would not be justice to Kenyans living in China if you do not include a statement in your Report about these people who are being harassed as a result of this Covid-19, and similarly condemn the statement by the Principal Secretary (PS) about the plight of these people.

Two, it is not enough for Sen. Sakaja to say that public servants are doing a good job under Article 232. You should make a recommendation that they should be recognised including the MCA from Nairobi City County who has taken upon herself this job of dealing with Covid-19.

Three, the question of disclosure of people's illnesses cannot escape the Committee's attention. We are dealing with it in the Committee on Justice, Legal Affairs and Human Rights. However, it is very unfair to hear that you are Covid-19 positive in a press conference and you are not even aware. We cannot violate the rules of professionalism in terms of confidentiality of somebody's plight or disease simply because of this disease.

Mr. Deputy Speaker, Sir, I have said this before and I think Sen. Sakaja must mention to the Ministry of Health when they meet them. When I listen to Hon. Mutahi Kagwe and sometimes Hon. Mercy Mwangangi, they remind me of my favourite WWF wrestling person called Undertaker. Every time he used to walk into the ring, the lights used to go off and something nasty would happen.

The messaging about Covid-19 must change. The People in Makeni County and other places in Kenya do not think there is Covid-19 in the country. They are not taking it seriously because as every Senator says, you have not seen the free sanitizers. I saw

Nzioka Waita publishing on *Twitter* a mask of anything. I think possibly, they need to change their messaging. If possible, they can go to several counties and address them from there.

The miracle workers, including the Governor of Murang'a County with a 21 day hospital and an Intensive Care Unit (ICU), these are things that I think there are people who have become jokers. I saw an article in the *Daily Nation* about a 2- day hospital. This has exposed us to what we have said all along; that counties have paid lip service to the health function.

Therefore, Sen. Sakaja, if teachers can get a risk allowance when they are teaching in North Eastern Kenya and those counties considered insecure, why can our doctors and nurses not get a risk or appreciation allowance? Just something out of the money that the Government is collecting. I find it inconsistent for the Government to fly a chopper – I have said this before and I will say it on record – to appreciate medics and ask God to bless them and they are not appreciating them in terms of Personal Protective Equipment (PPE) and making sure they are safe together with their families.

Mr. Deputy Speaker, Sir, Sen. Sakaja mentioned about the regulations which they keep changing. The question about Siaya County and who should be buried---. Sen. Faki told us in the Committee on Justice, Legal Affairs and Human Rights, that they buried a gentleman in Mombasa County. Since he is a Muslim, his children were outside. That number of 15 excluded his family. Is 15, for purposes of burying these victims, a number that is cast in stone? That must be addressed because there are people who have four wives.

The late Akuku Danger had as many wives as you can imagine. The Committee must address this matter because we are in the process of stigmatizing the disease and also jeopardising some very sensitive things about burial rights. You know how, Sen. Ochillo-Ayacko, you consider burials. We do the same. Please, can we find some humanity in the way we do these things; the software and hardware?

Generally, I thank the Committee for doing a good job and making sure that as we go along, let us tell Kenyans it is not over yet. I think the worst is yet to come. We cannot relax this thing. We must continue to tell people to wash their hands every day even if they have to repeat. After all, we go to church every Sunday to be told that Jesus is coming. We never get tired of going to church. So, we must continue preaching this message.

Lastly, this is what I want to say to the churches---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Please, wind up.

**Sen. Mutula Kilonzo Jnr.:** If we can open a restaurant for people to go and eat, why can we not open a church for people to go and pray? I was in Canada and they closed the airport, but they allowed the Catholic Church to continue. You do not have to congregate, but you can allow people to go one by one or five people to pray.

After all, we start our National Anthem by saying, "O God, of all Creation." It is a legitimate issue.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Colleagues, we are not doing so well. I will allow one or two others, then we leave it there.

Sen. Sakaja, on the issue of your Bill, I will direct that it be prioritised as the first item for next sitting. I will liaise with the Senate Business Committee (SBC) for that to

be effected. I will be proposing that the normal Statements unless it is an emergency, be done after your Bill and Report should ordinarily take priority. Today we took a lot of time on the ordinary Statements, which have ended up almost being the same thing, but less time for your Report.

I will allow one or two, then, for the convenience of the House, I will ask that we adjourn. I will reduce the time further to three minutes.

**Sen. Seneta:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to add my voice on this important Report.

From the onset, I want to congratulate the Committee for coming up with a very nice Report. However, I want to point out some four concerns.

We agree that this is a very difficult time for the country and the world as a whole. However, the involvement of all stakeholders and institutions is important. I want to appreciate the fact that the Committee has said that they have met all the Ministries. However, we still need to hear from other institutions what they are doing; what efforts they are putting in place. For example, we need to hear much from the Ministry of Education and what they are doing to salvage the situation of our children who are home and some who have no electricity or gadgets to use for learning.

Mr. Deputy Speaker, Sir, we also need a clear budget guideline on what has been spent and what needs to be spent on what. In the Report, I see that there is a gap because we needed to get facts on how much has been spent on Personal Protective Equipment (PPEs), how much has been spent on the personnel; are the personnel given allowances? Has their salary been increased and by how much and in which counties? We need to get facts.

Sen. Sakaja needs to give us a factual report; a report with figures on what has been spent on what.

Finally, we also need to get a well written report on the measures that can help the needy people in our counties. Our counties are suffering because people have no water and they are being told to wash their hands. What is the Ministry of Water doing about this? Some people are starving---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Shiyonga? Are you on a point of order?

**Sen. Shiyonga:** Mr. Deputy Speaker, Sir, I just wanted to know if we have Misters here or hon. Members?

**The Deputy Speaker** (Sen. (Prof.) Kindiki): We have Hon. Senators.

Sen. Seneta, be guided accordingly and summarise.

What is it, Sen. Sakaja?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, on a point of information. If the Senator would like to be informed, I think when I moved this Report, I was very clear that this Report is on health issues.

We are further engaging the Ministry of Foreign Affairs on the issue of China. We will also engage the Ministry of Education.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You said that it is thematic and that is why I was guiding Sen. Seneta.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, this morning, we were with the Ministry of National Treasury and Planning. Earlier on, I gave the information on the actual

finance issues. All of this will come, but it has come in bite-sized packages. These is only on the health issues, but we are considering everything.

**Sen. Seneta:** Thank you, Mr. Deputy Speaker, Sir. We would really wish to hear because this is a big concern. We are hearing of so many donations that are not reaching our counties.

I was also talking about what the Ministry of Agriculture---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Your time is up. You must learn how to use a short time. Who has not spoken? Which Senator has not spoken this afternoon? Sen. Ochillo-Ayacko spoke. Every Senator on the Majority side spoke.

Sen. Were, kindly proceed.

**Sen. Were:** Thank you, Mr. Deputy Speaker, Sir. I will also be very brief.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have three minutes.

**Sen. Were:** Mr. Deputy Speaker, Sir, I would like the Chairperson of the Committee on COVID-19 to look at the National Hospital Insurance Fund (NHIF). NHIF reforms---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it Sen. Ochillo-Ayacko?

**Sen. Ochillo-Ayacko:** Mr. Deputy Speaker, Sir, I want to urge you to exclude me from those who have spoken. This is because I just rode on a Statement that was raised, however, if there is time, include me.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Noted. Thank you. Sen. Were, kindly proceed.

**Sen. Were:** Mr. Deputy Speaker, Sir, when the Committee on COVID-19 will be looking at NHIF, I urge the Committee to look at the proposed NHIF reforms in relation to COVID-19; what they need to do to cushion Kenyans.

I also want to join my colleagues in saying that the Government needs to stop making quarantine a criminal issue leading to stigmatization.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You are just repeating what every Senator has said this afternoon.

**Sen. Were:** Mr. Deputy Speaker, Sir, I want to qualify that further and emphasize on proper cooperation and coordination between the Ministry of Interior and Coordination of National Government and the Ministry of Health on the matter of criminalizing quarantine. That is where my differentiation comes from.

We were also told about modelling numbers and how we might lose up to 30, 000 people. I urge the Government, through this Committee, to try and localize some of the recommendations by the World Health Organization (WHO) because environments around the world are different.

Mr. Deputy Speaker, Sir, on the issue of Dr. Lutomia, we understand that the Cabinet Secretary (CS) for the Ministry of Health could be under a lot of pressure. We would like to urge him to focus on fighting the COVID-19 and not fighting with our frontline workers.

In every war, we have war profiteers. I would like the Chairperson of the Committee on COVID-19 to look at the allegations that donations brought to us by Jack Maa are being sold by unscrupulous traders in collaboration with the Government officers. Therefore, take note of this war profiteers. Who are they? How do we deal with them?

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Well done. Sen. Ochillo-Ayacko, kindly proceed.

**Sen. Ochillo-Ayacko:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important matter.

First, I want to take this opportunity to congratulate the Committee on COVID-19, specifically the Chairperson of the Committee for the passion and interest he has shown while steering that Committee. That is wonderful. I also want to congratulate you, Chair, for the manner in which you have conducted business today. Most of us have had an opportunity to speak.

I just want to say two things: One, I listen to the CS, Hon. Mutahi Kagwe speak every day and I am impressed. I would like to associate myself with the manner in which he is addressing the nation. However, there is something missing in the briefings that are being given. If I was to psychoanalyze the briefings, they are sad and worrisome. They kind of give somebody a Pygmalion effect. You look at the future and see gloom, sadness and hopelessness.

Mr. Deputy Speaker, Sir, I want the Committee and the Cabinet Secretary to also give us hope. We want them to tell us how we are going to cope with this disease in future. My thinking is that coronavirus will be with us for a long time. We need to have hope. We need to see Government activities on the ground so that our people get to think of how life will be with Coronavirus.

The current information that we are receiving is that do all these things because Coronavirus is dangerous and it is killing. However, we also need to know that we will live with it. We will continue operating with it for a long time. I want to urge the CS to have a message of hope and encouragement so that we do not suffer from Pygmalion effect.

Lastly, I also want to join my colleagues who have talked about accountability. I want to specifically point at an aspect of accountability that most people are not talking about; that is value for money. People may be talking about actual money, shillings and cents or dollars and pounds, but there is need for our beloved Committee to device a mechanism to assess value for money. We want to know the monies that the public have contributed for this cause and how it is being utilized. We also want to know whether the donations that we have received are being put in areas that give us returns for them.

With those very few remarks, I want to thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Sakaja, you may reply in less than 3 minutes before I make further directions.

Sen. Pareno, do you want to add your voice?

**Sen. Pareno:** Yes, Mr. Deputy Speaker, Sir. I would like to add my voice on this by saying two things: First, I take this chance to celebrate those in the frontline. I take time everyday to watch the CS, Mr. Kagwe and the Chief Executive Officer (CEO), Ms. Mwangangi, briefing the nation. I know it is not easy for them to come out every day with accurate figures. I have seen the CS appealing to the youths of this country to follow the laid down guidelines. We celebrate our doctors, nurses, community workers, volunteers, donors and all others who are trying to save the people in this country.

The next thing that I would like to talk about is some of us who live along the border have had the chance to look at how our cattle markets are operating. I am not sure whether the free movement of people, goods and services should continue in this



particular manner. Maybe this Committee can also look at how our borders are operating, especially the one-stop border post in Namanga and Busia.

It may be too late for us to say that somebody who crossed is infected. The other day we had a report of a suspect who travelled all the way from Busia, Kapsabet and then Sultan Hamud where some of us live, without being tested. By the time a report is reaching that this person is supposed to be quarantined, the trail and contacts are already there.

I think we need to have a different approach to the free movement of persons in our borders within the East African Community (EAC) and that is one thing that I want to hear the Committee handle when it comes to looking at the social impact.

Mr. Deputy Speaker, Sir, I join my colleagues in celebrating this Committee for doing a good job.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Sen. Sakaja, you can reply.

**Sen. Sakaja:** Thank you very much, Mr. Deputy Speaker, Sir. I want to thank the Members who have contributed to this Report. On behalf of the Committee, we are grateful for all the encouragement and we will not relax. We will continue working hard. Truly, the real stars in this work are the members of our Secretariat because they do not sleep.

We have noted the concerns of Members and in subsequent Reports, for instance, on the issue that Sen. Pareno is raising, we have had engagements with players in the transport sector. We know what is going on there.

We are scheduled to meet the CS this Friday as well as the Ministry of Interior and National Coordination and NTSA. We have issues with some of those people crossing the borders. We had 50 Kenyan drivers quarantined in Rwanda. We also have issues at the Ugandan border, Malaba and Namanga. So, all of those concerns will be raised with the relevant people. So, we take note of these concerns. As you said, this is evolving.

Sen. Were asked about the role of the NHIF in the fight against COVID-19. We keep dealing with them. However, what we are trying to formulate is that at a certain point when we have made final recommendations on a specific issue, then we will pack them and hand it over to the Departmental Committees to continue dealing with these issues.

Whether it is health, budget, transport or labour. That is what we shall continue to do.

Thank you, Mr. Deputy Speaker, Sir, I beg to reply and ask that putting of the question be deferred.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): How have you made that application?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, based on the mood and our capacity to make that decision at this point.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Who has determined that the decision-making has to proceed this way or that way?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I take back that request.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Please do.

**Sen. Sakaja:** I realize that we have the capacity to make the decision.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The Senate of the Republic has that capacity.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I withdraw.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. I know where you are coming from. I need to give the following directives before I proceed.

I have looked at this Report. The overwhelming majority of recommendations are extremely important and immediate. We are in an extraordinary situation. This Report does not address an issue that is with us all the time. These are extraordinary circumstances. The look of how we are working in this Chamber tells you what we are dealing with. It is quite urgent, immediate and of great sense of priority.

I make these remarks because I have seen a number of recommendations could touch on functions of counties. However, I take the view that this Report ought to be adopted by way of acclamation. Reading the mood of the House, I did not feel aggravation or opposition. All of us agree that we are in a pandemic, time is not on our side and Government needs to act. There is no need delaying a decision only for us to lose thousands of Kenyans, God forbid.

For that reason, I will continue to study this Report after this sitting. If I discover that there is anything that requires a different mode of voting, nothing prevents me from using the structures of the Senate. Nothing prevents us from distilling any items from this Report in future and converting them into a proposition that can be voted for in the normal way since there is nothing in the Standing Orders that prohibits us from doing that.

As for now, neither of this decision need to be made. I direct that once the Senate takes a decision on this Report, it be shared tomorrow morning with the National Emergency Response Committee the one that deals with this pandemic so that the Senate does not sit in this dangerous circumstances in vain to discuss things which nobody will take interest in. I have studied this Report and I see important and critical recommendations that can change the entire scenario around this pandemic.

I thank you, Sen. Sakaja and your team. All the Senators and staff of the Senate who are supporting the Committee are part of the frontline workers. This is more of an essential service that the Government is talking about. Therefore, we shall move and take a position. I direct that the Report be shared with the National Emergency Response Committee that deals with this matter.

I further direct that once the Report is adopted, it is shared with the CoGs who are major stakeholders with the request for the council, through the secretariat to disseminate the said Report down and cascade to all the 47 counties.

By the time we meet next week at 2.30 p.m., perhaps, the Chairperson of the *Ad hoc* Committee on the COVID-19 situation in Kenya may be able to tell us whether progress has been made, whether there are new issues, *et cetera*.

I see that everybody is in agreement with the Chairperson. On that note, I will put the question.

*(Question put and agreed to)*

Many thanks. Just before we sum up - again, a kind request because we are sitting in very constrained times - I will propose to the Senate Business Committee that next week, a similar Motion on the progress and the Bill take absolute priority. If possible, this

includes jumping the calling of the other Orders and just going straight there. Once we dispose of them, we can now read Order Nos.1, 2, and 3, because it will save time.

The second request is that unless something is urgent, and I have not seen much of this today, let us avoid procedural interruptions, because we do not have the luxury for too much neatness. Some of the small things, except those that deal with health issues, which the Chairperson is enforcing for the sake of our health, let us just ensure that there are no interruptions. This is so that we feed the country with what you Senators have said; both caution and hope. I heard you correctly, Sen. Ochillo-Ayacko on the need for caution and hope.

Having said so colleagues, I will now apply Standing Order No.32 and adjourn the Senate for now.

### ADJOURNMENT

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senators! It is now 6.25 p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until Tuesday, 5<sup>th</sup> May, 2020, at 2.30 p.m.

The Senate rose at 6.25 p.m.