

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 4th March, 2021

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

INQUIRIES ON VIRTUAL SITTINGS OF THE SENATE

The Speaker (Hon. Lusaka): Hon. Senators, I have a Communication to make.

As you may be aware, several inquiries have been made by Senators on various platforms on the holding of virtual sittings and specifically on whether or not all Senate sittings are virtual.

Let me start by reminding the House that in July, 2020, the Senate amended its Standing Orders to provide for virtual sittings primarily to mitigate the risks posed by the Covid-19 pandemic. You will no doubt recall that subsequently, the first virtual sitting of the Senate was held in December, 2020.

Hon. Senators, the Standing Orders define a virtual sitting and provides the circumstances under which virtual sittings may be held. Specifically, Standing Order No. 2 defines a virtual sitting as-

“A sitting of the Senate or meeting of a Committee of the Senate conducted through the use of a video link technology platform, and shall include-

(a) a hybrid sitting or meeting consisting of Senators who are physically present at the location of the sitting or meeting and Senators who participate in the sitting virtually from a remote location through the use of technology; or

(b) wholly virtual, where all Senators or members of a Committee participate in a sitting or meeting of a Committee virtually from a remote location through the use of technology.”

Hon. Senators, Part XXIXA of the Standing Orders states that it applies to a sitting of the Senate where a physical sitting is not possible, as the Speaker may, in consultation with the Senate Business Committee (SBC), determine.

In particular, Standing Order No.251(b)(1) provides that-

“Where the Speaker determines that a sitting of the Senate is to be held virtually, the Speaker shall issue a notice to all Senators specifying-

- (a) the business to be transacted;
- (b) the date and time of the sitting; and
- (c) the online platform through which the sitting shall be conducted.”

The upshot of this is that a virtual sitting is an exception and not a normal event due to the prevailing circumstances which makes a physical sitting not feasible.

Hon. Senators, this means that the circumstances have to be considered on a virtual sitting in advance and a determination made on how the sitting will be convened and conducted.

That is the reason I have been issuing guidelines pursuant to Standing Order No.251 (a) (4) on holding of virtual sittings including dissemination of log-in credentials.

I hope that this communication clarifies the matter.

I thank you.

Next Order.

PETITION

ILLEGAL ENCROACHMENT OF LAND IN LAMU COUNTY BY WITU LIVESTOCK COOPERATIVE SOCIETY

Sen. Loitipitip: Thank you, Mr. Speaker, Sir, for giving me this opportunity.

The Petition to the Senate is by members of the White House Progressive Community Based Organization and residents of Mavuno Sub-location in Lamu County concerning illegal encroachment of land by Witu Livestock Cooperative Society.

Mr. Speaker, Sir, the salient issues raised in the said Petition are:

(1) THAT, the White House Progressive is a registered community based organization that represents farmers and squatters living and working in various portions of land covering the villages of Pangani, Nyatha, Kaisari, Mavuno, Poromoko and Widho in Lamu County.

(2) THAT, the farmers and squatters have settled and established their livelihoods in the said portion of land since 2011;

(3) THAT, the encroachment and expansion of the said portions of land by the Witu Livestock Cooperative Society has brought about conflict causing the resident of this land to live in fear of forceful eviction;

(4) THAT, the petitioners have made their best efforts to have these matters addressed by the relevant authorities all of which have failed.

Mr. Speaker, Sir, the petitioners, therefore, pray that the Senate investigates this matter with a view to-

(1) Initiate a process to ascertain the true ownership of parcels of land in the said area.

(2) Plan a physical visit to Lamu County by the Senate Committee on Land, Environment and Natural Resources so as to meet the various squatters and understand the nature of land issues in Lamu County.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

I do not see any interest. Therefore, pursuant to Standing Order No. 232(1), the Petition should be committed to the relevant Standing Committee, for its consideration.

In this case, I direct that the Petition be committed to the Standing Committee on Land, Environment and Natural Resources.

In terms of Standing Order. No.232, the Committee is required, in not more than 60 calendar days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

I thank you.

We move on to the next Order. The following Statements have been deferred.

STATEMENTS

ADDRESSING CORRUPTION IN POLICE RECRUITMENT

STATUS OF ACCESS TO INFORMATION REGULATIONS
IN THE ACCESS TO INFORMATION ACT OF 2016.

OPERATIONALIZATION OF THE PROPOSED LEGAL AID FUND
IN THE LEGAL AID ACT OF 2016.

OUTBREAK OF FOOT AND MOUTH DISEASE IN NAROK COUNTY.

DEPLORABLE STATE OF PUBLIC SCHOOLS IN RURAL AREAS

PLIGHT OF SUGARCANE FARMERS IN THE SUGAR-BELT REGIONS

ALLEGED IRREGULARITIES IN THE AWARD OF TENDERS
FOR PRE-EXPORT VERIFICATION

(Statements deferred)

CLIMATE SMART AGRICULTURE PROJECT IN LAMU COUNTY

Sen. Loititip: Thank you, Mr. Speaker, Sir, for giving me this opportunity.

I rise pursuant to Standing Order No. (48) (1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the Climate Smart Agriculture Project in Lamu County.

In the Statement, the Committee should-

(1) state how much the World Bank has released to the County Government of Lamu towards the climate smart agriculture project in the county;

(2) provide a list of approved programmes and evidence of public participation on the projects agreed upon;

(3) indicate the progress of implementation of the identified projects and cost incurred so far;

(4) explain the mode of identification of beneficiaries, service providers and project managers; and lastly,

(5) spell out measures put in place to ensure funds allocated to the projects are not embezzled by corrupt persons.

Sen. Sakaja: Mr. Speaker, Sir, I am not commenting on the Statement. I want to make a request. You have read out six Statements yet the Senators that sponsored them are not available. There is a long list of Statements by other Senators and all of them cannot be scheduled.

Many Members are here on time but are told that their Statements will come later. Therefore, I request that you do not just defer the Statements but also put them at the end of the queue so that those that are available can table theirs. This is because these same ones will be listed next week as the first Statements yet some of them have been here for a while. So, I request that you not only defer but they go to the end of the queue so that Members that are available can issue their Statements. That is my kind request.

The Speaker (Hon. Lusaka): I will make a ruling on that.

Proceed, Sen. Kinyua.

Sen. Kinyua: Thank you, Mr. Speaker, Sir, for giving me this opportunity. This Statement by Sen. Loiptip is very important because in my county, we normally get money coming from different quarters. The money allocated to climate smart agriculture should be accounted for properly.

Many a times, when money comes to our counties, nobody seems to care how much has been brought, how it is spent, and who are the beneficiaries, especially for this one that is going to Lamu, it should be very clear who the beneficiaries of these funds are. They must be the people who are responsible. In the first place, it should be the people who have farms, so that they can do farming.

Mr. Speaker, Sir, you will find that in many counties, money goes to the county for a certain project, even if it is about water, and the people who benefit from those funds are not even the residents of that county. It is very important that when money goes to the county, it should be used properly and the people who are supposed to benefit should benefit from this money.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Dullo.

Sen. Dullo: Mr. Speaker, Sir, I just wanted to improve on a comment made by Sen. Sakaja. I know that some time back, the secretariat has been very good as far as business in the Order Paper are concerned. The secretariat used to call individual Members or even sent a message to them to alert them that their Motion or their Statement appears on the Order Paper.

I would urge that the secretariat helps us in getting individual Members to be available for their Statements. If they are not available, it can be dropped, because there are so many Statements that are pending before the House. As a result of the number of Statements we have, they have not been brought on board. I think that the secretariat can help us in that manner, so that the rest can present their Statements to the House.

I thank you.

The Speaker (Hon. Lusaka): Sen. Seneta.

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me a chance to add my voice to this Statement by Sen. Loiptip of Lamu County.

There are quite a number of grants that we receive from international communities, the World Bank, and several other sponsors to our counties. However, when you look at how they are spent on the projects that are supposed to be supported by these grants, you rarely get the information on how much these monies were.

At times, you also get projects that are done halfway. You get projects that are not being supervised. At times, they are done very shoddily, and so it is important that we should see what kind of projects that these grants that are given to our counties are intended for. We should have a list of these projects, how much they are allocated for, and whether there was any public participation.

There are quite a number of markets that we hear about in our counties that are being done by the World Bank, but at times, they have been left uncompleted for some time. I think it is important that there is a framework of monitoring and evaluating these projects, how much they are allocated for, and how these allocations are being implemented in our counties.

I congratulate Sen. Loitiptip for having brought this Statement. I urge the Committee that they really insist that there should be full implementation of these programmes, and a proper monitoring and evaluation system, which you can easily follow up on what is being done using these grants in our counties.

I thank you.

The Speaker (Hon. Lusaka): Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Mr. Speaker, Sir, these grants which go to the counties are mostly misused. In many cases, you will see that they have a problem and the project stays for so long because the county is supposed to bring a certain amount, but they do not usually do it. Sometimes when they bring the World Bank team to look at that project somewhere, they find that something else have been done. The project was changed.

In Wajir, I know it is not only the climate, there is the problem of water which has been there for the last seven or eight years. The dams which were supposed to be done two years ago have not been done. I think that this Committee should seriously look into these issues, so that we know what really happens in these areas. Some of the staff in the counties are being transferred on and off, and nothing really works in some of these areas. This is a waste of resources.

Thank you.

The Speaker (Hon. Lusaka): I do not see any more interests. Let us get a Statement from the Senate Majority Leader. Just before the Senate Majority Leader comes, Sen. (Dr.) Musuruve, I know that your Statement was approved, although it is not on the Order Paper. You can read it first, then the Senate Majority Leader.

CELEBRATION OF INTERNATIONAL WOMEN'S DAY

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity to make a Statement of general topical concern on the celebration of International Women's Day.

Mr. Speaker, Sir, I rise, pursuant to Standing Order No. 47 (1), to make a Statement of general topical concern on the annual International Women's Day (IWD), celebrated on 8th March every year.

IWD is a global day celebrating the social, economic, cultural and political achievements of women. The day also marks a call to action for accelerating women's equality. IWD has occurred for well over a century, with the first IWD gathering in 1911, supported by over a million people. Today, IWD belongs to all groups collectively and everywhere. IWD is not country, group or organization specific.

Mr. Speaker, Sir, although Africa has been slow in embracing women leaders in politics, there is an exclusive group of female presidents who have laid the foundation for future female leadership in Africa. I take this opportunity to celebrate this group of women. Just to mention some of them, Ellen Johnson-Sirleaf, the Liberian politician who served as the President of Liberia from 2006 to 2018. She was the first elected female Head of State in Africa.

Next, there is Joyce Banda, who was President of Malawi from 7th April, 2012 to 31st May, 2014, becoming the second female to be elected president in Africa. She founded the People's Party in 2011, and had previously served as the country's first female Vice President between 2009 and 2012. Sahle-Work Zewde of Ethiopia is among 54 Presidents in Africa.

Sylvie Kiningi served as Prime Minister of Burundi from 10th February, 1993 to 7th October, 1994. During this period, she also served as the acting president of the country from 27th October, 1993 to 5th February, 1994 after the Burundian President Melchior Ndadaye was shot and killed. Following Ndadaye's death, Kiningi continued to govern the country as acting president for three months.

Dr. Ivy Matsepe Casaburi of South Africa served temporarily as the acting President of South Africa for four days in September, 2005 when President Thabo Mbeki and his Vice President were out of the country.

She was in the same position for three years later for 14 hours on 25th September, 2008, acting as the Interim President between the resignation of President Thabo Mbeki and new President Kgalema Motlanthe taking office.

Mr. Speaker, Sir, the seats taken by the above women in leadership is in line with this year's International Women's Day (IWD) theme "Choose to Challenge". In the Kenyan scenario, the likes of Prof. Wangari Maathai, Prof. Phoebe Asiyo, Gov. Charity Ngilu and Ms. Mary Atieno, the visually impaired gospel singer, among other women has proved that one can choose to challenge.

I celebrate the bulk of diverse women who have singlehandedly taken care of their children, providing for all their necessities and being there for their families as they play the dual role of mother and father. Some of these women are single, not always out of choice. Some are widowed, separated, abandoned and so on. Some of them, through their many struggles, have managed to raise the great leaders that we have in the world today.

It ought to go on record that currently, many women who are also mothers and wives have opted to go the extra mile of going back to college to enhance their education despite their tight schedules as wives and mothers. We need to commend the efforts of such women as they have chosen to challenge. They deserve to be given an opportunity to prosper and mentor their significant others.

Mr. Speaker, Sir, women have a major role to play in development. They play a catalytic role towards achievement of transformational economic, environmental and social changes required for sustainable development. Women empowerment not only benefits their families, but also the society and the country's overall economic productivity.

Although most women lack legal ownership of land, they have a major role to play in rural development, food production and poverty eradication. It is important to acknowledge that empowerment of women is a necessity for the very development of a

society since it enhances the quality and quantity of human resources available for development. Women empowerment and achieving gender equality is essential for our society to ensure sustainable development of a country.

Mr. Speaker, Sir, I want to celebrate a special category of women that is rarely commended. These are women who have given birth to children with disabilities. Some of them have been abandoned, divorced by their spouses, ridiculed, labeled by the society and alienated because of the physical, social and mental orientation of their children. These women have not given up in playing their motherly role despite the odds that they encounter. May God bless them and rejuvenate their strength.

As I conclude, I want to wish everyone a happy International Women's Day and urge every one of us to deliberately endeavor to make a socio-economic impact in the lives of the women we interact with. In line with this year's theme, I dare say that a challenged world is an alert world and from challenge comes change. So, let us all choose to challenge.

Thank you, Mr. Speaker, Sir, for the opportunity.

The Speaker (Hon. Lusaka): Majority Leader, proceed.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 23RD MARCH, 2021

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, Pursuant to Standing Order No.52(1), I hereby present to the Senate, the business of the House for the week commencing Tuesday, 23rd March, 2021.

As hon. Members are aware, the Senate is scheduled to proceed on a two-week recess at the rise of the House today, until Monday, 22nd March, 2021. Regular sittings will, therefore, resume on Tuesday, 23rd March, 2021. On that day, the Senate Business Committee (SBC) will meet to schedule the business of the Senate. The Senate will consider Bills at the First Reading, Second Reading and at the Committee of the Whole stages respectively.

The Senate will also continue with consideration of business that will not be concluded in today's Order Paper, including Motions, Petitions and Statements.

On Wednesday, 24th March, 2021, the Senate will continue with business that will not be concluded on Tuesday, 23rd March, 2021, and any other business scheduled by the SBC. On Thursday, 25th March, 2021, the Senate will continue with business that will not be concluded on Wednesday, 24th March, 2021, and any other business.

Mr. Speaker Sir, with respect to Bills, I had reported last week that the Senate was in the process of republishing Bills in line with the judgment of the High Court in Constitutional Petition No. 284 of 2019. As at now, 19 Bills have already been republished. Out of the 19 Bills, seven are undergoing concurrence pursuant to Article 110(3), while nine have been approved for First Reading as indicated in today's Order Paper.

Hon. Senators will also note that the Constitution of Kenya (Amendment) Bill, 2020 has also been scheduled in today's Order Paper for First Reading, in line with the Speaker's directive issued yesterday.

As you are all aware, upon First Reading of a Bill, it is referred to the respective Standing Committee for consideration pursuant to Standing Order No.140(1). I take this

opportunity to urge the concerned Standing Committees to expeditiously consider the Bills listed for First Reading in today's Order Paper and to table reports pursuant to Standing Order No.143.

The Speaker (Hon. Lusaka): There is a point of intervention from Sen. Kinyua.

Sen. Kinyua: Thank you, Mr. Speaker, Sir. I am struggling to hear the Majority Leader. I thought that I have problems with my ears, but it has been confirmed that even Sen. Linturi cannot hear.

The Speaker (Hon. Lusaka): Leader, be audible.

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, could the technician help me by adding the volume? I do not doubt Sen. Kinyua's hearing at all, I know him to hear from afar. Does that mean that I go over this again? How far?

Mr. Speaker, Sir, let me just pick from a point in this Statement. On Wednesday, 24th March, 2021, the Senate will continue with business that will not be concluded on Tuesday, 23rd March, 2021, and any other business scheduled by the SBC. On Thursday, 25th March, 2021, the Senate will continue with business that will not be concluded on Wednesday, 24th March, 2021, and any other business.

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I take this opportunity to applaud committees for their efforts in processing filed statements and petitions referred to them. However, there still remains a high number of Petitions pending conclusion in the Senate. I urge respective Standing Committees to use the coming recess period to consider and table reports on Petitions as required under Standing Order No.232(2).

In conclusion, I thank all Senators for the dedication and commitment they have continued to show in their work in service to the people of Kenya.

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

Thank you, Mr. Speaker, Sir.

(Sen. Poghio laid the document on the Table)

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

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. (Dr.) Ali.

Sen.(Dr.) Ali: Mr. Speaker, Sir, we have a problem with Statements which I have brought several times here concerning the Committee of National Security, Defence

and Foreign Relations on issues of somebody who died and others who have disappeared. Some of them I asked in November last year and I have not got any answers.

Could this Committee expedite and give us information on these Statements that we ask here?

The Speaker (Hon. Lusaka): Where is the Acting Chairperson of the Committee of National Security, Defence and Foreign Relations?

Sen. (Dr.) Ali: Mr. Speaker, Sir, he is not here.

The Speaker (Hon. Lusaka): He is not here, but we will tell him to expedite the Statements, especially those as you have rightly said where people have died or have been threatened so that we are able to dispose of them.

Next Order.

BILLS

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2020

The Speaker (Hon. Lusaka): Hon. Senators, after consultations with our Committee on Justice, Legal Affairs and Human Rights and that of the National Assembly, I wish to defer Order No.8. I will give more information at a later date.

(Bill deferred)

Next Order.

First Reading

THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)

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

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 29 OF 2020)

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

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)

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

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE SALARIES AND REMUNERATION COMMISSION
(AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)

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

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE COUNTY LICENSING (UNIFORM PROCEDURES)
BILL (SENATE BILLS NO. 32 OF 2020)

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

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)

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

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE COMMUNITY HEALTH SERVICES BILL
(SENATE BILLS NO. 34 OF 2020)

(Order for First Reading read – Read the First Time

and ordered to be referred to the relevant Committee)

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE POLITICAL PARTY PRIMARIES BILL
(SENATE BILLS NO. 35 OF 2020)

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

The Speaker (Hon. Lusaka): Next Order.

First Reading

THE NATIONAL FLAG, EMBLEMS AND NAMES
(AMENDMENT) BILL, (SENATE BILLS NO. 36 OF 2020)

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

The Speaker (Hon. Lusaka): Hon. Senators, I wish to defer Order No.18 and go to the next Order.

MOTION

ADOPTION OF CPAIC REPORTS ON THE AUDIT
OF VARIOUS COUNTY EXECUTIVES FOR FY 2014/2015

THAT this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the Bomet; Homa Bay; Isiolo; Kakamega; Kiambu; Laikipia; Kisumu; Mandera; Migori; Mombasa; Murang'a; Nandi; Nyeri; Samburu; Siaya; Tana River; Tharaka Nithi; Trans Nzoia; Turkana and Wajir County Executives for the Financial Year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Thursday, 18th February, 2021.

(Motion deferred)

Next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)
[The Speaker (Hon. Lusaka) left the Chair]

IN THE COMMITTEE

[The Temporary Speaker (Sen. Pareno) in the Chair]

THE MUNG BEANS BILL
(SENATE BILLS NO. 09 OF 2020)

The Temporary Chairperson (Sen. Pareno): Hon. Senators, we are going to proceed to the Committee of the Whole on The Mung Beans Bill (Senate Bills No. 09 of 2020).

Clause 3

(Question, that Clause 3 be part of the Bill, proposed)

Hon. Senators, Division will be at the end.

Let us have the Mover; the Chairperson Standing Committee on Agriculture, Livestock and Fisheries. I am told Sen. (Rev.) Waqo you are standing in for the Chairperson.

Sen. (Rev.) Waqo: Yes, Madam Temporary Chairperson.

The Temporary Chairperson (Sen. Pareno): Let us move on to Clause 4.

Clause 4

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move-

THAT clause 4 of the Bill be amended in the introductory clause by inserting the words "in consultation with the Council of County Governors," immediately after the words "the Authority".

The Temporary Chairperson (Sen. Pareno): You already said that it be amended as per the Order Paper. Therefore, that is sufficient.

(Question of the amendment proposed)

Division will be at the end.

Clause 5

Sen. Wambua: Madam Temporary Chairperson, I beg to move-

THAT clause 5 of the Bill be amended in paragraph (k) by inserting the words "mung beans and" immediately after the words "management of".

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

Clause 6

Sen. Wambua: Madam Temporary Chairperson, I beg to move-
THAT clause 6 of the Bill be amended-

- (a) by inserting the words “mung beans and” immediately after the words “production of” in the marginal note; and
- (b) in sub-clause (2) by inserting the words “mung beans and” immediately after the words “stability of” in paragraph (c).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

Clause 7

Sen. Wambua: Madam Temporary Chairperson, I beg to move-

THAT clause 7 of the Bill be amended in sub-clause (2) by deleting paragraph (g).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

Clause 8

*(Question, that Clause 8
be part of the Bill, proposed)*

Division will be at the end.

Clause 9

Sen. Wambua: Madam Temporary Chairperson, I beg to move-

THAT clause 9 of the Bill be amended in sub-clause (1) by deleting the words “of mung bean or mung bean products unless the person has obtained a licence from the relevant county executive committee member” appearing immediately after the words “large scale trading” and substituting therefor the words “in mung beans or mung beans products unless the person has obtained a licence from the relevant county government”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division at the end.

Clause 10

Sen. Wambua: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting clause 10 and substituting therefor the following new clause-

Application for licence. 10. (1) A person who intends to market, process or carry out large scale trading in mung beans or mung beans products shall make an application for a licence to the county licensing committee in the form prescribed by the county executive committee member.

(2) The county licensing committee shall notify an applicant of the decision on an application for a licence within twenty-one days.

(3) A county government may enact county legislation setting out—

(a) the criteria for the issuance of a licence within the respective county;

(b) information required to be submitted by an applicant for a licence under this Act;

(c) the process of determination of an application for a licence under this Act;

(d) the process of application for the renewal of licences under this Act; and

(e) such other matters as the county government may consider necessary for licensing in the respective county.

(4) In enacting legislation under subsection (3), a county government shall take into account the need to ensure that—

(a) the licensing procedures are simple, accessible and do not impose an undue burden on an applicant;

(b) information regarding the application requirements and procedure is readily available and accessible to an applicant;

(c) the application process is cost effective; and

(d) the licensing process is efficient and transparent and that feedback is submitted to an applicant in a timely manner.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

Clause 11

Sen. Wambua: Madam Temporary Chairperson, I beg to move-

THAT clause 11 of the Bill be amended by deleting the words “county executive committee member” appearing at the beginning of the introductory clause and substituting therefor “county licensing committee”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

Clause 12

Sen. Wambua: Madam Temporary Chairperson, I beg to move—
THAT clause 12 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “A county executive committee member” appearing at the beginning of the sub-clause and substituting therefor the words “A county licensing committee;

(b) in sub-clause (2) by deleting the introductory clause and substituting therefor the following introductory clause—

(2) A county licensing committee shall not cancel a licence issued under this Act unless the county licensing committee—

(c) by deleting sub-clause (4) and substituting therefor the following new subclause —

(4) A county licensing committee may, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)(c) for such period as the county licensing committee may consider necessary.

(5) in sub-clause (6) by deleting the words “A county executive committee member” appearing at the beginning of the sub-clause and substituting therefor the words “A county licensing committee.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will at the end.

Clause 13

The Temporary Chairperson (Sen. Pareno): I am told that there is an amendment to Clause 13 by Sen. Wambua and a similar amendment by the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries represented by Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I withdraw the amendment in favour of the Mover’s proposal.

(Amendment withdrawn)

Sen. Wambua: Madam Temporary Chairperson, I beg to move—

THAT the Bill be amended by deleting clause 13 and substituting therefor the following new clause—

Appeal. 13. (1) A person who is aggrieved by the decision of a county licensing committee under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee member.

(2) An appeal to the county executive committee member shall be in such form as may be prescribe in the county legislation.

(3) The county executive committee member shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the

county licensing committee.

(4) A person who is aggrieved by the decision of the county executive committee member may, within thirty days of the decision, appeal to the High Court.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

Clauses 14-20

(Question, that Clauses 14-20 be part of the Bill, proposed)

Division will be at the end.

Clause 21

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move-
 THAT Clause 21 of the Bill be amended by deleting the words “by the Authority as the case may be,” appearing immediately after the words “issued or made.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

New Clause 9A

Sen. Wambua: Madam Temporary Chairperson, I beg to move-
 THAT the Bill be amended by inserting the following new clause immediately after Clause 9-

County licensing
 committee.

9A. (1) Each county executive committee member shall, for the effective performance of section (9), establish a county licensing committee.

(2) A county licensing committee shall consist of the—

(a) a chairperson;

- (b) one person representing growers of mung beans in the respective county; and
- (c) three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture.

(3) The chairperson and member under subsection (2) (a) and (b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.

(4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the county gazette.

(Question of the New Clause 9A proposed)

(New Clause 9A read a First Time)

(Question, that New Clause 9A be read a Second Time proposed)

(Question, that New Clause 9A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

New Clause 9B

Sen. Wambua: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by inserting the following new clause immediately after Clause 9-

Qualifications for
appointment.

9B. A person shall be qualified for appointment as a member of the county licensing committee under subsection (2)(a) and (b), if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least five years' experience in the agricultural sector; and
- (c) meets the requirements of Chapter Six of the Constitution.

(Question of the New Clause 9B proposed)

(New Clause 9B read a First Time)

*(Question, that New Clause 9B be read a
Second Time, proposed)*

*Question, that New Clause 9B be part of the
Bill, proposed)*

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

New Clause 9C

Sen. Wambua: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by inserting the following new clause immediately after Clause 9-

Term of appointment.

9C. A person appoint under section 9A (2) (a) and (b) shall serve for a term of three years renewable for one further term.

(Question of the New Clause 9C proposed)

(New Clause 9C read a First Time)

*(Question, that New Clause 9C be read a
Second Time proposed)*

*Question, that New Clause 9C be part of the
Bill, proposed)*

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

Clause 2, The Title and Clause 1

*(Question, that Clause 2, the Title and Clause 1
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Pareno): Division will be at the end.

We will now report progress. I call upon the Mover.

Sen. Wambua: Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee of the Whole do report to the House its consideration of The Mung Beans Bill (Senate Bills No.09 of 2020) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Speaker (Sen. Pareno) in the Chair]

PROGRESS REPORTED

THE MUNG BEANS BILL
(SENATE BILLS NO. 09 OF 2020)

Sen. (Rev.) Waqo: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered The Mung Beans (Senate Bill No.9 of 2020) and seeks leave to sit again tomorrow.

Sen. Wambua: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report.

Sen. Omogeni: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Next Order.

MOTION

PROVISION OF MONTHLY STIPEND TO CANCER
PATIENTS IN HOSPITALS

THAT AWARE THAT, in Kenya leading cause of death after infectious and cardio-vascular diseases, with the annual incidence of cancer closing in on 37,000 new cases with an annual mortality of 28,000;

FURTHER AWARE THAT, the economic impact of cancer is significant, and is increasing with staggering consequences occasioned by increased medical costs, lost income, and the financial, physical and emotional burden placed on families and caregivers during treatment time;

ACKNOWLEDGING THAT, while Kenya is among the state parties that signed and ratified the Abuja Declaration that affirmed that state parties shall set aside at least 15 percent of their annual budget to improve the health sector, and that Article 43(1)(a) of the Constitution of Kenya states that everyone has a right to the highest attainable standards of health;

NOTING THAT, the Ministry of Health has put in place the National Cancer Control Strategy (2016-2020) aimed at implementing a coordinated and responsive cancer control framework that leads to the reduction in incidence, morbidity and mortality through effective partnerships for

collaborations for prevention, diagnostics, treatment, palliation and financing of cancer control activities to improve wellbeing of Kenyans;

CONCERNED THAT, gaps in the existing legislative framework such as discriminatory practices in the form of coverage limits and bureaucracies by the National Hospital Insurance Fund (NHIF) and private insurance firms that result in delayed diagnosis, incomplete cancer treatments and inadequate follow-ups that contribute to poor outcomes for cancer patients;

NOW THEREFORE, the Senate calls upon the Ministry of Health in partnership with the Council of Governors to-

- (i) Incorporate county cancer support services in their annual development plan;
- (ii) Partner with stakeholders to create support including counseling services; and
- (iii) Provide cancer patients with free prescriptions, wigs for those who have lost their hair, improvised breasts where applicable, and a subsidy for prostheses.

(Sen. (Dr.) Musuruve on 3.3.2021)

(Resumption of debate interrupted on 3.3.2021)

The Temporary Speaker (Sen. Pareno): I am informed that this Motion had been moved and seconded. It is, therefore, open for debate.

Sen. (Dr.) Ochillo-Ayacko, kindly, proceed.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Temporary Speaker, for the opportunity to support this Motion. I want to request Sen. Wambua to stay behind and support it. There are very many people suffering from cancer in all counties, particularly Kitui and Migori. When we support this Motion, we support our people.

Madam Temporary Speaker, if you talk to the directly affected persons, their families, relatives and friends, the suffering, the agony, and the cost is unbearable. When you are diagnosed with cancer, you suffer mental anguish, financial anxiety, isolation and dejection. Life is about ambition, hope and positive attitude.

Talking about cancer and people who are suffering of cancer maybe easy because it is not directly us. It may be easy because you do not feel the pain directly and not bear the cost directly. It is difficult for somebody somewhere in Nyatike sub county, where there is no cancer centre.

We had the COVID-19 isolation centre in Macalder, I said "we had" because it was a pretext. What we had there were tents with beds, but no personnel because they were on strike most of the time. There was no equipment to test for COVID-19.

We have a place called Kehancha where we have Kuria West sub county referral hospital. We also have another place called Kegonga where there is another hospital and another place called Ntimaru where there is another, pretending to be so.

When we look at these public facilities for treatment of normal ailments - the day-to-day sicknesses - that visit us; malaria, dysentery and other low level and less life-

threatening ailments, there are no personnel, equipment or medicine to support the diseases. When you go to a place in Awendo where I was born and grew up, or Rongo where I represented in Parliament those many years, Uriri, Suna East and Suna West, there is nothing like cancer centre. We have nothing in Migori County.

When we talk about cancer and you are in Migori County, you are talking about a part of Kenya that is abandoned. You are talking of people and a county comprising 1.3 million people without an oncologist or equipment to test whether you have cancerous cells and whether it has reached a certain level that requires immediate intervention.

Madam Temporary Speaker, many years ago when I was powerful - I still am because I represent the powerful people of Migori - I had the misfortune of losing my father-in-law to cancer. Fortunately for him, he had been given four months to live, but we came together as a family and took him to the United States of America (USA). The intervention he got from the USA extended his life for three years. Although he eventually died - may the Lord rest his soul in eternal peace - he was able to look at his life, reflect on it and die when his time had run out.

My father-in-law was polygamous and my eldest mother-in-law had cancer. We were unable to raise money to take her to the USA although I was privileged then, it was not my sole burden; we had to come together as a family and decide what to do. However, before we knew what cancer she had and at what stage it had reached, she had to wait for three months to be seen by doctor at Kenyatta National Hospital (KNH).

Madam Temporary Speaker, using my privileged position then, I requested that her appointment be brought forward. The Chief Executive Officer (CEO) of KNH was Dr. Musau a lady from Kitui - that is why the Senator for Kitui must sit here - I requested her to bring forward her tests. It was brought forward to 19 days from three months. Unfortunately, by the time it reached her turn to be seen by a doctor, she died two days before.

That was KNH for all Kenyans and we did not have any equipment in Migori or any other part of Kenya. You can see how my mother-in-law died. There was nothing we could do to. My father-in-law had died previously and what we did was able to extend his life a little.

What my Sister Sen. (Dr.) Musuruve is asking is something that everybody here should stand and support. We, as a nation, must always come together and face the most difficult challenges that face a nation. We do so on behalf of the people we represent and on our own behalf. When we stand here and talk about Kenyans who have had cancer, including my sister here, who is a survivor of cancer, we are talking real issues because our people cannot afford it.

Nonetheless, we have a Government and we talk to it because we have been elected to do so. We should talk to Government about issues that are germane and pertinent to our people.

On our behalf and on behalf of myself, I ask the national Government to come up with a programme and strategy to support all the persons having chronic diseases. A Government is put in place to pull resources, ideas together and focus on where we are most vulnerable. Not a single individual here, with all the privileges we have, or another one without privilege in the counties we represent would own and fund a facility and train people who can deal with cancer.

In some other life, I had the privilege to be responsible for nuclear matters. Matters pertaining to cancer and radiation were within my ambit. I can assure you at that particular time we did not have oncologists. Other people and I were only able to get few scholarships for people to study in South Africa, Europe and America. Oncology is a difficult course.

After studying, you need equipment to facilitate the experts. Unfortunately, Dr. Kamau who was in the programme that I sponsored and was also sponsoring other people, passed on. He was a victim of cancer. We carried on with Dr. Opiyo and other doctors.

Government must continue supporting this scheme. If we do not support chronic illness, cancer, renal and liver issues and other highly infectious diseases, we are leaving ourselves vulnerable health wise, mentally and economically.

A family that is visited with the misfortune of cancer cannot have savings. You will spend millions of shillings supporting the loved one, be emotionally devastated and unable to be a productive Kenyan. It maybe that the person is the breadwinner of the family. Cancer does not respect age, wealth or anything. We recently lost my neighbour, the late Simeon Nyachae, a person who had immense credibility and wealth. Cancer is not a respecter of those things and will visit anybody, including your family and that of the President, the former Prime Minister and the Deputy President.

I plead that we all pull together towards this common, but devastating enemy. This is what we must do. Other enemies must be faced. The insurance cover we have, for instance, if you have renal problems and you have to dialyse three times a week, it is expensive. Nephrologists are expensive and not found in any county.

I am sure if you went to Migori or Kitui County - I like Kitui because Sen. Wambua is my friend - ask them who a nephrologist is. They will wonder if you are talking about a witchdoctor or a doctor and yet these fellows must be treated, examined and supported.

Our insurance programmes, both private and public, and the policies we have in place offer paltry or inadequate support. That is absolutely nothing. What is life about if there is no support for the needy and the poor?

We sit here as part of Government. Government is public resources pooled together to strengthen and address the needs of the weak and the vulnerable and collective needs of all of us. If you look at our social and economic status in this country, we are all vulnerable.

We may be privileged that we can afford it ourselves, but just look at your nuclear family and go beyond it. If you take your father, mother and cousins, do they have adequate insurance to meet their health needs? You can even look at your village.

If you take the law of averages, we are all vulnerable and represent vulnerable people. If anybody falls sick and is a victim of one of these chronic diseases, that burden will fall on me, but I may be unable to meet it. I may be pretending to be a good politician, but if I cannot meet the needs of my immediate family, supporters and the people I represent, then I am losing focus.

Since we are unable to meet those needs from our individual pockets, we must meet those needs from our collective public pockets. That is not asking too much. I would hate for anybody including myself to lose a loved one because we did not use this platform to represent them well or speak to issues that touch our people.

There are many administrative details that will be part of this Motion. What kind of support should we give these people? This Motion is broad enough because it is not prescriptive. It suggests that we give them support, including stipend for food and other forms of support.

Kenyatta National Hospital (KNH) is a public hospital. It is only in Kisii where we have a referral hospital because we do not have a teaching and referral hospital in the southern part of Nyanza. There is none in Homa Bay and Migori. In Kisumu, we have Jaramogi Oginga Odinga Teaching and Referral Hospital.

We should know the number of experts for chronic diseases that we have there. Remember when you are in a doctor's clinic, for a doctor to examine the trouble you have, it may require laboratory tests and other examinations. The doctor may have to talk to you for about 30 or 40 minutes.

If there is only one doctor or oncologist and the queue has about 40 people in a day, and they can talk to each for 30 or 40 minutes, as a human being, of course they will dispense about seven hours in a day. Those are 14 people. What happens to the other people? As a country, we must get our priorities well.

I am glad that we are prioritizing the Building Bridges Initiative (BBI), which will take additional resources to counties and wards. I believe when those resources are devolved to those areas, the focus will be on well-being.

The first thing that addresses well-being is medical health. The second thing is what you eat and the quality. The third one is your economic and social status. All these must be put together. Overall, all these refer to well-being. Medical health is what enables you to be a robust productive person who is able to generate both income and taxes for the national Government and county governments.

Therefore, it is important that the additional resources, which we hope will be devolved by the passage of the BBI will prioritise health in our counties. They should also address where we are most vulnerable and miserable because of the adversities of chronic diseases.

Madam Temporary Speaker, we should invest more in capacity building and training more experts. We should take stock of all experts we have in the areas we require them. I know my county, Migori, has no pediatrician, ophthalmologist, oncologist and all the "gists" that we must have, yet the population growth expectation and needs have been compounded by COVID-19.

COVID-19 does not respect politicians like me. Cancer, which is chronic, is also there. It does not respect Sen. Omogeni who is my neighbour, Sen. Kasanga or Sen. (Dr.) Musuruve. Therefore, we must take care of ourselves. That is when God will know that, that is our prayer.

If you want to know how God understands that, that is your prayer, do not just open your mouth and blub and tell God that you really need a car or a good house. God must see you at work looking for money. God must see you at work looking for that expert to design your house. God must see you at heart implementing your prayer.

If it is our prayer that we need to deal with cancer and God should intervene, it must be seen from our action that we are doing something, so that God becomes the catalyst and turbocharger, to make true our dreams, because our dreams are seen in our actions and not hallucinations.

Madam Temporary Speaker, I thank Sen. (Dr.) Musuruve profoundly for thinking about where we are vulnerable and where most people do not think about because they have temporary comfort.

I beg to support.

Sen. (Dr.) Mwaura: Madam Temporary Speaker, I want to support this Motion by Sen. (Dr.) Musuruve. This is a timely Motion because it seeks to ensure that the Government is made accountable in regards to oncological interventions for cancer patients.

We are actually facing a crisis of insurmountable proportion because of the manner in which cancer has invaded each and every crack and crevice of our society primarily because of our lifestyles. Of course, human beings have also become innovative, but there are no proper studies that show to what extent the products and the environment are affecting us. We cannot even tell. When we are seated here as distinguished Senators, some of us could be having cancer, but we do not know.

On Tuesday, we buried the former distinguished Member of Parliament (MP) for Juja Constituency, Francis Munyua Waititu, who was my friend, because of cancer. It did not just affect him alone, but also several other members of his family. That tells that it is hereditary and can affect other people more than others.

Therefore, Madam Temporary Speaker, it is extremely important that we have a comprehensive way of dealing with this national disaster.

The fact that cancer is a non-communicable disease (NCD) means that sometimes it will not be taken too seriously because it is not transmittable in the same way as Coronavirus disease (COVID-19) or HIV/AIDS, for example. It does not mean that it does not affect our people. People are suffering in silence.

Madam Temporary Speaker, therefore, we, as this august House, need to find ways. I think this Motion seeks to provide solutions to the problem. I also think that the measures proposed are good especially if you look at provision of a stipend. That then would mean that it will guarantee or accrue to many people despite their type of cancer.

Further, the Motion goes ahead and discusses the specificities of breast cancer and those who lose their limbs, for example. That is okay. However, cancer is so widespread. There is cancer of the colon and we can keep on mentioning.

Madam Temporary Speaker, I have had to help in the treatment of many people with albinism, many of whom have had to die because of skin cancer. It is the number one killer of persons, who are like me. If you look at some of the images, they are horrendous.

You would find someone whose whole face is eaten up and there is a huge hole there, like the lady by the name Ms. Joan Auma. She is a 28 year-old lady, a young mother from Jera in Siaya County, whom we buried last year. By the time we came to find her, it was way too late with regards to her treatment.

Madam Temporary Speaker, there is another gentleman by the name Mr. Ishmael Shikanga from the border of Kenya and Uganda, whom we just discharged from Kenyatta National Hospital (KNH). The bill to treat him was nearly Kshs500,000. He does manual work and does not have anything to eat.

Thank God that in my eight years of being a Parliamentarian, I have been able to institute a programme by the Government that pays for them up to Kshs300,000 or

USD3,000, that is what you say. Someone like Mr. Ishmael Shikanga, even if it went over and above, at least he was able to be assisted by Government.

Madam Temporary Speaker, there are many cases of even recurrence like another young man called Mr. Kuria from Kitale. He is a 20 year old who really is an orphan who ekes out a living by transporting water in jerry cans to people's homes. He got skin cancer on his head. We treated him but then, he had to go back home. He needed care and could not pay rent.

All of those problems of helping here and there and eventually the cancer recurred. You can see the same spot that had been done for plastic surgery, then has to be mended afresh, yet even the compatibility of that transfer has not taken route exactly. We are seeing a situation where many of the cancer patients are not able to sustain their livelihoods because they cannot perform.

Madam Temporary Speaker, it is a question of looking at also not just it as a medical issue. For a medical issue you could say then that you are improving the facilities, which I must agree are not even there. It is also a social issue.

Let me give a practical example. I gave a call of a person who requires to be treated for skin cancer. As their representative, I have to house that person here in Nairobi, be with that individual because by the time, even if it is apparent as night and day, you have to do biopsy. Biopsy is not taken care of by Government. That cost alone is not taken care of by Government.

By the time they get biopsy, for example, at the KNH, they are referred to private hospitals because there is a backlog. After that, even if it is confirmed that they have cancer, to get a bed space at the oncology ward is a nightmare. There are patients who even share beds. To get a slot there and the clinic is on Tuesday is not easy. We are not talking about hypothesis.

Madam Temporary Speaker, we are talking about things that we, as legislators, and I am sure many Senators would agree--- The dual role of a parliamentarian is to do the Westminster aspect, but also to do the African aspect. There is that confluence. You have to take people's medical bills. It is constant. If you do not do it, then you are not serving your people. You are not doing representation enough.

It leads to a question. The Big Four Agenda was very promising, if we can reallocate. We have just come from doing the Budget Policy Statement (BPS). Can we reallocate resources as per this Motion going by the Abuja Declaration, so that we provide for 15 per cent of resources to healthcare?

Madam Temporary Speaker, when we mean healthcare, we do not mean salaries for doctors, which are exponentially very high in comparison to the nurses. I remember one day I was admitted at the Karen Hospital. A doctor who only took 30 minutes charged Kshs52,000, and a nurse who stayed with me overnight, the fee note was Kshs900. How do you explain that disparity? The truth of the matter is that healthcare in Kenya has been marketized and privatized. It is not just a question of putting money into healthcare. The Ministry of Health itself runs 17 payrolls. Over 200 doctors are in administrative capacity rather than treating people. The shortage of doctors is also artificial.

It is only recently that my friend, Dr. Ouma Oluga, was coopted into Government that he was able to convince the additional of both Kshs3 billion under Nairobi Metropolitan Service (NMS) and some 200 doctors are going to be hired. However, even

then, you cannot explain that when you need Wanjiku, Ouma and Kalekye being treated for whatever type of cancer in that local hospital, Kshs98 billion is at the Ministry Headquarters. That means that then it is not a question of allocation.

Madam Temporary Speaker, I have said time and again here also that look at the allocation from National Hospital Insurance Fund (NHIF) payments, which is really our medical social welfare and scheme. It is a health insurance as the name goes by. Out of this Kshs38 billion, Kshs22 billion go to private institutions. It is another conduit for those who open up some clinics.

I remember the big scandal of the clinics sometimes back. It is just to syphon money and inflate medical bills. That means it becomes increasingly difficult for Government to provide for universal healthcare for people who are most deserving. Part of what we do to gain political mileage is to help people waive their medical bills.

Madam Temporary Speaker, I write so many letters every day from people in Ruiru in Kiambu County to KNH to Kiambu Hospital and Thika Level Five Hospital. All of every day and you can see the gratification from people who feel like now---

The gratitude that comes with you helping to clear their bills, including mortuary bills when they have actually died. I remember a little girl the other day called Ms. Jane who also had cancer. She just died and she was very promising. She was only in Form One going to Form Two.

Madam Temporary Speaker, basically, this Motion is good. I wish it can actually go further and legislate, like we have a legislative proposal in terms of amending the Cancer Act if there is any such Act. I remember my political mentor, hon. (Prof.) Anyang'-Nyong'o, was pushing it hard. I also saw in the last Parliament in the National Assembly Hon. Gladys Wanga trying to do so. This is so that whatever proposal that are made here actually see light of day through legislation.

A Motion is persuasive in nature and its implementation is not compulsory. We will speak here, but at the end of the day, what matters is whether we have a Bill. That Bill is a money Bill and, therefore, taxing the Exchequer to ensure that that charge actually sees light of day; we need to discuss.

Madam Temporary Speaker, if we are to provide these stipends, would they resolve the problem? Do we need over and above the stipends to make sure we put in place administrative measures within the said hospitals and medical facilities? That is whether it is inpatient or outpatient. This will cushion this patient from the time that he or she is diagnosed to the time they are able to manage it.

There is also the issue of early detection because most of the time when we talk about cancer, it is sometimes discovered at Stage Three or Four. At that time, it is too late to provide any solution, and then we end up losing our great Kenyans. I just heard my senior, Sen. (Dr.) Ochillo-Ayacko, talking about how an oncology doctor also succumbed to the same. You do not know who is next. It is basically preparing our safety strategy.

We, in Parliament, are very privileged because we have a comprehensive medical insurance. However, it also gets exhausted. I exhausted my medical insurance sometime back and had to apply for ex-gratia for other things, not cancer. That means that we are also not safe. We are here today, but what about tomorrow when we will no longer be parliamentarians for whatever reason? We need to think about this issue.

I would want to encourage the sponsor of this Motion, my colleague, the Senator representing Persons with Disabilities (PwDs), Dr. Getrude Musuruve, that she should

think further in terms of a Bill. Even if it is a money Bill or even if you have to co-sponsor it with somebody from the National Assembly, it is important that we start this process.

The Bill should not just be about us making the text here, it should speak to the realities of how cancer treatment is currently being administered, with a view to addressing such loopholes, so then there is a similar transfer of the treatment procedure. This will ensure that at end of it, we do not lose people because we did not have money, there were not enough doctors and what have you. It is incomprehensive.

As we are doing what we call fiscal consolidation and budget restructuring, it is important to move away from the core infrastructural projects to soft issues that affect the people. If you tell people not to deal with the social issues, it is like telling them not to eat, so that tomorrow, they buy a plane. I do not think that it makes sense. We have got to ensure that we address the issues, so that before people walk on good roads, they are healthy, can smile, speak about their wellbeing and contribute to society because in any country, the best resource is the human resource.

Madam Temporary Speaker, we can speak a lot about it, but I want to imagine that the Mover or the sponsor is actually listening to our contributions. Yes, indeed, this can be the beginning of finding a lasting solution to the many problems that affect those of us who have found themselves as Kenyans with various forms of cancer.

Madam Temporary Speaker, I support.

Sen. Wambua: Madam Temporary Speaker, I thank you for this opportunity to also comment in support of the Motion by my friend and colleague, Sen. (Dr.) Musuruve.

There is no denying that cancer has indeed become a serious problem in this country. In fact, it is moving towards becoming a real pandemic. If one is not infected, then chances are that we are all affected. In one way or another, it is a family member, friend, relative, neighbor or a colleague who has had to suffer cancer.

I appreciate the fact that Kenya is a signatory to the Abuja Declaration, which sets aside at the very least 15 per cent of the budget of the national Government to go into healthcare. Whether we have consistently done that and lived to our commitment, the jury is still out.

In thanking my colleague, Sen. Musuruve for bringing this Motion, I also want to sincerely thank God for her because she is a living example that if cancer is screened and detected at the early stages, it is actually treatable and people can live their full lives.

Everyone is at risk of contracting cancer, a disease that does not discriminate against privilege. Whether you are privileged or less privileged, everybody is at risk of contracting cancer.

Once one gets cancer, it becomes extremely expensive to treat and manage it. I believe that is the reason why when heads of governments and representatives from partner organizations met in Abuja, they said that there was need for a commitment from governments to put a certain percentage towards healthcare.

Madam Temporary Speaker, back home and I must mention this, sometime in 2019, this House constituted a Committee to look into the Managed Equipment Services (MES) in hospitals. I remember that you and I sat in that Committee. We did a lot of work in terms of identifying where the loopholes were on a programme that I am still convinced was very well intentioned.

Madam Temporary Speaker, if MES was implemented according to the initial thinking behind it, perhaps some of the problems that we are talking about today, including the severity of cancer could be minimized. However, as is the case in many Government projects, somebody saw a loophole to enrich themselves at the expense of Kenyan masses.

We must say these things as they are. Our healthcare system is on its knees, both in the counties and in the National referral hospitals. It is almost impossible for an ordinary Kenyan family to independently afford the treatment of a single cancer case in their family. Therefore, the Motion and prayer by Sen. (Dr.) Musuruve that the Government needs to push a lot more funds in the management and treatment of cancer is very welcome.

However, it is not just funds for the treatment and management of cancer that we need to be dealing with. We should look into the issue of funds for training sufficient and quality personnel to treat our patients. We have very few oncologists in this country. It is expensive to train an oncologist and yet they provide a very essential service in the healthcare sector. We need more funds to train a lot more doctors in the area of cancer.

Madam Temporary Speaker, we need more funds, not just to train doctors and treat patients, but also to encourage and demystify early screening. Many people are afraid to go for early screening because of fear of the unknown. They do not know what is going to happen should they be found to have cancer cells in their bodies. There is need for the Government to carry out proper civic education and demystify early cancer screening, so that more people can be screened for early detection and, therefore, early treatment.

Madam Temporary Speaker, the Motion by Sen. (Dr.) Musuruve talks about giving a stipend to patients. When I read the Motion, it talks about “identified hospitals”. I wish to suggest that if a stipend is going to be given to cancer patients, that stipend should go to every cancer patient in every hospital and those who are suffering at home.

If we say that this stipend will be determined by patients visiting certain hospitals, we will be cutting off the people that need this stipend the most. There are patients - and we must say it as it is - that continue to suffer at home because they cannot even afford a visit to hospitals for the management of the disease.

I like the proposal by Sen. (Dr.) Musuruve to give subsidies to cancer prescriptions; not just medicine, but also other appliances like wigs for those who lose their hair, free improvised breasts and other prescriptions.

Madam Temporary Speaker, at times you also wonder how we deal with our situations as a nation. Cancer kills tens of thousands of Kenyans every year. That has been consistent over the years; that has been happening. However, the attention that the Government gives to cancer is so mild that cancer treatment is treated like just any other form of treatment.

This is what baffles me: Just the other day when the COVID-19 arrived in our land, everybody was running up and about, and funds and budgets were found. I remember this House donated over Kshs200 million for the rapid response to the treatment and management of COVID-19 patients.

I am thankful to God that almost a year after the pandemic landed on our land, we have lost very few people and I am very grateful to God for that. However, between the time that COVID-19 arrived here and today, the number of people that we have lost to

cancer is almost 10 times, but you do not see that panic reaction, that urge by Government to deal with cancer. This is a collective shame to many of us.

When we attend burials of people who have succumbed to cancer, that is when we hear all the declarations from everyone in Government. They say things like: "From today, we need to focus our attention on cancer; this thing is finishing our people; we are going to set up a referral hospital and a screening center for cancer." However, once we are done by with the burial rites, on the same day, we forget and wait for another day when we will meet and again talk about how serious cancer is after it has claimed yet another life. We should move beyond talk, and walk the talk as a country.

Madam Temporary Speaker, Sen. (Dr.) Ochillo-Ayacko has done well to remind this House that we are part of Government. We cannot sit here and start pointing fingers at other people, saying "they should," or "they have not". We have a role to play as leaders, legislators and people who are privileged to be the champions of devolution; people who are supposed to anchor devolution where health is a devolved function. We should be seen to be doing a lot more than just talking about cancer.

Madam Temporary Speaker, we have all come from counties and these counties have budgets.

These budgets are supposed to reflect the spirit of the Abuja Declaration.

What percentage of our county Government budgets are allocated to health? Even when 15 per cent of their budgets are allocated to health, how much of it goes to treatment of our people? A lot of it would go into payment of salaries for casuals, purchase of vehicles, seminars and conferences.

Madam Temporary Speaker, it is high time that, as Senators, we also realized that we have a role to play and not just apportion blame to other arms of Government. We are an arm of Government with a responsibility to our people, especially cancer patients in the country.

With those many remarks, I support.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker, for allowing me to add my voice to this very important Motion on provision of monthly stipend and other support services to cancer patients in identified county hospitals. I also congratulate Sen. (Dr.) Musuruve for coming up with this Motion. It is very relevant and timely.

There are many Kenyans who are suffering from cancer. As they suffer, the caregivers and family members are also negatively affected. The moment one knows he has a cancer patient, he gets depressed and psychologically stressed because of imagining the suffering ahead.

The news itself is tough enough to affect the infected and the affected. The numbers are increasing and on an annual basis, we lose over 30,000 Kenyans, which is quite high compared to our population of about 50 million.

We do not have a cancer centres in many counties. Thanks be to God, a few days ago, Marsabit County launched a cancer centre. This centre is giving a lot of hope to our people, especially in northern part of Kenya where many people have suffered and are still suffering.

Every day we record new cases of cancer. Due to the poverty level then the only option that people have is to fundraise and try to take their patients to nearby hospitals or cancer centres that offer the services they need.

As we think of cancer centres, we also need to talk about skilled personnel. We may have a cancer centre, but without any oncologist. Therefore, the centre might not serve its purpose. We need skilled staff and other professionals to deal with cancer patients.

Cancer patients need a lot of psychological and even spiritual care to some extent. As we know, Africans normally believe that any problem they go through or encounter mentally or physically is as a result of some other power somewhere. Some people believe they are bewitched or cursed. They always look for sources of the challenges they go through, instead of accepting.

I suggest that besides the cancer centres, skilled personnel, good and experience professionals, we also need counsellors to counsel the cancer patients, caregivers and family members. The news itself is tough and affects people for many years. For example, many people may even develop high blood pressure or become diabetic because of imagining the suffering ahead.

The most important part of this is the financial support that the Motion is proposing. As we all know, to seek medical attention for a cancer patient is not easy in our country. I think one chemotherapy session costs about Kshs50,000. How many people can afford that, knowing that they require to go for two or three sessions per week? That is already Ksh50,000 to Ksh150,000. How many Kenyans can afford it, especially those that have no jobs or business to support them? Financial support to cancer patients can help and give hope to the people who are suffering.

We need capacity building and training of the caregivers. Most of the time, cancer patients may not even be able to sustain themselves in hospitals. They may be at home and they need a lot of care. Without any knowledge of how one can take care of the patient, one may even end up being depressed and die before the patient. I suggest that capacity building, training for caregivers and counselling be given.

Madam Temporary Speaker, we have Kenyans who are gifted and talented who can do research. Let us not just say that the medicine is not there and cannot be found. Let us continue researching and see how we can even reduce cancer by coming up with our own ways of supporting and managing if we cannot cure. Treatment and management of cancer patients is paramount.

I remember at one time Sen. Mugo talking about cancer, its effects and how one can change his or her lifestyle and improve his or her health. She said that our lifestyle must change. We must know what to eat. I remember she said we should especially avoid red meat. For some of us who come from pastoral background, eating meat is part of our life, and we enjoy it. That is why many of our people suffer from this disease.

We should encourage our people to invest in growing traditional food that can improve their health rather than just enjoying the red meat; eating goat's meat and the beef that we have always enjoyed or drinking milk and all these other things. If we avoid all this and change our lifestyle, then we may add some few days to our lives.

Madam Temporary Speaker, the national Government and the county governments must set aside some funds to come up with a system that takes care of the cancer patients, so that from the time that they are diagnosed with the disease, they are counselled and taken care of. We are not saying 100 per cent care, but just a bit of support. A caring nation must take care of the people that God has given it so that we can grow together.

As our children go to schools, we should introduce some lessons on managing cancer. I am happy the Chairperson of the Standing Committee on Education, Sen. (Dr.) Milgo is next to me. We can push for this through the Committee so that as early as the lower primary school, our children can know how they can prevent the disease.

Madam Temporary Speaker, prevention is better than cure. We should emphasize on our lifestyles; what to eat, what to avoid and how we can improve our diets. Our children will grow with the knowledge on how to take care of themselves and their family members. They can be able to give advice if need be. I encourage that we introduce lessons in our schools to take care of our children.

I support this Motion and it is my prayer that one day it will be a Bill.

Thank you.

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

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

The Speaker (Hon. Lusaka): Hon. Senators, you remember earlier on I had deferred Order No.8 upon consultation.

Before the next speaker, I would like to rearrange the Order Paper. We go back to Order No.8. I will make a Communication, then we will continue with our discussion.

(Interruption of debate on the Motion)

BILL

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2020

(Order for First Reading read – Read the First Time and ordered to be referred to the Standing Committee on Justice, Legal Affairs and Human Rights)

COMMUNICATION FROM THE CHAIR

THE PROCEDURE UPON FIRST READING OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2020

The Speaker (Hon. Lusaka): Hon. Senators, you will recall that I directed that the First Reading of the Constitution of Kenya (Amendment) Bill, 2020 be done today.

Standing Order No.140 (1) of the Senate provides that a Bill, having been read a First Time, shall stand committed to the relevant Standing Committee without Question put. In this case, and in line with the directives issued in my Communication yesterday, the Bill stands committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

The Committee is required to hold joint sittings with the Departmental Committee on Justice and Legal Affairs of the National Assembly on the Bill and undertake joint public hearings pursuant to Standing Order 224 of the Senate.

Hon. Senators, in view of the importance and urgency of this Bill in our national discourse, I urge the two Committees to expeditiously consider the matter and give feedback to the Houses accordingly.

Thank you.

We can resume our earlier Order.

(Resumption of debate on the Motion)

MOTIONS

PROVISION OF MONTHLY STIPEND TO CANCER PATIENTS IN HOSPITALS

Sen. Kasanga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Motion brought here by Sen. (Dr.) Musuruve.

I just want to thank Sen. (Dr.) Musuruve for being extremely vocal when it comes to her discourse in the Senate, fighting for the people with disabilities, speaking and opening up her heart and mind to her cause, and indeed, helping a lot of Kenyans and having their voices heard because of her presence in Senate. God bless you for your work.

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

[The Temporary Speaker (Sen. Pareno) in the Chair]

This Motion is very timely like the colleagues ahead of us have said. The statistics on cancer are very scary. The statistics that Sen. (Dr.) Musuruve has highlighted here, with an annual incidence of cancer closing in on 37,000 new cases annually and an annual mortality of 28,000 is very worrying. That is an extremely high mortality rate.

During COVID-19 times, and we know what COVID-19 does; it speeds up when somebody has a pre-existing condition and things like that. I can only imagine what the statistics look like at a time like this today. I thank you for highlighting this issue.

Madam Temporary Speaker, secondly, I agree with Sen. (Dr.) Musuruve on the economic impact of cancer, which we all know. I think there is not a single Kenyan who can stand today and say that they do not know a person who has succumbed to cancer, living with cancer or battling with cancer. We all know the economic pain of having to support somebody with cancer. We have all walked that journey one way or another.

We always know that because of our healthcare system and the status that it is in, many families are just a cheque leaf away from real poverty lines. Cancer is one of those that is so expensive for the people who are suffering and for their families. It causes a lot of distress and the burden is not just physical and financial. We know it is very emotional and it adds to the statistics of mental illnesses because of the emotional trauma that the families have to endure when somebody is diagnosed, has to walk that path and finally

succumbs. The pain is left with the family who have to deal with picking up the pieces of that trauma.

There is no doubt that the statistics that are given here are a cause of worry for us here in the Senate. Rightfully, Article 43(1) (a) states that everyone has a right to the highest attainable standards of health. We are in the advent of the rollout of the Universal Health Care (UHC), and yet, we have this conversation here today; that our cancer patients are not getting adequate support.

Madam Temporary Speaker, we have seen many incidences in this House, starting with the Managed Equipment Scheme Services (MES) and the horror of the report that came to the Senate and had to be rejected. Beneath all that is the underlying corruption; that if it were not there many Kenyans would have found relief from this scheme.

Look at COVID-19 funds. We have a report sitting here in Senate that has highlighted the use of COVID-19 funds in counties, yet we have not even started prosecuting that issue as urgent as it is right now. Sometimes you wonder where the rain started beating us. Why is it that it seems we cannot prioritize the very thing that is at the heart of humanity for Kenyans? Why is it that our Government cannot see that health is such a critical aspect of our Constitution that it needs to be prioritized to the point that by now we should have had the Universal Health Care scheme working across all counties as a matter of priority? What country are we if we are all unhealthy and cannot handle our health situation?

We sit here to lament yet we are the leaders of this country. Sometimes you wonder when the rain started beating us.

Madam Temporary Speaker, Sen (Dr.) Musuruve has told us that the Ministry of Health has put in place a National Cancer Control Strategy, 2016 to 2020, that aims to implement a coordinated and responsive cancer control framework that should lead to the reduction in the incidences of mobility and mortality through effective partnerships for the wellbeing of Kenyans.

Clearly, enough is not being done. This points to our governance. This is because we always lament here in Senate how wonderful we are at drawing up policy papers and other kinds of papers. What happens to those papers? They are somewhere gathering dust, and not being rolled out. The Mental Health Bill being one of them. I have brought that issue here.

Yesterday, I brought another Statement asking about the national plan of action against sexual exploitation of children in Kenya. A plan that had a roll out from 2018 to 2022 complete with budgets, yet not a single part of that policy has been rolled out.

Madam Temporary Speaker, what is it that is making us not prioritize healthcare? I do not know. Sometimes I wonder. The Government has prioritized infrastructure. We have many mega infrastructures being rolled out, but our people are dying of ill health. They are suffering from ill health. It is not just cancer. There is mental illness, malaria, *et cetera*.

However, we have mega roads infrastructure going on. Sometimes, you wonder prioritize issues. Would it not have been better if we first put the health of Kenyans first and make sure we have rolled out a universal healthcare that actually serves Kenyans, so that you can have a healthy population that can participate in making of infrastructure?

Maybe if we had planned differently, it would be Kenyans rolling out this infrastructure. We would have strengthened the healthcare, education system and have our own engineers and contractors doing some of these works. I sometimes wonder how the Government prioritizes issues.

I fear for us. This is because come next year, with the debt ceiling where it is, I fear that we may see instances where tax may be increased. After all, how are these loans going to be repaid if not just by tax? We should not forget that the Government has money. It uses tax. Where is the money to repay some of these loans? Where is the money that will roll out the universal healthcare? It will have to come from the pockets of Kenyans. Therefore, the issue of prioritizing healthcare, in my view, needs to be brought to the Floor a lot more.

As I wind up, there is the issue of the National Hospital Insurance Fund (NHIF) and what it can cover. This is part of the universal healthcare system. We have had a lot of issues with NHIF; what it can or cannot cover. There again goes the kind of things that the Government needs to look into. NHIF should be made operational to cover all aspects of health, diagnosis, treatment and follow up. Not just for cancer, but for everything else.

Madam Temporary Speaker, specific to cancer, I want to agree with (Dr.) Musuruve on what her recommendations in the Motion are. I want to say, yes, our cancer patients need this level of support and a lot more. I just want to add the conversation of food and diet. This is because, I remember Sen. Beth Mugo spoke about it. She is a cancer warrior, survivor and ambassador. She urges that we must go back to our roots with regard to quality of food.

We are now in the era of processed foods. Science and statistics have shown that the more processed foods you eat, the more at risk you are of getting cancer and cancer cells growing into your body.

Sugar is known as one of the worst catalysts of cancer. In fact, they say sugar is food for cancer. There is a lot of literature on the internet on how you can eat well to avert cancer. When you speak to some of the cancer survivors, they will always tell you the kind of diets that they had to go into for them to either fight the cancer, go into remission and fully recover. A lot of it has to do with natural foods and the methods of cooking that are simple, and yet sustainable, especially for the pocket.

It was Sen. Beth Mugo who reminded us that our traditional our traditional vegetables, roots, legumes, beans and maize that our grandmothers used to eat.

In fact, one of my aunties who was suffering from one of these non-communicable diseases was advised that whatever your grandmother used to eat is what you should eat. If your grandmother did not eat sausages, you need to remove them from your diet.

I would like to add on to Sen. (Dr.) Musuruve's Motion and her request that we should have a national conversation on food and diet. We should see community health workers going out and speaking to Kenyans about this at the county level. After all, health is a devolved function.

Let us talk about the right food and diet. We should see the agriculture sector also beginning to have outreach programmes, where agriculture officers go out into the homesteads and advise Kenyans what it is that we are supposed to do that can help us. In the traditional set up, we had a variety of foods that we would farm in our backyards.

This is the sort of conversation that must be brought in if we are going to effectively fight cancer in a sustainable way.

Madam Temporary Speaker, I want to thank Sen. (Dr.) Musuruve. Continue that way. Thank you, for this Motion and for fighting for Kenyans who are suffering with cancer. That is fighting for the entire population of Kenyans. This is because it touches every one of us in one way or another.

Thank you. I support.

The Temporary Speaker (Sen. Pareno): There are no other requests on this matter. I, therefore, call upon the Mover to reply.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to respond. I begin by thanking my fellow Senators or colleagues for supporting this Motion.

Thank you, Sen. (Dr.) Milgo for seconding this Motion. She rightly mentioned that we have to remember that Article 43 of the Constitution demands that everyone has a right to the highest attainable standard of health. Many other Senators have come out to say the same.

She also brought up the issue of early screening. I want to thank Sen. (Dr.) Ochillo-Ayacko who stated that everyone is a candidate of cancer. We should be keen to support the vulnerable amongst us. He also mentioned that we should not take the issue of chronic diseases lightly.

It was also very clear from Sen. (Dr.) Mwaura. Thank you very much for supporting the Motion. He came out to strongly state that the Government should play a role in ensuring that early diagnosis is done. He brought in the issue of biopsy. Biopsy will tell whether someone has cancer, at what stage and what type of cancer so that a treatment plan can begin.

He brought out the issue that the Government should do this for free. This is because most biopsies are done by private hospitals. Colleagues have also come out rightly to say that we need to have legislative measures to cushion cancer patients because of the expenses that are involved.

Thank you very much, Sen. Wambua for supporting this Motion. He mentioned that stipend should be given to all cancer patients regardless of whichever hospitals they go to. Most of the Senators who supported this Motion came out clearly to say that we have to invest in human resource.

We have to invest in human resource, train our own oncologists, pay and encourage them to stick to their jobs. I thank Sen. (Rev.) Waqo, who brought in the issue of counsellors to counsel family members of the people who have cancer and bring hope to them. She also highlighted the issue of capacity building which is important. Finally, thank you Sen. Kasanga for supporting the Motion. She brought in the issue of economic pain that cancer patients go through. I thank my colleagues for supporting this Statement and I hope when it reaches the concerned offices, they will address the issues I brought---

The Temporary Speaker (Sen. Pareno): I had you say, 'this Statement' when it is supposed to be a Motion.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for being keen. It was a slip of the tongue. As a cancer survivor and as I speak on behalf of millions of Kenyans languishing in hospital because of cancer, burying their loved ones and fighting this spirited fight, it is my desire and hope, that this Motion will not be taken lightly and

county governments will intervene and give financial support to cancer patients. Also, that early screening will be free, biopsy will be free and cancer patients who have lost their hair will be given free wigs.

Those who need prostheses will be given for free or a provision of a subsidy to the cancer patients. In addition, the Government organisations and people all over will be empathetic and not fire people with chronic diseases. They should be given a chance to live and be productive members of the society.

I beg to reply.

The Temporary Speaker (Hon. Pareno): Hon. Senators, this being a matter that does not affect counties, I proceed to put the question.

(Question put and agreed to)

Next Order!

FAST TRACKING CULTURAL
DEVELOPMENT IN COUNTIES

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalysed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

(a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties;

(b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

The Temporary Speaker (Sen. Pareno): I am informed that Sen. Kasanga was not able to move the Motion and we therefore defer it.

(Motion deferred)

PARKING CHARGES IN PUBLIC INSTITUTIONS
OFFERING ESSENTIAL SERVICES

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centres, shopping malls and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Ali is not here. Therefore, this matter is deferred.

(Motion deferred)

NOTING OF REPORT OF THE 141ST ASSEMBLY OF IPU
AND RELATED MEETINGS

THAT, the Senate notes the report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU)

and related meetings, held in Belgrade, Serbia, from 13th to 17th October, 2019 laid on the Table of the House on Wednesday, 4th March, 2020.

The Temporary Speaker (Sen. Pareno): Sen. Kihika is not available and this matter is, therefore, deferred.

(Motion deferred)

Next Order!

NOTING OF THE REPORT OF THE 3RD ORDINARY
SESSION OF THE 5TH PAP

THAT, the Senate notes the Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa, laid on the Table of the House on Tuesday, 10th March, 2020.

The Temporary Speaker (Sen.) Pareno): Sen. (Dr.) Ali, the Mover, is not available. This matter is deferred.

(Motion deferred)

Next order!

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED
CALENDAR FOR THE 2021 SESSION

The Temporary Speaker (Sen.) Pareno): The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Poghio): Madam Temporary Speaker, I beg to Move the following Motion-

THAT, pursuant to Standing Order Nos. 28 and 29, the Senate do adjourn until Tuesday, 23rd March, 2021.

This is a straightforward Motion. The Senate from time to time does adjourn in different periods to make sure that Senators go back and interact with their constituents, families and do some work in Committees.

It is usually a good time to recover some of the lost times we have had. We also have an opportunity for Committees to catch up with some of the extensive work they have including; dealing with Statements, Petitions and calling witnesses.

I hope that Members will have no issue at all with the adjournment. In the last Session, there was a lot of interruption on our calendar by Special Sittings. We wondered when we will make recovery of those days. This opportunity gives us a chance to go and settle some of the things we did not get a chance to finish. I urge Members to take dully advantage of the opportunity for the next two weeks to do the work they wanted, including county visits and meetings that are required. I am not required to explain this issue.

I will Move the Motion and ask Sen. Wamatangi to Second.

Sen. Wamatangi: Madam Temporary Speaker, I stand to second the Adjournment Motion by the Senate Majority Leader.

The Constitution of Kenya (Amendment) Bill, 2020, which is pertinent, has been committed to the Houses of Parliament. It requires that members of the public engage with legislators who are their representatives both for voting and opinion shaping. It is an ideal time because Members of this House will engage with members of the public and get to deal with the issues and explain matters that are still hazy where members of the public still require the input of their elected leaders.

It is also noteworthy to note that the Calendar of MPs especially for Senate who are representatives of the counties. One can imagine the load of the Senator for, for example, Nairobi City, Kiambu, Kakamega and many other counties including West Pokot with its vastness. A Senator is required to interact with every member of the public who deserves their audience. I think it is an ideal time.

We are looking forward to a time when we will introduce the use of technology during Senate sittings like we are doing now. We should ask ourselves if it is possible to have some virtual sittings such that, for example, when the Senator for West Pokot is somewhere in the valleys of West Pokot, as long as he can log in, he can engage with the Senate and still carry out his primary and most important role of representing his people and understanding their needs.

Madam Temporary Speaker, as I second this Motion, equally I believe that it will be useful and valuable time to engage with members of the public and reflect on what we have done here to give it more value.

I thank you.

(Question proposed)

Sen. Halake: Madam Temporary Speaker, I rise to support this Motion that has been moved by our Senate Majority Leader and seconded by our Senate Majority Whip.

This is an important exercise in the sense that as much as we are national leaders, the Senate is a counties and devolution based House. From time to time, it is important that we touch base with the counties to do our oversight and also make sure that we are in touch with the people on the ground, so as to legislate and oversight appropriately. It is my humble request that during this period---

We have had quite a bit of a marathon, so to speak, with regard to the House business. If you may remember, we were recalled from recess a couple of times to deal with impeachments and other issues of national importance. It is important that we recover some of that time so that we do not disadvantage the counties and devolution in the process and in our pursuit of national duties.

Madam Temporary Speaker, I look forward to catching up with the counties during the two weeks. I will be travelling tomorrow morning to catch up with herders. I know you are a pastoralist like me. Right now, drought is setting in after the short rains. There are other issues to be looked at.

Climate change is ravaging parts of our counties. We have locust invasion and water and food stress. Examinations will begin in the next two weeks. This will be a good time for us to go and touch base with our constituents in the counties and in the process strengthen devolution.

I look forward to having that working break in the counties.

Sen. (Dr.) Milgo: Madam Temporary Speaker, I also support this Motion for Adjournment. This is a good time for us to go back home and think over some of the issues we have been experiencing of late. Right now the House is almost half empty. That period is enough. By the end of two weeks, most of us will have cleared a number of issues.

We have been having by-elections. As a result, our colleagues have been going out. It is unfortunate that by-elections are heated up to the extent that a number of vehicles are being damaged. I saw a clip of an Independent Electoral and Boundaries Commission (IEBC) officer being slapped. I hope 2022 is not coming faster than we can imagine. If that will be the scenario, then it will be a challenge.

Rest is good. I remember last year we spent a better part of time for recess here dealing with important legislation. We spoke about issues to do with revenue. It is my prayer that the Constitution of Kenya (Amendment) Bill will pass. It has been brought to the House today for First Reading. This will go a long way to cure the major fights we have been having in this House.

Madam Temporary Speaker, this is a good time to rest. I thank the leadership for considering that.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, just to join my colleagues, I support the Motion for Adjournment so that we go and meet our constituents and find out issues on the ground that we should legislate on. It is only after meeting our constituents and listening to them that we get to know issues that need legislation. Our core business in this House is to legislate for purposes of ensuring that services reach our people on the ground.

The Constitution of Kenya (Amendment) Bill has been read the first time and that is commendable. I am sure we are going to ventilate on it when it comes for Second Reading. I believe it will pass because Kenya is for all of us.

I thank you.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, having concluded the business of the sitting of the Senate, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 23rd March, 2021, at 2.30 p.m.

The Senate rose at 5.10 p.m.