

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 1st March, 2022

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

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

PRAYER

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY FUNDS/BOARDS/COMPANIES

The Deputy Speaker (Sen. (Prof.) Kamar): Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Poghisio): Thank you, Madam Deputy Speaker. I beg to lay the following Papers on the Table of the Senate today, 1st March, 2022:

Report of the Auditor-General on the financial statement of Nyandarua County Bursary Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Nyandarua County Assembly Staff Car Loan and Mortgage Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Kajiado County Disability Mainstreaming Fund for the year ended 30th June, 2020.

Report of the Auditor General on the financial statement of Baringo County Assembly Member's Car Loan and Mortgage Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Meru County Alcoholic Drinks Control Board for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Iten Tambach Water and Sewerage Company Limited County for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statement of Ololaiser Water and Sewerage Company Limited for the year---

(Sen. Cherargei consulted loudly)

Sorry, Madam Deputy Speaker. Let me go back a bit. The Senator for Nandi County is causing me not to read well.

The Deputy Speaker (Sen. (Prof.) Kamar): Go ahead, Senator. He consulted a little loudly. I think he should do it in a low tone.

The Senate Majority Leader (Sen. Poghisio): Thank you, Madam Deputy Speaker.

Report of the Auditor-General on the financial statement of Oloolaiser Water and Sewerage Company Limited for the year ended 30th June, 2018.

Report of the Auditor-General on the financial statement of Oloolaiser Water and Sewerage Company Limited for the year ended 30th June, 2019.

Report of the Auditor-General on the financial statement of Oloolaiser Water and Sewerage Company Limited for the year ended 30th June, 2020.

(Sen. Poghisio laid the documents to the Table)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

The next Paper is by the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights. He has requested that the Senate Majority Leader does it for him.

Please, go ahead.

REPORT ON THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT
OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO.27 OF 2021)

The Senate Majority Leader (Sen. Poghisio): Thank you, Madam Deputy Speaker. On behalf of the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, I beg to lay the following Papers on the Table of the Senate today, 1st March, 2022:

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 27 of 2021).

REPORT ON THE ELECTIONS (AMENDMENT) (NO.3) BILL
(SENATE BILLS NO.48 OF 2021)

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Elections (Amendment) (No.3) Bill (Senate Bills No.48 of 2021)

(Sen. Poghisio laid the documents on the Table)

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

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kamar): We have two Statements pursuant to Standing Order No.48(1), by Sen. Cherargei.

You will read them one after the other.

Sen Cherargei: Madam Deputy Speaker, allow me to read one because I have an urgent matter related to parliamentary duties. I will read the other one tomorrow, so that I also cede ground for other colleagues.

FAILURE TO UTILIZE THE TOURISM PROMOTION FUND
TO MARKET KENYA IN SPORTS TOURISM

Madam Deputy Speaker, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Tourism, Trade and Industrialization on the failure by the Ministry of Tourism and Wildlife to utilize the Tourism Promotion Fund (TPF) to market Kenya in sports tourism. In the Statement, the committee should-

(1) State why the Ministry of Tourism and Wildlife has failed to utilize the TPF to leverage on excelling Kenyan athletes to promote global tourism as elite brand ambassadors.

(2) Enumerate the various opportunities that the TPF has exploited to project Kenya as an ideal destination for sports tourism like Rwanda which has managed to negotiate for mega deals with European football clubs like Arsenal and Paris Saint-Germain (PSG).

(3) State the number of projects that the TPF has implemented successfully, indicating the amount of public funds spent for the past two financial years.

(4) Explain the reasons for the duplication of roles among various agencies in the Ministry of Tourism and Wildlife namely the TPF, the Tourism Fund (TF), the Brand Kenya Board and the Kenya Tourism Board (KTB). We have about five of them.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): I will now allow comments for 20 minutes. I will divide the minutes by the Members who are already here. Please take three minutes so that everyone gets a chance.

The first one is Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for this opportunity. First, allow me to thank Sen. Cherargei for coming up with this Statement which is important given the fact that tourism is a big income earner. It is also a source of employment to the youth and those who study tourism related courses.

Sen. (Dr.) Ali: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Madam Deputy Speaker, I am sorry for interrupting my Vice Chairperson of the Committee on Tourism, Trade and Industrialization. I think it is better for her to wait for others to talk first instead of being the first one to support the Statement as the Vice Chairperson of the Committee on Tourism, Trade and Industrialization.

The Deputy Speaker (Sen. (Prof.) Kamar): Since I had allowed her and her three minutes are already running, let her to proceed. However, Vice Chairperson, remember that you are going to interrogate this Statement and bring us answers. So, please do not make recommendations now. I think that is what Members are saying.

Sen. (Dr.) Musuruve: Madam Deputy Speaker, I was just thanking Sen. Cherargei for bringing this Statement because that is the work for our Committee. I thank

him for bringing up these issues so that we can interrogate with the Ministry and ensure there is service delivery to our people.

I would like to assure you that when your desires come to our Committee, we will certainly bring answers that will not have questions marks. We will also interrogate issues of sports tourism. This is a rich area. Even Persons with Disabilities (PWDs) should be involved in sports tourism.

These are issues we are going to interrogate with the concerned Ministry because we need to nurture talent and ensure that tourism thrives since it is a source of income to our youth and this country.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Proceed, Sen. Seneta.

Sen. Seneta: Madam Deputy Speaker, I also take this opportunity to thank Sen. Cherargei who has a lot of passion in athletics and sports in this country because most of his Statements have something to do with sports. Therefore, I congratulate him.

The Ministry of Tourism and Wildlife has a big role in promoting tourism in this country. It is not only sports tourism, but also wildlife and cultural tourism because there are many tourists who visit several sectors in this country.

I also request the Committee not only to find out why the Ministry has failed to utilize the TPF, but also indicate the budget that has been allocated to this particular Fund. It should also give us the breakdown of the allocation of funds to all our counties.

I am talking about all the counties because some of us come from counties that have many tourist sites, thus a lot of interest in wildlife and tourism. We would like to know the budget that the Ministry has been giving to our counties to promote the tourism sector.

We would also like to know the policies that have been put in place and how the programmes are being implemented. Many times I see adverts about Buy Kenya Build Kenya---

(Sen. Seneta's microphone went off)

The Deputy Speaker (Sen. (Prof.) Kamar): I will allow you one minute to finish that point.

Sen. Seneta: Thank you, Madam Deputy Speaker. I was talking about the Brand Kenya Board and the TPF. What budget do they allocate and what activities do they promote in our counties? Those are some of the questions that the Committee should provide answers to inform this House.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Let us listen to Sen. Faki.

Sen. Faki: Asante, Bi. Naibu wa Spika, kwa kunipa fursa hii kuchangia maombi ya Taarifa kutoka kwa Seneta wa Nandi, Sen. Cherargei. Maombi aliyoyaleta hapa yanapaswa kuungwa mkono kwa sababu kwa muda mrefu, utalii wetu umekuwa ukiangazia masuala ya ufuo wa bahari na wanyama pori peke yake.

Hatujatumia fursa ambayo tumepewa kujenga utalii wa michezo ambao pia ni muhimu. Tunaweza kuboresha sekta hii ili kuvutia wageni wengi kutembelea nchi yetu.

Bi. Naibu Spika, tukiangalia sehemu kama vile Eldoret, Nandi na kote kule, kuna sehemu nzuri ambazo watalii ama wanamichezo hususan wale wanaokimbia masafa

marefu; wanaweza kuchukua nafasi ya kuja kufanya mazoezi yao, huku wakitembelea nchi yetu ili tutapate fedha za kigeni.

Bi. Naibu Spika, kule kwetu pwani kuna maeneo ambayo tunaweza kuwa na mchezo wa “*skiing*.” Mchezo huu ni wa kuteleza katika mawimbi. Kwa Kiingereza tunasema *wind surfing*. Hii inaweza kufanyika kwa njia rahisi bila kuwa na gharama kubwa sehemu za Gongoni-Malindi hadi Lamu.

Watalii wakiingia wanaposhuka Momabasa au Malindi, wanaweza kwenda kule na kufanya michezo yao halafu wanarudi makwao bila ya kuwa na shida yoyote. Taarifa hii imekuja wakati mzuri.

Bi. Naibu Spika, jambo la mwisho, tunaweza kutumia jumba la Kenyatta International Convention Centre (KICC) kuvutia watalii wengi hapa nchini kwa kuimarisha michezo humo ndanio. Pia tunaweza kutumia viwanja vya Kasarani na Nyayo kuimarisha michezo mingi ambayo itawavutia watalii wengi hapa nchini.

Tulipokuwa na *World Cup* mwaka wa 2004 kule Afrika Kusini, Kenya ilipoteza fursa adimu ya kuweza kukaribisha zile nchi ambazo zilikuwa zinakwenda huko. Wangeweza kufanya mazoezi yao ya kujitayarisha hapa. Wakati huo, hali ya hewa nchini Kenya hususan Mombasa ilikuwa sawa kuliko Afrika Kusini ambapo michezo hiyo ilikuwa inafanyika.

Bi Naibu Spika, Taarifa hii itakuja kwa Kamati ya Utalii na Biashara. Tutaishughulikia ipasavyo. Ninaiunga mkono.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Proceed, Sen. Poghisio.

The Senate Majority Leader (Sen. Poghisio): Madam, Deputy Speaker, I thank and congratulate Sen. Cherargei for the responsibility that he has taken to bring out this issue of sports tourism.

Madam, Deputy Speaker, I particularly wanted to raise the issue that is in the Statement concerning the duplicity of funds for the same reason and purpose without any particular synchronizing of activities. That is, probably, where we need to put a lot of emphasis to the Committee that will look into this.

I want to understand why all these funds? What different things are they doing? Which sports tourism has been included in these funds?

Sen. Cherargei has now distinguished himself as one who raises these issues. I would like to encourage him to continue doing so. I know the people of Nandi are also watching to see that he is doing his work.

I ask the Committee to take this one very seriously. For example, there are many unexploited areas which could really be potential areas with sports for tourism. Other countries have done it and we can do it.

I encourage you and Sen. Cherargei to continue pursuing those issues. Wherever the Committee will go and meet, please make sure that you go deeper into, why the duplicity of funds? What are these funds doing? The budgets for the year and so on. We will be able to support you.

I thank you very much.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Let us have Sen. Khaniri.

Sen. Khaniri: Madam Deputy Speaker, allow me to join my colleagues who have spoken before me in thanking my good neighbor, Sen. Cherargei, for coming up with this very good idea.

The Tourism Promotion Fund was established to promote tourism in this country. Unfortunately, since it was established, they have only concentrated on wildlife promotion, maybe our beaches and hotels at the coast.

Tourism was the second highest foreign earner in this country for many years, until recently, when it was overtaken. I think it is now number three. We have great potential in tourism. We could easily make tourism our number one foreign earner in this country if we do things right.

One of the proposals is the one made by the Senator for Nandi, by trying to establish sports tourism. For example, India has done it. They have established what we call, "medical tourism." It is earning the country so much foreign exchange since it was established.

We could go beyond sports because we have a very rich culture for tourism that we can market. For the people who love watching birds, we have very unique birds in the Kakamega and Kaimosi forests. We have not exploited that area.

I am sure that we can as well explore and make sports tourism an attraction as we have done in sports, particularly athletics. If we include things like the birds and the strong culture that I am talking about. We could possibly make tourism our number one foreign earner.

I thank the Senator for Nandi for coming up with this Statement. Maybe we should not stop there. You could quickly draft a Bill and include all these aspects that we are talking about so that we make it a law instead of just requesting for a Statement from the Ministry or the Chairperson in charge of this.

Do that. I want to be incorporated in that Bill. I know our time here now is very short. We can however move fast and establish a Bill on this particular one.

I urge the Committee to expedite looking into this matter and ensure that they report back to the House within the stipulated 60 days.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Proceed, Sen. Farhiya Ali.

Sen. Farhiya: Thank you, Madam Deputy Speaker. I support Sen. Cherargei's Statement. We need to do a lot of work in tourism. There is a lot of potential and opportunity.

In my county, for example, there is a lot of land where they can do desert rides. The way they do it in Emirates. We have a very unique giraffe with nice colours in Wajir as well.

In Garissa, there is also some unique antelopes called, "Hirola." It is not found in a lot of places. That is also an opportunity.

The other thing is that, sports is something that we should have exploited a long time ago. Look at India's health tourism. People go there for health issues. They promote it so much. People know about it all over the world.

What is stopping us? We are known to be the best in the world in terms of long distance running. Why have we not taken an opportunity all this time and ensure that is part of our sports? In terms of creating very good facilities to ensure that people have a place where they can do their sports.

There is also another opportunity in northern Kenya for such things as well. In terms of, if you need a warm or cold weather. Whichever weather that you need in this country. It is available.

There is a lot of tourism that we can do around sports and other areas such as desert rides and all that. We have a lot of potential that we need to exploit to increase our income earned from tourism.

I thank you very much.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Finally, the Chairperson of the Committee, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Madam Deputy Speaker. I thank Sen. Cherargei for that statement. The Ministry and Committee concerned will try their best to make sure that these questions are answered and if they are not, those guys will take proper responsibility and we shall bring them before the Committee on Tourism, Trade and Industrialization.

I am warning the officials at the Ministry in advance; that once the question is relayed to them, they should answer in the rightful manner, shortest time possible and in the next two months or 60 days. It will be better if we can get a response before the 60 days' period lapse. If we do not get proper answers we will summon them to appear before our Committee.

These are very important issues. There is a lot of duplication of parastatals leading to loss of a lot of money yet it is not clear what they all do. Some of the parastatals do a lot of work while others do not do much.

An institution such as the the Bomas of Kenya (BOK) is not even listed under the Ministry of Tourism and Wildlife. We do not even know where it is placed. I am told that it is nowadays under the Ministry of National Treasury and Planning again. I also do not know whether the Tourism fund is still under the Ministry of Tourism or it has been moved to the Ministry of National Treasury and planning.

There are issues of complaints and complications and we need them all to be answered. We will do our best to ensure that we get the right answers from the Ministry of Tourism and Wildlife and report to the House.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Chairperson of the Committee on Tourism, Trade and Industrialization. I can see Sen. (Dr.) Mbitio online. I wonder wondering whether he going to prosecute his statement or not. There was a delay and we got your request late.

If Sen. (Dr.) Mbitio is not online, we will consider his statement tomorrow. For now, we will go to Statements pursuant to Standing Order No.51 (1) (b). I call on the Chairperson of the Committee on Delegated Legislation, Sen. Faki, to read a statement on the activities of the Committee.

ACTIVITIES OF THE COMMITTEE ON DELEGATED LEGISLATION

Sen. Faki: Madam Deputy Speaker, I rise pursuant to standing order No. 51(1)(b) of the Senate Standing Orders to make a Statement relating to the activities of the Senate Sessional Committee on Delegated Legislation during the third and fourth quarters of the Fifth Session, that is, July to December, 2021.

Madam Deputy Speaker, the Senate Sessional Committee on Delegated Legislation is established under Standing Order No. 221 of the Senate Standing Orders. The Committee is mandated to scrutinize statutory instruments laid before the Senate to ensure that they are consistent with the provisions of the Statutory Instruments Act, 2013.

The Sessional Committee on Delegated Legislation is comprised of the following Members -

- (1) Sen. Mwinyihaji Mohammed Faki, MP-Chairperson
- (2) Sen. Agnes Kavindu Muthama, MP-Vice Chairperson
- (3) Sen. Samuel Poghio, EGH, MP
- (4) Sen. Farhiya Ali Haji, MP
- (5) Sen. Judith Pareno, MP
- (6) Sen. Erick Okong'o Omogeni, SC, MP
- (7) Sen. Abshiro Halake, MP
- (8) Sen. Mary Seneta, MP
- (9) Sen. Anwar Loitiptip, MP

Madam Deputy Speaker, during the period under review, the Committee held 46 Sittings during which it considered 12 Statutory Instruments. The Committee considers whether the statutory instrument-

- (1) Is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
- (2) Infringes on fundamental rights and freedoms of the public.
- (3) Contains a matter, which the option of the Committee should more properly dealt with in an Act of the Parliament.
- (4) Contains imposition of taxation.
- (5) Directly or indirectly bars the jurisdiction of the court.
- (6) Gives retro respective effect to any of the provision in respect to which the Constitution does not expressly give any such power.
- (7) It involves expenditure from the Consolidated Fund or other public revenues.
- (8) Appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made.
- (9) Inappropriately delegates legislative powers.
- (10) Imposes a fine imprisonment or other penalty without express authority having been provided for in the enabling legislation.
- (11) Inadequately subjects the exercise of legislative power to Parliamentary scrutiny.
- (12) Accords to any other reason that the Committee considers fit to examine.

Madam Deputy Speaker, the Committee undertook pre-publication scrutiny of the following seven draft regulations-

- (1) The Water Resources Regulations, 2021.
- (2) The Water Services Regulations, 2021.
- (3) The Irrigation (general) Regulations, 2021; This regulation has since been considered and acceded to.
- (4) The Water Harvesting and Storage Regulations, 2021.
- (5) The Controller of Budget Regulations, 2021.
- (6) The Transport Network Hailing Companies Rules, 2020.

(7) The Draft Fisheries Management and Development (Fisheries Access) Regulations, 2021.

The regulations that fall within the docket of the Ministry of Water, Sanitation and Irrigation have been published but the Committee is yet to conclude scrutiny.

Madam Deputy Speaker, the following Regulations were submitted to the Senate by Cabinet Secretaries pursuant to Section 11(1) of the Statutory Instruments Act, 2013 and subsequently committed to the Committee-

The Architects and Quantity Surveyors (Continuing Professional Development) by-laws, 2020 were published on 6th November, 2020 and tabled in the Senate by the Senate Majority Leader on 6th July, 2021.

Pursuant to Section 12(1) of the Statutory Instruments Act, 2013, at its Sitting held on 19th August, 2021, the Sessional Committee on Delegated Legislation considered the by-laws and satisfied itself that the by-laws accord with the criteria set out.

Consequently, pursuant to Standing Order No.221 (4) (a) of the Senate Standing Orders, the Committee resolved that the Architects and Quantity Surveyors (Continuing Professional Development) by-laws be acceded to.

The Anti-Counterfeit (Amendment) Regulations, 2021 and the Anti-Counterfeit (Recordation) Regulations, 2021 were published on 23rd July, 2021 and tabled in the Senate by the Senate Majority Leader on 4th August, 2021. The Regulations were then committed to the Committee for consideration. Pursuant to section 12(1) of the Statutory Instruments Act, 2013, at its Sitting held on 17th September, 2021, the Committee considered the Anti-Counterfeit (Amendment) Regulations, 2021 and the Anti-Counterfeit (Recordation) Regulations, 2021. The Committee resolved that the Regulations be acceded to.

Madam Deputy Speaker, the Public Finance Management (Sinking Fund) Guidelines, 2021 were published by the Cabinet Secretary, National Treasury, on 25th May, 2021. Pursuant to Regulation 206(3) of the Public Finance Management (National Government) Regulations, 2015 and were intended to be applied to the management of the Sinking Fund established under regulation 206(1) of the Regulations.

The Guidelines were submitted to the Senate by the Cabinet Secretary, National Treasury on 3 June, 2021 pursuant to section 11(1) of the Statutory Instruments Act, 2013. The Guidelines were then tabled before the Senate by the Senate Majority Leader on 6th July, 2021 and subsequently committed to the Committee.

The Committee tabled its Report and pursuant to section 15 (1) of the Statutory Instruments Act, 2013 and in accordance with standing order 221 (4) (b) of the Senate Standing Orders, recommended to the Senate that the Public Finance Management (Sinking Fund) Guidelines, 2021 be annulled. On 15th September, 2021, the Senate agreed with the recommendations made by the Committee.

Madam Deputy Speaker, the Public Finance Management (Equalization Fund Administration) Regulations, 2021, were published by the Cabinet Secretary in charge of the National Treasury on 29th April, 2021 pursuant to section 205(1) of the Public Finance Management Act, 2012. These Regulations are intended to provide guidance on the administration and management of the Equalization Fund.

Section 18 of the Public Finance Management Act, 2012 empowers the National Treasury to administer the Fund in accordance with Article 204 of the Constitution.

Section 12(1)(e) and 205 of the Act also gives the Cabinet Secretary responsible for the National Treasury and Planning the powers to make further regulations therein.

Based on its observation, the Committee on Delegated Legislation tabled its report on the 28th September, 2021 and recommended to the Senate that the Public Finance Management Equalization Fund Regulations, 2021 be approved pursuant to Section 205(4) of the Public Finance Management Act, 2012.

The Senate did not make a resolution on this matter, which had strict timelines. Consequently, due to the strict timelines, which lapsed on the 12th October, the regulations automatically became operational. On the 2nd December, 2021, the Senate approved Mr. Victor Ochieng' Odanga as the Senate nominee to the Equalization Fund Advisory Board (EFAB).

In conclusion, allow me to commend the Committee Members for their dedication and commitment in discharging the Committee's mandate. Despite the Senator's busy schedule, my Committee has never experienced any quorum hitches. I also thank the Senate for giving the Members another opportunity to serve in this distinguished Committee.

Madam Deputy Speaker, I wish to thank your office and the office of the Clerk for the support accorded to the Committee in undertaking its mandate.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Senator.

Next Order.

BILL

Second Reading

THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)

(Sen. Poghiso on 23.2.2022 - Morning Sitting)

(Resumption of debate interrupted on 23.2.2022 - Morning Sitting)

Hon. Senators, for the convenience of the House and as we wait for the whips, I defer the division until they are ready.

(Bill deferred)

Next Order.

COMMITTEE OF WHOLE

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, (SENATE BILLS NO. 37 OF 2021)

Hon. Senators, this specific Order has been requested for deferment by the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations because he is out of the country. He will be arriving later in the day. It is deferred.

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

Sorry, the deferment was not by the Chairperson of the Committee, but by the Chairperson of the Committee on Justice, Legal Affairs and Human Rights who had introduced amendments. He is out of the country. The request, which we think is fair, has been allowed. I defer the Bill to tomorrow.

(Committee of the Whole deferred)

Next Order.

Clerk-at-the-Table, please read out all the Orders for the Committee of the Whole so that we prosecute them at the same time.

COMMITTEE OF THE WHOLE

THE LAW OF SUCCESSION (AMENDMENT) BILL,
(SENATE BILLS NO.15 OF 2021)

THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL
(SENATE BILLS NO.7 OF 2021)

THE LIFESTYLE AUDIT BILL (SENATE
BILLS NO.36 OF 2021)

THE KENYA MEDICAL SUPPLIES AUTHORITY
(AMENDMENT) BILL (SENATE BILLS NO.53 OF 2021)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Senators, we will go to the Committee of the Whole.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Deputy Speaker (Prof.) Kamar left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we defer Order No.10, that is, The Law of Succession (Amendment) Bill, (Senate Bills No. 15 of 2021).

We also defer Order No. 11; that is The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021).

Hon. Senators, we move on to Order No. 12.

THE LAW OF SUCCESSION (AMENDMENT) BILL,
(SENATE BILLS NO. 15 OF 2021)

(Bill deferred)

THE STREET VENDORS (PROTECTION OF LIVELIHOOD)
BILL (SENATE BILLS NO. 7 OF 2021)

(Bill deferred)

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO.36 OF 2021)

Clauses 3-25

(Question, that Clauses 3-25 be part of the Bill, proposed)

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)*

Division will be at the end.

The Temporary Chairperson (Sen. Nyamunga): Sen. Farhiya, proceed.

Sen. Farhiya: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of The Lifestyle Audit Bill (Senate Bill No.36 of 2021) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, Order No.13 is also deferred.

THE KENYA MEDICAL SUPPLIES AUTHORITY
(AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2021)

(Bill deferred)

(The House resumed)

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

The Temporary Speaker (Sen. Nyamunga): Sen. Olekina, you stand in as the Chairperson. So, you can take your seat.

PROGRESS REPORTED

THE LIFESTYLE AUDIT BILL
(SENATE BILLS NO.36 OF 2021)

Sen. Olekina: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered The Lifestyle Audit Bill (Senate Bill No.36 of 2021) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Nyamunga): Mover, proceed.

Sen. Farhiya: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report, and request Sen. Kavindu Muthama to second.

Sen. Kavindu Muthama: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Nyamunga): I direct that Orders Nos.16 and 17 be deferred.

MOTIONS

ADOPTION OF SPECIAL AUDIT REPORT
ON UTILISATION OF COVID-19 FUNDS

THAT the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty eight (28) county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022.

(Motion deferred)

RECOGNISING AND APPRECIATING THE ELDERLY
BY COUNTY GOVERNMENTS

THAT, aware that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to

destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by-

- (i) Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
- (ii) Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Wednesday 2nd March, 2022 at 10.00 a.m.

The Senate rose at 3.34 p.m.